



US00D831317S

(12) **United States Design Patent**
Jenkins et al.

(10) **Patent No.:** **US D831,317 S**

(45) **Date of Patent:** **** Oct. 23, 2018**

- (54) **FOOTWEAR SOLE**
- (71) Applicant: **TBL Licensing LLC**, Stratham, NH (US)
- (72) Inventors: **Kyle M. Jenkins**, Reading, MA (US);
Pierome Sar, Stratham, NH (US)
- (73) Assignee: **TBL Licensing LLC**, Stratham, NH (US)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/619,153**
- (22) Filed: **Sep. 27, 2017**

Primary Examiner — T Chase Nelson
Assistant Examiner — Jonathan J. Han
 (74) *Attorney, Agent, or Firm* — Lerner, David, Littenberg, Krumholz & Mentlik, LLP

(57) **CLAIM**

The ornamental design for a footwear sole, as shown and described.

Related U.S. Application Data

- (62) Division of application No. 29/572,482, filed on Jul. 28, 2016, now Pat. No. Des. 812,882.
- (51) **LOC (11) Cl.** **02-04**
- (52) **U.S. Cl.**
USPC **D2/947; D2/957; D2/960**
- (58) **Field of Classification Search**
USPC D2/902, 906, 908, 916, 918, 925,
D2/946–962, 977; 36/1, 1.5, 3 B, 22 R,
36/24.5, 25 R, 28, 32 R, 34 R, 59 C,
36/67 A, 101–107, 114–116, 117.3, 117.4,
36/124–136

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

- D98,509 S * 2/1936 Goldberg D2/935
- D117,831 S 11/1939 Johnson

(Continued)

OTHER PUBLICATIONS

Men's Flyroam Leather Hiker Boots, Timberland.com, [online], [site visited Mar. 5, 2018]. <URL: <https://www.timberland.com/shop/mens-flyroam-leather-hiker-boots-black-a1ovb001#hero=0>> (Year: 2018).*

(Continued)

DESCRIPTION

The present application is related to U.S. patent application Ser. No. 29/619,156, filed Sep. 27, 2017 and U.S. patent application Ser. No. 29/619,161, filed Sep. 27, 2017 the disclosure of which is incorporated herein by reference.

FIG. 1 is a perspective view of a footwear sole in accordance with the ornamental design;

FIG. 2 is a right side view of the footwear sole in accordance with FIG. 1;

FIG. 3 is a left side view of the footwear sole in accordance with FIG. 1;

FIG. 4 is a front elevational view of the footwear sole in accordance with FIG. 1;

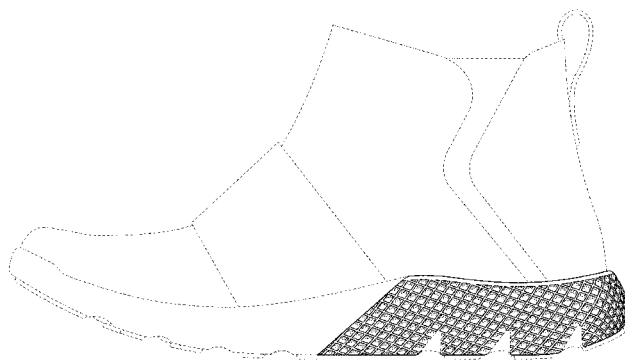
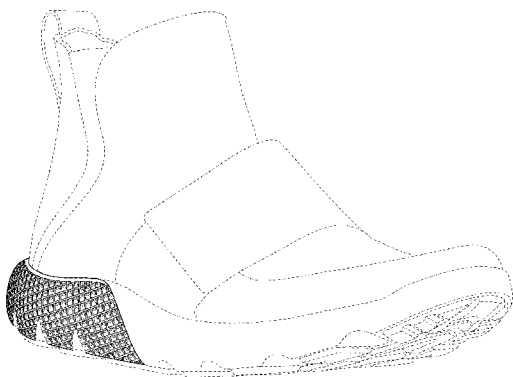
FIG. 5 is a back elevational view of the footwear sole in accordance with FIG. 1;

FIG. 6 is a top view of the footwear sole in accordance with FIG. 1; and,

FIG. 7 is a bottom view of the footwear sole in accordance FIG. 1.

Broken lines are environmental only and form no part of the claimed design. Broken lines adjacent shaded areas of the design represent the bounds of the claimed design and are not themselves a part of the claimed design. Stippling marks represent a concavity of an area of the design.

1 Claim, 6 Drawing Sheets



(58) **Field of Classification Search**

CPC A43B 13/00; A43B 13/02; A43B 13/023;
 A43B 13/026; A43B 13/04; A43B 13/08;
 A43B 13/10; A43B 13/12; A43B 13/14;
 A43B 13/141; A43B 13/143; A43B
 13/16; A43B 13/18; A43B 13/181; A43B
 13/187; A43B 13/189; A43B 13/20; A43B
 13/22; A43B 13/223; A43B 13/24; A43B
 13/28; A43B 13/30; A43B 13/32; A43B
 13/34; A43B 13/36

See application file for complete search history.

(56)

References Cited

U.S. PATENT DOCUMENTS

D239,479 S 4/1976 Senter
 D259,823 S 7/1981 Greenlee
 D272,963 S 3/1984 Muller et al.
 D287,182 S 12/1986 Stubblefield
 D287,304 S 12/1986 Peterson et al.
 D296,724 S 7/1988 Peterson
 D301,657 S 6/1989 Brown
 D307,817 S 5/1990 Schneider
 D329,130 S 9/1992 Yoon
 D335,572 S 5/1993 Peterson
 D337,426 S 7/1993 Dyer et al.
 D342,375 S 12/1993 Nichol, Jr.
 D363,371 S 10/1995 Werman
 D368,575 S 4/1996 McClain
 D389,995 S 2/1998 Cockrell
 D390,346 S 2/1998 Loveder
 D394,342 S 5/1998 Schneider
 D401,743 S 12/1998 Wunsch
 D415,610 S 10/1999 Cahill
 D427,758 S 7/2000 Schneider
 D433,790 S 11/2000 Oliver
 D438,697 S 3/2001 Matis et al.
 D440,748 S 4/2001 Morgan
 D441,946 S 5/2001 Agnew et al.
 D446,914 S 8/2001 Cockrell
 D446,915 S 8/2001 Cockrell
 D446,916 S 8/2001 Cockrell
 D447,326 S 9/2001 Cockrell
 D457,296 S 5/2002 Burt
 D476,141 S 6/2003 Matis
 D476,142 S 6/2003 Matis
 D496,525 S 9/2004 Dykstra
 D509,650 S 9/2005 Burg
 D512,827 S * 12/2005 Usuki D2/947
 D532,585 S 11/2006 McDonald
 D544,699 S * 6/2007 Link D2/972
 D544,700 S * 6/2007 Link D2/946
 D546,053 S * 7/2007 Mayden D2/972
 D562,541 S * 2/2008 Avar D2/972
 D569,593 S 5/2008 Avar
 D578,294 S 10/2008 Mervar et al.
 D579,186 S 10/2008 Mervar et al.
 D589,692 S 4/2009 McClaskie
 D592,847 S 5/2009 Rosenbaum
 D593,290 S 6/2009 Chen
 D603,151 S 11/2009 Roundhouse
 D612,135 S 3/2010 Borel et al.
 D613,489 S 4/2010 Horton
 D614,389 S * 4/2010 Petrie D2/972
 7,954,259 B2 * 6/2011 Antonelli A43B 1/0009
 36/25 R
 D649,763 S * 12/2011 Chang D2/972
 D655,902 S 3/2012 Debiase
 D656,304 S 3/2012 Debiase
 8,151,488 B2 4/2012 Aveni
 D662,296 S 6/2012 Christopherson
 D662,695 S 7/2012 McVicker et al.
 D675,418 S 2/2013 Van Zyll De Jong et al.
 D677,451 S 3/2013 Amphyon
 D687,220 S 8/2013 Aveni
 D702,422 S 4/2014 Dougherty

D712,128 S 9/2014 Zaedow
 D721,474 S 1/2015 Miner
 D722,220 S 2/2015 Miner
 D722,425 S 2/2015 Cin
 D724,830 S 3/2015 Joseph
 D725,357 S 3/2015 Miner
 D735,454 S 8/2015 Yun
 D737,038 S 8/2015 Dolce
 D740,012 S 10/2015 O'Connor
 D742,196 S 11/2015 Dow et al.
 D744,728 S 12/2015 Remmele
 D746,561 S 1/2016 Bikowski
 D765,383 S * 9/2016 Chang D2/972
 D767,861 S * 10/2016 Wattimena D2/947
 D770,749 S * 11/2016 Paz D2/972
 D770,752 S * 11/2016 McMillan D2/972
 D772,554 S * 11/2016 McMillan D2/972
 D773,790 S * 12/2016 Raysse D2/947
 D773,791 S * 12/2016 Raysse D2/947
 D773,795 S * 12/2016 Lok D2/973
 D779,174 S * 2/2017 de Montgolfier D2/947
 D781,543 S * 3/2017 Raysse D2/947
 D782,799 S 4/2017 Caron et al.
 D783,247 S * 4/2017 McMillan D2/947
 D784,666 S * 4/2017 Lok D2/947
 D792,067 S * 7/2017 Raysse D2/947
 D796,170 S * 9/2017 Raysse D2/947
 D796,814 S 9/2017 Hatfield
 D796,823 S * 9/2017 Schenone D2/972
 D797,418 S * 9/2017 Lee D2/947
 D805,749 S 12/2017 Mokos et al.
 2006/0059715 A1 3/2006 Aveni
 2012/0180341 A1 * 7/2012 Crowley, II A43B 1/0009
 36/103
 2013/0019505 A1 1/2013 Borel et al.
 2013/0145653 A1 * 6/2013 Bradford A43B 13/145
 36/103
 2015/0089842 A1 * 4/2015 Zamer-Juarez 36/103
 2016/0324260 A1 * 11/2016 Guyan A43B 13/143
 2016/0360828 A1 * 12/2016 Guyan A43B 13/181
 2016/0374428 A1 * 12/2016 Kormann A43B 13/186
 36/28
 2017/0071283 A1 * 3/2017 James A43B 3/0005

OTHER PUBLICATIONS

Did Timberland Flyroam Stealing Adidas Boost?, YouTube.com, CjCityTv, Published on Aug 22, 2017, [online], [site visited Mar. 5, 2018]. <URL: https://www.youtube.com/watch?v=Y22leE_17gY> (Year: 2017).*

Timberland Unveils a Complete Look at Its 2017 Flyroam Collection. HypeBeast.com, Feb. 17, 2017, [online], [site visited Mar. 5, 2018]. <URL: <https://hypebeast.com/2017/2/timberland-flyroam-collection-lookbook>> (Year: 2017).*

Pureboost Shoes, Adidas.com, [online], [site visited Mar. 5, 2018]. <URL: <https://www.adidas.com/us/pureboost-shoes/BB6288.html>> (Year: 2018).*

SportShoes.com Brochure "Spring, no fun standing still", EVERUN Continuous Cushioning Saucony, printed Jul. 27, 2016, p. 3 and p. 24.

Amazon.com, "Clarks Men's Lace-Up Trainers Shoes Seremax Avion", downloaded Sep. 2, 2016, pp. 1-3.

Amazon.com, "Clarks Men's Lace-Up Trainers Shoes Seremax Avion", Various views of shoes, downloaded Sep. 2, 2016, pp. 1-7.

Amazon.com, "Clarks Men's Seremax Lace Up Sneaker", downloaded Sep. 2, 2016, p. 1-3.

Amazon.com, "Clarks Men's Seremax Lace Up Sneaker", Various images, downloaded Sep. 2, 2016, pp. 1-7.

Men's Flyroam Sport Chukka Shoes, Timberland.com, [online], [site visited Apr. 28, 2017], <URL:<https://www.timberland.com/shop/mens-footwear/mens-fly-roam-sport-chukka-shoes-wheat-a1hrp260>>, 1 page.

Men's Flyroam Oxford Shoes, Timberland.com, [online], [site visited Apr. 28, 2017]. <URL:<https://www.timberland.com/shop/mens-footwear/mens-fly-roam-oxford-shoes-grey-a1khl100>>, 1 page.

(56)

References Cited

OTHER PUBLICATIONS

Timberland's Fresh New Flyroam is the Dynamic Sneakerboot You Need This Spring, Highsnobiety.com, by Jack Drummond, Feb. 17, 2017, [online], [site visited Apr. 28, 2017]. <URL:<http://www.highsnobiety.com/2017/02/17/timberland-flyroamsneakerboot!>>, 2 pages.

Timberland's Flyroam Collection is Made for Urban Seekers, Hypebeast.com, Feb. 2, 2017, [online], [site visited Apr. 28, 2017], <URL:<https://hypebeast.com/2017/2/timberland-flyroam-collection-353>>, 2 pages.

Adidas Previews the Future of 3D Printed Sneakers, SoleCollector.com, by Brian Dunne, Oct. 7, 2015, [online], [site visited Apr. 28, 2017], <URL:<https://solecollector.com/news/2015/10/adidas-futurecraft-3d-printed-running-sneakers>>, 6 pages.

Nike Air Huarache, Nike.com, [online], [site visited Apr. 28, 2017], <URL:http://store.nike.com/us/en_us/pd/air-huarache-mensshoe/pid-11380351/pgid-10978234>, 2 pages.

Taiwanese Search Report (English translation only) for Application No. 105307033, dated May 5, 2017.

* cited by examiner



FIG. 1

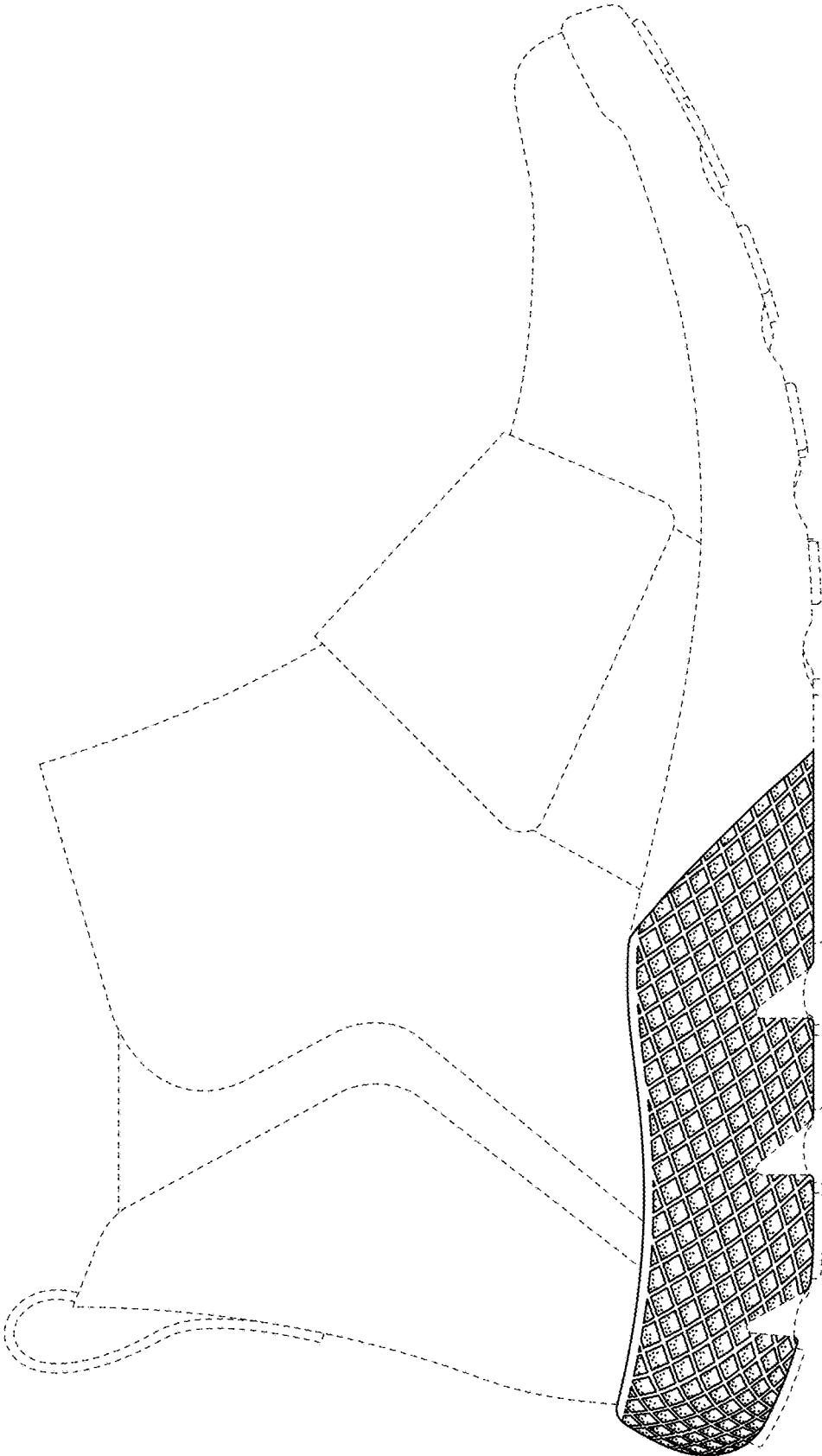


FIG. 2

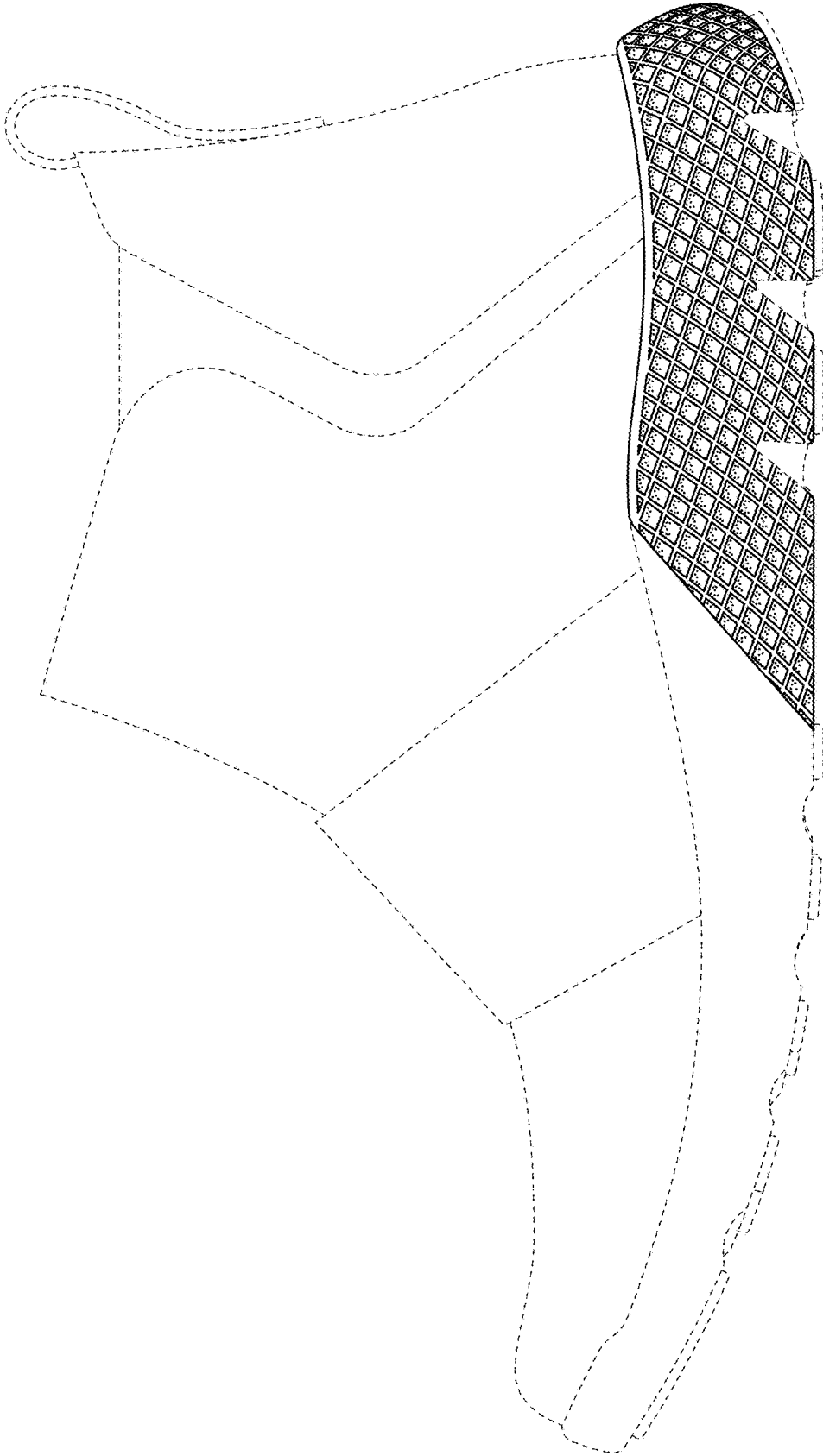


FIG. 3

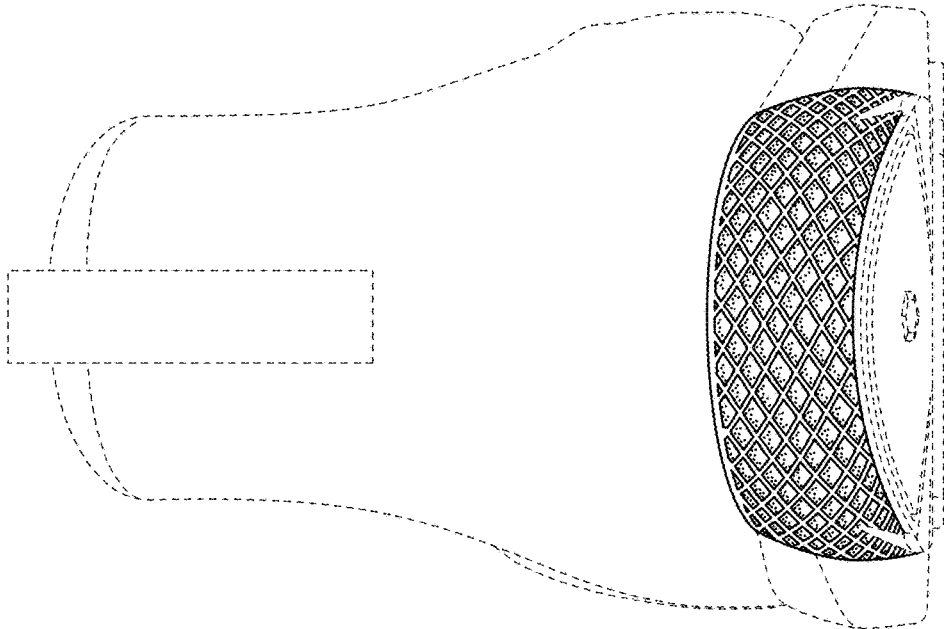


FIG. 5

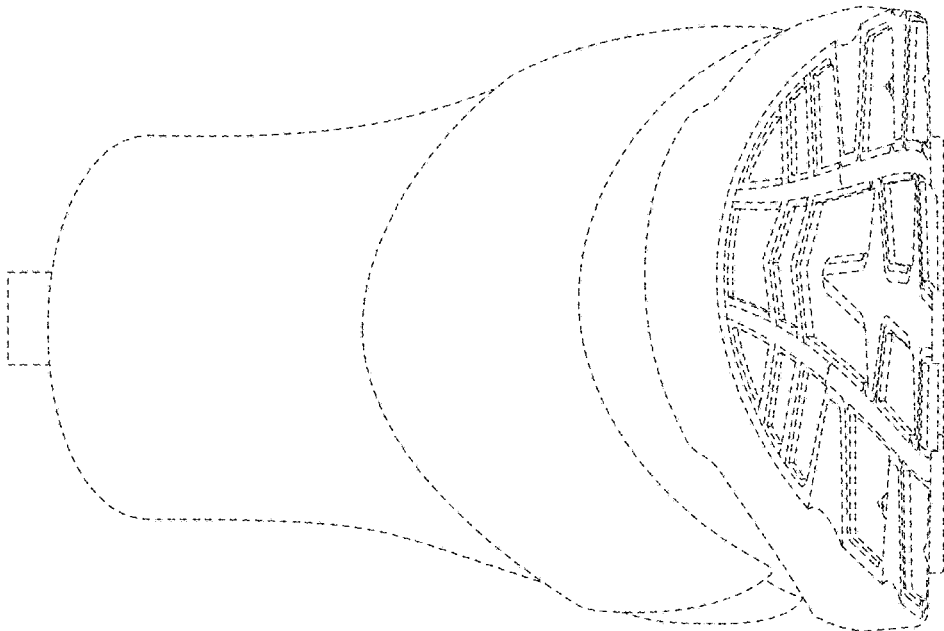


FIG. 4

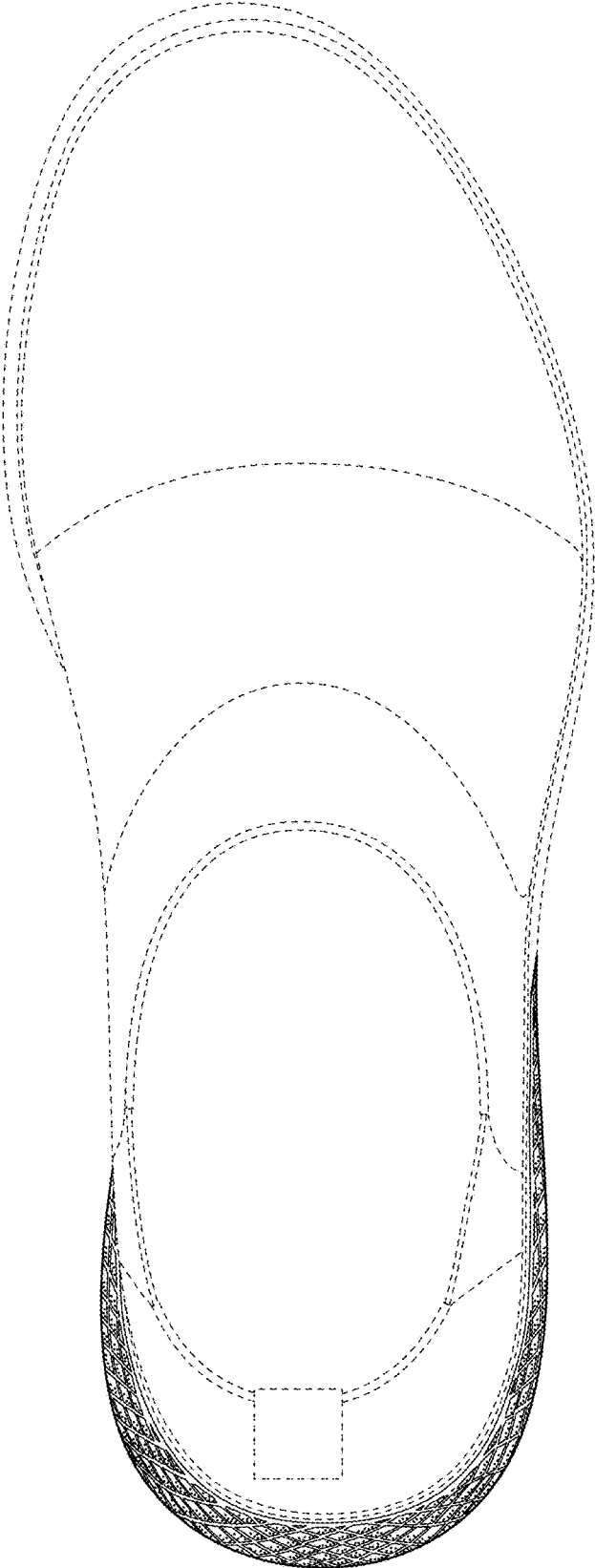


FIG. 6

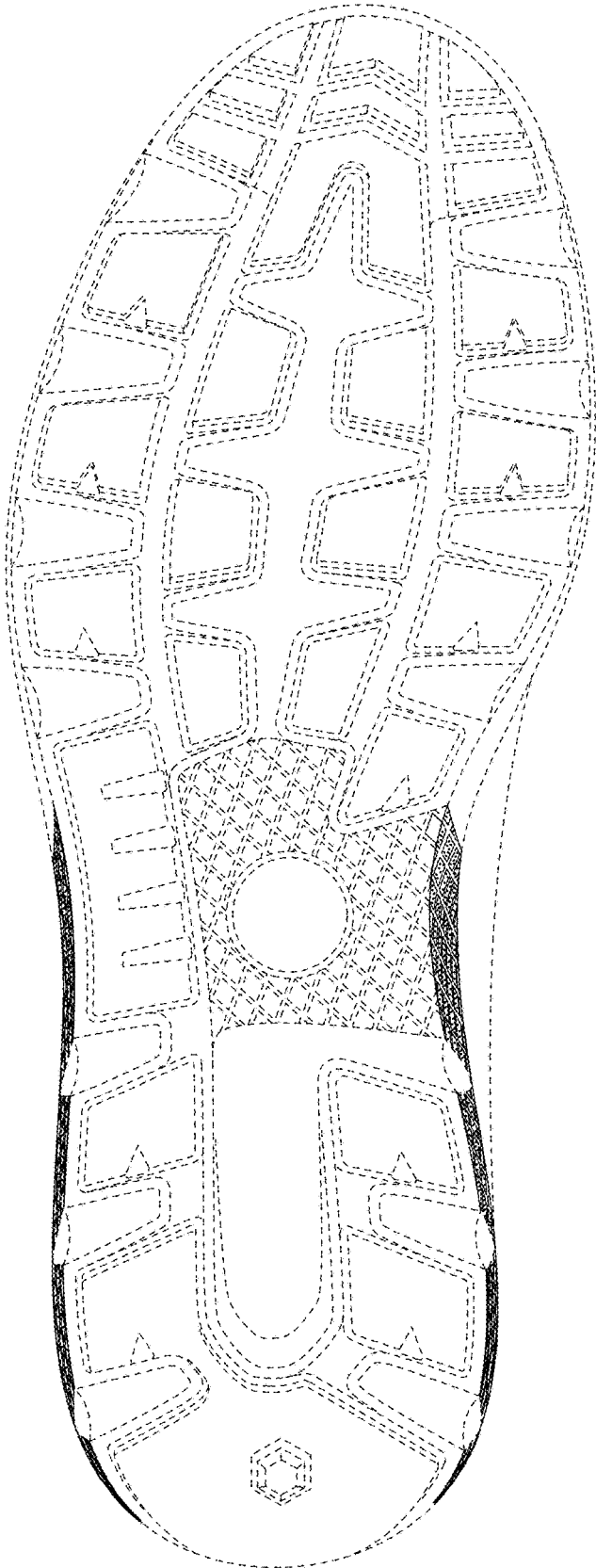


FIG. 7