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(54) **TOE NAIL POLISH GUARD**

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(57) **ABSTRACT**

The present device generally relates to a toe nail polish guard and more particularly, the device relates to a toe nail polish guard for assisting a user after receiving a pedicure. The device acts as a removable portion of an article of footwear which attaches to the front of the footwear. A series of toe dividers separates the toes and protects them from contacting each other. The device is secured to the footwear by a securing mechanism.

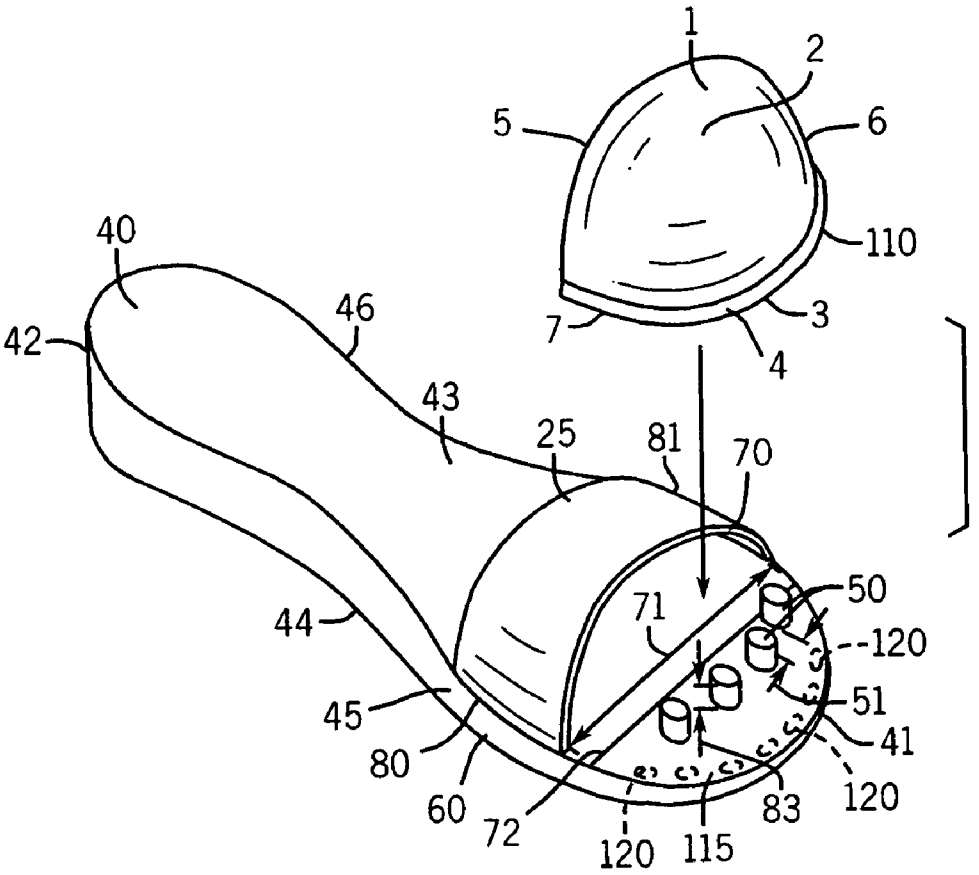


FIG. 1

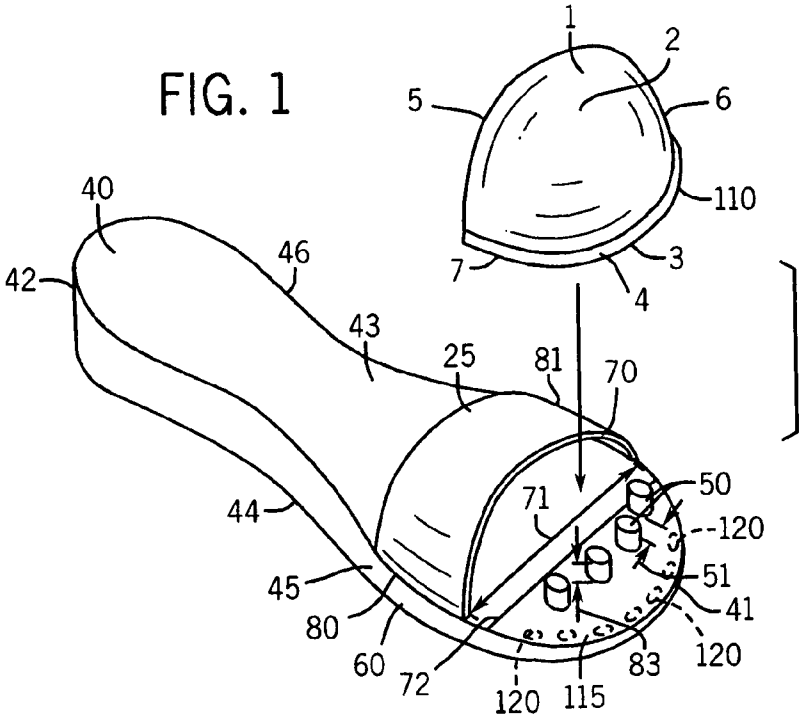
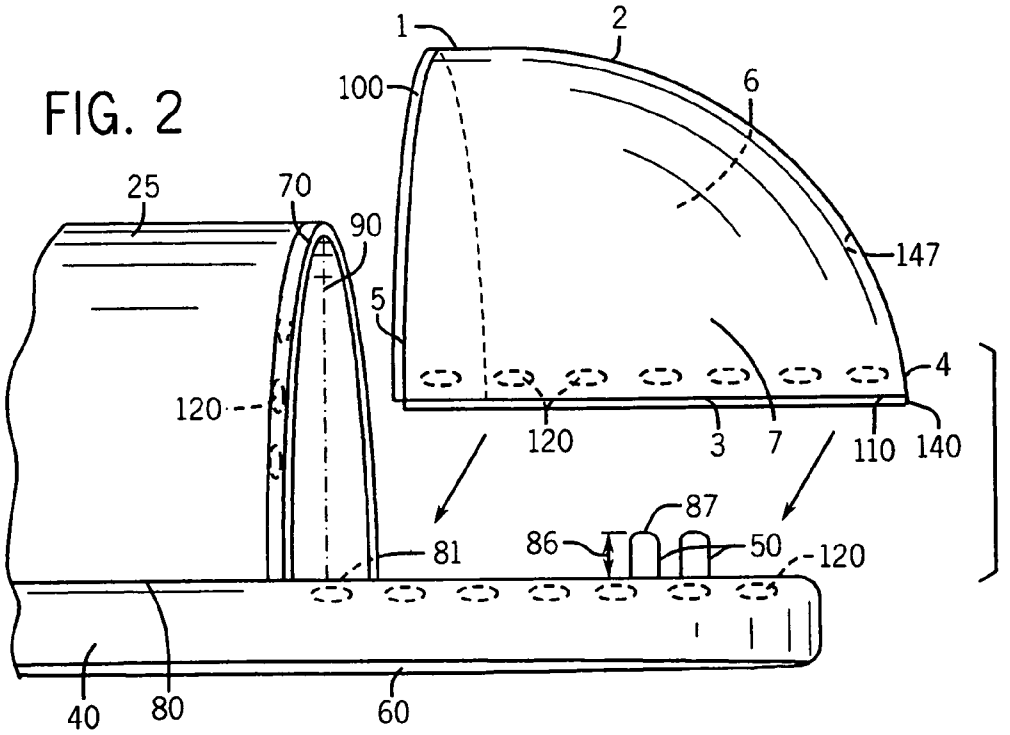

1
2
5
6
110
3
7
4
40
46
42
43
25
81
70
50
71
120
51
41
44
45
80
60
72
120
115
83
120

FIG. 2


1
2
100
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90
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120
120
3
7
110
140
87
86
50
120
81
40
80
60

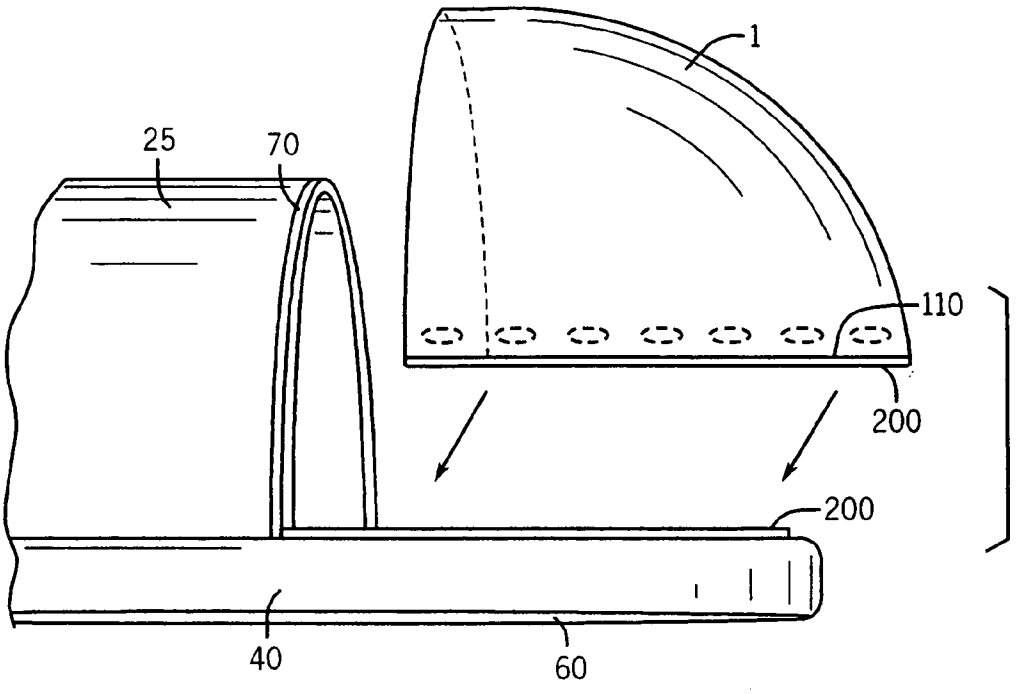


FIG. 3

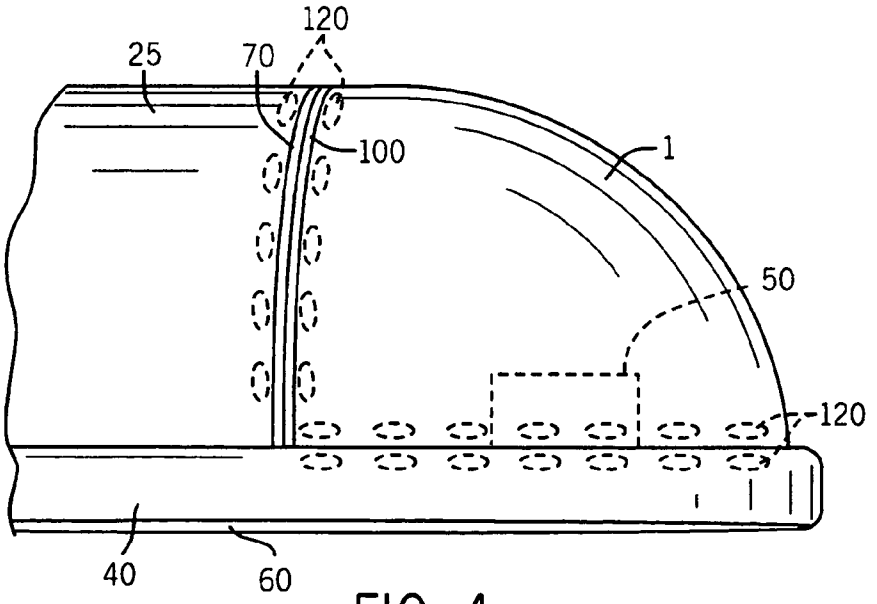


FIG. 4

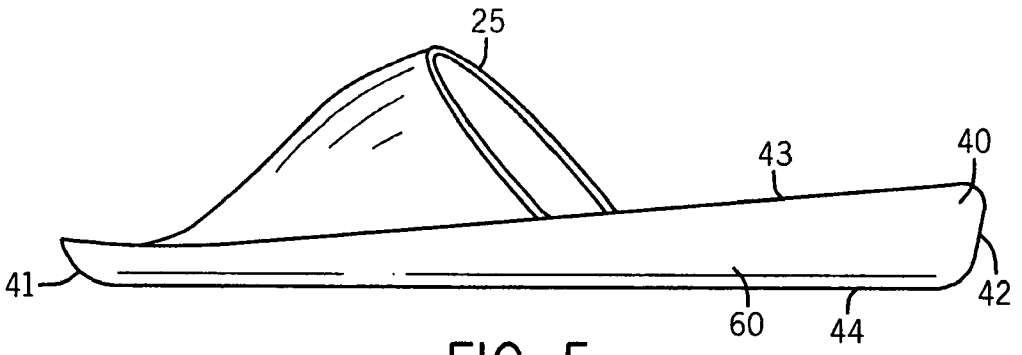


FIG. 5

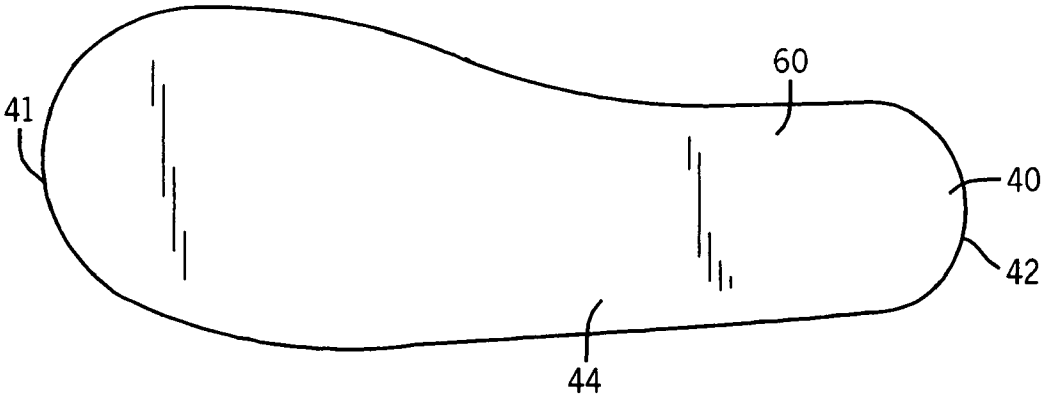


FIG. 6

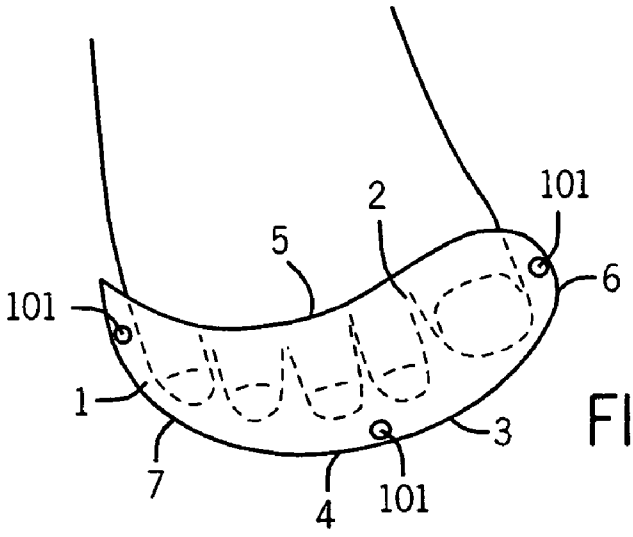


FIG. 7

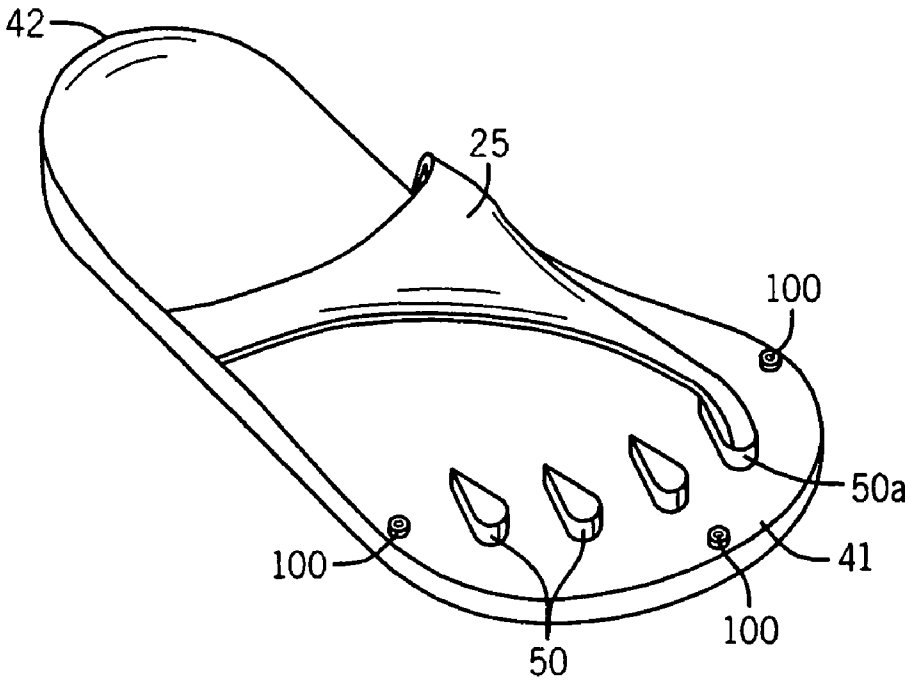


FIG. 8

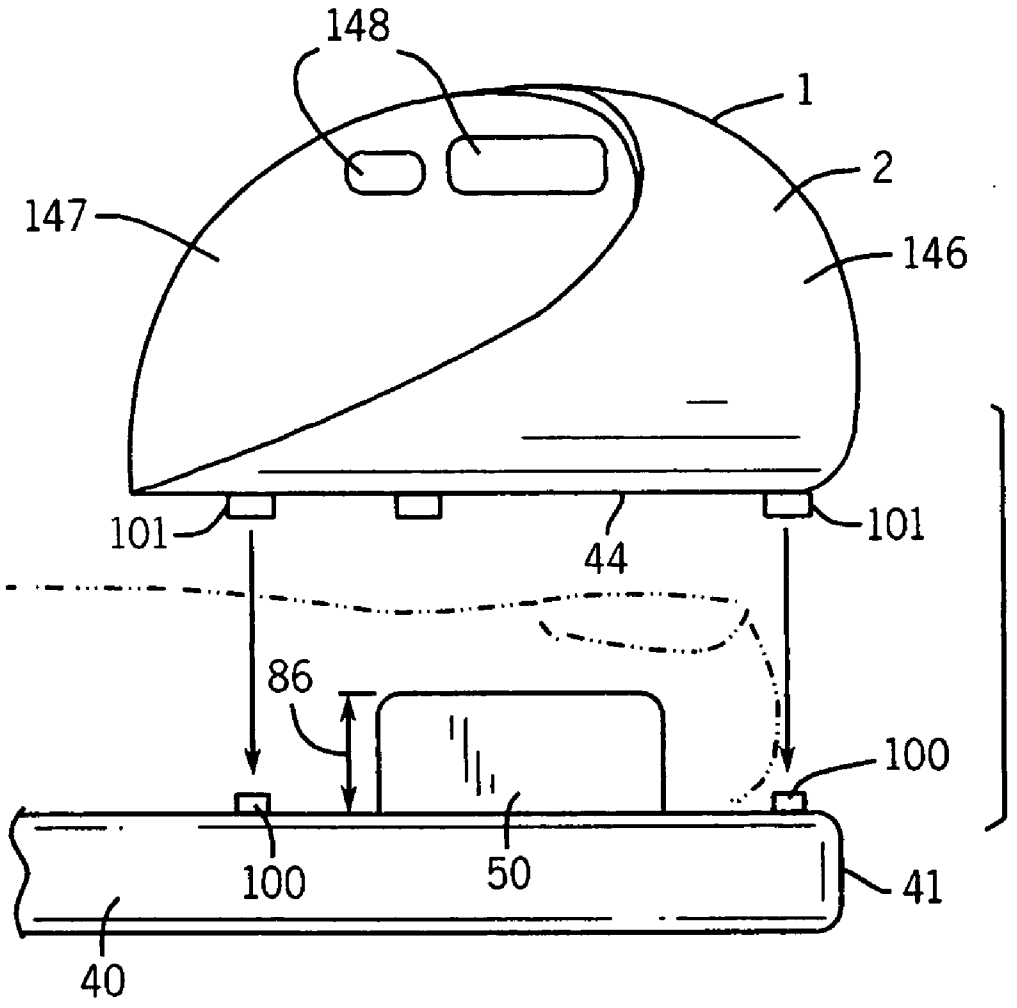


FIG. 9

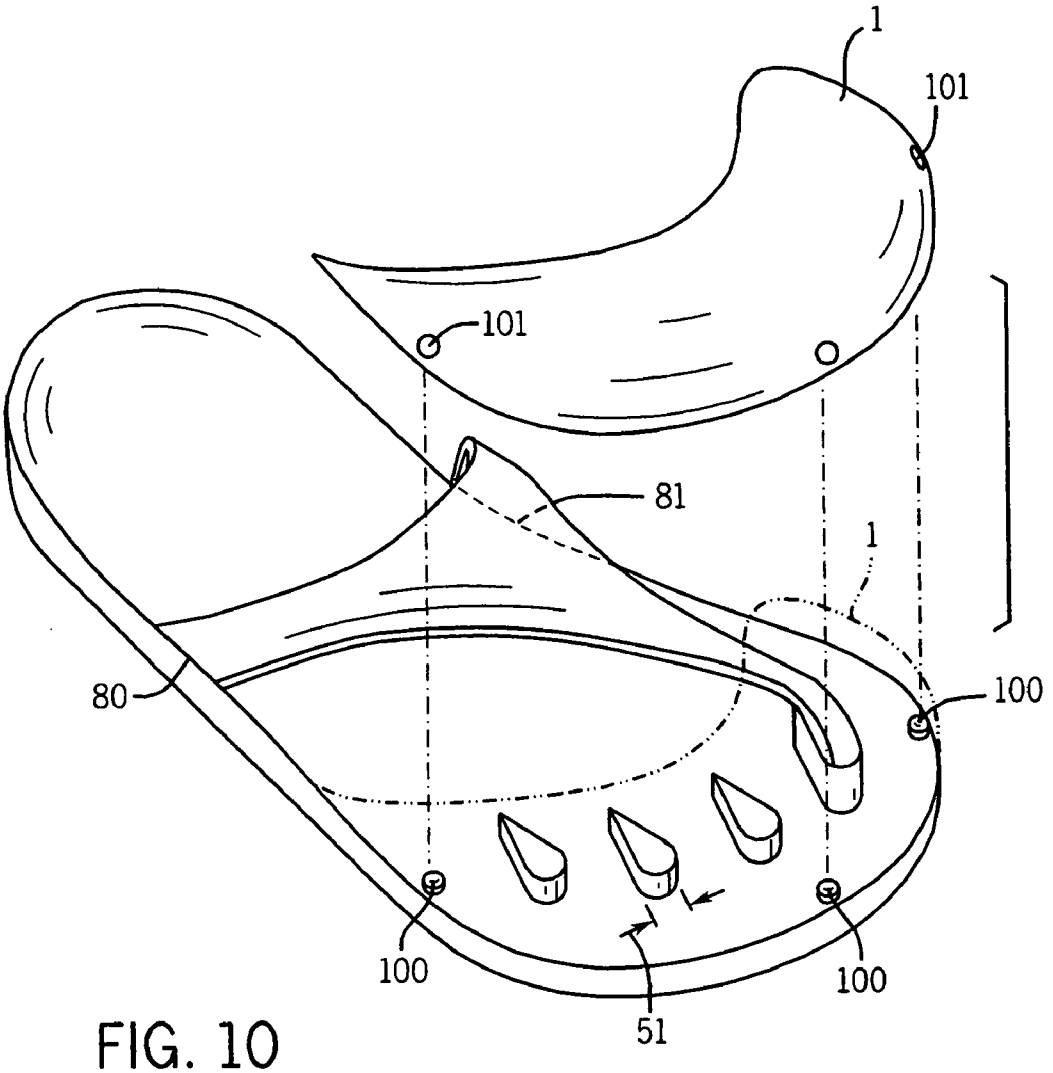


FIG. 10

TOE NAIL POLISH GUARD

CROSS-REFERENCE TO RELATED APPLICATION

[0001] This application claims the benefit of U.S. Provisional Application Ser. No. 61/212,729 filed Apr. 15, 2009 the same being incorporated herein by reference.

BACKGROUND OF THE INVENTION

[0002] The present device generally relates to a toe nail polish guard and more particularly, the device relates to a toe nail polish guard for assisting a user after receiving a pedicure. The device acts as a removable portion of an article of footwear which attaches to the front of the footwear. A series of toe dividers separates the toes and protects them from contacting each other. The device is secured to the footwear by a securing mechanism.

[0003] The average adult takes a staggering eight to ten thousand steps a day. Adding up to over one hundred thousand miles in the course of a lifetime, feet can carry a person just about anywhere they want to go. Unfortunately, most people tend to take their feet for granted. Whether by wearing impossibly tall heals, oxfords with little cushioning or shoes that do not fit properly most put their feet through endless abuse and then complain when they are tired, aching or sore.

[0004] Luckily, millions of Americans routinely treat their feet to a little pampering in the form of a pedicure. A pedicure involves soaking the feet in a warm bath to soften the skin, a gentle massage, removal of dead skin around the foot and a neat trim of the toenails and cuticle area. For woman, this is then usually followed up with a few coats of nail polish. Although typically thought of as cosmetic indulgence, a pedicure is a healthy part of routine foot care because it can prevent the buildup of calluses and dry skin.

[0005] Additionally, as most pedicures involve grooming the toenails, this relaxing treatment can also effectively reduce the painful problems of ingrown nails.

[0006] As mentioned, for female consumers, a pedicure typically involves the application of polish to the toes. Whether one prefers pale pink polish or bright red toenails, polishing the toe allows a female to showcase her feet when wearing sandals or other open toe shoes. Simply stated, most fashion conscious females would not be caught dead sporting "naked toes." As such, caring for toe nail polish is crucial. Unfortunately, simply by donning a pair of shoes before the nails have thoroughly dried can mar perfectly applied toe nail polish, resulting in a pristine pedicure become smeared, streaked, and otherwise ruined. Perhaps that is why so many people improvise; walking haphazardly on their heels, shoving rolled tissue between their toes or simply sitting stranded until their nails are completely dry. As can be imagined, all of these "solutions" can be awkward at best, with one ending up with dirty feet, lint between their toes, or a wasted afternoon spent waiting for the sticky, tacky nail polish to become dry and hardened.

[0007] Some inventions have been created in an attempt to correct these problems. U.S. Pat. No. 4,207,880 to Zinkovich discloses an apparatus which utilizes a corrective aid for separating overlapping or crooked toes, and as a pedicure aid to keep toes separated during pedicures, polish or medicine applications, etc. The apparatus can be worn either interiorly of an appropriate shoe or slipper, or as a separate article of footwear such as a scuff or sandal, and includes a sole portion, padding attached to the underside of the sole portion, and slits formed in the toe region of the sole portion to provide pockets for positive retention of as many toe separator elements as needed.

[0008] U.S. Pat. No. D415,858 to Funatogawa discloses an ornamental design for a toe stretcher. U.S. Pat. No.: D420,785 to Perez discloses an ornamental design for a pedicure slipper. U.S. Pat. No.: D439,704 to Ikeda discloses an ornamental design for a toe opener.

[0009] However, these patents fail to provide a toe nail polish guard which is suitable for use in an easy and convenient manner. More specifically, the previous toe nail polish guards fail to provide a reliable mechanism for protecting newly polished toe nails. A need therefore exists for a new toe nail polish guard which incorporates the features of the present toe nail polish guard. Further, a need exists for a toe nail polish guard which may be easily used and provides protection to the user during normal daily activities.

SUMMARY OF THE INVENTION

[0010] The present device generally relates to a toe nail polish guard and more particularly, the device relates to a toe nail polish guard for assisting a user after receiving a pedicure. The device acts as a removable portion of an article of footwear which attaches to the front of the footwear. A series of toe dividers separates the toes and protects them from contacting each other. The device is secured to the footwear by a securing mechanism.

[0011] An advantage of the toe nail polish guard is to provide a guard which protects the look and strength of toe nails after polish has been applied.

[0012] Yet another advantage of the toe nail polish guard is to provide a toe nail polish guard which allows a user to alternate between an open toe or a closed toe sandal.

[0013] And another advantage of the toe nail polish guard is to provide a device which separates the toes after a pedicure.

[0014] Another advantage of the toe nail polish guard is to provide a device which provides a corrective guide to position the toes of a person in a proper orientation.

[0015] And another advantage of the toe nail polish guard is to provide a guard which is light weight and easy to produce.

[0016] Still another advantage of the toe nail polish guard is to provide a device which allows a user to walk comfortably in sandals after receiving a pedicure.

[0017] For a more complete understanding of the above listed features and advantages of the toe nail polish guard, reference should be made to the following detailed description of the preferred embodiments and to the accompanying drawings. Further, additional features and advantages of the present toe nail polish guard are described in, and will be apparent from, the detailed description of the preferred embodiments and from the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

[0018] FIG. **1** illustrates a top perspective view of the toe nail polish guard.

[0019] FIG. **2** illustrates a side view of the device being placed over a sandal.

[0020] FIG. **3** illustrates a side view of the device having a securing mechanism to secure to an article of footwear.

[0021] FIG. **4** illustrates a side view of the sandal wherein the device is secured onto the sandal.

[0022] FIG. **5** illustrates a side view of an embodiment of the sandal

[0023] FIG. **6** illustrates a bottom view of an embodiment of the sandal.

[0024] FIG. **7** illustrates a top view of the device wherein the device is tear-shaped.

[0025] FIG. **8** illustrates a perspective view of device wherein the toe dividers are tear-shaped and a divider is part of the strap.

[0026] FIG. **9** illustrates a side view of the dividers of the sandal.

[0027] FIG. **10** illustrates a perspective view of an embodiment of the device secured onto a sandal.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0028] The present device generally relates to a toe nail polish guard and more particularly, the device relates to a toe nail polish guard for assisting a user after receiving a pedicure. The device acts as a removable portion of an article of footwear which attaches to the front of the footwear. A series of toe dividers separates the toes and protects them from contacting each other. The device is secured to the footwear by a securing mechanism.

[0029] As illustrated in FIG. **1**, the present device **1** is a toe nail polish guard for assisting a user following, for example, a pedicure. Similar in appearance to a thong style sandal, the article of footwear of the present device **1** is comprised of a cushiony foam rubber molded insole and sole, on top of which a single or series of rubber toe dividers would be integrally attached.

[0030] The device **1** may have a top side **2**, a bottom side **3**, a front **4**, a back **5**, a first side **6** and a second side **7**. In addition, the device **1** may have an exterior surface **146** (see FIG. **9**) facing away from the toes and an interior surface **147** (see FIG. **9**) facing the toes. The device **1** may largely take the shape of, for example, a quarter of a circle (or tear-shaped as described below) which fits on the front end of a sandal **40**. The device **1** may have different shapes, as will be described below in the description and in the accompanying drawings.

[0031] The device **1** is suitable for attachment on a sandal **40**. The sandal **40** may have a front side **41**, a back side **42**, a top side **43**, a bottom side **44** (FIG. **6**), a first side **45** and a second side **46**. While in use, the toes of a person may be located at the front side **41** of the sandal **40**. A strap **25** may extend from the first side **45** to the second side **46** of the sandal **40**. The trap may take alternative forms, as described below. The strap **25** may help secure the foot of the user into the sandal **40** during use. In an embodiment, a second and or third strap (not shown) may be located near the heal of the foot to further secure the foot of the user within the sandal **40** during use. A series of dividers **50** may be located near the front side **41** of the sandal **40**. Generally, four dividers **50** are provided to separate the five toes of a typical person. The dividers **50** may have a width **51** which may extend the normal distance between the toes so that the toes do not contact each other during use of the sandal **40**. The dividers **50** may have a length **83** which may be substantially similar to the length of the toes it separates. As a result, the typical dividers **50** range from a half inch to two inches in length **83**. In an embodiment, the dividers **50** may be tear-shaped, as discussed below.

[0032] The dividers **50** may further have a height **86** (FIG. **9**). In an embodiment, the height **86** of the dividers **50** may be generally greater than the height of the toes so that the device **1** does not come into direct contact with the toes while in use. More specifically, in an embodiment, the dividers **50** may have a height **86** great enough so that the top **87** of the dividers **50** may come into direct contact with, and support, the interior surface **147** of the device **1**. As a result, in an embodiment, the device **1** may be vertically supported by the dividers **50**. Further, in an embodiment, the interior surface **147** (FIG. **9**) of the device **1** may have a plurality of receiving indentations **148** for receiving and securing the plurality of dividers **50**. More specifically, the receiving indentations **148** may receive the top **87** of the dividers **50** of the sandal **40** thereby providing greater support to the article of footwear. In an alternative embodiment, the height **86** of the dividers **50** may be less than the height of the toes (see FIG. **4** and the description below).

[0033] The bottom side **44** of the sandal **40** may have a sole **60**. The sole **60** may be made from, for example, rubber, plastic or leather. The sole **60** may protect the sandal **40** from wear and tear and may have a tread to help the user obtain traction and reduce the chances of slipping. The thickness of the sole **60** of the sandal **40** may be larger at the back side **42** than at the front side **41** (see FIG. **5**). As a result, the user may have more support on the heal of the foot. In addition, the larger sole **60** at the back side **42** of the sandal **40** may slightly elevate the user and allow them to appear taller.

[0034] The strap **25** of the sandal **40** may have a first end **80** and a second end **81**. The first end **80** of the strap **25** of the sandal **40** may be permanently secured to the first side **45** of the sandal **40** and the second end **81** of the strap **25** may be permanently secured to the second side **46** of the sandal **40**. When secured, the distance **71** between the first end **80** of the strap **25** of the sandal **40** and the second end **81** of the strap **25** of the sandal **40** is substantially similar to a width of the sandal **72**. Further, when secured to the sandal **40**, the strap **25** may create an arch having a generally consistent greatest height **90** over the sandal **40**. The strap **25** of the sandal **40** may further have a front edge **70**.

[0035] An edge **100** may be located at the back **5** of the toe nail polish guard **1**. The edge **100** of the toe nail polish guard **1** may be substantially similar in size and shape with the front edge **70** of the strap **25** of the sandal **40**.

[0036] The toe nail polish guard device **1** may be removable from the sandal **40**. More specifically, the toe nail polish guard device **1** may be removable from the sandal **40** by, for example, a temporary securing device running along an outer perimeter **110** of the device **1** which correspondingly secures to an outer perimeter **115** located on the top side **43** of the sandal **40**. More specifically, a plurality of magnets **120** may be embedded within the top side **43** of the sandal **40** running along the outer perimeter **115**. Further, magnets **120** having opposite polarity may be secured within the outer perimeter **110** of the device **1**. The plurality of magnets **120** in both the sandal **40** and the device **1** may be obscured from view within the sandal **40** and the device **1** by, for example, being sewn into the same. Preferably, the same number of magnets **120** are located within the sandal **40** as are located within the removable device **1**. Further, the magnets **120** in the sandal **40** substantially align with the magnets **120** in the device **1** while the device **1** is placed over the front **43** of the sandal **40**.

[0037] The magnets **120** of both the sandal **40** and the device **1**, when aligned together, create enough force to secure the device **1** onto the sandal **40** such that the device **1** will not inadvertently become dislodged from the sandal **40** during normal use. When the user desires to remove the device **1**

from the sandal **40**, the user may exert enough force to overcome the interaction of the magnets **120**.

[0038] In use, a person may obtain a pedicure and/or may polish the toe nails while wearing the sandal **40**. After the toes are finished, the user may secure the device **1** over the front **43** of the sandal **40** without having to move the foot from the sandal **40**. The user may elect to wear the sandal **40** with the device **1** secured onto the sandal **40** or may elect to wear the sandal **40** without the device **1**, thereby allowing the toes to be freely exposed to the elements.

[0039] A flap **140** may hang over the outer perimeter **110** of the device **1**. The flap **140** may be made from, for example, cloth, leather, plastic, rubber or the like. When the device **1** is secured onto the sandal **40**, the flap **140** may help cover the slight opening created between where the sandal **40** and the device **1** meet. As a result, dirt or other debris may be prevented from finding its way into the interior of the sandal **40** during use.

[0040] Referring now to FIG. **3**, in an embodiment, the device **1** may be secured to the top **43** and front side **41** of the sandal **40** by, for example, not magnets **120**, but a hook and look fastener system **200**, such as Velcro®. The magnets **120** and/or the hook and loop fastener system **200** may also run along the front edge **70** of the strap **25** and the edge **100** of the device **1** to further temporarily secure the device **1** to the sandal **40** when in use.

[0041] Alternatively, the device **1** may be secured to the sandal **40** by, for example, a series of three snap buttons **100**. More specifically, three snap button attachments **101** located on, for example, the bottom side **44** of the device **1** may be removable secured to the top side **43** of the sandal **40**. The snap buttons **100** of the device **1** may snap onto the sandal **40** while in use and may be removed by applying substantially equal force in the opposite direction.

[0042] During use, the user may insert his or her foot into the sandal **40**. More specifically, the foot goes under the strap **25** and is secured to the sandal **40**. The toes of the user are spread apart by the four dividers **50** attached to the top side **43** of the sandal **40**. When the device **1** is attached to the sandal **40**, the toes and toe nails are protected from objects falling on them or from other objects which may come into contact with the toes during everyday life.

[0043] The device **1** may be produced in a variety of colors and printed designs, including transparent so that the toe nails may be viewed while the guard is locked into place on the sandal **40**. Further, the sandals **40** and corresponding device **1** may be produced in a variety of sizes to accommodate men and or women of different body sizes and ages. When not in use, the user may simply carry the device **1** in, for example, a purse after the toe nails have dried.

[0044] Referring now to FIG. **7**, in an embodiment, the device **1** may be tear-shaped. More specifically, the first side **6** of the device **1** may be larger than the second side **7** of the device **1**. As a result, the device **1** may be tear-shaped. The first side **6**, the thicker side, of the device may cover the large toe of the user while the second side **7**, the smaller side, may cover the pinky toe with the device **1** progressively becoming narrower from the first side **6** to the second side **7**. The benefit of only covering the actual toe nail is that air may easily access the remaining uncovered portions of the toes and may allow for healthier feet and allow for quicker drying of nail polish. In the embodiment wherein the device **1** is tear-shaped, the back **5** of the device **1** does not connect directly with the strap **25** of the sandal. This embodiment is illustrated in FIG. **10**.

[0045] Referring now to FIG. **8**, in an embodiment, the dividers **50** may be tear-shaped. More specifically, the dividers **50** may be tear-shaped such that the end closest to the front **41** of the sandal **40** is thicker than the end closest to the back **42** of the sandal **40**. As a result, the proper orientation and position of the toes with respect to each other is obtained while the sandal **40** is in use. More specifically, the toes may be separated by the dividers **50** so that wet toe nail polish may properly dry and the toes are restricted from contacting each other. In an embodiment, the divider **50***a* separating the large toe from the second toe may extend to become part of the strap **25** of the sandal **40**. In this embodiment, the divider **1** covers the portion of the strap **25** as well as the toes and remaining dividers **50**. FIG. **10** illustrates the tear-shaped device **1** secured to the sandal **40**.

[0046] Finally, in an embodiment, the height **86** of the dividers **50** may be less than that of the height of the toes. As a result, air flow may be created between the toes and the nail polish may dry in a quick and efficient manner. Further, having a lower height **86** of the dividers **50** with respect to the toes may allow the toes to move and wiggle slightly over the dividers **50**, thereby allowing slight movement and added comfort for the user.

[0047] When not in use on the sandal, the user may easily carry the device **1** in, for example, until the next time the device is needed.

[0048] Although embodiments of the toe nail polish guard are shown and described therein, it should be understood that various changes and modifications to the presently preferred embodiments will be apparent to those skilled in the art. Such changes and modifications may be made without departing from the spirit and scope of the toe nail polish guard and without diminishing its attendant advantages. It is, therefore, intended that such changes and modifications be covered by the appended claims.

We claim:

1) A removable guard for protecting toe nails in an article of footwear comprising:

a device having a top side, a bottom side, a front side, a back side, a first side, a second side and an interior and wherein the back side has an opening allowing access to the interior of the device and wherein the bottom side has an opening allowing access into the interior of the device; and

a securing device for removably securing the device to a front of an article of footwear wherein the device covers at least a portion of the toes of the user while the device is secured onto the article of footwear.

2) The removable guard for protecting toe nails of claim **1** further comprising:

a flap running along a perimeter of the bottom side of the device wherein the flap conceals an opening created between the device and the article of footwear while the device is in use on the article of footwear.

3) The removable guard for protecting toe nails of claim **1** wherein the device is transparent thereby allowing the toes to be visible while the device is secured onto the article of footwear.

4) The removable guard for protecting the toe nails of claim **1** wherein the securing device is a plurality of magnets located entirely within a wall of the device and wherein the magnets

correspondingly aligns and mates with a plurality of magnets having opposite polarity located within the article of footwear.

5) The removable guard for protecting the toe nails of claim **1** wherein the securing device is a hook and loop fastener system which runs along a perimeter of the device and mates with a corresponding hook and loop fastener strip located on a front side of the article of footwear.

6) The removable guard for protecting the toe nails of claim **1** wherein the securing device is a snap button system which removable attaches buttons of the guard to button receiving means located on a front side of the article of footwear.

7) An article of footwear having a removable guard comprising:

a removable guard for protecting toe nails wherein the guard has a top side, a bottom side, a front side, a back side, a first side, a second side and an interior and wherein the back side of the guard has an opening allowing access to the interior of the device and wherein the bottom side of the device has an opening allowing access into the interior of the device;

a securing device for removably securing the device to a front of an article of footwear wherein the device covers at least a portion of the toes of the user while the device is secured onto the article of footwear; and

a top surface of the article of footwear for receiving a foot wherein the top surface has a plurality of dividers and wherein the plurality of dividers have a plurality of heights which are attached to a top surface of the article of footwear and wherein the dividers separate toes of the user and wherein the heights of the dividers are greater than a plurality of heights of toes of a user therein preventing the toes from contacting the interior surface of the removable guard.

8) The article of footwear having a removable guard of claim **7** wherein one of the plurality of dividers of the article of footwear extends upward and forms a portion of a strap for securing a top side of a foot onto the article of footwear.

9) The article of footwear having a removable guard of claim **7** wherein the dividers are tear-shaped and wherein the dividers have a first end and a second end and wherein the first ends are oriented toward the front of the article of footwear and wherein the second ends of the dividers are orientated toward a back of the article of footwear and wherein widths of the dividers are greater at the first ends than at the second ends of the dividers.

10) The article of footwear having a removable guard of claim **7** wherein the removable guard has an interior surface and wherein a plurality of receiving means is located in the interior surface and wherein the receiving means receives the plurality of corresponding dividers of the article of footwear.

11) An article of footwear having a removable guard comprising:

a removable guard for protecting toe nails wherein the guard has a top side, a bottom side, a front side, a back side, a first side, a second side and an interior and wherein the back side of the guard has an opening allowing access to the interior of the device and wherein the bottom side of the device has an opening allowing access into the interior of the device;

a securing device for removably securing the device to a front of an article of footwear wherein the device covers at least a portion of the toes of the user while the device is secured onto the article of footwear; and

a top surface of the article of footwear for receiving a foot wherein the top surface has a plurality of dividers and wherein the plurality of dividers have a plurality of heights which are attached to a top surface of the article of footwear and wherein the dividers separate toes of the user and wherein the heights of the dividers are less than a plurality of heights of toes of a user therein allowing the toes to easily shift and pivot with respect to each other within a space created by the dividers.

* * * * *