



US00RE43214E

(19) **United States**
(12) **Reissued Patent**
Covatch

(10) **Patent Number:** **US RE43,214 E**
(45) **Date of Reissued Patent:** ***Feb. 28, 2012**

- (54) **METATARSAL PROTECTOR**
- (75) Inventor: **Charles E. Covatch**, Martinsburg, PA (US)
- (73) Assignee: **Columbia Insurance Company**, Omaha, NE (US)
- (*) Notice: This patent is subject to a terminal disclaimer.
- (21) Appl. No.: **12/016,445**
- (22) Filed: **Jan. 18, 2008**

2,988,829	A *	6/1961	Johnsen	36/72 R
3,101,559	A *	8/1963	Smith	36/72 R
3,108,386	A *	10/1963	MacQuaid	36/72 R
3,178,836	A *	4/1965	Turner	36/72 R
3,685,176	A *	8/1972	Rudy	36/71
3,841,004	A *	10/1974	Gray et al.	36/72 R
3,995,382	A *	12/1976	Smith	36/72 R
3,997,983	A *	12/1976	Terhoeven	36/72 R
4,083,127	A *	4/1978	Hanson	36/93
4,102,062	A *	7/1978	Adams	36/72 R
4,231,170	A *	11/1980	Griswold	36/72 R
4,342,159	A *	8/1982	Edwards	36/77 R
4,908,963	A *	3/1990	Krajcir et al.	36/77 R
5,457,898	A *	10/1995	Fortin et al.	36/72 R
5,513,450	A *	5/1996	Aviles Palazzo	36/128
5,701,688	A *	12/1997	Crowley	36/72 R
5,711,092	A *	1/1998	Despres et al.	36/72 R

(Continued)

Related U.S. Patent Documents

Reissue of:

- (64) Patent No.: **6,618,962**
- Issued: **Sep. 16, 2003**
- Appl. No.: **09/686,546**
- Filed: **Oct. 11, 2000**

FOREIGN PATENT DOCUMENTS

BE	522514	* 11/1955
CH	571834	* 1/1976
DE	1 103 811	3/1961

(Continued)

U.S. Applications:

- (63) Continuation of application No. 11/029,250, filed on Jan. 4, 2005, now Pat. No. Re. 40,757.

Primary Examiner — Marie Patterson

(74) *Attorney, Agent, or Firm* — St. Onge Steward Johnston & Reens LLC

- (51) **Int. Cl.**
A43B 7/32 (2006.01)
 - (52) **U.S. Cl.** **36/72 R; 36/96; 36/71**
 - (58) **Field of Classification Search** 36/96, 136, 36/77 R, 71, 72 R, 72 A
- See application file for complete search history.

(57) **ABSTRACT**

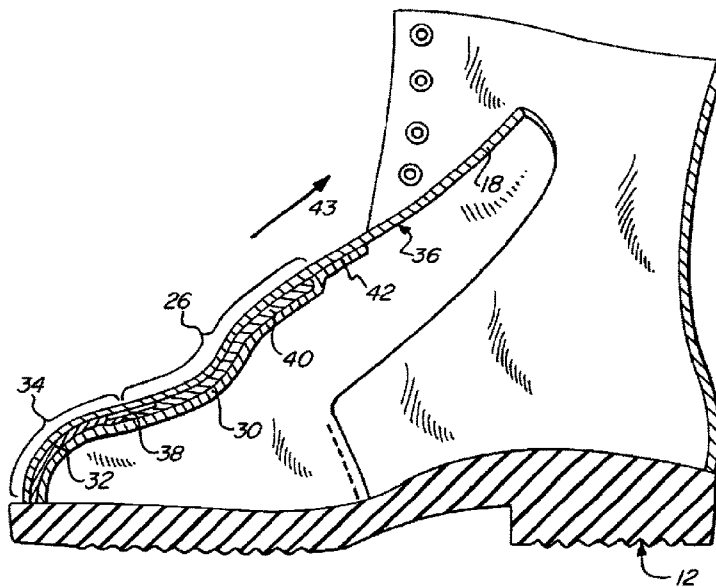
Footwear for protecting a wearer's foot includes an upper that defines an opening for receiving a wearer's foot and an outsole attached to the upper, the upper further including a vamp having a proximal and a distal region, an elastic instep guard positioned on an instep portion of the upper to protect a metatarsal region of the foot, the elastic instep guard extending from the distal region to the proximal region of the vamp which is attached to the toe portion of the steel toe. The instep guard has a plurality of hollow passages.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,829,449	A *	4/1958	Edwards et al.	36/72 R
2,915,837	A *	12/1959	Schlecht	36/72 R
RE24,897	E *	11/1960	Schlecht	36/72 R
2,972,824	A *	2/1961	Schlecht	36/72 R

12 Claims, 3 Drawing Sheets



US RE43,214 E

Page 2

U.S. PATENT DOCUMENTS

5,765,297	A *	6/1998	Cooper et al.	36/84
5,878,511	A *	3/1999	Krajcir	36/77 R
6,161,313	A *	12/2000	Bisson	36/72 R
6,170,174	B1 *	1/2001	Gesso	36/72 R
6,381,876	B2 *	5/2002	Krajcir	36/72 R
6,631,569	B1 *	10/2003	Scharbius et al.	36/72 R
2005/0034329	A1 *	2/2005	Chen et al.	36/45

FOREIGN PATENT DOCUMENTS

DE	24 26 727	3/1961
DE	1103811	* 3/1961
DE	2426727	* 3/1961
DE	25 36 443	2/1977
DE	2536443	* 2/1977

* cited by examiner

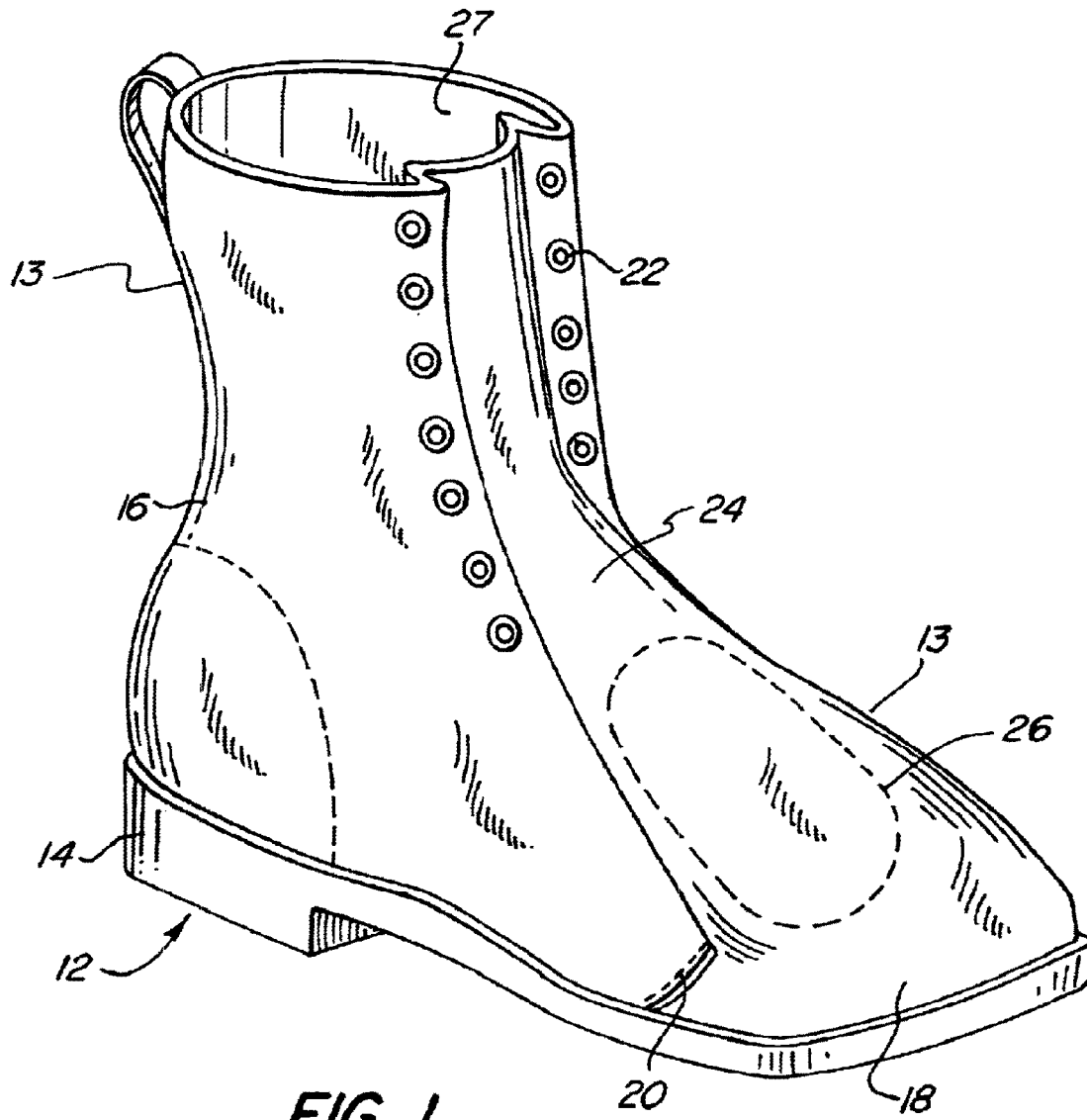


FIG. 1

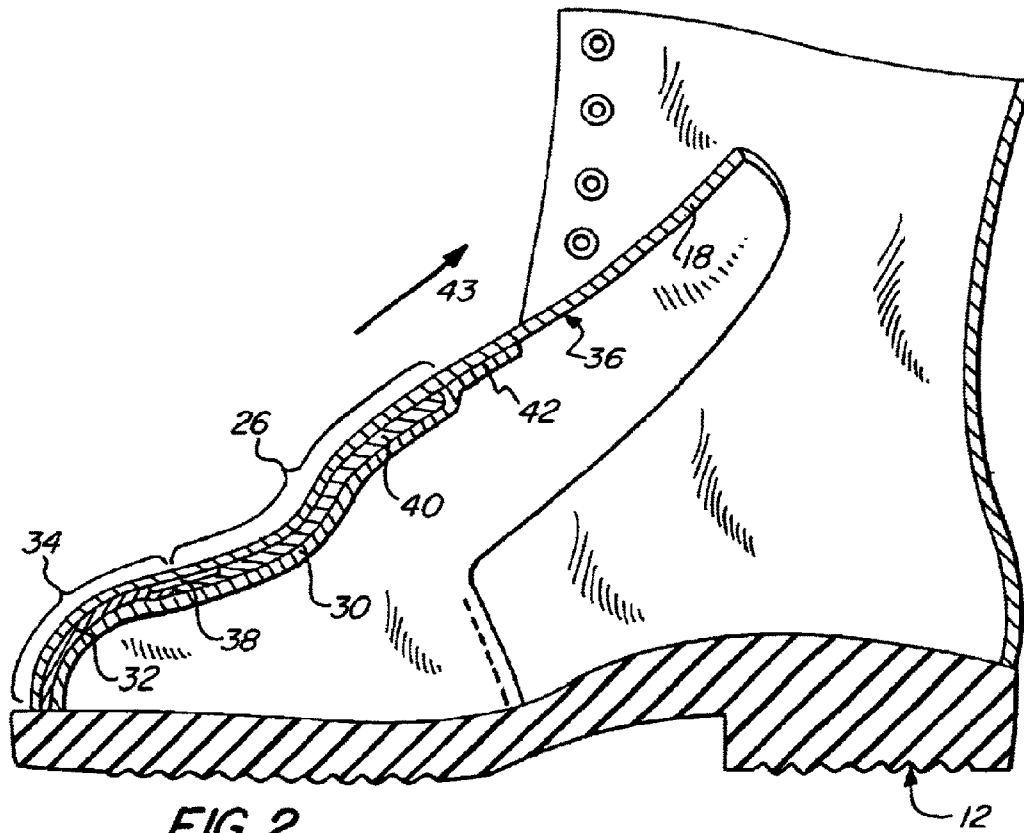


FIG. 2

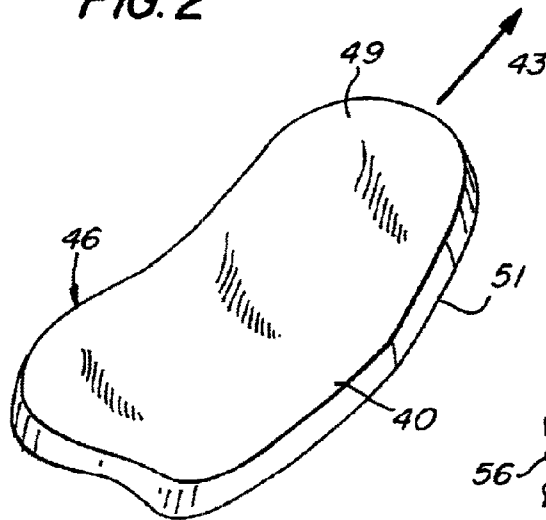


FIG. 3

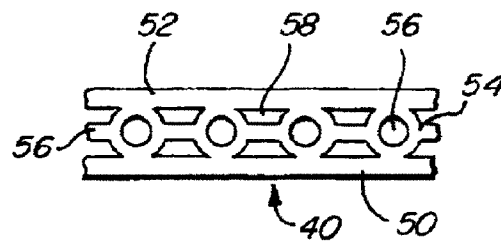
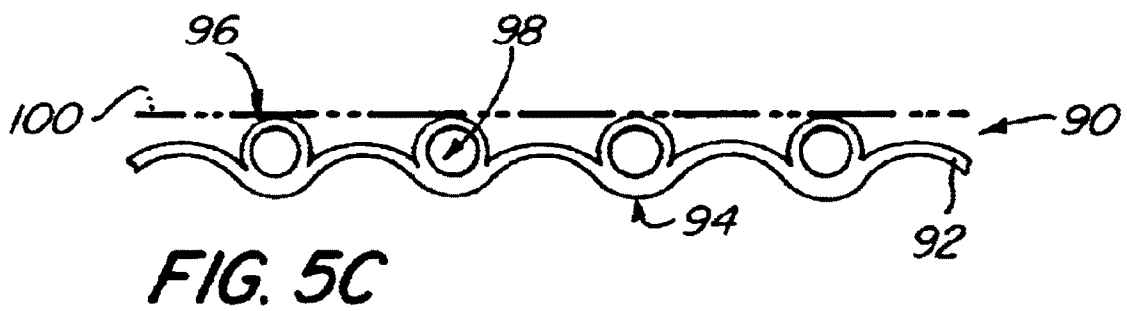
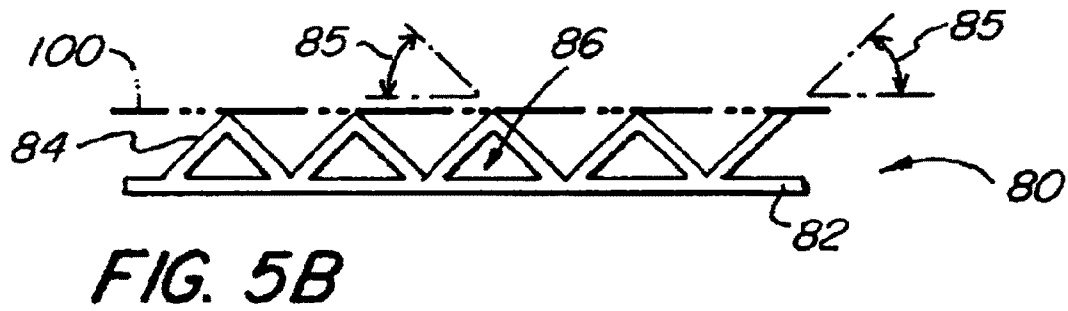
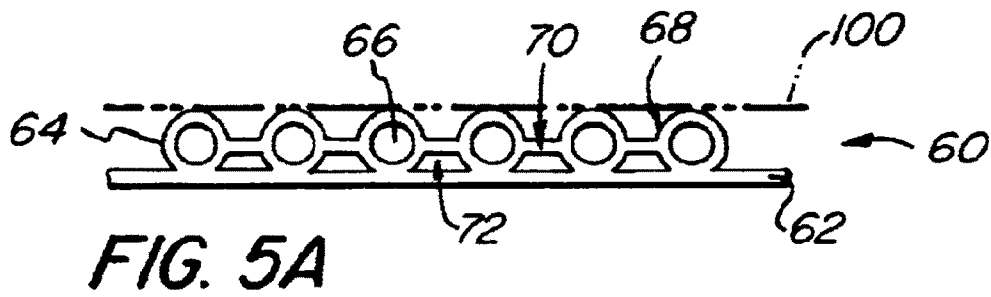


FIG. 4



METATARSAL PROTECTOR

Matter enclosed in heavy brackets [] appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions made by reissue.

More than one reissue application has been filed for the reissue of patent application Ser. No. 09/686,546, filed Nov. 11, 2000, now U.S. Pat. No. 6,618,962. The reissue applications are U.S. application Ser. No. 11/029,250, filed Jan. 4, 2005, now U.S. Pat. No. Re. 40,757, and the present application, which is a continuation reissue of the U.S. patent application Ser. No. 11/029,250.

TECHNICAL FIELD

This invention relates to footwear, and more particularly to safety footwear.

BACKGROUND

In harsh and dangerous environments (e.g., construction and lumber operations), workers often wear heavy-duty work shoes or work boots to protect their feet from injury as well to provide comfort and support. Indeed, the Occupational Safety and Health Administration has set forth regulations for the types of work boots and work shoes to be used by workers in certain occupations including construction and mining.

Work boots and work shoes used in such environments typically have soles and uppers fabricated of heavier and durable materials. In certain environments, additional protective features may be constructed within the work boot or work shoe. For example, where there is a risk of heavy articles being dropped on the wearer's foot, steel toes, metatarsal guards, and puncture-proof covers are typically incorporated into or over the upper. Similarly, in high voltage environments, thicker and higher dielectric materials are used in fabrication of the soles of the work boots and work shoes.

SUMMARY

In a general aspect of the invention, an instep guard for use in footwear to protect the metatarsal region of the a foot includes an elastic support having hollow passages, and a shape and size commensurate with the instep section of the footwear.

In another general aspect of the invention, footwear for protecting a foot includes an upper defining an opening for receiving a wearer's foot and an outsole attached to the upper, the upper further including an instep guard positioned at an instep portion and having the features described above.

Embodiments of the invention may include one or more of the following features. The instep guard includes a sheet and a plurality of support members extending from the sheet to define the hollow passages, which are filled with air. The elastic sheet and the support members define at least some of the hollow passages. The hollow passages are elongated and at least one of the passages has a cross-section that is circular, ovoid, or triangular in shape. The support members may define two different types of hollow passages, one of which has a cross section of a first shape and the other of which has a second cross section shape. The instep guard further includes a second sheet attached to the first sheet by the

support members. The instep guard may be formed of a flexible, resilient material such as rubber.

The instep guard is positioned on an underside of the instep portion of the footwear. For example, a liner is positioned beneath the instep portion of the footwear and the instep guard is then positioned on the underside of the instep portion by sewing the liner to the instep portion around the instep guard. The footwear further includes a steel toe positioned on a toe portion of the upper, and the instep guard is attached to the toe portion.

Among other advantages, the instep guard protects the metatarsal region of the foot from blows or forces that could, otherwise, injure the foot. The elastic nature of the instep guard and the air-filled channels make the footwear comfortable to the wearer. The instep guard provides sufficient protection against impacts that a wearer may be subjected to in a harsh environment.

The details of one or more embodiments of the invention are set forth in the accompanying drawings and the description below. Other features, objects, and advantages of the invention will be apparent from the description and drawings, and from the claims.

DESCRIPTION OF DRAWINGS

FIG. 1 is a perspective view of protective footwear having an instep guard positioned in an instep portion of the footwear:

FIG. 2 is a vertical cross-section of the footwear of FIG. 1; FIG. 3 is a perspective view of the instep guard of FIG. 1; FIG. 4 is a cross-section view of the instep guard of FIG. 3; FIGS. 5A-5C are cross-sectional views of alternative embodiments of the instep guard of FIG. 3.

Like reference symbols in the various drawings indicate like elements.

DETAILED DESCRIPTION

Referring to FIG. 1, a shoe 12 for protecting a foot includes an upper 13 having a quarter 16 and a vamp 18 attached together with stitching 20. Vamp 18 and quarter 16 may be constructed from a durable material, such as leather. An outsole 14 is attached to the upper 13 using conventional lasting techniques. Vamp 18 covers a front part of the foot, while quarter 16 covers a rear part of the foot. Vamp 18 has eyelets 22 for receiving conventional front lacing (not shown) and a tongue 24 for protecting the foot from the front lacing. Quarter 16 and vamp 18 together define an opening 27 of the upper 13 for receiving the foot.

Vamp 18 has an instep portion 26 that covers the metatarsal region of the wearer's foot when the shoe is worn. As will be described below in greater detail, shoe 12 includes an instep guard 40 (FIG. 2) that is positioned with the instep portion 26 to protect the metatarsal section of the foot, for example, from inadvertent blows or forces.

Referring to FIG. 2, shoe 12 also includes instep guard 40, a lining 30, and a steel toe 32. Steel toe 32, which protects the wearer's toe region, is attached to a toe portion 34 of an underside 36 of the vamp 18, for example, using glue. Tape 38 adheres the instep guard 40 to the steel toe 32, thereby positioning the instep guard 40 on instep portion 26 of the underside 36 of the vamp 18. The instep guard 40 is further held in place by stitching 42 surrounding instep guard 40, which attaches lining 30 to the underside 36 of the vamp 18. In this manner, instep guard 40 is sandwiched between the lining 30 and the vamp 18 and maintained in position along the under-

side **36** of the vamp **18** to protect the metatarsal region of the foot from inadvertent blows or forces.

Referring to FIG. 3, the instep guard **40** is a generally planar member that is large enough to cover and protect the instep portion **26** of the shoe **12**. The instep guard **40** is formed from an elastic material, such as rubber or a suitable synthetic material, which is sufficiently compliant to provide comfort to the foot but is elastic enough to provide protection to the metatarsals of the foot. In certain instances, the instep guard may be shaped to only cover the instep portion **26** of the shoe **12**, as shown in FIG. 3, to make the shoe **12** more comfortable. In these instances, the instep guard **40** may have an ovoid shape and may be elongated along an axis **43** of the foot to match the shape of the instep portion **26** of the shoe. The thickness of the guard is chosen to provide the necessary protection without making the shoe uncomfortable. For example, the guard may be a quarter of an inch thick, 4 inches long and 3 inches wide. The elastic material of the guard has channels running through it to provide better comfort and protection as described below with references to FIG. 4.

Referring to FIG. 4, instep guard **40** is formed to include hollow channels **56**, **58** that absorb shock to the feet without sacrificing comfort. In particular, instep guard **40** includes a first planar sheet **50** and a second planar sheet **52**, with curved support members **54** extending between the planar sheets **50**, **52** to define elongated hollow channels **56** with circular cross-sections. The channels extend through the instep guard **40**, for example, along the axis **43** of the foot. Cross pieces **55** join convex surfaces of adjacent curved members. Each cross piece **55**, defines an elongated hollow channels **58** with each planar sheet **50**, **52** and the corresponding curved members **54**. The hollow channels **58** each have a substantially trapezoidal cross-section. Thus the instep guard **40** defines parallel air-filled channels aligned along the axis **43** of the foot to provide protection from inadvertent blows or forces to the metatarsals of the foot without making the shoe uncomfortable.

Referring to FIG. 5A, a first alternative embodiment of the instep guard **60** has a single planar sheet **62** with curved support members **64** extending from the planar sheet **62** to define circular air-filled channels **66**. Concave surfaces **68** of the support members **64** are joined by cross pieces **70** to define air-filled channels **72** with substantially trapezoidal cross-sections.

Referring to FIG. 5B, a second alternative embodiment of the instep guard **80** that has a single planar sheet **82**. Planar support members **84** extend from the planar sheet **82** at an angle **85** (such as 60°) to define elongated channels **86** with triangular cross-sections.

Referring to FIG. 5C, a third alternative embodiment of the instep guard **90** includes an undulating sheet **92** defining furrows **94**. Curved support members **96** extend from the furrows **94** to define elongated channels **98**, which have ovoid cross-sections. In all three alternate embodiments, it is preferable to have a second sheet **100** connected to the first sheet **62**, **82**, **92** by the support members **64**, **84**, **96**. However, the second sheet may be omitted in certain applications.

A number of embodiments of the invention have been described. Nevertheless, it will be understood that various modifications may be made without departing from the spirit and scope of the invention. For example, the air-filled channels may have any shape or configuration so long as they provide the necessary protection to metatarsals. For example, they need not be parallel or elongated. Similarly, the instep guard does not have the same shape as the instep portion of the shoe **12**. For example, it could be larger than the instep portion

so long as it provides protection to the instep portion. The instep guard may be used with a shoe that does not include a steel toe.

Accordingly, other embodiments are within the scope of the following claims.

What is claimed is:

[1. Footwear for protecting a foot, comprising:

a vamp of an upper extending from a toe portion to an instep portion;

a liner positioned beneath said instep portion;

a steel toe positioned beneath said toe portion;

an elastic guard positioned between said instep portion and said liner and including a plurality of hollow passages; and

said elastic instep guard is in direct contact with said steel toe and extends from said steel toe toward said instep portion for providing continuous protection to the foot.]

[2. The footwear of claim 1, wherein the instep guard includes:

a first sheet; and

a plurality of support members extending from the first sheet to define the plurality of the hollow passages.]

[3. The footwear of claim 2, wherein the instep guard further comprises a second sheet connected to the first sheet by the support members.]

[4. The footwear of claim 1, wherein at least some of the plurality of holes are defined by the first sheet and support members.]

[5. The footwear of claim 1, wherein the hollow passages are filled with air.]

[6. The footwear of claim 1, wherein the hollow passages are elongated.]

[7. The footwear of claim 1, wherein at least one of the elongated hollow passages has cross-section that is either circular, ovoid, or triangular in shape.]

[8. The footwear of claim 1, wherein the support members define a first type of elongated passage with a first cross-section shape and a second type of elongated passage with a second cross-section shape.]

[9. The footwear of claim 1, wherein the instep guard includes a resilient material.]

[10. The footwear of claim 1, wherein the instep guard is positioned on an underside of the instep portion of the footwear.]

11. Footwear for protecting a foot, comprising:

a toe of the footwear;

a vamp of an upper extending from said toe to an instep portion;

a liner positioned beneath said instep portion;

an instep guard positioned between said instep portion and said liner and including a plurality of enclosed hollow passages; and

said instep guard is in direct contact with said toe and extends from said toe toward said instep portion for providing continuous protection to the foot.

12. The footwear of claim 11, wherein said plurality of channels are generally aligned along a longitudinal axis of said guard.

13. The footwear of claim 12, wherein said plurality of channels are air-filled.

14. Footwear for protecting a foot, comprising:

a toe of the footwear;

a vamp of an upper extending from said toe to an instep portion;

a liner positioned beneath said instep portion;

an instep guard positioned between said instep portion and said liner;

5

wherein said instep guard comprises a sheet having a planar surface adjacent to said instep portion, a plurality of support members extending from the sheet to define a plurality of hollow passages, and a second sheet connected to the sheet having the planar surface by said plurality of support members; and

said instep guard is in direct contact with said toe and extends from said toe toward said instep portion for providing continuous protection to the foot.

15. The footwear of claim 14, wherein at least some of the plurality of hollow passages are defined by the sheet having the planar surface and the support members.

16. The footwear of claim 14, wherein the hollow passages are filled with air.

17. The footwear of claim 14, wherein the hollow passages are elongated.

6

18. The footwear of claim 14, wherein at least one of the elongated hollow passages has cross-section that is either circular, ovoid, or triangular in shape.

19. The footwear of claim 14, wherein the plurality of support members define a first type of elongated passage with a first cross-section shape and a second type of elongated passage with a second cross-section shape.

20. The footwear of claim 14, wherein the instep guard includes a resilient material.

21. The footwear of claim 14, wherein the instep guard is positioned on an underside of the instep portion of the footwear.

22. The footwear of claim 11, wherein said instep guard is an undulating sheet.

* * * * *