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

(10) **Patent No.:** **US D517,789 S**
(45) **Date of Patent:** **** Mar. 28, 2006**

(54) **FOOTWEAR**

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- (73) Assignee: **Crocs, Inc.**, Niwot, CO (US)
- (**) Term: **14 Years**

(21) Appl. No.: **29/206,427**

(22) Filed: **May 28, 2004**

Related U.S. Application Data

- (63) Continuation-in-part of application No. 10/803,569, filed on Mar. 17, 2004, which is a continuation-in-part of application No. 10/602,416, filed on Jun. 23, 2003, and a continuation-in-part of application No. 10/603,126, filed on Jun. 23, 2003.
- (51) **LOC (8) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/969**
- (58) **Field of Classification Search** D2/903,
D2/916-918, 919, 969, 926, 932; 36/4, 8.1,
36/10, 11.5

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,392,350	A	10/1921	O'Brien	
2,180,924	A	11/1939	Dunbar	
2,470,089	A	5/1949	Booth	
3,407,517	A	* 10/1968	Gessner	36/11.5
3,698,107	A	10/1972	Fukuoka	
4,032,611	A	6/1977	Fukuoka	
4,100,685	A	7/1978	Dassler	
4,408,401	A	10/1983	Seidel et al.	
4,476,600	A	10/1984	Seidel et al.	
4,888,887	A	12/1989	Solow	
4,967,750	A	11/1990	Cherniak	
D350,021	S	* 8/1994	Stein	D2/969
5,369,895	A	12/1994	Hammerschmidt	
5,438,767	A	8/1995	Stein	
5,528,841	A	6/1996	Pozzobon	
5,561,919	A	10/1996	Gill	
D381,794	S	8/1997	Gelli	

(Continued)

FOREIGN PATENT DOCUMENTS

CA	2375957	9/2002
EP	0 802 039 A2	10/1997
EP	0 802 040 A2	10/1997
EP	0 802 041 A2	10/1997
EP	0 884 005 A1	12/1998
GB	2322286	8/1998

OTHER PUBLICATIONS

<http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.htm> (3 pages).
 Birkenstock®, Spring & Summer 2003 Catalog, Birkenstock Orthopudie GmbH, Germany (82 pages).
 Cindy MacDonald, *The Entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies*, Canadian Plastics, O'99, v. 57(10), pp. 35-50 (9 pages).
Comfortable Walking, Italian Technology, Oct. 1999, n. 3, p. 168 (abstract, 1 page).

(Continued)

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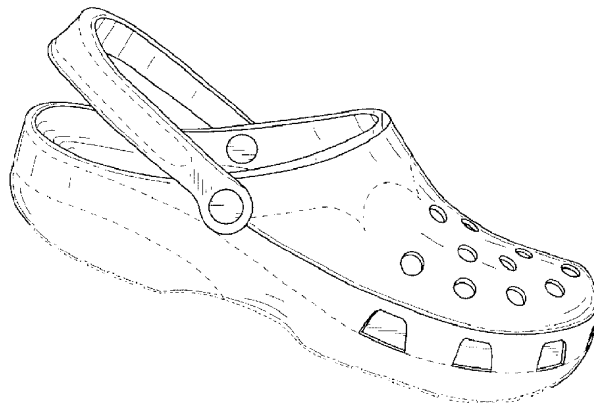
(57) **CLAIM**

The ornamental design for footwear, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view.
 FIG. 2 is a right side view.
 FIG. 3 is a left side view.
 FIG. 4 is a front view.
 FIG. 5 is a rear view.
 FIG. 6 is a top view; and,
 FIG. 7 is a bottom view.
 The broken line showing of the sole and surface treatment of the upper is for illustrative purpose only and forms no part of the claim design.

1 Claim, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

5,814,254 A 9/1998 Bisconti
 D416,667 S 11/1999 Lamstein
 6,052,920 A 4/2000 Bathum
 D431,346 S 10/2000 Birkenstock
 6,237,249 B1 5/2001 Aguerre
 6,237,250 B1 5/2001 Aguerre
 6,256,906 B1 7/2001 Matis et al.
 6,416,610 B1 7/2002 Matis et al.
 6,439,536 B1 8/2002 Piccolo
 D473,040 S * 4/2003 Hawker et al. D2/932
 D476,797 S 7/2003 Schenone
 D479,034 S * 9/2003 Tzenos D2/926
 D479,906 S * 9/2003 Hawker et al. D2/969
 6,640,464 B1 11/2003 Hsin et al.
 D499,234 S * 12/2004 Dal Magro et al. D2/916
 6,860,035 B1 3/2005 Girard
 2002/0124434 A1 9/2002 Hsin et al.
 2003/0074806 A1 4/2003 Urie et al.

OTHER PUBLICATIONS

Defendant's Response to Request for Particulars, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Apr. 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 236 pages).

Defendant's Statement of Defence, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Mar. 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages).

Engage® polyolefin elastomers, the critical ingredient for Success, DuPont Dow Elastomers, Copyright© 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).

FinProject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new-block and net-fit soles for shoes), Footwear News, World Week, Aug. 4, 1997, v. 53, n. 31, p. 8 (3 pages).

Injected Eva, Macplas International, Aug. 1999, n. 10, p. 90. (abstract, 1 page).

Luisa Zargani, *One Fine Year; Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Designer Respect, Recognition and a Deal with Comme Des Garcons*, Footwear News, Aug. 2, 1999, p. 102 (2 pages).

Plaintiff's Further Request for Particulars, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages).

Plaintiff's Reply, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages).

Plaintiff's Request for Particulars of Defence, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, May 1, 2005, Ridout & Maybee (5 pages).

Plaintiff's Statement of Claim, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Jan. 28, 2005, Ridout & Maybee LLP (8 pages).

Rhoda Miel, *Snowshoe Walks Away with Best Design*, Plastic News, Apr. 22, 2002, v. 14, n. 8, p. 4 (2 pages).

The Elastomers Times: Engage Adds Comfort to Sporting Components, Chemical Business New Base: The Elastomers Times; Dec. 1, 2000 (2 pages).

Trade Name Record, Official Gazette of the U.S. Patents and Trademarks Office, Mar. 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).

waldenstore.com, *Footwear Waldies*, Aug. 4, 2003, <http://www.waldenstore.com/waldies.html>, (1 page).

Walking on Modified Eva, Italian Technology, May 1999, n. 2, p. 121, (abstract, 1 page).

* cited by examiner

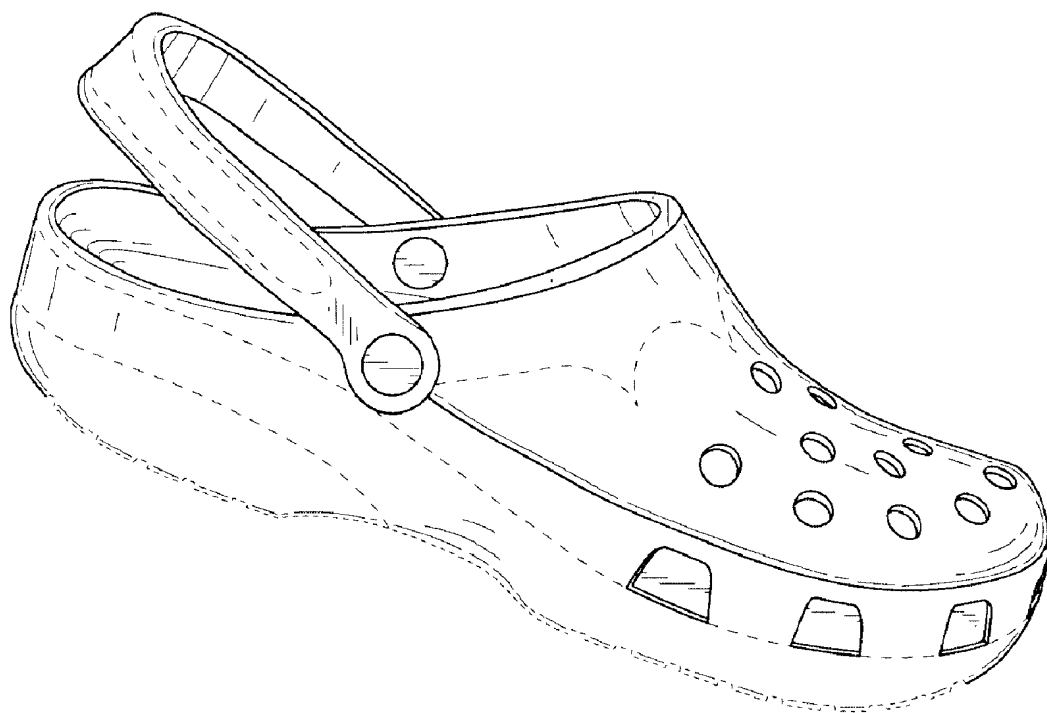


FIG.1

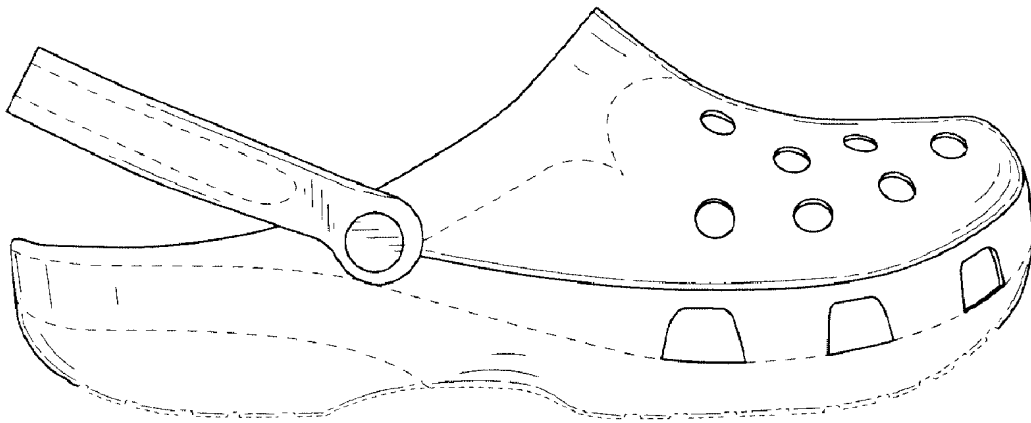


FIG. 2

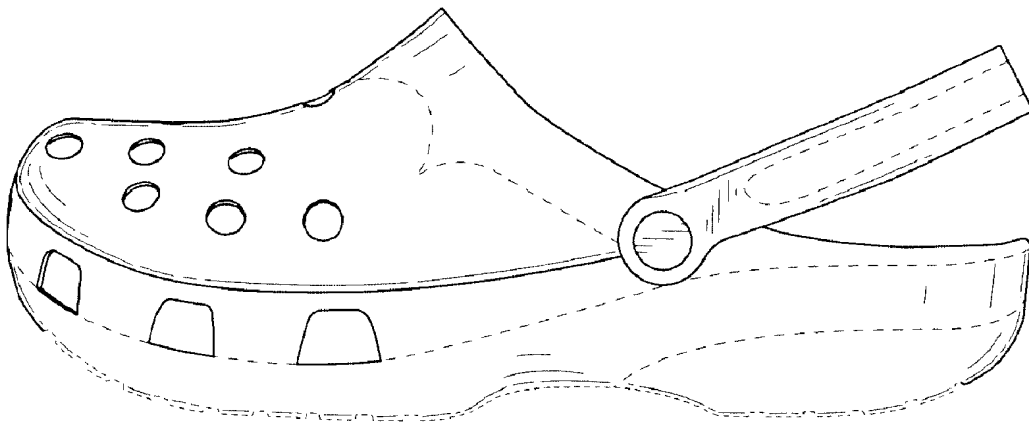


FIG. 3

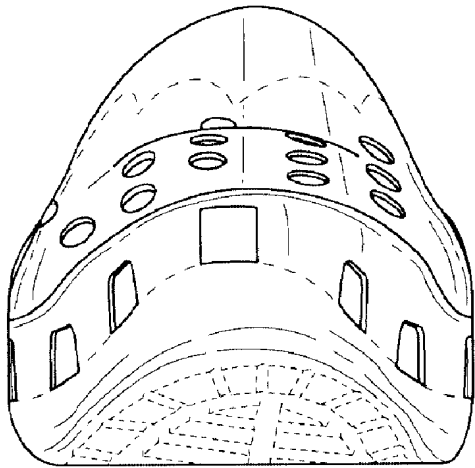


FIG. 4

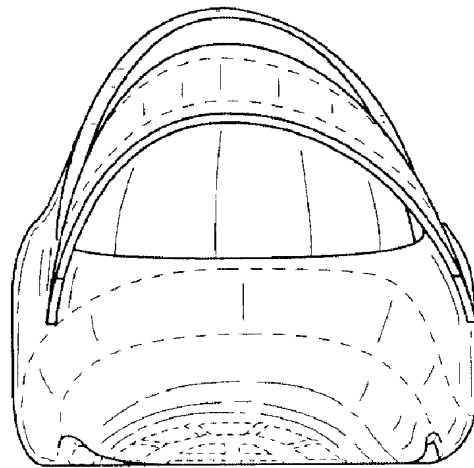


FIG. 5

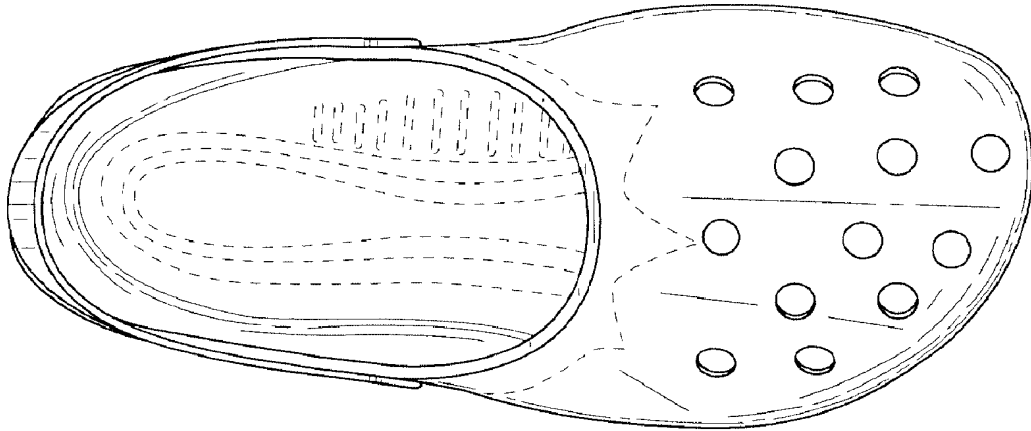


FIG. 6

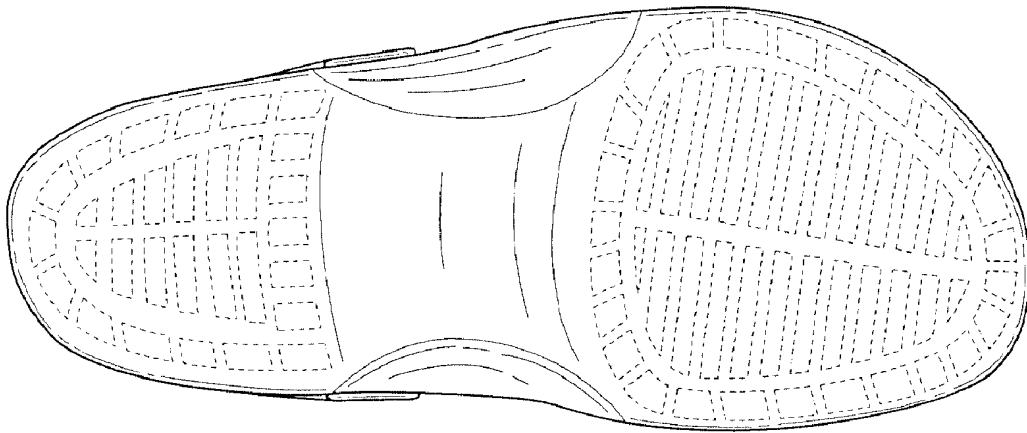


FIG. 7