



US00D638615S

(12) **United States Design Patent**
McMillan

(10) **Patent No.:** **US D638,615 S**

(45) **Date of Patent:** **** *May 31, 2011**

(54) **SHOE WITH OPAQUE AND TRANSLUCENT
HEEL REGIONS**

(75) Inventor: **Graeme McMillan**, Portland, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/388,464**

(22) Filed: **Mar. 29, 2011**

(51) **LOC (9) Cl.** **02-99**

(52) **U.S. Cl.** **D2/946; D2/964; D2/972**

(58) **Field of Classification Search** D2/896,
D2/902, 906-908, 943, 944, 946, 964-966,
D2/969, 972-974; 36/45-49, 50.1, 77 M,
36/77 R, 83, 88, 113, 114, 126-131, 34 R-34 B,
36/100, 136

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D128,617 S *	8/1941	Brady	.....	D2/972
2,260,224 A *	10/1941	Hubbard, Jr.	.....	36/34 A
D142,532 S	10/1945	Scherini		
4,132,016 A	1/1979	Vaccari		
D265,019 S	6/1982	Vermonet		
D265,435 S	7/1982	Vermonet		
D265,436 S	7/1982	Vermonet		
D265,437 S	7/1982	Vermonet		
D265,521 S	7/1982	Vermonet		
D266,286 S	9/1982	Vermonet		
D283,463 S	4/1986	Chassaing		
D302,899 S	8/1989	Brown		
D307,210 S	4/1990	Hatfield		
D318,563 S *	7/1991	Lucas	.....	D2/972
D324,762 S	3/1992	Hatfield		
D329,732 S	9/1992	Molet et al.		
D341,478 S	11/1993	Forland et al.		

D349,808 S	8/1994	Passke et al.		
D379,113 S	5/1997	McDonald et al.		
D383,300 S *	9/1997	Teague	.....	D2/972
D384,803 S	10/1997	Avar		
D386,291 S *	11/1997	Napurano, Jr.	.....	D2/969
D390,344 S	2/1998	Elliott		
D441,175 S	5/2001	Ritter et al.		
D441,181 S *	5/2001	Morgan	.....	D2/972
D447,328 S	9/2001	Duclos		
D465,905 S	11/2002	Meza et al.		
D466,276 S *	12/2002	Tomczak	.....	D2/964
D490,233 S	5/2004	Cooper		

(Continued)

OTHER PUBLICATIONS

Stuart Weitzman Clear Jelly Shoe With Crystals; Date Unknwn;
<http://decadentdetailsevents.blogspot.com>*

(Continued)

Primary Examiner — Dominic Simone

(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

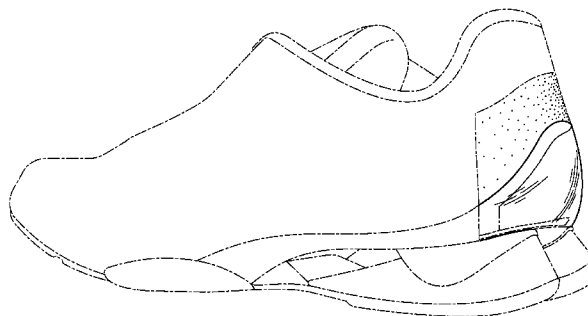
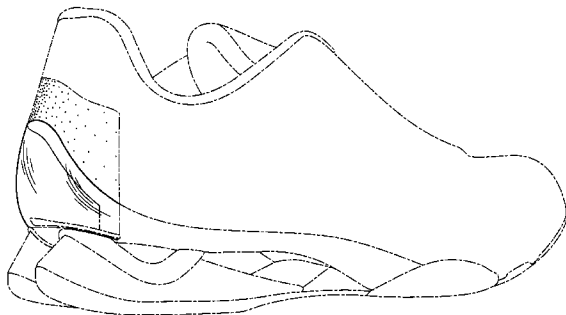
(57) **CLAIM**

The ornamental design for a shoe with opaque and translucent heel regions, as shown and described.

DESCRIPTION

FIG. 1 is a first rear perspective view of a shoe with opaque and translucent heel regions showing my new design; FIG. 2 is a rear view thereof; and, FIG. 3 is a second rear perspective view thereof. The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The broken lines showing an insole member form no part of the claimed design. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design. The stipple shading adjacent to the translucent region represents an opaque region and does not represent any particular color, material, or texture.

1 Claim, 3 Drawing Sheets



U.S. PATENT DOCUMENTS

D511,882	S	11/2005	Robinson, Jr. et al.	
D511,886	S *	11/2005	Galway	D2/974
D512,556	S	12/2005	Lane, III et al.	
D515,287	S	2/2006	Ardissono	
D524,518	S	7/2006	James	
D541,026	S	4/2007	James	
D547,536	S	7/2007	Hulbert	
D561,446	S	2/2008	Belley et al.	
D566,948	S	4/2008	Belley et al.	
D566,959	S *	4/2008	Lamont	D2/972
D570,587	S	6/2008	Mermert	
D571,990	S	7/2008	James	
D572,442	S	7/2008	Polegato Moretti	
D572,455	S	7/2008	Lubrano	
D575,488	S *	8/2008	Covatch	D2/964
D577,179	S	9/2008	Della Valle	
D577,181	S	9/2008	Della Valle	
D577,894	S	10/2008	St-Louis et al.	
D578,294	S	10/2008	Mervar et al.	
D579,186	S	10/2008	Mervar et al.	
D582,643	S	12/2008	Belley et al.	
D593,308	S	6/2009	St-Louis et al.	
D594,216	S	6/2009	Banik et al.	
D595,040	S	6/2009	Mochen	
D595,484	S	7/2009	Purdom et al.	
D599,102	S	9/2009	Purdom et al.	
D599,997	S	9/2009	St-Louis et al.	
D600,898	S	9/2009	St-Louis et al.	
D600,902	S	9/2009	St-Louis et al.	
D603,597	S	11/2009	Bacon	
D609,450	S	2/2010	Dombrow	
D624,297	S	9/2010	Henderson	
7,841,107	B2 *	11/2010	Braynock et al.	36/136
D629,189	S *	12/2010	Feldman	D2/972
D629,598	S	12/2010	Portzline et al.	

OTHER PUBLICATIONS

Transparent Nike Dunks; Date Unknown; www.nikeshoeswholesale.com.*
 Nike Footwear Catalog, Late Spring 1999, p. M27; published Sep. 1998.
 Nike Footwear Catalog, Late Spring 2004, p. M27; published Sep. 2003.

Nike Footwear Catalog, Fall 2010 Performance Footwear, p. 56; published Nov. 2009.
 Xhilaration Litzy Jelly Shoes, released on or before Mar. 2008 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.kaboodle.com>.
 Cesare Paciotti 5000-Jelly, released on or before Aug. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.zappos.com>.
 Oli's Plastic Candy Jelly Sandals, release date unknown but prior to present application [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.fashion4us.com>.
 Gap Kids Jellies, released on or before Apr. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.fashion-critique.mattters.com>.
 Chinese Laundry Sleeping Princess, released late 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.zappos.com>.
 Nina Women's Duffy Ballet Flat, released on or before Aug. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.amazon.com>.
 Ragg Women's Gemstone Milcah Jelly Ballet Flat, released on or before Dec. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.amazon.com>.
 Chinese Laundry Women's Sweet Revenge Ballet Flat, released on or before Mar. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.amazon.com>.
 Nina Toddler Little Kid Sassy Skimmer, released on or before Apr. 2010 [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.amazon.com>.
 Jelly Shoe, release date unknown but prior to present application [online], [site visited Jan. 20, 2011]. Available from Internet, <URL: http://www.flavorwire.com>.
 Nike Zoom Generation, Nike, Inc., one color sheet of photographs, disclosed on or about fall 2004.
 Zoom Structure Triax+ 14, Nike, Inc., one color sheet of photographs, disclosed on or about holiday 2010.
 Stuart Weitzman Clear Jelly Shoe With Crystals; http://decadentdetailsevents.blogspot.com; Date Unknown.
 Transparent Nike Air Dunks; www.nikeshoeswholesale.com; Aug. 11, 2006.

* cited by examiner

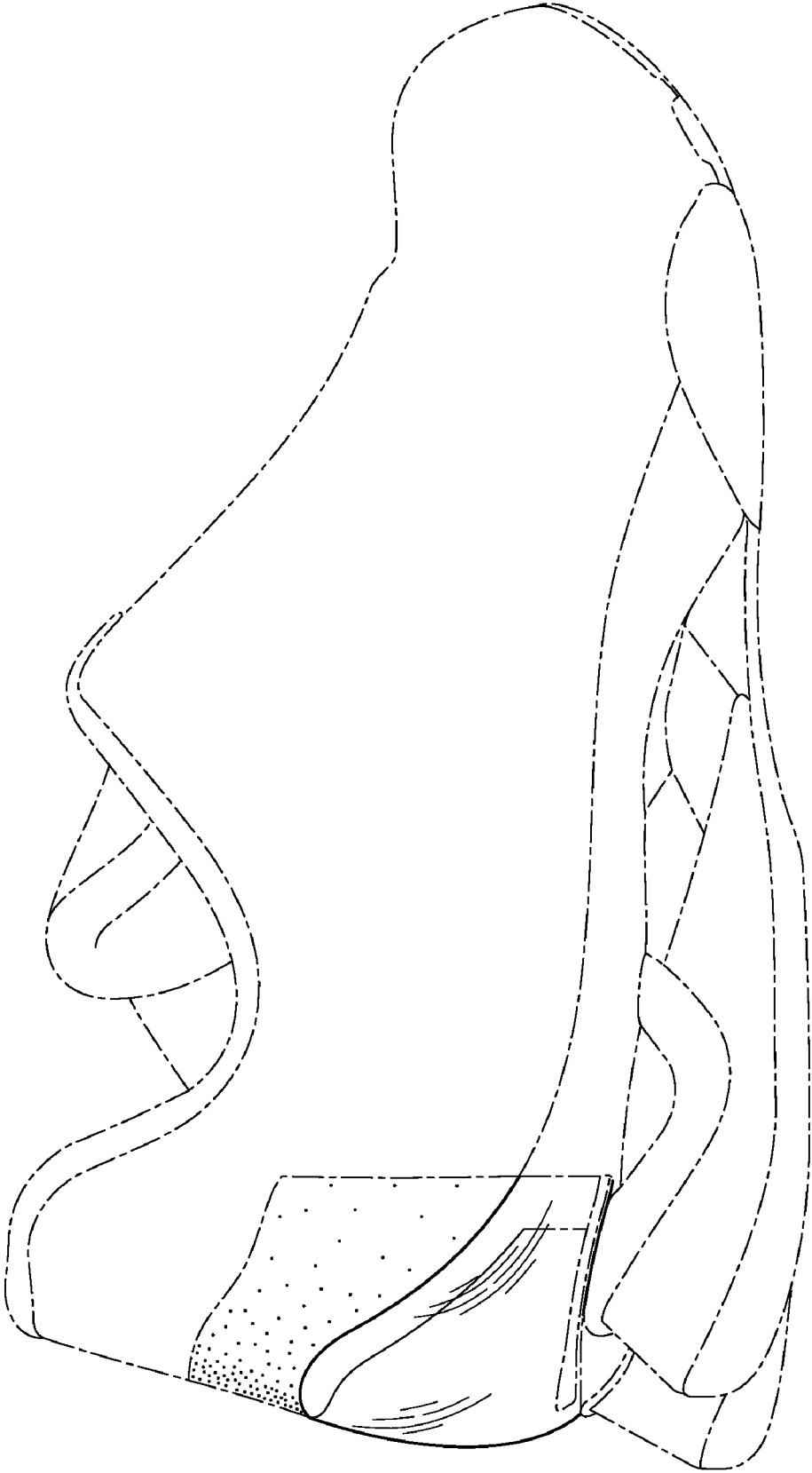


FIG. 1

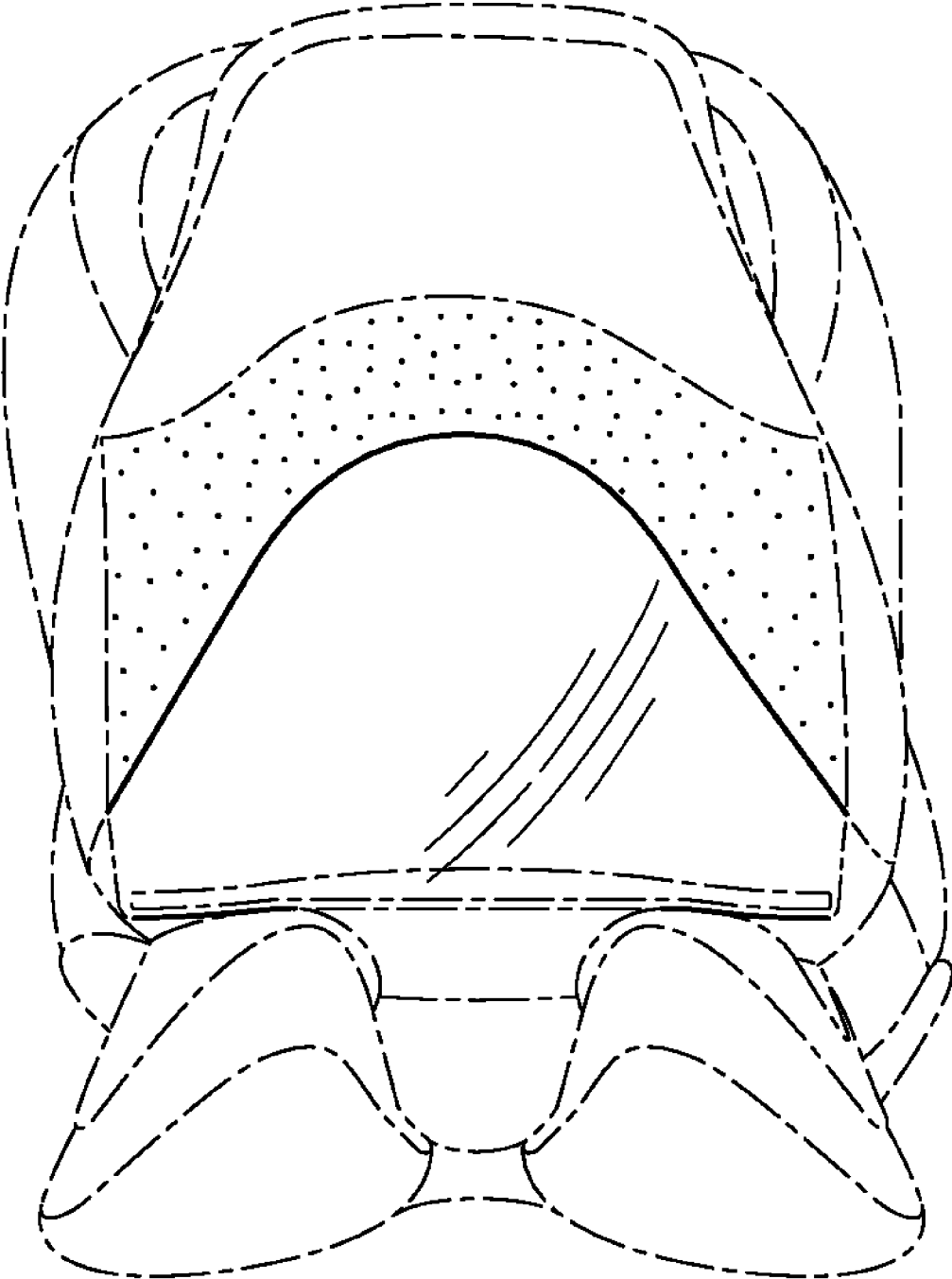


FIG. 2

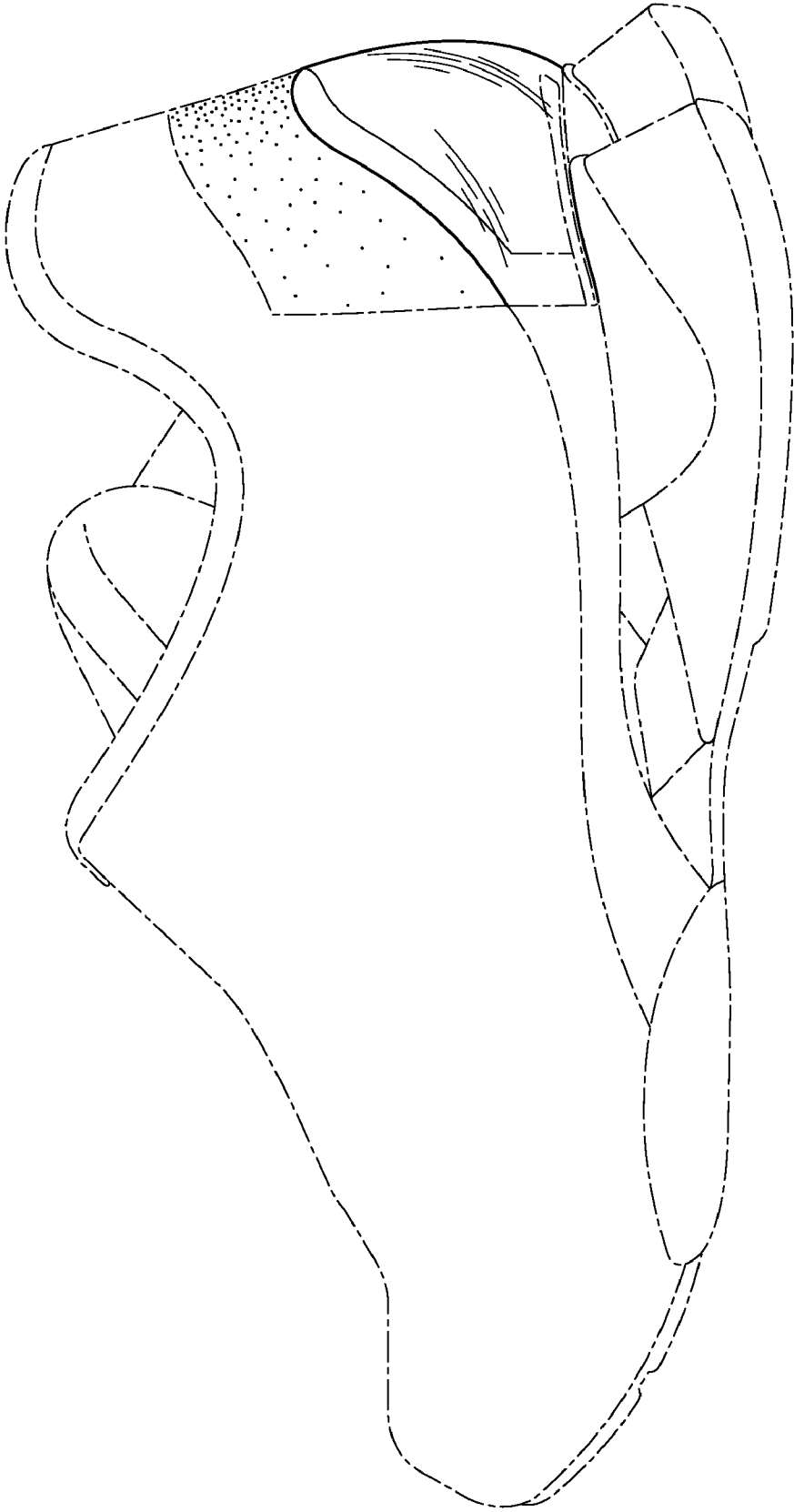


FIG. 3