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Coonrod et al.

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- (54) **SHOE**
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- (51) **LOC (11) Cl.** **02-04**
- (52) **U.S. Cl.**

USPC **D2/908**

- (58) **Field of Classification Search**

USPC D2/896, 902, 905, 906, 907, 908, 943, D2/944, 946, 947, 951, 954, 955, 956, D2/972, 978

CPC A43B 5/00; A43B 5/001; A43B 5/002; A43B 5/003; A43B 5/007; A43B 5/008; A43B 5/02; A43B 5/06; A43B 5/08; A43B 5/10; A43B 5/14; A43B 13/00; A43B 13/02; A43B 13/04

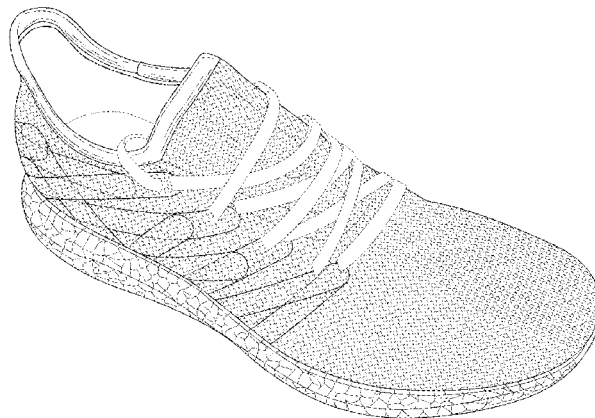
See application file for complete search history.

- (56) **References Cited**

U.S. PATENT DOCUMENTS

D64,898 S 6/1924 Gunlock
 2,131,756 A 10/1938 Roberts
 2,968,106 A 1/1961 Joiner et al.
 3,186,013 A 6/1965 Glassman et al.
 3,508,750 A 4/1970 Henderson
 3,586,003 A 6/1971 Baker
 D237,323 S 10/1975 Inohara
 4,132,016 A 1/1979 Vaccari

4,364,189 A 12/1982 Bates
 4,481,727 A 11/1984 Stubblefield et al.
 4,524,529 A 6/1985 Schaefer
 4,546,559 A 10/1985 Dassler et al.
 4,624,062 A 11/1986 Autry
 4,642,911 A 2/1987 Talarico et al.
 4,658,515 A 4/1987 Oatman et al.
 4,667,423 A 5/1987 Autry et al.
 D296,262 S 6/1988 Brown et al.
 4,754,561 A 7/1988 Dufour et al.
 D302,898 S 8/1989 Greenberg
 RE33,066 E 9/1989 Stubblefield
 4,864,739 A 9/1989 Maestri et al.
 4,922,631 A 5/1990 Anderie et al.
 4,943,055 A 7/1990 Corley
 4,970,807 A 11/1990 Anderie et al.
 5,025,573 A 6/1991 Giese et al.
 D329,731 S 9/1992 Adcock et al.
 5,150,490 A 9/1992 Busch et al.
 D333,556 S 3/1993 Purdom
 D337,650 S 7/1993 Thomas, III et al.
 D340,797 S 11/1993 Pallera et al.
 5,283,963 A 2/1994 Lerner et al.
 5,308,420 A 5/1994 Yang et al.
 5,319,866 A 6/1994 Foley et al.
 D350,016 S 8/1994 Passke et al.
 D350,222 S 9/1994 Hase
 D356,438 S 3/1995 Opie et al.
 5,528,842 A 6/1996 Ricci et al.
 5,549,743 A 8/1996 Pearce
 D375,619 S 11/1996 Backus et al.
 5,617,650 A 4/1997 Grim
 5,692,319 A 12/1997 Parker et al.
 5,709,954 A 1/1998 Lyden et al.
 D389,991 S 2/1998 Elliott
 D390,349 S 2/1998 Murai et al.
 D393,340 S 4/1998 Doxey
 D395,337 S 6/1998 Greene
 D397,841 S * 9/1998 Munns D2/902
 5,865,697 A 2/1999 Molitor et al.
 D408,618 S 4/1999 Wilborn et al.
 D408,971 S 5/1999 Birkenstock
 D413,010 S 8/1999 Birkenstock
 D414,920 S 10/1999 Cahill
 D415,610 S 10/1999 Cahill
 D415,876 S 11/1999 Cahill
 5,996,252 A 12/1999 Cougar
 6,014,821 A 1/2000 Yaw
 6,041,521 A 3/2000 Wong
 D422,400 S 4/2000 Brady et al.
 D423,199 S 4/2000 Cahill
 6,106,419 A 8/2000 Hall et al.
 6,108,943 A 8/2000 Hudson et al.



US D853,691 S

D431,346 S	10/2000	Birkenstock		D739,131 S	9/2015	Del Biondi	
D437,991 S *	2/2001	Matis	D2/902	D740,003 S	10/2015	Herath	
D438,697 S *	3/2001	Matis	D2/902	D740,004 S	10/2015	Hoellmueller et al.	
D441,175 S *	5/2001	Ritter	D2/902	9,167,868 B1	10/2015	Koo	
D460,852 S	7/2002	Daudier		9,167,869 B2	10/2015	Koo	
6,516,540 B2	2/2003	Seydel et al.		D744,737 S *	12/2015	Raasch	D2/969
6,702,469 B1	3/2004	Taniguchi et al.		9,212,270 B2	12/2015	Künkel et al.	
6,708,426 B2	3/2004	Erickson et al.		D746,570 S *	1/2016	Raasch	D2/969
D490,222 S	5/2004	Burg et al.		D747,090 S *	1/2016	Raasch	D2/972
D490,230 S	5/2004	Mervar		D758,056 S *	6/2016	Galway	D2/944
D492,099 S	6/2004	McClaskie		D776,410 S *	1/2017	Galway	D2/947
6,782,640 B2	8/2004	Westin et al.		D783,264 S	4/2017	Hoellmueller et al.	
6,796,056 B2	9/2004	Swigart		9,610,746 B2	4/2017	Wardlaw et al.	
D498,901 S	11/2004	Hawker et al.		D785,922 S *	5/2017	Hong	D2/972
6,874,257 B2	4/2005	Erickson et al.		D790,208 S *	6/2017	Taylor	D2/973
6,925,734 B1	8/2005	Schaeffer et al.		D799,183 S *	10/2017	Weeks	D2/947
6,948,263 B2	9/2005	Covatch		D804,157 S *	12/2017	Pierone	D2/947
6,957,504 B2	10/2005	Morris		D812,363 S *	3/2018	Behr	D2/973
6,968,637 B1	11/2005	Johnson et al.		2002/0162247 A1	11/2002	Hokkirigawa et al.	
D517,302 S	3/2006	Ardissono		2003/0131501 A1	7/2003	Erickson et al.	
7,143,529 B2	12/2006	Robinson, Jr. et al.		2003/0172548 A1	9/2003	Fuerst	
D538,518 S	3/2007	Della Valle		2003/0208925 A1	11/2003	Pan	
7,202,284 B1	4/2007	Limerkens et al.		2004/0032042 A1	2/2004	Chi	
7,243,445 B2	7/2007	Manz et al.		2004/0211088 A1	10/2004	Volkart	
D554,848 S	11/2007	Marston		2005/0065270 A1	3/2005	Knoerr et al.	
D560,883 S	2/2008	McClaskie		2005/0108898 A1	5/2005	Jeppesen et al.	
D561,433 S	2/2008	McClaskie		2005/0150132 A1	7/2005	Iannacone	
D561,438 S	2/2008	Belley		2005/0241181 A1	11/2005	Cheng	
D561,986 S	2/2008	Home et al.		2006/0010717 A1	1/2006	Finkelstein et al.	
D570,581 S	6/2008	Polegato		2006/0026863 A1	2/2006	Liu	
D571,085 S	6/2008	McClaskie		2006/0083912 A1	4/2006	Park et al.	
D572,462 S	7/2008	Hatfield et al.		2006/0125134 A1	6/2006	Lin et al.	
7,421,805 B2	9/2008	Geer et al.		2006/0134351 A1	6/2006	Greene et al.	
D586,090 S	2/2009	Turner et al.		2006/0156579 A1	7/2006	Hoffer et al.	
D589,690 S	4/2009	Truelsen		2006/0235095 A1	10/2006	Leberfinger et al.	
D594,187 S	6/2009	Hickman		2006/0283046 A1	12/2006	Mason	
D596,384 S	7/2009	Andersen et al.		2007/0193070 A1	8/2007	Bertagna et al.	
D601,333 S	10/2009	McClaskie		2007/0199213 A1	8/2007	Campbell et al.	
D606,733 S	12/2009	McClaskie		2007/0295451 A1	12/2007	Willis	
D607,190 S	1/2010	McClaskie		2008/0052965 A1	3/2008	Sato et al.	
D611,233 S	3/2010	Della Valle et al.		2008/0060221 A1	3/2008	Hottinger et al.	
7,673,397 B2	3/2010	Jarvis		2008/0244932 A1	10/2008	Nau et al.	
D616,183 S	5/2010	Skaja		2008/0250666 A1	10/2008	Votolato	
D617,540 S	6/2010	McClaskie		2009/0013558 A1	1/2009	Hazenberg et al.	
7,740,551 B2	6/2010	Nurnberg et al.		2009/0025260 A1	1/2009	Nakano	
D618,891 S	7/2010	McClaskie		2009/0113758 A1	5/2009	Nishiwaki et al.	
7,867,115 B2	1/2011	Zawitz et al.		2009/0119023 A1	5/2009	Zimmer et al.	
D631,646 S	2/2011	Müller		2009/0217550 A1	9/2009	Koo et al.	
D633,286 S	3/2011	Skaja		2009/0235557 A1	9/2009	Christensen et al.	
D633,287 S	3/2011	Skaja		2009/0277047 A1	11/2009	Polegato	
D634,918 S	3/2011	Katz et al.		2009/0320330 A1	12/2009	Borel et al.	
D636,156 S	4/2011	Della Valle et al.		2010/0063778 A1	3/2010	Schrock et al.	
D636,569 S	4/2011	McMillan		2010/0122472 A1	5/2010	Wilson, III et al.	
D636,571 S	4/2011	Avar		2010/0154257 A1	6/2010	Bosomworth et al.	
7,941,941 B2	5/2011	Hazenberg et al.		2010/0218397 A1	9/2010	Nishiwaki et al.	
D641,142 S	7/2011	Lindseth et al.		2010/0222442 A1	9/2010	Prissok et al.	
D644,827 S	9/2011	Lee		2010/0242309 A1	9/2010	McCann	
D645,649 S	9/2011	McClaskie		2010/0287788 A1	11/2010	Spanks et al.	
D648,105 S	11/2011	Schlageter et al.		2010/0287795 A1	11/2010	Van Niekerk	
D650,159 S	12/2011	Avar		2010/0293811 A1	11/2010	Truelsen	
8,082,684 B2	12/2011	Munns		2011/0047720 A1	3/2011	Maranan et al.	
D655,488 S	3/2012	Blakeslee		2011/0067272 A1	3/2011	Lin	
D659,364 S	5/2012	Jolicoeur		2011/0232135 A1	9/2011	Dean et al.	
8,186,081 B2	5/2012	Wilson, III et al.		2011/0252668 A1	10/2011	Chen et al.	
D680,725 S	4/2013	Avar et al.		2011/0283560 A1	11/2011	Portzline et al.	
D680,726 S	4/2013	Propét		2011/0302805 A1	12/2011	Vito	
D683,116 S	5/2013	Petrie		2012/0005920 A1	1/2012	Alvear et al.	
8,479,412 B2	7/2013	Peyton et al.		2012/0047770 A1	3/2012	Dean et al.	
8,490,297 B2	7/2013	Guerra		2012/0177777 A1	7/2012	Brown et al.	
D693,553 S	11/2013	McClaskie		2012/0233877 A1	9/2012	Swigart et al.	
D695,501 S	12/2013	Yehudah		2012/0233883 A1	9/2012	Spencer et al.	
D698,137 S	1/2014	Carr		2012/0235322 A1	9/2012	Greene et al.	
D707,934 S	7/2014	Petrie		2012/0266490 A1	10/2012	Atwal et al.	
D709,680 S	7/2014	Herath		2012/0304491 A1	12/2012	Kimura et al.	
8,777,787 B2	7/2014	McNamee et al.		2013/0150468 A1	6/2013	Füssi et al.	
8,834,770 B2	9/2014	Nakano et al.		2013/0255103 A1	10/2013	Dua et al.	
D721,478 S	1/2015	Avent et al.		2013/0266792 A1	10/2013	Nohara et al.	
9,010,157 B1	4/2015	Podhajny et al.		2013/0269215 A1	10/2013	Smirman et al.	
D739,129 S	9/2015	Del Biondi		2013/0291409 A1	11/2013	Reinhardt et al.	

2014/0017450	A1	1/2014	Baghdadi et al.	EM	001286116-0001	7/2011
2014/0033573	A1	2/2014	Wills	EM	001286116-0002	7/2011
2014/0066530	A1	3/2014	Shen et al.	EM	001286116-0003	7/2011
2014/0075787	A1	3/2014	Cartagena	EM	001286116-0004	7/2011
2014/0197253	A1	7/2014	Lofts et al.	EM	001286116-0005	7/2011
2014/0223776	A1	8/2014	Wardlaw et al.	EM	001286116-0006	7/2011
2014/0223777	A1	8/2014	Whiteman et al.	EP	0165353	12/1985
2014/0223783	A1	8/2014	Wardlaw et al.	EP	752216	1/1997
2014/0227505	A1	8/2014	Schiller et al.	EP	873061	10/1998
2014/0366403	A1	12/2014	Reinhardt et al.	EP	1197159	4/2002
2014/0366404	A1	12/2014	Reinhardt et al.	EP	1424105	6/2004
2014/0366405	A1	12/2014	Reinhardt et al.	EP	1197159	9/2004
2014/0373392	A1	12/2014	Cullen	EP	1854620	11/2007
2015/0082668	A1	3/2015	Nakaya et al.	EP	1872924	1/2008
2015/0089841	A1	4/2015	Smaldone et al.	EP	2110037	10/2009
2015/0166270	A1	6/2015	Buscher et al.	EP	2233021	9/2010
2015/0174808	A1	6/2015	Rudolph et al.	EP	2250917	11/2010
2015/0197617	A1	7/2015	Prissok et al.	EP	2316293	5/2011
2015/0237823	A1	8/2015	Schmitt et al.	EP	2342986	7/2011
2015/0344661	A1	12/2015	Spies et al.	EP	2446768	5/2012
2015/0351493	A1	12/2015	Ashcroft et al.	EP	2649896	10/2013
2016/0037859	A1	2/2016	Smith et al.	EP	2540184	7/2014
2016/0044992	A1	2/2016	Reinhardt et al.	EP	2792261	10/2014
2016/0046751	A1	2/2016	Spies et al.	EP	2848144	3/2015
2016/0121524	A1	5/2016	Däschlein et al.	EP	2939558	11/2015
2016/0128426	A1	5/2016	Reinhardt et al.	EP	3067100	9/2016
2016/0198793	A1*	7/2016	Dombrow	FR	2683432	5/1993
			A43B 13/187	GB	2258801	2/1993
			36/28	GB	2494131	1/2014
2016/0244583	A1	8/2016	Keppeler	JP	01274705	11/1989
2016/0244584	A1	8/2016	Keppeler	JP	2913603	6/1999
2016/0244587	A1	8/2016	Gutmann et al.	JP	2000197503	7/2000
2016/0278481	A1	9/2016	Le et al.	JP	2002-325602	11/2002
2016/0295955	A1	10/2016	Wardlaw et al.	JP	2002361749	12/2002
2016/0302508	A1	10/2016	Kormann et al.	JP	2005218543	8/2005
2016/0346627	A1	12/2016	Le et al.	JP	2008073548	4/2008
				JP	2009-142705	7/2009
				JP	2009-535157	10/2009
				JP	2012-249744	12/2012
				KR	1020110049293	5/2011
				TW	201012407	4/2010
				WO	8906501	7/1989
				WO	1994020568	9/1994
				WO	97/17109	5/1997
				WO	2005026243	3/2005
				WO	2005066250	7/2005
				WO	2006015440	2/2006
				WO	2006034807	4/2006
				WO	2007082838	7/2007
				WO	2008047538	4/2008
				WO	2008087078	7/2008
				WO	2009039555	4/2009
				WO	2009095935	8/2009
				WO	2010010010	1/2010
				WO	2010037028	4/2010
				WO	2010045144	4/2010
				WO	2010136398	12/2010
				WO	2011134996	11/2011
				WO	2012065926	5/2012
				WO	2013013784	1/2013
				WO	2013168256	11/2013
				WO	2014046940	3/2014
				WO	2015052265	4/2015
				WO	2015052267	4/2015
				WO	2015075546	5/2015

FOREIGN PATENT DOCUMENTS

CN	1034662	8/1989				
CN	1036128	10/1989				
CN	2511160	9/2002				
CN	1451332	10/2003				
CN	2722676	9/2005				
CN	2796454	7/2006				
CN	2888936	4/2007				
CN	2917346	7/2007				
CN	101003679	7/2007				
CN	101107113	1/2008				
CN	101190049	6/2008				
CN	201223028	4/2009				
CN	100506327	7/2009				
CN	101484035	7/2009				
CN	101611950	12/2009				
CN	202233324	5/2012				
CN	202635746	1/2013				
CN	202907958	5/2013				
CN	103371564	10/2013				
CN	203262404	11/2013				
CN	203692653	7/2014				
CN	203828180	9/2014				
DE	3605662	6/1987				
DE	4236081	4/1994				
DE	19652690	6/1998				
DE	19950121	11/2000				
DE	10010182	9/2001				
DE	10244433	12/2005				
DE	10244435	2/2006				
DE	102004063803	7/2006				
DE	102005050411	4/2007				
DE	202008017042	4/2009				
DE	102008020890	10/2009				
DE	102009004386	7/2010				
DE	202010008893	1/2011				
DE	112009001291	4/2011				
DE	102010052783	5/2012				
DE	202012005735	8/2012				
DE	102011108744	1/2013				
DE	102012206094	10/2013				
DE	102013208170	11/2014				

OTHER PUBLICATIONS

“Colour and Additive Preparations for Extruded Polyolefin Foams”, Gabriel-Chemie Group, available at www.gabriel-chemie.com/downloads/folder/PE%20foams_en.pdf, last accessed on Jan. 17, 2017, 20 pages.

“Adidas Brief filed with Regional Court of Frankfurt”, Dec. 17, 2013, pp. 34-42.

“Adidas Brief filed with the Regional Court of Frankfurt”, Nov. 3, 2014, pp. 19-22.

“Adidas Brief filed with the Regional Court of Frankfurt”, Mar. 25, 2014, pp. 22-26.

“Adidas Brief filed with the Regional Court of Frankfurt”, May 27, 2014, pp. 37-38.

“Adidas Brief filed with the Regional Court of Frankfurt”, Dec. 17, 2013, pp. 50-54.

“Adidas Brief filed with the Regional Court of Frankfurt”, Dec. 17, 2013, pp. 57-59.

“Adidas Brief filed with the Regional Court of Frankfurt”, May 11, 2015, pp. 7-11.

“<http://www.dow.com/polyethylene/na/en/fab/foaming.htm>”, Dec. 7, 2011, 1 page.

“<https://www.britannica.com/print/article/463684>”, Aug. 17, 2016.

“Overview of prior art cited by adidas in the Frankfurt Design Case against Puma”, Dec. 17, 2013, 8 pages.

“Photo of adidas AC 103 4 Chamois and AC 104 1 Rubis sports shoes”, available to the public at least as early as Apr. 11, 2013.

“Photo of adidas AC 127 8 Forum sports shoe”, available to the public at least as early as Apr. 11, 2013.

“Photo of adidas Buda sports shoe”, available to the public at least as early as Apr. 11, 2013.

“Photo of adidas Chamois sports shoe”, available to the public at least as early as Apr. 11, 2013.

“Photo of adidas Diamant sports shoe”, available to the public at least as early as Apr. 11, 2013.

“Photo of adidas indoor blue sports shoe”, available to the public at least as early as Apr. 11, 2013.

U.S. Appl. No. 62/137,139, filed Mar. 23, 2016, Unpublished.

Amesöder et al., “The right turn (part 1)—Determination of Characteristic values for assembly injection”, *Journal of Plastics Technology*, Apr. 2008, pp. 1-8 (English Translation of Abstract provided).

Azo Materials, ““BASF Develops Expanded Thermoplastic Polyurethane”, available <http://www.azom.com/news.aspxNewsID=37360>”, Jul. 2, 2013, 4 pages.

Baur et al., “Saechtling Kunststoff Taschenbuch”, Hanser Verlag, 31st Ausgabe, Oct. 2013, 18 pages (9 pages for the original document and 9 pages for the English translation).

Nauta, “Stabilisation of Low Density, Closed Cell Polyethylene Foam”, University of Twente, Netherlands, 2000, 148 pages.

Venable LLP, “Letter”, dated Jan. 14, 2016, 6 pages.

U.S. Appl. No. 15/452,793, filed Mar. 8, 2017, Unpublished.

U.S. Appl. No. 29/591,016, filed Jan. 16, 2017, Unpublished.

U.S. Appl. No. 29/594,228, filed Feb. 16, 2017, Unpublished.

U.S. Appl. No. 29/592,935, filed Feb. 3, 2017, Unpublished.

U.S. Appl. No. 29/595,857, filed Mar. 2, 2017, Unpublished.

U.S. Appl. No. 29/595,859, filed Mar. 2, 2017, Unpublished.

U.S. Appl. No. 29/592,946, filed Feb. 3, 2017, Unpublished.

U.S. Appl. No. 29/594,358, filed Feb. 17, 2017, Unpublished.

U.S. Appl. No. 15/581,112, filed Apr. 28, 2017, Unpublished.

* cited by examiner

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(57)

CLAIM

The ornamental design for a shoe, as shown and described.

DESCRIPTION

FIG. 1 is a front lateral perspective view of a shoe showing our new design;

FIG. 2 is a front medial perspective view thereof;

FIG. 3 is a lateral side view thereof;

FIG. 4 is a medial side view thereof;

FIG. 5 is a top view thereof;

FIG. 6 is a front view thereof;

FIG. 7 is a rear view thereof;

FIG. 8 is an enlarged portion view labeled FIG. 8 in FIG. 7; and,

FIG. 9 is an enlarged portion view labeled FIG. 9 in FIG. 8.

The bottom view forms no part of the claimed design.

The dash-dot rectangle shown in FIGS. 7, 8, and 9 represent unclaimed boundaries of the enlarged portion views. The remaining dash-dot broken lines represent an unclaimed boundary of the claimed design. The broken lines immediately adjacent to shaded areas represent unclaimed boundaries of the claimed design. The remainder of the shoe shown in broken lines is for environmental purposes only and forms no part of the claimed design.

The stipple shading as shown in FIG. 9 and the small broken line circles shown in FIGS. 8 and 9, illustrate a raised textured surface on the shoe sole that has been omitted for the purpose of clarity from FIGS. 1-7 as it is only clearly visible in the enlarged view of FIGS. 8 and 9.

The bands on the upper of the shoe are transparent and the outer side edges and the top transparent surface of the bands are claimed. Transparent shading is omitted for the purpose of clarity, as the broken line circles on the interior of the bands are unclaimed.

1 Claim, 9 Drawing Sheets

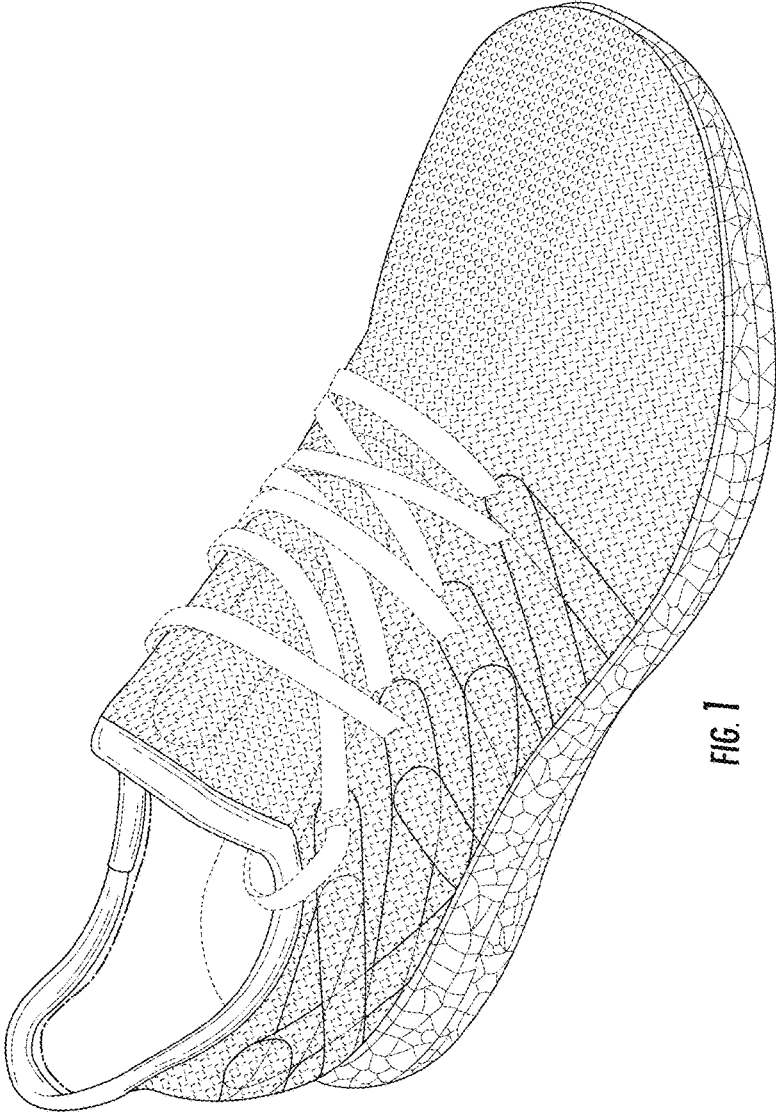


FIG. 1

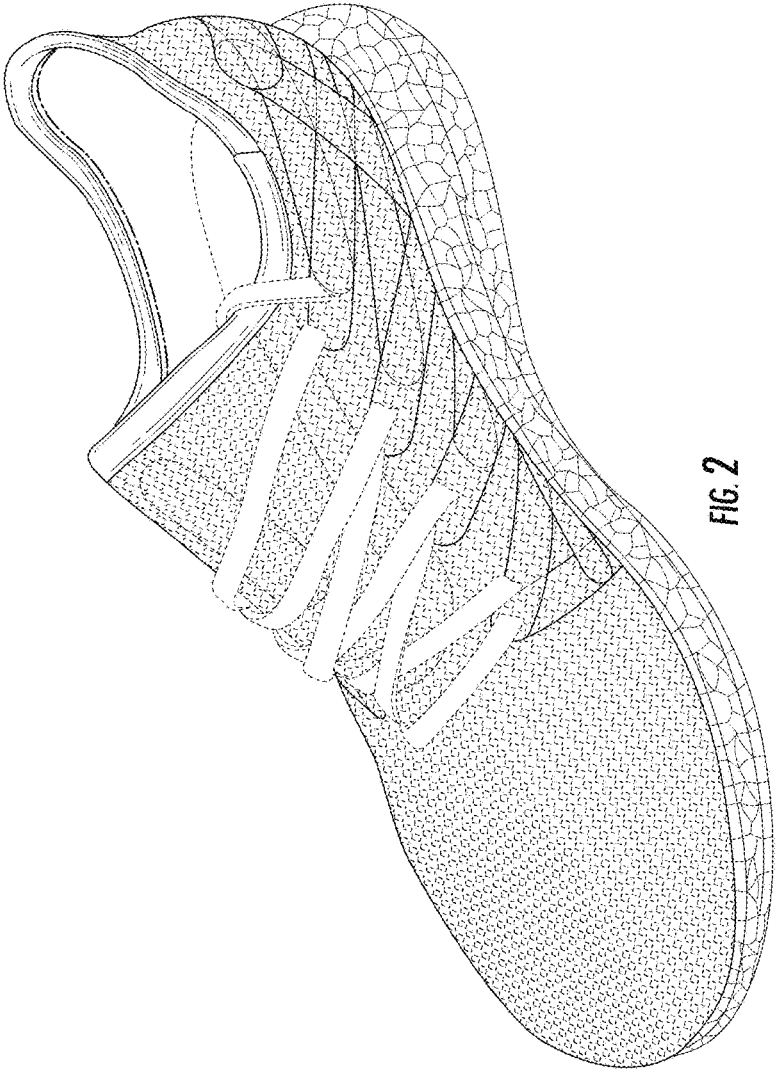


FIG. 2

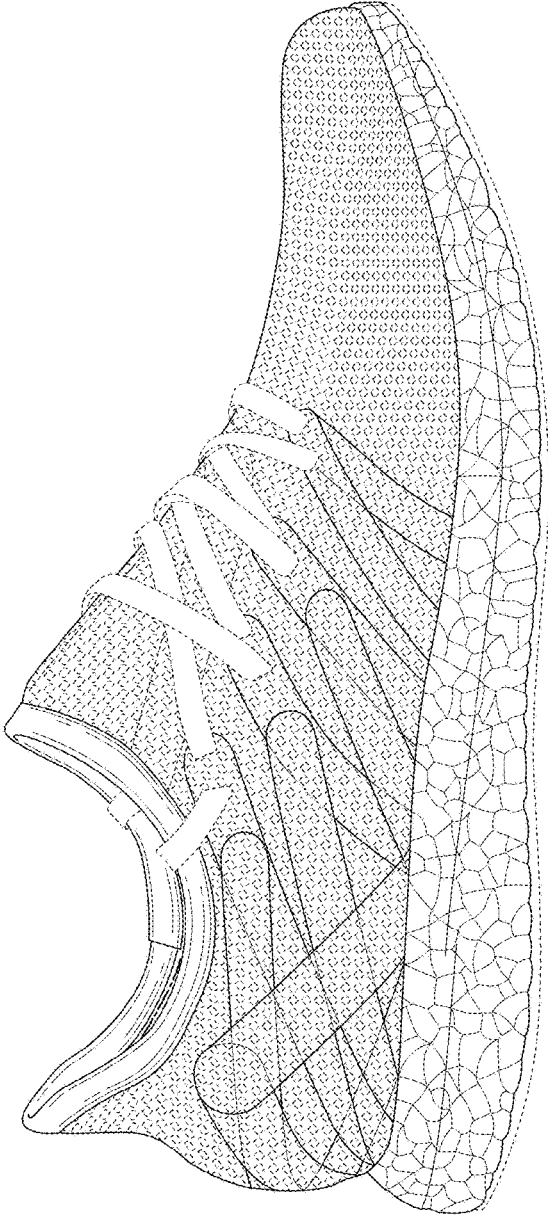


FIG. 3

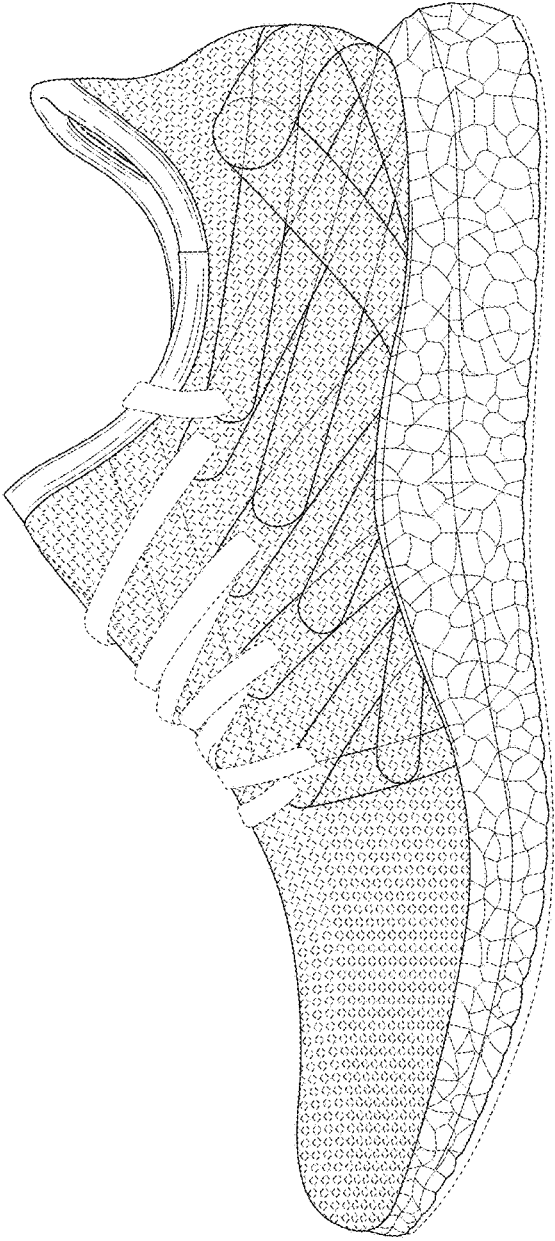


FIG. 4

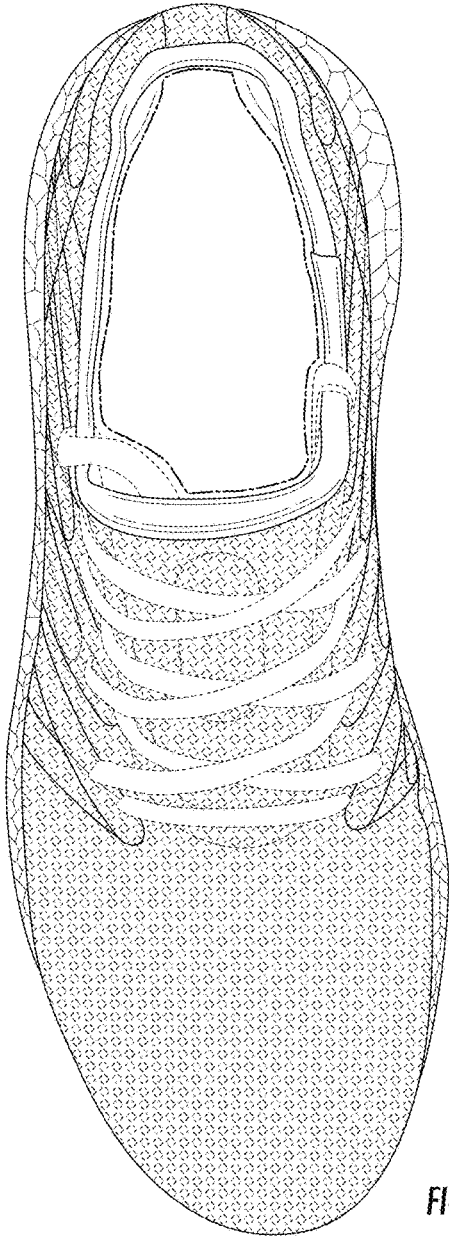


FIG. 5

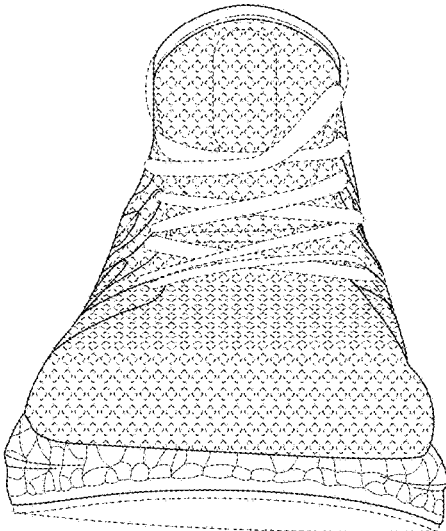


FIG. 6

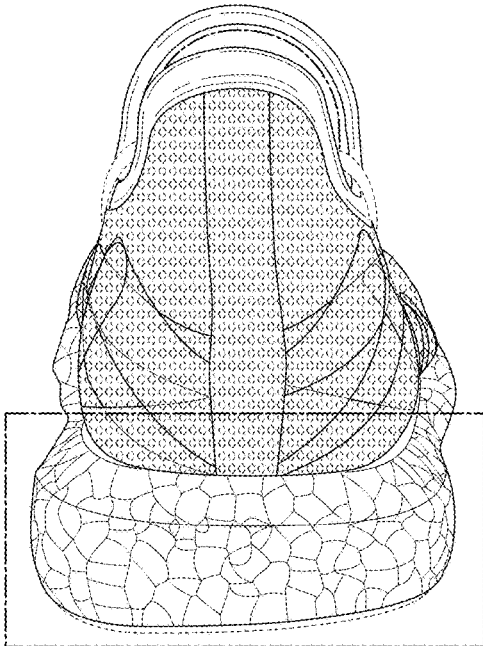


FIG. 7

FIG. 8

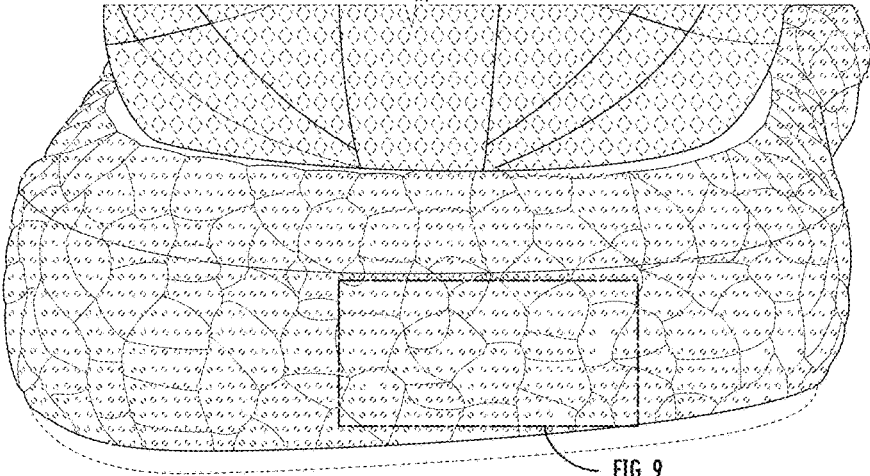


FIG. 8

FIG. 9

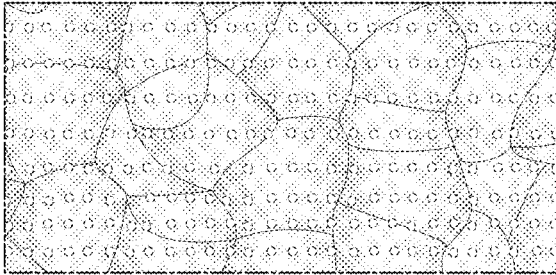


FIG. 9