



US0D1000097S

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

(10) **Patent No.:** **US D1,000,097 S**

(45) **Date of Patent:** **** Oct. 3, 2023**

(54) **SHOE**

(71) Applicant: **O2 Partners, LLC**, Amherst, MA (US)

(72) Inventor: **Robert Falken**, Solana Beach, CA (US)

(73) Assignee: **O2 Partners, LLC**, Amherst, MA (US)

(**) Term: **15 Years**

(21) Appl. No.: **29/867,256**

(22) Filed: **Oct. 17, 2022**

Related U.S. Application Data

(63) Continuation of application No. 29/780,097, filed on Apr. 22, 2021.

(51) **LOC (14) Cl.** **02-04**

(52) **U.S. Cl.**

USPC **D2/972**; D2/969; D5/62

(58) **Field of Classification Search**

USPC D2/896, 902, 903, 904, 907, 910, 911, D2/915, 961, 964, 969, 970, 972, 973, D2/974, 975, 749, 750, 753, 865, 889, D2/980; D5/4, 25, 43, 47, 49, 57, 62;

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

D30,973 S 6/1899 Wiley
D50,570 S * 4/1917 Griffin D5/62
1,778,002 A 6/1929 Richardson et al.

(Continued)

FOREIGN PATENT DOCUMENTS

CN 107980048 A 5/2018
KR 200371487 12/2004

(Continued)

OTHER PUBLICATIONS

About and In the News sections of robfalken.com. Viewed Dec. 22, 2022. Available at URL <https://www.rob-falken.com/about> (2022) (Year: 2022).*

(Continued)

Primary Examiner — Jennifer L Watkins

Assistant Examiner — Christine Tucci

(74) *Attorney, Agent, or Firm* — Morgan, Lewis & Bockius LLP

(57) **CLAIM**

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

DESCRIPTION

The file of this patent contains at least one drawing/photograph executed in color. Copies of this patent with color drawing(s)/photograph(s) will be provided by the Office upon request and payment of the necessary fee.

FIG. 1 is a front left perspective view of a shoe showing my new design;

FIG. 2 is a front right perspective view thereof;

FIG. 3 is a top front perspective view thereof;

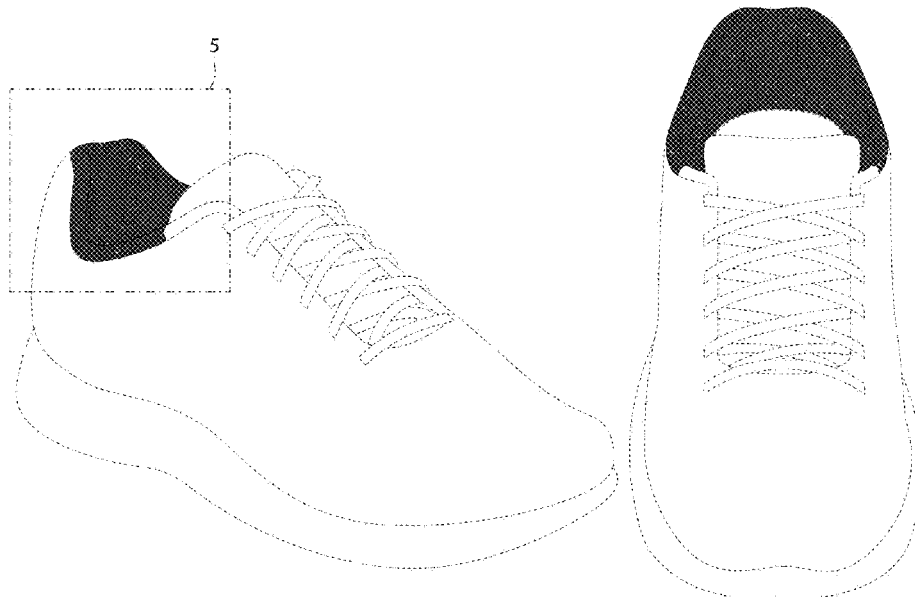
FIG. 4 is a top elevational view thereof;

FIG. 5 is an enlarged view thereof taken from line 5-5 shown in FIG. 1; and,

FIG. 6 is a left-side elevational view thereof.

The evenly dashed broken lines depict portions of the shoe that form no part of the claimed design. The dash-dot-dash broken lines adjacent to claimed surfaces illustrate the claim boundary and form no part of the claimed design. The peripheral dash-dot-dash broken lines in FIGS. 1 and 5 illustrate the cut line of the enlarged view and form no part of the claimed design. The speckles depict claimed surface indicia and not surface shading.

1 Claim, 6 Drawing Sheets
(6 of 6 Drawing Sheet(s) Filed in Color)



(58) **Field of Classification Search**
 USPC .. 36/2.6, 3 A, 3 B, 25 R, 27, 37, 55, 71, 83,
 36/105, 138
 CPC A43B 1/00; A43B 1/0027; A43B 1/0063;
 A43B 1/06; A43B 1/10; A43B 1/12;
 A43B 1/14; A43B 7/00; A43B 7/34;
 A43B 13/00; A43B 13/02; A43B 13/04;
 A43B 13/16; A43B 13/40; A43B 13/122;
 A43B 17/00; A43B 17/14; A43B 21/00;
 A43B 21/02; A43B 21/06; A43B 21/20;
 A43B 23/088; A43B 23/02; A43B
 23/0205; A43B 23/0215; A43B 23/0225;
 A43B 23/07; A43B 23/26
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D88,871 S * 1/1933 Gottesman D5/62
 1,973,748 A 9/1934 Caldwell
 D97,655 S 11/1935 White
 D101,582 S 10/1936 Gaul
 D101,695 S 10/1936 Gaul
 D101,696 S 10/1936 Gaul
 D101,697 S 10/1936 Gaul
 D101,698 S 10/1936 Gaul
 D101,699 S 10/1936 Gaul
 D101,700 S 10/1936 Gaul
 D102,118 S 11/1936 Hamre
 D102,855 S * 1/1937 Hanson D5/62
 D103,635 S 3/1937 Forstmann
 D104,923 S 6/1937 Gaul
 D105,094 S 6/1937 Forstmann
 D105,095 S 6/1937 Forstmann
 D105,368 S 7/1937 Forstmann
 D105,589 S 8/1937 Zuckerman
 D108,100 S 1/1938 Johnson
 D110,190 S 6/1938 Minoff
 D112,340 S 11/1938 Hafner
 D117,642 S 11/1939 Staines
 D124,582 S 1/1940 Schwartz
 D119,132 S * 2/1940 Musson D5/47
 D120,632 S 5/1940 Sheplan
 D122,780 S 10/1940 Moses
 D124,339 S 12/1940 Sherman
 D124,340 S 12/1940 Sherman
 D124,559 S 1/1941 Schwartz
 D124,560 S 1/1941 Schwartz
 D124,562 S * 1/1941 Schwartz D5/62
 D124,576 S 1/1941 Schwartz
 D124,577 S 1/1941 Schwartz
 D124,584 S 1/1941 Schwartz
 D124,700 S 1/1941 Schwartz
 2,330,224 A * 9/1943 Leslie A43B 3/02
 D2/910
 D139,580 S 11/1944 Diamant
 D141,335 S 5/1945 Walther
 D142,152 S 8/1945 Huff
 D142,153 S 8/1945 Huff
 D169,913 S 6/1953 Rassman
 D192,676 S 4/1962 Davis
 D172,763 S 8/1964 Rassman
 3,170,178 A * 2/1965 Scholl A43B 13/40
 156/251
 3,253,600 A 5/1966 Scholl
 3,253,601 A 5/1966 Scholl
 D243,642 S 3/1977 Voorhess
 D261,570 S 11/1981 Gordon et al.
 D263,644 S 4/1982 Vinnecour et al.
 4,451,583 A 5/1984 Chesler
 4,581,187 A 4/1986 Sullivan et al.
 4,608,769 A * 9/1986 Sturlaugson A43B 11/00
 36/51
 D288,621 S 3/1987 Surpuriya et al.
 D296,493 S 7/1988 Diaz

D296,953 S 8/1988 Fox
 D297,076 S 8/1988 Kolpin et al.
 D297,282 S 8/1988 Fox
 D299,982 S * 2/1989 Tong D2/972
 D302,624 S 8/1989 Thompson et al.
 D305,577 S * 1/1990 Feller D2/970
 D322,508 S 12/1991 Riecken
 D324,759 S * 3/1992 Miller D2/903
 D336,718 S 6/1993 Schroer, Jr.
 D341,023 S 11/1993 Frederick
 D341,924 S * 12/1993 Clement D2/907
 D346,480 S 5/1994 Davidson
 D350,848 S 9/1994 Tzenos
 D354,389 S 1/1995 Howlett et al.
 D354,390 S 1/1995 Howlett et al.
 D357,346 S * 4/1995 Ho D2/959
 D357,349 S 4/1995 Vasyli
 D358,249 S 5/1995 Vasyli
 D365,920 S 1/1996 Schneider
 D366,140 S 1/1996 Finn
 D366,951 S * 2/1996 Ho D2/907
 D366,956 S 2/1996 Gay
 5,494,723 A 2/1996 Erren et al.
 D371,894 S 7/1996 Gay et al.
 D372,115 S 7/1996 Schneider
 D374,338 S 10/1996 Chuang
 D388,242 S 12/1997 Cole
 D391,401 S 3/1998 Josephs
 D391,402 S 3/1998 Josephs
 D391,403 S 3/1998 Josephs
 D391,405 S 3/1998 Sung
 D393,547 S 4/1998 Josephs
 D397,564 S 9/1998 Hamami
 D410,338 S 6/1999 Alfonso et al.
 D412,776 S * 8/1999 Biedermann D2/903
 D418,666 S 1/2000 Brown
 D418,668 S * 1/2000 von Conta D2/907
 6,013,122 A * 1/2000 Klitzman A61Q 19/04
 106/31.03
 D428,590 S 7/2000 Lagaay
 D432,769 S 10/2000 Yung et al.
 D474,589 S 5/2003 Dykes
 D490,970 S 6/2004 Bray, Jr. et al.
 D491,372 S 6/2004 Dugas et al.
 D501,090 S 1/2005 McGahee
 D511,882 S 11/2005 Robinson, Jr. et al.
 D512,557 S * 12/2005 Lane, III D2/969
 D513,844 S 1/2006 Robinson, Jr. et al.
 D520,221 S 5/2006 Bray, Jr. et al.
 D524,016 S 7/2006 Robinson, Jr. et al.
 D541,025 S 4/2007 Mochen
 D545,532 S 7/2007 Sawtelle et al.
 D551,835 S 10/2007 Hung
 D560,340 S 1/2008 Lane, III
 D560,342 S 1/2008 Lane, III
 D560,894 S 2/2008 Feeney et al.
 D560,897 S 2/2008 Feeney et al.
 D571,992 S 7/2008 Robinson, Jr. et al.
 D571,994 S 7/2008 Lane, III
 D571,996 S 7/2008 Lane, III
 D592,861 S 5/2009 Crye et al.
 D595,040 S 6/2009 Mochen
 D595,494 S 7/2009 Lane, III
 D595,938 S 7/2009 Fuchs
 D595,945 S 7/2009 Mochen
 D595,946 S 7/2009 Lane, III et al.
 D595,948 S 7/2009 Bacon
 D595,949 S 7/2009 Bacon
 D596,860 S * 7/2009 Doughty D5/57
 D599,119 S 9/2009 Bush et al.
 D602,258 S 10/2009 Simone et al.
 D603,597 S 11/2009 Bacon
 D603,598 S 11/2009 Bacon
 D604,034 S 11/2009 Bacon
 D615,742 S 5/2010 Vasyli
 D628,781 S 12/2010 Butler
 D628,782 S 12/2010 Butler
 D628,783 S 12/2010 Mochen et al.
 D628,785 S 12/2010 Feeney et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

D628,786 S	12/2010	Lane, III		D846,856 S	11/2019	Fusco	
D629,188 S *	12/2010	Butler	D2/964	D866,947 S	11/2019	Fusco	
D633,702 S	3/2011	Mochen et al.		D874,098 S	2/2020	Hartmann et al.	
D654,681 S	2/2012	Bacon		D874,099 S	2/2020	Hartmann et al.	
D655,515 S	3/2012	Culler et al.		D878,027 S	3/2020	Hall et al.	
D656,306 S	3/2012	Bacon		D878,028 S	3/2020	Hall et al.	
D656,307 S	3/2012	Feeney et al.		10,697,095 B2 *	6/2020	Qiang	D03D 13/008
D656,742 S	4/2012	Culler et al.		D889,784 S *	7/2020	Parker	D2/969
D656,743 S	4/2012	Culler et al.		D891,068 S	7/2020	Hall et al.	
D659,969 S	5/2012	Vattes		D893,849 S	8/2020	Bidal	
D663,932 S	7/2012	Bacon		D893,850 S	8/2020	Bidal	
D663,934 S	7/2012	Bacon		D894,543 S	9/2020	López Calí	
D663,935 S	7/2012	Mochen		D895,239 S	9/2020	Murphy-Reinhertz et al.	
D663,936 S	7/2012	Lane		D899,749 S	10/2020	Weddle	
D664,344 S	7/2012	Bacon et al.		D901,147 S	11/2020	Nykreim et al.	
D699,424 S	2/2014	Lynne		D903,249 S *	12/2020	Wu	D2/911
D702,431 S	4/2014	Lin		D903,991 S	12/2020	Nykreim et al.	
D711,121 S	8/2014	Svendsen et al.		D907,908 S	1/2021	Chiu	
D715,064 S	10/2014	Han		D907,909 S	1/2021	Chiu	
D719,728 S *	12/2014	Carrizo	D2/970	D907,910 S	1/2021	Weddle	
D721,478 S	1/2015	Avent et al.		D908,368 S	1/2021	Ong	
D721,881 S	2/2015	Avent		10,899,901 B2	1/2021	Chang et al.	
D722,757 S	2/2015	Vasyli		D909,763 S	2/2021	Fucci	
D722,758 S	2/2015	Lane et al.		D912,962 S	3/2021	Weddle	
D722,759 S	2/2015	Weddle		D912,963 S	3/2021	Bidal	
D722,760 S	2/2015	Lane		D913,673 S	3/2021	Weddle	
D723,257 S	3/2015	Bacon		D913,707 S	3/2021	Weitzner	
D723,258 S	3/2015	Weddle		D915,777 S	4/2021	Chang	
D723,787 S	3/2015	Vasyli		D918,543 S	5/2021	Weddle	
D725,360 S	3/2015	Bacon		D923,303 S	6/2021	Mcmillan	
D726,401 S	4/2015	Teeter		D926,478 S	8/2021	Friesen et al.	
D726,998 S	4/2015	Mochen		D935,140 S	11/2021	Bacon	
D727,606 S	4/2015	Mochen		D939,199 S *	12/2021	Falken	D2/961
D728,213 S	5/2015	Mochen et al.		D941,568 S	1/2022	Zhang	
D732,283 S	6/2015	Bacon		D951,618 S	5/2022	Clair	
D732,812 S	6/2015	Weddle		D960,538 S *	8/2022	Wen	D2/910
D734,596 S	7/2015	Lane, III et al.		D965,276 S *	10/2022	Strek	D2/972
D735,455 S	8/2015	Mochen et al.		D966,665 S *	10/2022	Wen	D2/911
D735,975 S	8/2015	Lane, III et al.		2002/0002208 A1	1/2002	Martel et al.	
D738,084 S	9/2015	Feeney		2004/0112996 A1	6/2004	Villwock et al.	
D739,128 S	9/2015	Vasyli		2004/0216332 A1 *	11/2004	Wilson	A43B 7/08 36/55
D740,533 S	10/2015	Bacon		2005/0127579 A1	6/2005	Suzuki	
D746,033 S	12/2015	Cherneski		2007/0142489 A1	6/2007	Sawai	
D756,614 S	5/2016	Weddle et al.		2010/0047550 A1	2/2010	Prissok et al.	
D756,621 S	5/2016	Weddle		2010/0103718 A1	4/2010	Asao et al.	
D757,413 S	5/2016	Bacon		2010/0275467 A1	11/2010	Tsai	
D758,059 S	6/2016	Lane, III		2016/0302514 A1 *	10/2016	Martinazzo	A43B 1/06
D758,710 S	6/2016	Bacon		2019/0390030 A1	12/2019	Zhang	
D759,363 S	6/2016	Lane, III		2020/0305540 A1 *	10/2020	Castro Ramos	A43B 1/02
D762,960 S	8/2016	Lane, III					
D764,157 S	8/2016	Bacon					
D772,551 S *	11/2016	Little	D2/972				
D775,473 S	1/2017	Cheung					
D779,791 S	2/2017	Mason et al.					
D795,553 S *	8/2017	Weddle	D2/969				
D796,175 S	9/2017	Mitchell					
D798,567 S *	10/2017	Link	A61Q 19/04 D2/972				
D805,743 S	12/2017	Feeney et al.					
D806,374 S	1/2018	Weddle					
D807,008 S	1/2018	Weddle					
D809,251 S	2/2018	Trevino					
D811,702 S	3/2018	Rasmussen					
D812,357 S	3/2018	Parra					
D815,413 S	4/2018	Weddle					
D818,673 S	5/2018	Bacon					
D824,156 S	7/2018	Weddle					
D838,092 S	1/2019	Bacon					
D841,966 S	3/2019	Mitchell					
D846,857 S	4/2019	Bacon					
D846,858 S	4/2019	Bacon et al.					
D856,651 S	8/2019	Buck					
D861,313 S	10/2019	Haire					
D862,861 S	10/2019	Buck et al.					
D862,865 S	10/2019	Buck et al.					

FOREIGN PATENT DOCUMENTS

TW	221469 B	3/1994
WO	D080464-001	4/2013
WO	D206542-001	5/2019
WO	2020005990 A1	1/2020

OTHER PUBLICATIONS

Amazon listing 'Nike Metcon 7' sneaker w/speckled sole. First available Jan. 1, 2022. Viewed Dec. 22, 2022 Available at URL

Amazon listing Tom's Alpargata Loafer flat in Repreve speckled recycled polyester blend upper. First available Jan. 21, 2022. Viewed Dec. 22, 2022. Available at URL

(56)

References Cited

OTHER PUBLICATIONS

Fabrics.com listing 'Made in Spain Stylish Tweed with Textured Speckled Dots' available on website 2022. Viewed Dec. 22, 2022. Available at URL <https://fabrics-fabrics.com/products/made-in-spain-stylish-tweed-with-textured-dots-olive-green-multicolor-designer-fashion-fabrics-9164/> (2022) (Year: 2022).*

Hengsong Men Orthopedic Insoles 3D Flatfoot Flat Foots Orthotic Arch Support Insoles High Arch Shoe Pad Insole RD672433, <https://suppliesmedicalstore.com/product/hengsong-men-orthopedic-insoles-3d-flatfoot-flat-foot-s-orthotic-arch-support-i-nsoles-h-i-gh-arch-shoe-pad-i-nsole-rd-6-72433/>, 2021 (Year: 2021).

Memory Foam Height Insoles Dots Increase 2cm 3cm 4cm Unisex, <https://www.e-deala.co.uk/memory-foam-height-insoles-dots-increase-2cm-3cm-4cm-unisex-500204.html#popup1>, copy-right 2012. (Year: 2021).

CosmoFabric shoe lining, published Dec. 3, 2020, Twitter, 1 page [online], [retrieved on Jul. 19, 2023]. Retrieved from the Internet <URL: <https://twitter.com/CosmoFabric/status/1334522011813629957>>.

* cited by examiner

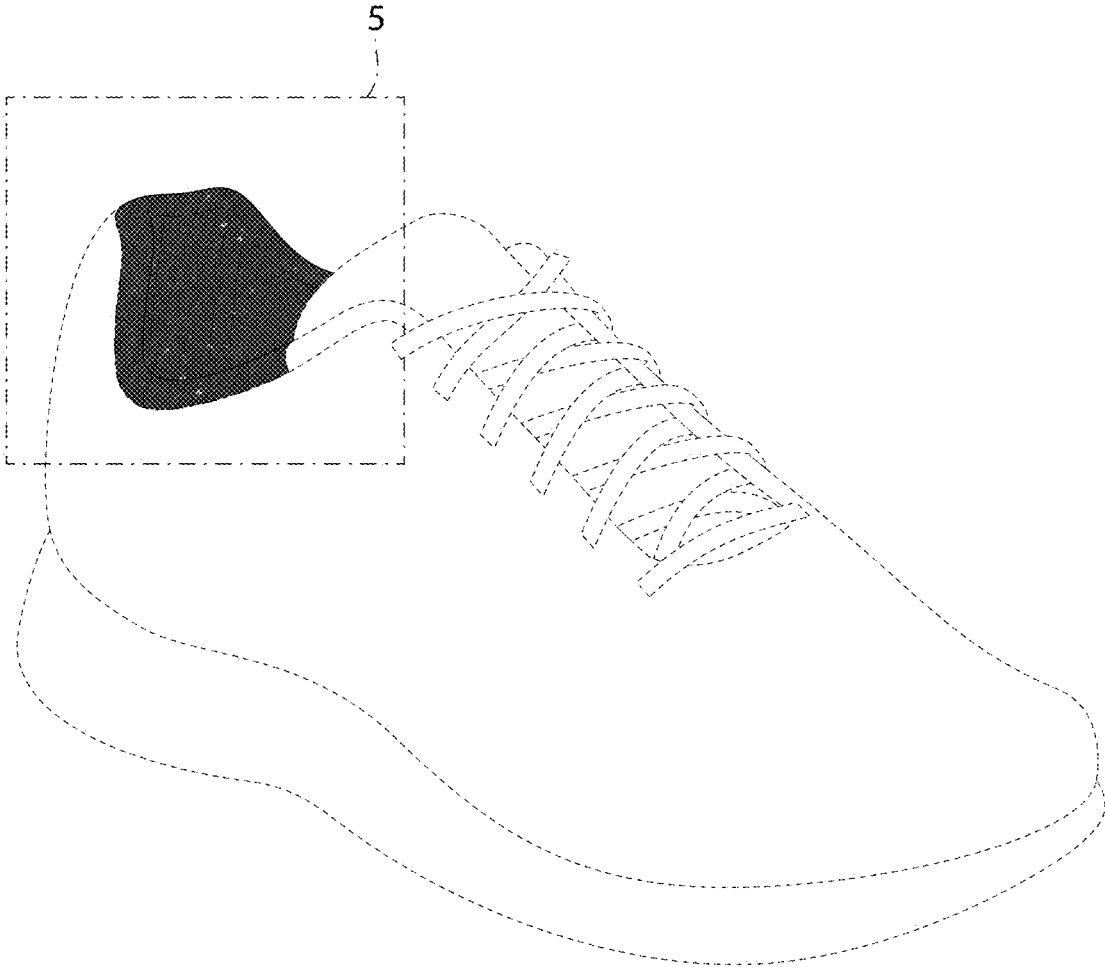


FIG. 1



FIG. 2

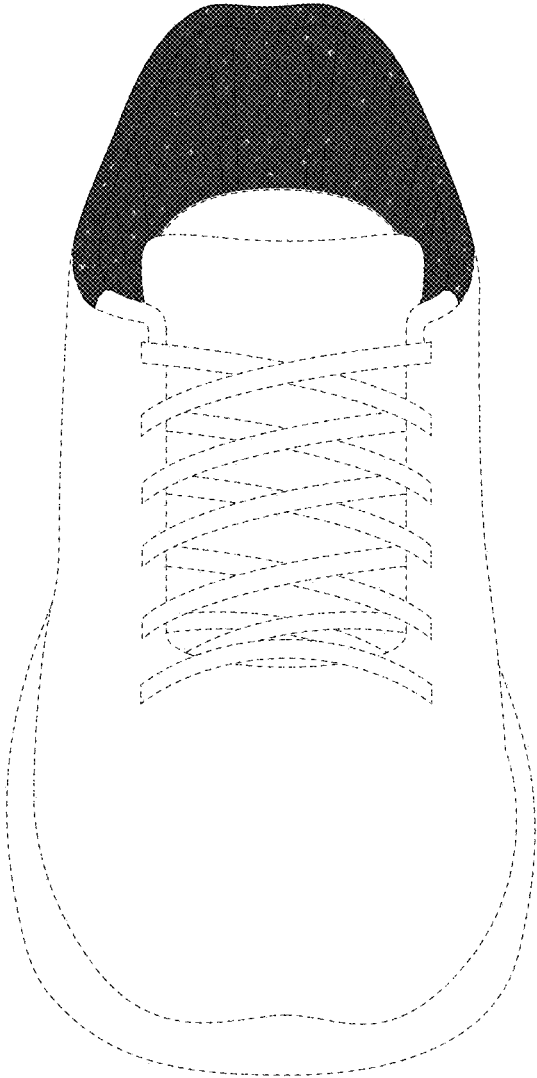


FIG. 3

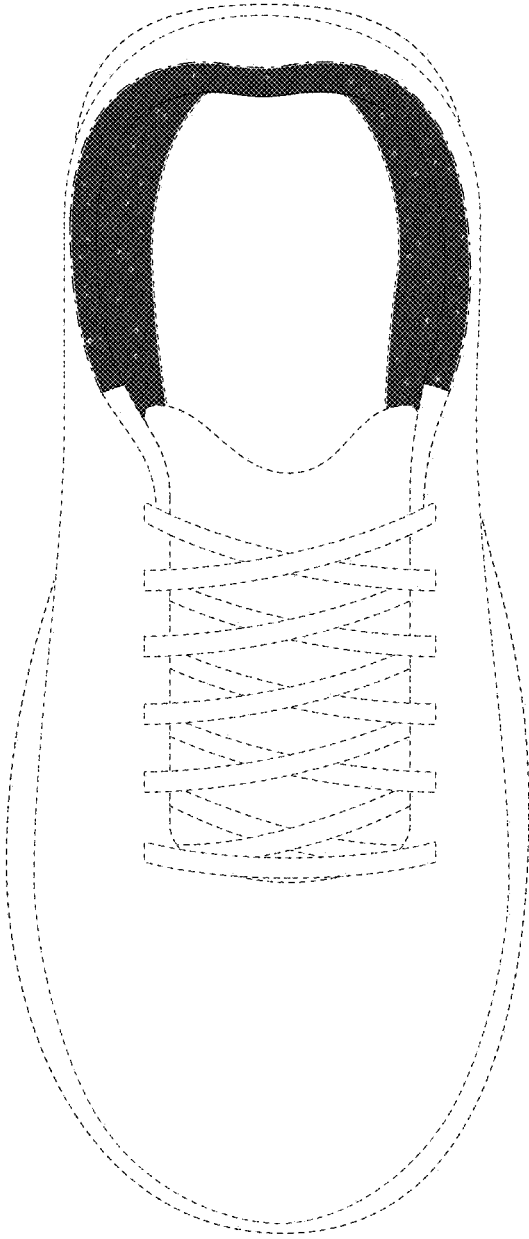


FIG. 4

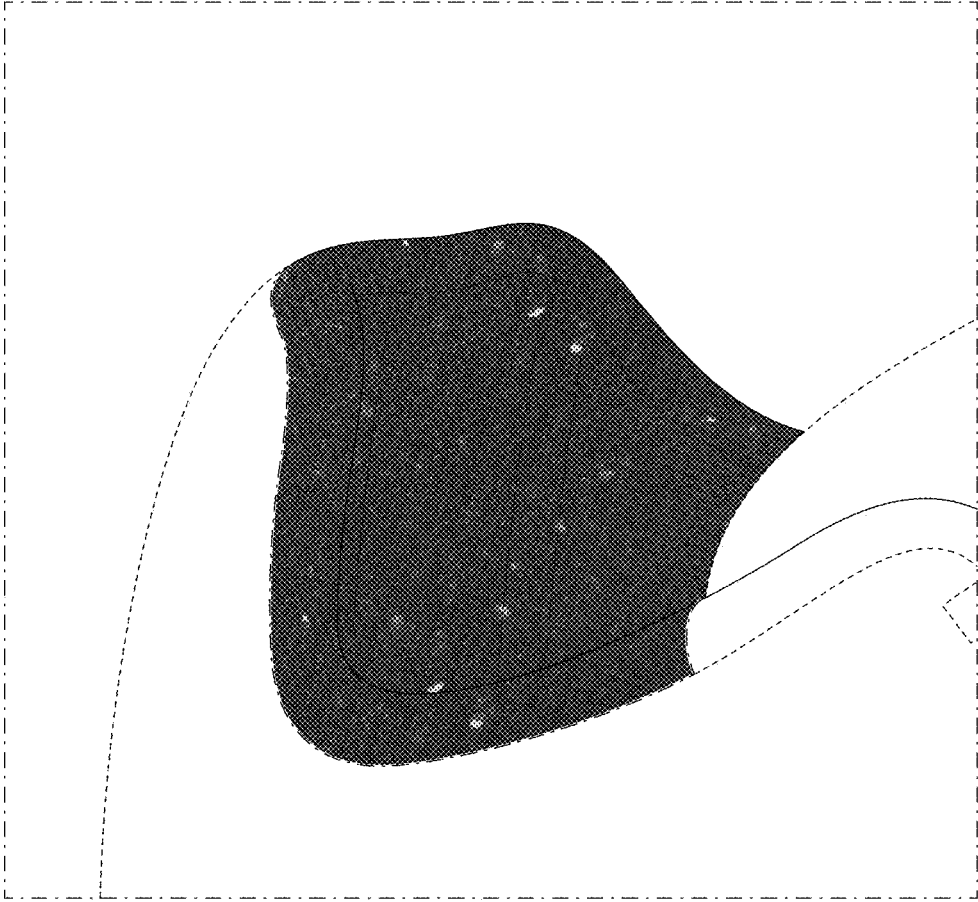


FIG. 5



FIG. 6