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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/087,169	08/15/2017	9730484	06-0517US100/15571-26	5123

133691 7590 07/26/2017
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 671 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

NIKE, Inc., Beaverton, OR;
Bhupesh Dua, Portland, OR;
Edward N. Thomas, Portland, OR;

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Receipt date: 03/13/2014

14087169 - GAU: 3765

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14087169
Filing Date	2013-11-22
First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

Change(s) applied
to document,
/S.R.R./
6/14/2017

26	20110030244	A1	2011-02-10	Motawi et al.	
27	20110078921	A1	2011-04-07	Greene et al.	
28	~~20120233882~~ ~~20120255201~~	A1	2012-09-20	Huffa et al.	
29	20120285043		2012-11-15	Dua et al.	
30	20060048413		2006-03-09	Sokolowski et al.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	19728848	DE		1999-01-07	Kundert Werke Gmbh		☐
	2	0448714	EP		1991-10-02	Toray Industries		☐
	3	1233091	EP		2002-08-21	Lee Sara Corp		☐
	4	0231247	WO		2002-04-18	Prodesco Inc.		☐

/DANNY WORRELL/ (08/01/2016)

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

Receipt date: 03/13/2014

14087169 - GAU: 3765

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(Not for submission under 37 CFR 1.99)

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First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

	15	20070180730	A1	2007-08-09	Greene et al.	
Change(s) applied to document, /S.R.R./ 6/14/2017	16	20070180730	A1	08 2007-12-27	~~Daychar~~ Greene et al.	
	17	20080017294	A1	2008-01-24	Bailey et al.	
	18	20080078102	A1	2008-04-03	Kilgore et al.	
	19	20080110048	A1	2008-05-15	Dua et al.	
	20	20080189830	A1	2008-08-14	Egglesfield	
	21	20080313939	A1	2008-12-25	Ardill	
	22	20090068908	A1	2009-03-12	Hinchcliff	
	23	20100051132	A1	2010-03-04	Glenn	
	24	20100154256	A1	2010-06-24	Dua	
	25	20100170651	A1	2010-07-08	Scherb et al.	

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Filing Date	2013-11-22
First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

Change(s) applied
to document,
/S.R.R/
6/14/2017

42	4373361	A	1983-02-15	Thorneburg	
43	4465448	A	1984-08-14	Aldridge	
44	4607439	A	1986-08-26	~~Harada~~ Sogabe et al.	
45	4737396	A	1988-04-12	Kamat	
46	5031423	A	1991-07-16	Ikenaga	
47	5095720	A	1992-03-17	Tibbals, Jr.	
48	5117567	A	1992-06-02	Berger	
49	5152025	A	1992-10-16	Hirmas	
50	5192601	A	1993-03-09	Neisler	
51	5353524	A	1994-10-11	Brier	
52	5461884	A	1995-10-31	McCartney et al.	

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/DANNY WORRELL/ (08/01/2016)

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Receipt date: 03/13/2014

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STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14087169
Filing Date	2013-11-22
First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

	9	6333105		2001-12-25	Tanaka et al.	
Change(s) applied to document, /S.R.R./ 6/14/2017	10	3583081		~~1971~~ 1974-06-08	Hayashi	
	11	4447967		1984-05-15	Zaino	
	12	4813158		1989-03-21	Brown	
	13	4756098		1988-07-12	Boggia	
	14	5345638		1994-09-13	Nishida	
	15	4785558		1988-11-22	Shiomura	
	16	0601192		1898-03-22	Woodside	
	17	1215198	A	1917-02-06	Rothstein	
	18	1597934	A	1926-08-31	Stimpson	
	19	1888172	A	1932-11-15	Joha	

EFS Web 2.1.17

/DANNY WORRELL/ (08/01/2016)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

133691 7590 06/05/2017
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Andrew A. Hufford	(Depositor's name)
/Andrew A. Hufford/	(Signature)
July 11, 2017	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/087,169	11/22/2013	Bhupesh Dua	06-0517US100/15571-26	5123

TITLE OF INVENTION: Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	09/05/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORRELL JR, LARRY D	3765	066-170000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
 (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
 1 **Andrew A. Hufford**
 2 **Brinks, Gilson & Lione**
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

NIKE, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Beaverton, OR (US)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number **23-1925** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature **/Andrew A. Hufford/**

Date **July 11, 2017**

Typed or printed name **Andrew A. Hufford**

Registration No. **69,425**

Electronic Patent Application Fee Transmittal				
Application Number:	14087169			
Filing Date:	22-Nov-2013			
Title of Invention:	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction			
First Named Inventor/Applicant Name:	Bhupesh Dua			
Filer:	Andrew A. Hufford/Kati Penovich			
Attorney Docket Number:	06-0517US100/15571-26			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	960	960

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				960

Electronic Acknowledgement Receipt	
EFS ID:	29752740
Application Number:	14087169
International Application Number:	
Confirmation Number:	5123
Title of Invention:	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	133691
Filer:	Andrew A. Hufford/Kati Penovich
Filer Authorized By:	Andrew A. Hufford
Attorney Docket Number:	06-0517US100/15571-26
Receipt Date:	11-JUL-2017
Filing Date:	22-NOV-2013
Time Stamp:	18:18:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$960
RAM confirmation Number	071217INTEFSW00005276231925
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	2017-07-11_Issue-Fee-Transmittal_15571-26.pdf	122668	no	1
			c7022dd558cba16788e6036b83c8044726f9a479		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30622	no	2
			7259c08facccb2aba127adc5865546699b1b7f		
Warnings:					
Information:					
Total Files Size (in bytes):			153290		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



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NOTICE OF ALLOWANCE AND FEE(S) DUE

133691 7590 06/05/2017
NIKE, Inc./BGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER

WORRELL JR, LARRY D

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 06/05/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/087,169	11/22/2013	Bhupesh Dua	06-0517US100/15571-26	5123

TITLE OF INVENTION: Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	09/05/2017

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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P.O. Box 10395
Chicago, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/087,169	11/22/2013	Bhupesh Dua	06-0517US100/15571-26	5123

TITLE OF INVENTION: Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	09/05/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORRELL JR, LARRY D	3765	066-170000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

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NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/087,169	11/22/2013	Bhupesh Dua	06-0517US100/15571-26	5123
133691	7590	06/05/2017	EXAMINER	
NIKE, Inc./BGL P.O. Box 10395 Chicago, IL 60610			WORRELL JR, LARRY D	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 06/05/2017

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 14/087,169	Applicant(s) DUA ET AL.	
	Examiner DANNY WORRELL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/30/17.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-10 and 12-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>4/4/17</u>	6. ☐ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	7. ☐ Other _____
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____	

/DANNY WORRELL/ Primary Examiner, Art Unit 3765	
--	--

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: April 4, 2017 Name: Andrew A. Hufford (Reg. No. 69,425) Signature: /Andrew A. Hufford/



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14/087,169
Filing Date	November 22, 2013
First Named Inventor	Bhupesh Dua
Art Unit	3765
Confirmation Number	5123
Examiner Name	Larry D. Worrell, Jr.
Attorney Docket No.	15571-26/06-0517US100

In accordance with the duty of disclosure, Applicant(s) hereby cites the following references:

US PATENT REFERENCES

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME
	D1	4,967,494 A	11/6/1990	Johnson
	D2	6,227,010 B1	5/8/2001	Roell
	D3	6,986,269 B2	1/17/2006	Dua
	D4	8,448,474 B1	5/28/2013	Tatler et al.
	D5	2006/0010931 A1	1/19/2016	Lynch et al.
	D6	2006/0130359 A1	6/22/2006	Dua et al.
	D7	2007/0294920 A1	12/27/2007	Baychar
	D8	2012/0240429 A1	9/27/2012	Sokolowski et al.
	D9	2013/0160323 A1	6/27/2013	Hsiao
	D10	2013/0269209 A1	10/17/2013	Lang et al.
	D11	2013/0269212 A1	10/17/2013	Little
	D12	2014/0137433 A1	5/22/2014	Craig
	D13	2014/0150292 A1	6/5/2014	Podhajny et al.
	D14	2015/0075031 A1	3/19/2015	Podhajny et al.

FOREIGN PATENT REFERENCES

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	TRANSLATION YES OR NO
	D15	CN 1925763 A	3/7/2007	China	Yes
	D16	CN 201536681 U	8/4/2010	China	Yes - Abstract
	D17	CN 103556384 A	2/5/2014	China	Yes
	D18	DE 475363 C	4/24/1929	Germany	No
	D19	EP 2805638	11/26/2014	Europe	
	D20	GB 12787	6/6/1904	Great Britain	
	D21	TW 1228158 B	2/21/2005	Taiwan	Yes - Abstract
	D22	TW 201402030 A	1/16/2014	Taiwan	Yes - Abstract
	D23	TW M498500 U	4/11/2015	Taiwan	Yes - Abstract
	D24	WO 2013/108506 A1	7/25/2013	WIPO	Yes - Abstract
	D25	WO 2013/126313 A2	8/29/2013	WIPO	

Examiner Signature	/DANNY WORRELL/ (05/26/2017)	Date Considered	
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Page 1 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

Information Disclosure Statement

Application No. 14/087,169

Attorney Docket No. 15571-26/
06-0517US100

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	TRANSLATION YES OR NO
	D26	WO 2014/050289 A1	4/3/2014	WIPO	Yes - Abstract

OTHER ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL	Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
	D27	First Office Action with English translation for Chinese Patent Application No. 201410768401.1, dated January 26, 2016, (21 pages).
	D28	International Preliminary Report on Patentability for International Application No. PCT/US2013/070651, mailed June 4, 2015.
	D29	International Search Report and Written Opinion for International Application No. PCT/US2013/070651, dated March 27, 2014 (14 pages).
	D30	International Search Report and Written Opinion for International Application No. PCT/US2015/015340, dated April 28, 2015 (10 pages).
	D31	International Search Report and Written Opinion for International Application No. PCT/US2015/015343, dated June 16, 2015 (11 pages).
	D32	International Search Report and Written Opinion for International Application No. PCT/US2015/015346, dated April 22, 2015 (10 pages).
	D33	International Search Report and Written Opinion for International Application No. PCT/US2016/026345, dated October 4, 2016 (20 pages).
	D34	Office Action for Chinese Application No. 2013800364497, dated September 25, 2015 (6 pages).
	D35	Office Action for European Application No. 13814673.3, dated June 30, 2015 (2 pages).
	D36	Office Action for Korean Application No. 10-2014-7036252, dated January 21, 2016 (11 pages).
	D37	Office Action for Taiwanese Application No. 102142337, dated May 27, 2015 (36 pages).
	D38	Office Action for Taiwanese Application No. 102142337, dated September 21, 2015 (33 pages).
	D39	Office Action for Taiwanese Application No. 105111914, dated December 26, 2016 (19 pages).

1. PRIORITY INFORMATION:

- ☐ This application claims priority under 35 USC §120 to the following United States patent application(s): _____. In accordance with 37 CFR §1.98(d), copies of the references cited herein which were submitted to, or cited by, the office, in compliance with 37 CFR §1.98(a)-(c) in the earlier application are not provided herewith. The Examiner is directed to those references cited in all Information Disclosure Statements filed in the priority United States patent application(s) cited above in addition to the references cited herein.

2. CERTIFICATIONS: (CHECK ALL THAT APPLY)

A. Certifications For 37 CFR §1.97(c) or 37 CFR §1.97(d):

- ☐ Applicant hereby certifies pursuant to 37 CFR §1.97(e)(1) that each item of information in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ Applicant hereby certifies pursuant to 37 CFR §1.97(e)(2) that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart

Examiner Signature	/DANNY WORRELL/ (05/26/2017)	Date Considered	
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

Information Disclosure Statement

Application No. 14/087,169

Attorney Docket No. 15571-26/
06-0517US100

foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c), more than three months prior to the filing of this Information Disclosure Statement.

B. For Patent Term Adjustment Purposes:

- ☐ For purposes of 37 CFR §1.704(d)(i) or 37 CFR §1.704(d)(ii), Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office or is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

3. FEE INFORMATION: (CHECK IF FEE REQUIRED)

- ☒ Applicant has calculated a processing fee in the amount of \$180 (large entity) to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicant authorizes charging the fee to Deposit Account 23-1925.
- ☒ The Director is hereby authorized to charge any fee deficiency associated with the filing of this Information Disclosure Statement to Deposit Account 23-1925.

Pursuant to the undersigned attorney's obligation and duties under 37 CFR §§ 1.56 and 1.98(a)(3) and (c), either English language abstracts, partial translations, or full translations are included for patent documents which are not in English for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same. Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Respectfully submitted,

April 4, 2017
Date

/Andrew A. Hufford/
Andrew A. Hufford (Reg. No. 69,425)

Examiner Signature	/DANNY WORRELL/ (05/26/2017)	Date Considered	
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Page 3 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

Search Notes 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
D04B 7/30, 7/24, 7/28, 1/24, 1/26, 7/32	8/1/2016	/dw/
A43B 23/0205, 23/0235, 23/024, 23/0245, 23/042, 1/04	8/1/2016	/dw/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
36	48, 49	7/31/2016	/dw/

SEARCH NOTES		
Search Notes	Date	Examiner
Review related applications	7/31/2016	/dw/
CPC and US Class search limited by term "Knit\$5"	8/1/2016	/dw/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
D04B	7/30, 7/24, 7/28, 1/24, 1/26, 7/32	5/26/2017	/dw/
A43B	23/0205, 23/0235, 23/024, 23/0245, 23/042, 1/04	6/2/2017	/dw/

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<i>Index of Claims</i> 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

☐ Claims renumbered in the same order as presented by applicant										☐ CPA										☐ T.D.										☐ R.1.47									
CLAIM		DATE																																					
Final	Original	08/01/2016	05/26/2017																																				
	1	✓	=																																				
	2	✓	=																																				
	3	✓	=																																				
	4	✓	=																																				
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	20	✓	=																																				

Issue Classification 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

CPC					
Symbol				Type	Version
A43B		1	/ 04	F	2013-01-01
A43C		1	/ 04	I	2013-01-01
A43B		23	/ 0235	I	2013-01-01
A43B		23	/ 0275	I	2013-01-01
A43B		3	/ 0031	I	2013-01-01
D04B		1	/ 22	I	2013-01-01
D10B		2403	/ 0332	A	2013-01-01
D10B		2501	/ 043	A	2013-01-01
D10B		2501	/ 061	A	2013-01-01

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE			Total Claims Allowed:
(Assistant Examiner)	(Date)	20	
/DANNY WORRELL/ Primary Examiner. Art Unit 3765		O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	10C

Issue Classification 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION														
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED									
						D	O	4	B	1 / 22 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			

NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)		
/DANNY WORRELL/ Primary Examiner. Art Unit 3765		O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	10C

CERTIFICATE OF EFS FILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR § 1.8 on the below date:

Date: January 30, 2017

Signature: /Andrew A. Hufford/

Name: Andrew A. Hufford

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bhupesh Dua, et al.

Serial No.: 14/087,169

Filed: Nov. 22, 2013

For: ARTICLE OF FOOTWEAR HAVING A
FLAT KNIT UPPER CONSTRUCTION OR
OTHER UPPER CONSTRUCTION

Attorney Docket No.: 15571-26
(06-0517US100)

Examiner: Worrell, Larry D.

Group Art Unit: 3765

Confirmation No.: 5123

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Madam:

Responsive to the Non-Final Office Action of August 2, 2016 ("Office Action"), please amend the above-referenced patent application as follows:

Amendments to the Claims are set forth in the Listing of the Claims, which begins on page 2 of this paper; and

Remarks begin on page 6 of this paper.

Amendments to the Claims:

Claim 11 is cancelled herein. Claims 1, 10, and 12 are amended herein. All pending claims are shown below. Please enter these claims as amended. This listing of claims replaces all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently amended) An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer having:

a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;

a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and

a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, the domed, three-dimensional structure shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration.

2. (Original) The article of footwear of claim 1, further comprising a first loop being formed as a second layer of unitary construction with the first layer.

3. (Original) The article of footwear of claim 2, wherein the first loop extends outward from the central portion.

4. (Original) The article of footwear of claim 2, further comprising eight loops being formed as a second layer of unitary construction with the first layer.

5. (Original) The article of footwear of claim 1, wherein the knitted element defines a void for receiving a foot of a wearer.

6. (Original) The article of footwear of claim 1, wherein the knitted element defines at least a portion of an exterior surface of the upper, and the knitted element defines at least a portion of a void for receiving a foot of a wearer.

7. (Original) The article of footwear of claim 1, wherein the knitted element includes a first area and a second area, the first area including a first type of knit structure, and the second area including a second type of knit structure, the first type being different than the second type.

8. (Original) The article of footwear of claim 1, wherein the at least one mechanically manipulated yarn includes a first yarn and a different second yarn, the first yarn being located in a first area of the upper, and the second yarn being located in a second area of the upper.

9. (Original) The article of footwear of claim 1, wherein the knitted element forms a defined shape having finished edges during the flat knitting process.

10. (Currently amended) An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer and a second layer, the first layer including:

a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;

a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and

a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion; and

the second layer being flat-knitted with the first layer at opposite ends of the second layer to form an overlapped loop.

11. (Cancelled).

12. (Currently amended) A method of manufacturing an article of footwear, the method comprising

forming during a flat-knitting process an upper including a flat-knitted element including a first layer having:

a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;

a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and

a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, wherein the domed, three-dimensional structure is shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration.

13. (Original) The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a stitch type of the first area being different than a stitch type of the second area.

14. (Original) The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a yarn type of the first area being different than a yarn type of the second area.

15. (Original) The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a stitch type and a yarn type of the first area being different than a stitch type and a yarn type of the second area.

16. (Original) The method recited in claim 12, further comprising assembling the flat- knitted element into an article of footwear.

17. (Original) The method recited in claim 16, wherein the assembling includes joining side edges of the first side portion and the second side portion to form a seam extending under a foot and along a longitudinal length of the foot.

18. (Original) The method recited in claim 16, wherein the assembling includes joining rear edges of the first side portion and the second side portion to form a seam that extends upward along a heel.

19. (Original) The method recited in claim 12, wherein the flat knitting process includes forming a first loop of unitary construction in the textile element.

20. (Original) The method recited in claim 19, further comprising extending a lace element through the first loop.

REMARKS

The Office Action has been received and reviewed. All claim amendments and cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

Claim Amendments

Claims 1 and 12 are amended to recite “...the domed, three-dimensional structure shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration.” Claim 10 is amended to recite “...a central portion having a domed, three-dimensional structure configured for extending over the top of a foot.” Support can be found in existing claims 1, 10, and 12, before amendment, and throughout the Specification, for example, at [0058], [0060], [0061] (“Whereas side portions 72 are relatively flat in configuration, central portion 71 has a domed shape formed through the flat knitting process. That is, the flat knitting process forms central portion 71 to have a three-dimensional structure that is shaped to extend over the foot”); and FIGS. 10A-10C. For example, FIGS. 10A and 10C illustrate two embodiments of a flat-knit element including a central portion 71 having a three-dimensional structure shaped to extend above the plane of the first side portion 72 and the second side portion 72 when the flat-knitted element is in a flattened configuration.

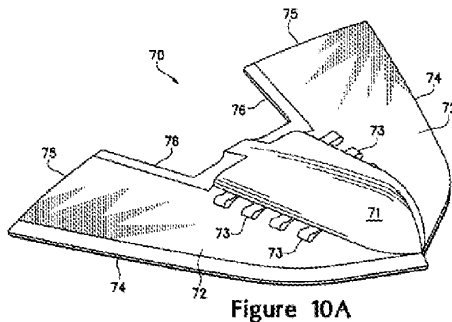


Figure 10A

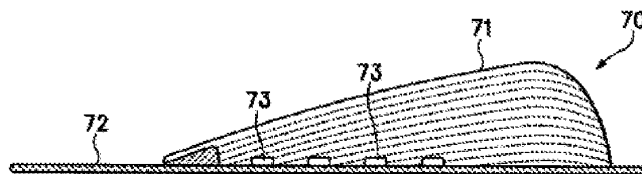


Figure 10C

35 U.S.C. § 102(b)

Claims 1, 5-9, and 12-18 stand rejected under pre-AIA 35 U.S.C. § 102(b) as assertedly anticipated by Dua et al. (US 2005/0193592) (“Dua”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. MPEP § 2143. All words in a claim must be considered in judging the patentability of that claim against the prior art.” Id.

Dua does not teach:

An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer having:
a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;
a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, the domed, three-dimensional structure shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration,

as recited in claim 1, as amended.

Dua does not teach:

A method of manufacturing an article of footwear, the method comprising forming during a flat-knitting process an upper including a flat-knitted element including a first layer having:
a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;
a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, wherein the domed, three-dimensional structure is shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration.

as recited in claim 12, as amended.

Claims 5-9, and 13-18 depend from claims 1 or 12 and are not anticipated for at least the same reasons. Thus, the rejections should be withdrawn.

35 U.S.C. § 103(a)

Claims 2-4, 10, 11, 19 and 20 stand rejected under pre-AIA 35 U.S.C. § 103(a) as assertedly being unpatentable over Dua in view of Hatfield et al. (US 6,367,168) ("Hatfield").

Claim 11 is cancelled, rendering the rejection moot.

As to the remaining claims, the applicants respectfully disagree.

To establish a *prima facie* case of obviousness, the prior art reference itself (or references when combined) or "the inferences and creative steps that a person of ordinary skill in the art would [have] employ[ed]" at the time of the invention must teach or suggest all of the claim elements. MPEP § 2143.03.

Claims 1, 10, and 12 are amended as described herein.

The cited references do not teach or suggest:

An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer having:
a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;
a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, the domed, three-dimensional structure shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration,

as recited in claim 1, as amended.

The cited references do not teach or suggest:

An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer and a second layer, the first layer including:
a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;
a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion; and
the second layer being flat-knitted with the first layer at opposite ends of the second layer to form an overlapped loop.

as recited in claim 10, as amended.

In addition, the cited references do not teach or suggest:

A method of manufacturing an article of footwear, the method comprising forming during a flat-knitting process an upper including a flat-knitted element including a first layer having:

a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;

a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and

a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion, wherein the domed, three-dimensional structure is shaped to extend above the plane of the first side portion and the second side portion when the flat-knitted element is in a flattened configuration.

as recited in claim 12, as amended.

Claims 2-4 and 19-20 are dependent from claims 1 or 12 and are not obvious for the same reasons. Thus, the rejections should be withdrawn.

CONCLUSION

In view of the foregoing remarks and amendments, the application should be in condition for allowance, and an early notice thereof is respectfully solicited. However, should the Office determine that additional issues remain which might be resolved by a telephone conference, the Examiner is requested to contact Applicants' undersigned attorney.

Respectfully submitted,

/Andrew A. Hufford/

Andrew A. Hufford

Registration No. 69,425

Attorney for Applicants

BRINKS GILSON & LIONE

405 South Main Street, Suite 1000

Salt Lake City, UT 84111-3411

Tel: (801) 333-7910

Encl: Petition for Extension of Time (3 months)

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: January 30, 2017 Name: Andrew A. Hufford (Reg. No. 69,425) Signature: /Andrew A. Hufford/



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Bhupesh Dua et al.

Appln. No.: 14/087,169

Filed: November 22, 2013

For: ARTICLE OF FOOTWEAR HAVING A
FLAT KNIT UPPER CONSTRUCTION OR
OTHER UPPER CONSTRUCTION

Attorney Docket No.: 15571-26/06-0517US100

Examiner: Worrell, Larry D.

Art Unit: 3765

Conf. No.: 5123

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is a petition for an extension of the time to respond to a Non-Final Office Action dated August 2, 2016 for a period of three (3) month(s).

Per 37 CFR §1.27, ☐ Applicant is small entity ☐ Applicant is micro entity.

	Extension Months	Fee	Small Entity Fee	Micro Entity Fee
☐	One Month	\$ 200	\$ 100	\$ 50
☐	Two Months	\$ 600	\$ 300	\$150
☒	Three Months	\$1,400	\$ 700	\$350
☐	Four Months	\$2,200	\$1,100	\$550
☐	Five Months	\$3,000	\$1,500	\$750

Payment Method:

- ☒ The Commissioner is hereby authorized to charge \$1,400.00 to cover the fees listed above to Deposit Account No. 23-1925.
- ☐ Payment by credit card in the amount of \$_____ to cover the fees listed above. Form PTO-2038 is enclosed for this purpose.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925.

Respectfully submitted,

January 30, 2017

Date

/Andrew A. Hufford/

Andrew A. Hufford Reg. No. 69,425

Attorney for Applicant(s)

BRINKS GILSON & LIONE
405 S. Main Street, Suite 1000
Salt Lake City, Utah 84111-3411
(801) 355-7900

Electronic Patent Application Fee Transmittal				
Application Number:		14087169		
Filing Date:		22-Nov-2013		
Title of Invention:		Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		
First Named Inventor/Applicant Name:		Bhupesh Dua		
Filer:		Andrew A. Hufford/Jayna Lofgran		
Attorney Docket Number:		06-0517US100/15571-26		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				1400

Electronic Acknowledgement Receipt	
EFS ID:	28208573
Application Number:	14087169
International Application Number:	
Confirmation Number:	5123
Title of Invention:	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	133691
Filer:	Andrew A. Hufford/Jayna Lofgran
Filer Authorized By:	Andrew A. Hufford
Attorney Docket Number:	06-0517US100/15571-26
Receipt Date:	30-JAN-2017
Filing Date:	22-NOV-2013
Time Stamp:	16:58:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$1400
RAM confirmation Number	013117INTEFSW00004516231925
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		2017-01-30_Response_NFOA_15571-26_06-0517US100.pdf	141308	yes	9
			3ea60b8f4ba8bd31b72bb6e76e967b256799b7fe		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	9	
Warnings:					
Information:					
2	Extension of Time	2017-01-30_Petition-Extension-Time_15571-26_06-0517US100.pdf	77995	no	1
			6abefffb19f119ae527280b4a5da7376b10e2cca		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30685	no	2
			dc4ab94fd76ec35e510f25c262de7333caabcc628		
Warnings:					
Information:					
Total Files Size (in bytes):			249988		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 14/087,169		Filing Date 11/22/2013		☐ To be Mailed	
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (j), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	01/30/2017		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		* 19		Minus	** 20	= 0		
	Independent (37 CFR 1.16(h))		* 3		Minus	***3	= 0		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						RATE (\$)		ADDITIONAL FEE (\$)	
						X \$80 =		0	
						X \$420 =		0	
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))		*		Minus	**	=		
	Independent (37 CFR 1.16(h))		*		Minus	***	=		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						RATE (\$)		ADDITIONAL FEE (\$)	
						X \$ =			
						X \$ =			
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

LIE
BRENDA MURPHY

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
14/087,169	11/22/2013	Bhupesh Dua	06-0517US100/15571-26	5123				
133691 NIKE, Inc./BGL P.O. Box 10395 Chicago, IL 60610	7590 08/02/2016		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>WORRELL JR, LARRY D</td></tr></table>		EXAMINER	WORRELL JR, LARRY D		
EXAMINER								
WORRELL JR, LARRY D								
			<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3765</td><td></td></tr></table>	ART UNIT	PAPER NUMBER	3765		
ART UNIT	PAPER NUMBER							
3765								
			<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>08/02/2016</td><td>PAPER</td></tr></table>	MAIL DATE	DELIVERY MODE	08/02/2016	PAPER	
MAIL DATE	DELIVERY MODE							
08/02/2016	PAPER							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 14/087,169	Applicant(s) DUA ET AL.	
	Examiner DANNY WORRELL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____.; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date <u>3/13/14, 8/11/14, 12/7/15</u> . | 4) ☐ Other: _____ |

The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim(s) 1, 5-9 and 12-18 is/are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by Dua et al. (US 2005/0193592), henceforth known as Dua.

Dua teaches the invention as claimed including an article of footwear (10) comprising an upper (30) including a flat-knitted element (40") formed from at least one yarn mechanically manipulated in a flat-knitting process ([0044]), the flat-knitted element including a first layer having: a central portion (See annotated Figure 11) having a domed, three-dimensional structure (the domed area includes a length, a width and a thickness) configured for extending over the top of a foot (See annotated Figure 11); a first side portion (See annotated Figure 11) being formed of unitary construction with the central portion and extending from a first side of the central portion; and a second side (See annotated Figure 11) portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion.

Regarding claim 5, the knitted element defines a void for receiving a foot of a wearer ([0033]).

Regarding 6, wherein the knitted element defines at least a portion of an exterior surface of the upper, and the knitted element defines at least a portion of a void for receiving a foot of a wearer ([0033]).

Regarding 7, the knitted element includes a first area and a second area, the first area including a first type of knit structure (46''), and the second area including a second type of knit structure (48''), the first type being different than the second type.

Regarding 8, the at least one mechanically manipulated yarn includes a first yarn and a different second yarn, the first yarn being located in a first area of the upper, and the second yarn being located in a second area of the upper ([0056]).

Regarding 9, wherein the knitted element forms a defined shape having finished edges during the flat knitting process (See annotated Figure 11).

Regarding claim 12, Dua also teaches the method of manufacturing an article of footwear including forming during a flat-knitting process ([0044]) an upper (30) including a flat-knitted element (40'') including a first layer having: a central portion (See annotated Figure 11) having a domed, three-dimensional structure (the domed area includes a length, a width and a thickness) configured for extending over the top of a foot; a first side portion (See annotated Figure 11) being formed of unitary construction with the central portion and extending from a first side of the central portion; and a second side portion (See annotated Figure 11); being formed of unitary

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construction with the central portion and extending from a second side opposite the first side of the central portion.

Regarding claim 13, the flat knitting process includes forming a first area (46") and a second area (48"), a stitch type of the first area being different than a stitch type of the second area.

Regarding claim 14, the flat knitting process includes forming a first area and a second area, a yarn type of the first area being different than a yarn type of the second area ([0056]).

Regarding claim 15, wherein the flat knitting process includes forming a first area and a second area, a stitch type and a yarn type of the first area being different than a stitch type and a yarn type of the second area ([0056]).

Regarding 16, assembling the flat- knitted element into an article of footwear (figures 3-5).

Regarding 17, the assembling includes joining side edges of the first side portion and the second side portion to form a seam (51, figure 5) extending under a foot and along a longitudinal length of the foot.

Regarding 18, the assembling includes joining rear edges of the first side portion and the second side portion to form a seam (52, figure 4) that extends upward along a heel.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 10, 11, 19 and 20 is/are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Dua in view of Hatfield et al. (US 6,367,168), henceforth known as Hatfield.

Dua teaches the invention substantially as claimed as indicated above in the rejection to claim 1. However, Dua does not set forth a first loop being formed as a second layer of unitary construction with the first layer. Hatfield discloses a central portion of a knitted upper which includes loops (36) formed as a second layer of unitary construction with the first layer (38). It would have been obvious at the time the invention was made to provide the upper structure of Dua with loops formed as a second layer of unitary construction with the first layer as shown by Hatfield in order to provide a means for attaching frame members (22) for structurally stiffening the shoe upper. Regarding claim 3, note that the first loop (36) extends outward from the central portion of the upper. 4. Regarding claim 4, note eight loops (36, figures 1, 2) being formed as a second layer of unitary construction with the first layer. Regarding claim 10, Dua teaches the article of footwear (10) substantially as claimed including an upper (30) having a flat-knitted element (40'') formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer, the first layer including a central portion (See annotated figure 11); a first side portion (See annotated figure 11) being formed of unitary construction with the central portion and extending from a first side of the central portion; and a second side portion (See annotated figure 11) being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion. Dua does not second layer of unitary construction with the first layer forming an overlapped loop. Hatfield discloses a central portion of a knitted upper which includes loops (36) formed as

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a second layer of unitary construction with the first layer (38). It would have been obvious at the time the invention was made to provide the upper structure of Dua with loops formed as a second layer of unitary construction with the first layer as shown by Hartfield in order to provide a means for attaching frame members (22) for structurally stiffening the shoe upper. Regarding claim 11, the central portion (annotated figure 11) has a domed, three-dimensional structure (length, width, thickness) configured for extending over the top of a foot. Regarding claim 19, the flat knitting process of the combined teachings of Dua and Hartfield includes forming a first loop of unitary construction in the textile element. Regarding claim 20, the combined teachings of Dua and Hartfield include extending a lace (22) element through the first loop.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that all business with the Patent and Trademark Office should be transacted in writing. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. 37 C.F.R. 1.2

Further it is noted that a complete response must satisfy the requirements of 37 C.F.R.

1.111, including:

-The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.

-A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

-Moreover, The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims. Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06, MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANNY WORRELL whose telephone number is (571)272-4997.

The examiner can normally be reached on MONDAY and WEDNESDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on 571/272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANNY WORRELL/
Primary Examiner
Art Unit 3765

ldw

Notice of References Cited	Application/Control No. 14/087,169		Applicant(s)/Patent Under Reexamination DUA ET AL.	
	Examiner DANNY WORRELL		Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8,225,530 B2	07-2012	Sokolowski; Susan L.	A43B3/0031	12/142G
*	B	US-6,367,168 B1	04-2002	Hatfield; Tinker L.	A43B7/06	36/101
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8 I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS on the below date: Date: <u>December 7, 2015</u> Name: <u>Eric D. Babych</u> Signature: <u>/Eric D. Babych/</u>		
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BRINKS
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Bhupesh Dua et al.	Examiner:	Larry D. Worrell, Jr.
Appln. No.:	14/087,169	Art Unit:	3765
Filed:	November 22, 2013	Conf. No.:	5123
For:	ARTICLE OF FOOTWEAR HAVING A FLAT KNIT UPPER CONSTRUCTION OR OTHER UPPER CONSTRUCTION		
Attorney Docket No.:	15571-26		

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure, Applicant(s) hereby cites the following references:

US PATENT REFERENCES

EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME
	C1	2,770,055	11/13/1956	Hayden

OTHER ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL	Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	C2	European Search Report from corresponding European Application No. 15168417.2, dated September 7, 2015 (7 pages).	

1. PRIORITY INFORMATION:

- ☐ This application claims priority under 35 USC §120 to the following United States patent application(s): _____. In accordance with 37 CFR §1.98(d), copies of the references cited herein which were submitted to, or cited by, the office, in compliance with 37 CFR §1.98(a)-(c) in the earlier application are not provided herewith. The Examiner is directed to those references cited in all Information Disclosure Statements filed in the priority United States patent application(s) cited above in addition to the references cited herein.

Examiner Signature	/DANNY WORRELL/ (08/01/2016)	Date Considered	
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Page 1 of 2

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /DW/

Second Supplemental Information Disclosure Statement

Application No. 14/087,169

Attorney Docket No. 15571-26

2. CERTIFICATIONS: (CHECK ALL THAT APPLY)

- ☐ For purposes of 37 CFR §1.704(d)(i), Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a patent office in a counterpart foreign or international application or from the Office, and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.
- ☐ For purposes of 37 CFR §1.704(d)(ii), Applicant hereby certifies that each item of information contained in this Information Disclosure Statement is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.
- ☐ Applicant hereby certifies pursuant to 37 CFR §1.97(e)(1) that each item of information in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ Applicant hereby certifies pursuant to 37 CFR §1.97(e)(2) that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c), more than three months prior to the filing of this Information Disclosure Statement.

3. FEE INFORMATION: (CHECK IF FEE REQUIRED)

- ☐ Applicant has calculated a processing fee in the amount of _____ to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicant authorizes charging the fee to Deposit Account _____.
- ☒ The Director is hereby authorized to charge any fee deficiency associated with the filing of this Information Disclosure Statement to Deposit Account 23-1925.

Pursuant to the undersigned attorney's obligation and duties under 37 CFR §§ 1.56 and 1.98(a)(3) and (c), either English language abstracts, partial translations, or full translations are included for patent documents which are not in English for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same. Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Respectfully submitted,

December 7, 2015

Date

/Eric D. Babych/

Eric D. Babych (Reg. No. 57,542)

BRINKS GILSON & LIONE
405 S. Main Street, Suite 1000
Salt Lake City, Utah 84111-3411
(801) 355-7900

<i>Index of Claims</i> 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	08/01/2016								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
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	14	✓								
	15	✓								
	16	✓								
	17	✓								
	18	✓								
	19	✓								
	20	✓								

Receipt date: 08/11/2014

14087169 -- GAU: 3765

Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14087169	
	Filing Date		2013-11-22	
	First Named Inventor	Bhupesh Dua		
	Art Unit	3765		
	Examiner Name	Larry D. Worrell Jr.		
	Attorney Docket Number	51-3770		

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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If you wish to add additional U.S. Published Application citation information please click the Add button.

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²ⁱ	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							☐

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NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

/DANNY WORRELL/ (08/01/2016)

Receipt date: 08/11/2014

14087169 - GAU: 3765

**INFORMATION DISCLOSURE
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Application Number	14087169
Filing Date	2013-11-22
First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

1	Letter from Bruce Huffa dated December 23, 2013 (71 Pages).	☐
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If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/DANNY WORRELL/ (08/01/2016)	Date Considered	
--------------------	------------------------------	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Receipt date: 08/11/2014

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
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Application Number	14087169
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Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Eric M. Gibson/	Date (YYYY-MM-DD)	2014-08-11
Name/Print	Eric M. Gibson	Registration Number	59,058

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

/DANNY WORRELL/ (08/01/2016)

Receipt date: 03/13/2014

14087169 - GAU: 3765

Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	2343390		1944-03-07	Ushakoff	
	2	2608078		1952-08-26	Anderson	
	3	2569764		1951-10-02	Jonas	
	4	2314098		1943-03-16	McDonald	
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	6	2440393		1948-04-27	Clark	
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	8	2147197		1939-02-14	Glidden	

/DANNY WORRELL/ (08/01/2016)

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9	6333105		2001-12-25	Tanaka et al.	
10	3583081		1974-06-08	Hayashi	
11	4447967		1984-05-15	Zaino	
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13	4756098		1988-07-12	Boggia	
14	5345638		1994-09-13	Nishida	
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16	0601192		1898-03-22	Woodside	
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20	1902780	A	1933-03-21	Holden et al.	
21	1910251	A	1933-05-23	Joha	
22	2001293	A	1935-05-14	Wilson	
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24	2330199	A	1943-09-28	Basch	
25	2400692	A	1946-05-21	Herbert	
26	2586045	A	1952-02-19	Hoza	
27	2675631	A	1954-04-20	Doughty	
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31	3766566	A	1973-10-23	Tadakoro	
32	3778856	A	1973-12-18	Christie et al.	
33	3952427	A	1976-04-27	Von den Benken et al.	
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35	4027402	A	1977-06-07	Liu et al.	
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37	4211806	A	1980-07-08	Civardi et al.	
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39	4255949	A	1981-03-17	Thorneburg	
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42	4373361	A	1983-02-15	Thorneburg	
43	4465448	A	1984-08-14	Aldridge	
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52	5461884	A	1995-10-31	McCartney et al.	

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60	5746013	A	1998-05-05	Fay, Sr.	
61	5765296	A	1998-06-16	Ludemann et al.	
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/DANNY WORRELL/ (08/01/2016)
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65	6032387	A	2000-03-07	Johnson	
66	6052921	A	2000-04-25	Oreck	
67	6088936	A	2000-07-18	Bahl	
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73	6588237	B2	2003-07-08	Cole et al.	
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Receipt date: 03/13/2014

14087169 - GAU: 3765

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14087169
Filing Date	2013-11-22
First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	19728848	DE		1999-01-07	Kundert Werke Gmbh		☐
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Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

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Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

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NON-PATENT LITERATURE DOCUMENTS

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First Named Inventor	Bhupesh Dua
Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5
	1	Declaration of Dr. Edward C. Frederick from the US Patent and Trademark Office Inter Partes Review of US Patent No. 7,347,011 (178 pp).	☒
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Art Unit	3765
Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

11	International Preliminary Report on Patentability, mailed May 22,2009, issued in the International Application No. PCT/US2007/084013.	☐
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Examiner Signature	/DANNY WORRELL/ (08/01/2016)	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Examiner Name	Larry D. Worrell Jr.
Attorney Docket Number	51-3770

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Eric M. Gibson/	Date (YYYY-MM-DD)	2014-03-13
Name/Print	Eric M. Gibson	Registration Number	59,058

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

/DANNY WORRELL/ (08/01/2016)

Search Notes 	Application/Control No. 14087169	Applicant(s)/Patent Under Reexamination DUA ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
D04B 7/30, 7/24, 7/28, 1/24, 1/26, 7/32	8/1/2016	/dw/
A43B 23/0205, 23/0235, 23/024, 23/0245, 23/042, 1/04	8/1/2016	/dw/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
36	48, 49	7/31/2016	/dw/

SEARCH NOTES		
Search Notes	Date	Examiner
Review related applications	7/31/2016	/dw/
CPC and US Class search limited by term "Knit\$5"	8/1/2016	/dw/

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))		Attorney Docket No. 51-3770	
		First Named Inventor Bhupesh Dua	
		Title Article Of Footwear Having A Flat Knit...	
		Express Mail Label No.	

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. ☐ Fee Transmittal Form (PTO/SB/17 or equivalent) 2. ☐ Applicant asserts small entity status. See 37 CFR 1.27 3. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent. 4. ☒ Specification [Total Pages <u>27</u>] Both the claims and abstract must start on a new page. (See MPEP § 608.01(a) for information on the preferred arrangement) 5. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets <u>18</u>] 6. ☐ Inventor's Oath or Declaration [Total Pages _____] (including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e)) a. ☐ Newly executed (original or copy) b. ☐ A copy from a prior application (37 CFR 1.63(d)) 7. ☒ Application Data Sheet * See note below. See 37 CFR 1.76 (PTO/AIA/14 or equivalent) 8. CD-ROM or CD-R in duplicate, large table, or Computer Program (Appendix) ☐ Landscape Table on CD 9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. – c. are required) a. ☐ Computer Readable Form (CRF) b. ☐ Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ Paper c. ☐ Statements verifying identity of above copies	ACCOMPANYING APPLICATION PAPERS 10. ☐ Assignment Papers (cover sheet & document(s)) Name of Assignee <u>NIKE, Inc. for the United States</u> and NIKE International Ltd. for all other states 11. ☐ 37 CFR 3.73(c) Statement ☐ Power of Attorney (when there is an assignee) 12. ☐ English Translation Document (if applicable) 13. ☐ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☐ Copies of citations attached 14. ☐ Preliminary Amendment 15. ☐ Return Receipt Postcard (MPEP § 503) (Should be specifically itemized) 16. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed) 17. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent. 18. ☐ Other: _____ _____ _____ _____

***Note:** (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
 (2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

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Name (Print/Type) Eric M. Gibson		Registration No. (Attorney/Agent) 59,058		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ARTICLE OF FOOTWEAR HAVING A FLAT KNIT UPPER CONSTRUCTION OR
OTHER UPPER CONSTRUCTION**

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application is a division of U.S. Patent Application Serial Number 13/533,140, entitled "Article of Footwear Having a Flat Knit Upper Construction or Other Upper Construction", filed on June 26, 2012, which application is a continuation of U.S. Patent Application Serial Number 12/829,788, entitled "Article of Footwear Having a Flat Knit Upper Construction or Other Upper Construction", filed on July 2, 2010, and issued as U.S. Patent Number 8,215,132 on July 10, 2012, which application is a divisional of U.S. Patent Application Serial Number 11/558,499, entitled "Article of Footwear Having a Flat Knit Upper Construction or Other Upper Construction", filed on November 10, 2006 and issued as U.S. Patent Number 7,774,956 on May 15, 2008, each naming Bhupesh Dua, et al. as inventors, the disclosures of all of which applications are hereby incorporated by reference in entirety.

BACKGROUND

[0002] Conventional articles of athletic footwear include two primary elements, an upper and a sole structure. The upper provides a covering for the foot that securely receives and positions the foot with respect to the sole structure. In addition, the upper may have a configuration that protects the foot and provides ventilation, thereby cooling the foot and removing perspiration. The sole structure is secured to a lower surface of the upper and is generally positioned between the foot and the ground. In addition to attenuating ground reaction forces, the sole structure may provide traction and control foot motions, such as pronation.

Accordingly, the upper and the sole structure operate cooperatively to provide a comfortable structure that is suited for a wide variety of ambulatory activities, such as walking and running. The general features and configuration of the conventional upper are discussed in greater detail below.

[0003] The upper forms a void on the interior of the footwear for receiving the foot. The void has the general shape of the foot, and access to the void is provided by an ankle opening. Accordingly, the upper extends over the instep and toe areas of the foot, along the medial and lateral sides of the foot, and around the heel area of the foot. A lacing system is often incorporated into the upper to selectively increase the size of the ankle opening and permit the wearer to modify certain dimensions of the upper to accommodate feet with varying proportions. In addition, the upper may include a tongue that extends under the lacing system and a heel counter to limit movement of the heel.

[0004] The materials forming the upper may be selected based upon the properties of wear-resistance, flexibility, stretchability, and air-permeability, for example. With regard to the exterior layer, the toe area and the heel area may be formed of leather, synthetic leather, or a rubber material to impart a relatively high degree of wear-resistance. Leather, synthetic leather, and rubber materials, however, may not exhibit the desired degree of flexibility and air-permeability. Accordingly, various other areas of the exterior layer of the upper may be formed from a synthetic or natural textile material. The exterior layer of the upper may be formed, therefore, from numerous material elements that each impart different properties to specific portions of the upper.

[0005] The intermediate layer of the upper may be formed from a lightweight polymer foam material that provides cushioning. Similarly, the interior layer of the upper may be formed of a moisture-wicking textile that removes perspiration from the area immediately surrounding the foot. In some articles of athletic footwear, the various layers may be joined with an adhesive, and stitching may be utilized to join elements within a single layer or to reinforce specific areas of the upper.

[0006] Although the materials selected for the upper vary significantly, textile materials often form at least a portion of the exterior layer and interior layer. A textile may be defined as a structure manufactured from fibers, filaments, or yarns characterized by flexibility, fineness, and a high ratio of length to thickness. Textiles generally fall into two categories. The first category includes textiles produced directly from webs of filaments or fibers by randomly interlocking to construct non-woven fabrics and felts. The second category includes textiles formed through a mechanical manipulation of yarn (e.g., by interlacing or interlooping), thereby producing a woven fabric or a knit fabric, for example.

[0007] Yarn is the raw material utilized to form textiles in the second category. In general, yarn is defined as an assembly having a substantial length and relatively small cross-section that is formed of at least one filament or a plurality of fibers. Fibers have a relatively short length and require spinning or twisting processes to produce a yarn of suitable length for use in textiles. Common examples of fibers are cotton and wool. Filaments, however, have an indefinite length and may merely be combined with other filaments to produce a yarn suitable for use in textiles. Modern filaments include a plurality of synthetic materials such as rayon, nylon, polyester, and polyacrylic, with silk being the primary, naturally-occurring exception. Yarn may be formed of a single filament, which is conventionally referred to as a "monofilament yarn," or a plurality of individual filaments grouped together. Yarn may also include separate filaments formed of different materials, or the yarn may include filaments that are each formed of two or more different materials. Similar concepts also apply to yarns formed from fibers. Accordingly, yarns may have a variety of configurations that generally conform to the definition provided above.

[0008] The various techniques for mechanically manipulating yarn into a textile include interweaving, intertwining and twisting, and interlooping. Interweaving is the intersection of two yarns that cross and interweave at right angles to each other. The yarns utilized in interweaving are conventionally referred to as "warp" and "weft." Intertwining and twisting encompasses procedures such

as braiding and knotting where yarns intertwine with each other to form a textile. Interlooping involves the formation of a plurality of columns of intermeshed loops, with knitting being the most common method of interlooping.

[0009] The textiles utilized in footwear uppers generally provide a lightweight, air-permeable structure that is flexible and comfortably receives the foot. In order to impart other properties to the footwear, including durability and stretch-resistance, additional materials are commonly combined with the textile, including leather, synthetic leather, or rubber, for example. With regard to durability, U.S. Pat. No. 4,447,967 to Zaino discloses an upper formed of a textile material that has a polymer material injected into specific zones to reinforce the zones against abrasion or other forms of wear. Regarding stretch resistance, U.S. Pat. No. 4,813,158 to Brown and U.S. Pat. No. 4,756,098 to Boggia both disclose a substantially inextensible material that is secured to the upper, thereby limiting the degree of stretch in specific portions of the upper. U.S. Patent Publication No. 2006-0048413 describes, inter alia, a rubber/foam web sandwiched between two textile structures to provide support, and this structure also allows for regional breathability, stretchability, and durability.

SUMMARY

[0010] One example structure according to this invention relates to an article of footwear having an upper and a sole structure secured to the upper. The upper includes a knitted element formed from at least one mechanically manipulated yarn. The knitted element of this example structure has an area with a first layer and a coextensive second layer. The first layer is formed as a unitary construction with the second layer, and the second layer is joined to the first layer at opposite sides of the second layer.

[0011] Another example aspect of the invention relates to a method of manufacturing an article of footwear. The method includes steps of flat knitting a textile element and incorporating the textile element into the article of footwear. The step of flat knitting may include forming an area of the textile element with a first layer and a coextensive second layer. The two layers may be utilized to form a channel, for example. In some configurations, the step of flat knitting may include forming a first area and a second area, with one or both of a stitch type and a yarn type of the first area being different than a stitch type and a yarn type of the second area.

[0012] Yet another example structure according to this invention relates to an article of footwear having a knitted element that includes a foot-receiving portion and one or more straps formed of unitary construction with the foot-receiving portion. The foot-receiving portion defines a void for receiving the foot, and the strap or straps extend outward from one or more sides of the foot-receiving portion.

[0013] The advantages and features of novelty characterizing various aspects of the invention are pointed out with particularity in the appended claims. To gain an improved understanding of the advantages and features of novelty, however, reference may be made to the following descriptive matter and accompanying drawings that describe and illustrate various embodiments and concepts related to the aspects of the invention.

DESCRIPTION OF THE DRAWINGS

[0014] FIG. 1 is a lateral side elevational view of an article of footwear having a first upper in accordance with the invention.

[0015] FIG. 2 is a medial side elevational view of the article of footwear.

[0016] FIG. 3 is top plan view of the article of footwear.

[0017] FIGS. 4A-4C are cross-sectional views of the article of footwear, as defined by section lines 4A-4C in FIG. 3.

[0018] FIG. 5 is a plan view of a lateral textile element of the first upper.

[0019] FIG. 6 is a plan view of a medial textile element of the first upper.

[0020] FIG. 7 is a plan view of a central textile element of the first upper.

[0021] FIG. 8A is a perspective view depicting a first step in assembling the article of footwear.

[0022] FIG. 8B is a perspective view depicting a second step in assembling the article of footwear.

[0023] FIG. 8C is a perspective view depicting a third step in assembling the article of footwear.

[0024] FIG. 8D is a perspective view depicting a fourth step in assembling the article of footwear.

[0025] FIG. 8E is a perspective view depicting a fifth step in assembling the article of footwear.

[0026] FIG. 9A is a plan view of another configuration for the lateral textile element.

[0027] FIG. 9B is a plan view of yet another configuration for the lateral textile element.

[0028] FIG. 10A is a perspective view of a textile element of a second upper in accordance with the invention.

[0029] FIG. 10B is a top plan view of the textile element of the second upper.

[0030] FIG. 10C is a side elevational view of the textile element of the second upper.

[0031] FIG. 11A is a perspective view of an article of footwear having a third upper in accordance with the invention.

[0032] FIG. 11B is a side elevational view of the third upper in combination with a foot.

[0033] FIG. 12 is a perspective view of an article of footwear having another upper configuration in accordance with this invention.

[0034] FIG. 13 is a perspective view of an article of footwear having yet another upper configuration in accordance with this invention.

DETAILED DESCRIPTION

[0035] The following discussion and accompanying figures disclose various uppers for articles of footwear, the uppers (or at least portions thereof) being at least partially formed from a material produced through a flat knitting process. The uppers are disclosed in combination with footwear suitable for activities that include running and yoga. Concepts associated with the footwear and the uppers are not limited solely to footwear designed for running and yoga, but they may be applied to a wide range of athletic footwear styles, including baseball shoes, basketball shoes, cross-training shoes, cycling shoes, football shoes, tennis shoes, soccer shoes, walking shoes, and hiking boots, for example. The concepts also may be applied to footwear styles that are generally considered to be non-athletic, including dress shoes, loafers, sandals, and work boots. The concepts disclosed herein apply, therefore, to a wide variety of footwear styles. Also, aspects of this invention may be used in conjunction with other portions of a footwear structure, such as a layer within an upper member structure, an interior lining for a footwear product (such as a sock liner), a bootie member (optionally for inclusion in a footwear structure), etc.

[0036] Flat knitting, when used in example structures according to this invention, can provide various advantages. For example, flat knitting can be used to provide textile structures for use in footwear uppers of a final desired shape such that textile cutting steps can be avoided (which eliminates waste, avoids the need to finish cut edges, saves time, saves money, etc.). Flat knitted elements also can be formed directly in desired three dimensional shapes, which can help avoid the need to use additional support structures in the overall footwear construction (which also saves time, money, etc.; produces a lighter and/or more flexible product; may eliminate seams and at least some sewing, etc.; etc.). By selectively placing multiple different yarns and/or stitch patterns at multiple different locations in the overall structure during the knitting process, flat knitted

products may have multiple different physical properties (e.g., different stretchability, different moisture management capabilities, etc.) at multiple different locations or zones within a single, unitary construction (e.g., different properties at different zones or locations within a single footwear structure). Additionally, flat knitting can be used to produce pockets, tunnels, or other layered structures in the final product. These and other features, aspects, and advantages of structures and methods in accordance with examples of this invention will be described in more detail below in conjunction with the various example structures illustrated in FIGS. 1-13.

[0037] General Footwear Structure

[0038] An article of footwear 10 is depicted in FIGS. 1-4C as including a sole structure 20 and an upper 30. For reference purposes, footwear 10 may be divided into three general regions: a forefoot region 11, a midfoot region 12, and a heel region 13, as shown in FIGS. 1 and 2. Footwear 10 also includes a lateral side 14 and a medial side 15. Forefoot region 11 generally includes portions of footwear 10 corresponding with the toes and the joints connecting the metatarsals with the phalanges. Midfoot region 12 generally includes portions of footwear 10 corresponding with the arch area of the foot, and heel region 13 corresponds with rear portions of the foot, including the calcaneus bone. Lateral side 14 and medial side 15 extend through each of regions 11-13 and correspond with opposite sides of footwear 10. Regions 11-13 and sides 14-15 are not intended to demarcate precise areas of footwear 10. Rather, regions 11-13 and sides 14-15 are intended to represent general areas of footwear 10 to aid in the following discussion. In addition to footwear 10, regions 11-13 and sides 14-15 may also be applied to sole structure 20, upper 30, and individual elements thereof.

[0039] Sole structure 20 is secured to upper 30 and extends between the foot and the ground when footwear 10 is worn. In addition to providing traction, sole structure 20 may attenuate ground reaction forces when compressed between the foot and the ground during walking, running, or other ambulatory activities. As depicted in the figures, one suitable configuration for sole structure

20 includes a midsole 21, an outsole 22, and an insole 23. Midsole 21 is secured to a lower surface of upper 30 and is primarily formed from a polymer foam element (e.g., a polyurethane or ethylvinylacetate foam, phylon, phylite, etc.) that imparts the ground reaction force attenuation properties to sole structure 20. Midsole 21 may incorporate a fluid-filled bladder that supplements the ground reaction force attenuation properties. Outsole 22 is secured to a lower surface of midsole 21 and may be formed from textured rubber or other materials that impart a relatively high degree of wear resistance and/or traction properties. Insole 23 is located within upper 30 and is positioned to extend under a lower surface of the foot. Although this configuration for sole structure 20 provides a suitable example for a sole structure that may be used in connection with upper 30, a variety of other conventional or nonconventional configurations for sole structure 20 may also be utilized without departing from this invention.

[0040] Upper 30 defines a void within footwear 10 for receiving and securing the foot relative to sole structure 20. More particularly, the void is shaped to accommodate a foot and extends along the lateral side of the foot, along the medial side of the foot, over the foot, and under the foot. Access to the void is provided by an ankle opening 31 located in at least heel region 13. A lace 32 extends through various lace elements 33 and permits the wearer to modify dimensions of upper 30, thereby accommodating feet with varying proportions. Lace 32 also permits the wearer to loosen upper 30 and facilitate removal of the foot from the void. Lace elements 33 in this example footwear structure 10 are formed from a flexible material, and each has a pair of loops 35 formed on opposite ends of a central section 36, with loops 35 having a configuration that receives lace 32. In addition, upper 30 includes a heel counter 34 that extends around heel region 13 and limits movement of the heel. A wide variety of other lace engaging elements and/or other footwear securing systems may be provided, if desired.

[0041] Textile Elements

[0042] The void in this example footwear structure 10 is primarily defined by a lateral textile element 40, a medial textile element 50, and a central textile element 60. Lateral textile element 40 forms portions of upper 30 corresponding with lateral side 14. Medial textile element 50 forms portions of upper 30 corresponding with medial side 15. In addition, central textile element 60 forms portions of upper 30 extending under the foot, over forward portions of the foot, and around the heel of the foot. Textile elements 40, 50, and 60 extend around the foot and are the primary elements of footwear 10 that make contact with the foot or a sock worn over the foot. In general, and as described in greater detail below, upper 30 is substantially assembled by joining edges of textile elements 40, 50, and 60 to impart a general shape of the void. In addition, assembling upper 30 in this example structure 10 involves incorporating lace 32, lace elements 33, and heel counter 34 into footwear 10.

[0043] Textile elements 40, 50, and 60 are depicted as forming portions of both an exterior surface and an opposite interior surface of footwear 10. In further configurations, textile elements 40, 50, and 60 may form only the exterior surface or only the interior surface (e.g., as an interior liner or bootie for the footwear structure). Textile elements 40, 50, and 60 may also be located between other footwear elements so as to form non-visible or non-exposed portions of footwear 10. In addition, textile elements 40, 50, and 60 are depicted as extending through each of regions 11-13, but they may be limited to a smaller portion of footwear 10.

[0044] Lateral textile element 40 is depicted individually in FIG. 5 and is formed of unitary (i.e., one-piece) construction through a flat knitting process. That is, a flat knitting process is utilized to mechanically manipulate one or more yarns in a manner that forms an upper edge 41, a lower edge 42, a rear edge 43, and four channels 44 in lateral textile element 40. As depicted in the cross-section of FIG. 4B, channels 44 are formed from two at least partially coextensive layers of the material forming lateral textile element 40, and the two layers are formed of unitary (i.e., one piece) construction through the flat knitting process. When viewed

from the side of footwear 10, as in FIG. 1, channels 44 are oriented in a substantially vertical direction or are angled with respect to a vertical direction.

[0045] Medial textile element 50 is depicted individually in FIG. 6 and is similar in shape and configuration to lateral textile element 40. Accordingly, medial textile element 50 is formed of unitary (i.e., one-piece) construction through a flat knitting process. That is, a flat knitting process is utilized to mechanically manipulate one or more yarns in a manner that forms an upper edge 51, a lower edge 52, a rear edge 53, and four channels 54 in medial textile element 50. As depicted in the cross-section of FIG. 4B, channels 54 are formed from two at least partially coextensive layers of the material forming medial textile element 50, and the two layers are formed of unitary (i.e., one piece) construction through the flat knitting process. When viewed from the side of footwear 10, as in FIG. 2, channels 54 are oriented in a substantially vertical direction or are angled with respect to the vertical direction. Channels 54 are, therefore, similar in configuration and orientation to channels 44 of lateral textile element 40.

[0046] Central textile element 60 is depicted individually in FIG. 7 and includes a forward portion 61, a center portion 62, and a rearward portion 63 formed of unitary (i.e., one piece) construction. Forward portion 61 is primarily located in a throat area of footwear 10 (i.e., under lace 32) and has an elongate configuration defined by a lateral edge 64a and a medial edge 64b. As depicted in FIG. 3, and as described in greater detail below, at least a portion of lateral edge 64a is joined to lateral textile element 40 and at least a portion of medial edge 64b is joined to medial textile element 50. Center portion 62 is primarily located adjacent sole structure 20 (i.e., in an area extending under the foot) to form a lower portion of the void within upper 30. Center portion 62 has a shape that approximates a shape of the foot and is defined by a lateral edge 65a and a medial edge 65b. As described in greater detail below, lateral edge 65a is joined to lateral textile element 40 and medial edge 65b is joined to medial textile element 50. Rearward portion 63 is primarily located in heel region 13 and has a generally Y-shaped configuration defined by a lateral edge 66a, a medial edge 66b, and an

ankle edge 66c. As described in greater detail below, lateral edge 66a is joined to lateral textile element 40, medial edge 66b is joined to medial textile element 50, and ankle edge 66c forms a portion of an upper edge of ankle opening 31.

[0047] Flat Knitting and Yarn

[0048] Each of textile elements 40, 50, and 60 may be formed through a flat knitting process. In general, flat knitting is a method for producing knitted material in which the material is turned periodically (i.e., the material is knitted from alternating sides). The two sides (otherwise referred to as "faces") of the material are conventionally designated as the "right side" (i.e., the side that faces outwards, towards the viewer) and the "wrong side" (i.e., the side that faces inwards, away from the viewer). Flat knitting may be contrasted with circular knitting, in which the fabric is always knitted from the same side. Various circular knitting techniques are known, for example, narrow tube circular knitting and wide tube circular knitting. More specific examples of circular knitting techniques are described in U.S. Published Patent Publication No. 2005/0193592, which publication is entirely incorporated herein by reference. In contrast with circular knitting, flat knitting may be more complicated because the same stitch (as seen from the right side) is produced by two different movements when knitted from the right and wrong sides. Accordingly, a knit stitch (as seen from the right side) may be produced by a knit stitch on the right side or by a purl stitch on the wrong side. In flat knitting, the fabric is usually turned after every row. Although flat knitting provides a suitable manner for forming textile elements 40, 50, and 60, other types of knitting may also be utilized, including wide tube circular knitting, narrow tube circular knit jacquard, single knit circular knit jacquard, double knit circular knit jacquard, and warp knit jacquard, for example.

[0049] An advantage of flat knitting over various other types of knitting is that the flat knitting process may be utilized to form generally three-dimensional structures or structures wherein layers of material overlap each other (i.e., are at least partially coextensive) to form loops or other overlapping configurations, as with channels 44 and 54. More particularly, the flat knitting process may make

structures wherein layers are joined to each other such that opposite sides of one layer are formed of unitary construction with the other layer, as with channels 44 and 54. In addition, flat knitting may be utilized to form areas with different types of stitches and areas with different types of yarns. For example, forward portion 61 of central element 60 is depicted as having a ribbed configuration that stretches to a different degree than the non-ribbed configurations of center portion 62 and rearward portion 63. Moreover, textile elements 40 and 50 may be formed from a less stretchable type of stitch than forward portion 61, and the yarn selected for textile elements 40 and 50 may be more wear-resistant than the yarn selected for forward portion 61. As another example, the knit/yarn combination utilized for rearward portion 63 may be selected to impart stretch and recovery to ankle opening 31. Accordingly, the flat knitting process may be utilized to form a generally three-dimensional or overlapping structure having areas with different properties that are produced from combinations of different types of stitches and different types of yarns.

[0050] The flat knitting process may also be utilized to form elements with defined shapes that do not need to be cut from a larger textile element. For example, each of textile elements 40, 50, and 60 may be knitted to have the respective shapes depicted in FIGS. 5-7 without cutting textile elements 40, 50, and 60 from larger textile elements. Unlike textile elements cut from a larger textile element, therefore, the edges of textile elements 40, 50, and 60 do not need to be finished to prevent unraveling. Also this feature reduces waste and saves time and money in the manufacturing process.

[0051] The yarn forming textile elements 40, 50, and 60 may include cotton and wool fibers, natural filaments such as silk, and synthetic filaments that include rayon, nylon, polyester, and acrylic. Other materials also may be used without departing from this invention. The yarn may be a monofilament yarn or a plurality of individual filaments. The yarn may also be formed of separate filaments formed of different materials, or the yarn may be formed of filaments that are each formed of two or more different materials. Similar concepts also apply to yarns

formed from fibers. In order to provide the stretch and recovery properties to upper 30, and particularly textile elements 40, 50, and 60, a yarn that incorporates an elastane fiber may be utilized. Elastane fibers are available from E. I. duPont de Nemours Company under the LYCRA trademark. Such fibers may have the configuration of covered LYCRA® wherein the fiber includes a LYCRA® core that is surrounded by a nylon sheath. One suitable yarn, for example, includes a 70 denier elastane core that is covered with nylon having a 2 ply, 80 denier, 92 filament structure. Other fibers or filaments exhibiting elastic properties may also be utilized.

[0052] The characteristics of the yarn selected for textile elements 40, 50, and 60 depend primarily upon the materials that form the various filaments and fibers. Cotton, for example, provides a soft hand, natural aesthetics, and biodegradability. Elastane fibers, as discussed above, provide substantial stretch and recoverability. Rayon provides drape and moisture absorption. Wool also provides high moisture absorption, in addition to insulating properties. Polytetrafluoroethylene coatings may provide a low friction contact between the textile and the skin. Nylon is a durable and abrasion-resistant material with high strength, and polyester is a hydrophobic material that dries quickly and also provides relatively high durability. The flat filaments of nylon/polyester may provide luster whereas textured filaments may provide bulk and a matte luster. Accordingly, the materials comprising the yarn may be selected to impart a variety of physical properties to textile elements 40, 50, and 60, and the physical properties may include, for example, strength, stretch, support, stiffness, recovery, fit, and form.

[0053] Assembly Process

[0054] A suitable assembly process for footwear 10 is generally depicted in FIGS. 8A-8E. The order of the various steps outlined below is discussed as an example of the manner in which footwear 10 may be assembled. One skilled in the relevant art will recognize, however, that a different order may also be utilized for assembling footwear 10. With reference to FIG. 8A, each of textile elements 40 and 50 are depicted as being stitched or otherwise joined to central textile element

60. More particularly, lower edge 42 of lateral textile element 40 is stitched to lateral edge 65a of center portion 62, and lower edge 52 of medial textile element 50 is stitched to medial edge 65b of center portion 62. A variety of stitch types may be utilized to join edges 42, 52, 65a, and 65b in the manner discussed above. For example, edges 42, 52, 65a, and 65b may abut each other or overlap each other once the stitching is applied. In addition to stitching, edges 42, 52, 65a, and 65b may be joined to each other with an adhesive or with a heat bonding operation. Accordingly, a variety of methods may be utilized to join textile elements 40, 50, and 60. Furthermore, one skilled in the relevant art will recognize that a last having the general shape of the foot may be utilized in joining textile elements 40, 50, and 60 to form upper 30.

[0055] Once lower portions of textile elements 40 and 50 are joined to center portion 62, textile elements 40 and 50 are joined to rearward portion 63, as depicted in FIG. 8B. More particularly, rear edge 43 of lateral textile element 40 is stitched to lateral edge 66a of rearward portion 63, and rear edge 53 of medial textile element 50 is stitched to medial edge 66b of rearward portion 63. With reference to FIG. 8C, the assembly process continues by joining textile elements 40 and 50 to forward portion 61. More particularly, upper edge 41 of lateral textile element 40 is stitched to lateral edge 64a of forward portion 61, and upper edge 51 of medial textile element 50 is stitched to medial edge 64b of forward portion 61.

[0056] At this point in the assembly process, textile elements 40, 50, and 60 are joined to each other to form an interior void shaped to receive the foot. The various other elements of footwear 10 may now be added. With reference to FIG. 8D, lace elements 33 are positioned to extend through channels 44 and 54 and also extend under center portion 62 of central textile element 60. Each of loops 35 are positioned to extend outward from upper portions of channels 44 and 54, and central section 36 of lace elements 33 is positioned under and on the exterior of central textile element 60. As the final steps in this example assembly process, as depicted in FIG. 8E, lace 32 is threaded through lace elements 33, heel counter 34 is adhesively-bonded or otherwise secured to an exterior of upper 30 in heel

region 13, and sole structure 20 is adhesively-bonded or otherwise secured to a lower area of upper 30.

[0057] Additional Configurations

[0058] Footwear 10 provides an example of a suitable configuration of an article of footwear having an upper at least partially formed from a flat knit material structure. With reference to FIG. 9A, another configuration for lateral textile element 40 is depicted as having various lace loops 45 in place of channels 44 and lace elements 33. As discussed above, the flat knitting process may be utilized to form generally three-dimensional structures wherein layers of material overlap each other (i.e., are at least partially coextensive) to form loops or other overlapping configurations, as with channels 44 and 54. Lace loops 45 may be used in place of lace elements 33 to receive portions of lace 32. Although not necessary, lace elements 33 may be formed from a substantially inextensible material. In order to provide lace loops 45 with similar properties, the yarns and stitch selected for lace loops 45 may impart a substantially non-stretch configuration to upper 30 in the area of lace loops 45.

[0059] Yet another configuration for lateral textile element 40 is depicted in FIG. 9B as having a pocket 46 in place of channels 44 and lace elements 33. Pocket 46 has an upper opening and is otherwise closed to permit small items (e.g., a key, identification, or change) to be secured within footwear 10. As with channels 44 and lace loops 45, pocket 46 is formed through the flat knitting process as a unitary construction with the textile element 40. If desired, a flap or other closure element may be provided to help secure items within the pocket 46 (optionally, the flap may be formed as part of the textile element 40 in the flat knitting process (e.g., as a unitary, one-piece structure therewith)).

[0060] As another example of a three-dimensional structure formed through a flat knitting process, an upper 70 is depicted in FIGS. 10A-10C. Upper 70 includes a central portion 71, a pair of side portions 72, and eight lace loops 73. Side portions 72 each include a side edge 74, a rear edge 75, and a central edge 76. When assembled into an article of footwear, central portion 71 extends over

the foot, and side portions 72 wrap under the foot. More particularly, side edges 74 are joined to each other (e.g., with stitching) to form a seam that extends under the foot and along a longitudinal length of the foot. In addition, rear edges 75 are joined to each other (e.g., with stitching) to form a seam that extends upward along the heel. In this configuration, central edge 76 may define an opening that permits the foot to enter and exit a void within upper 70. A lace may also extend through lace loops 73 to provide adjustability.

[0061] Whereas side portions 72 are relatively flat in configuration, central portion 71 has a domed shape formed through the flat knitting process. That is, the flat knitting process forms central portion 71 to have a three-dimensional structure that is shaped to extend over the foot. In comparison with side portions 72, which have a non-ribbed type of knit, central portion 71 may be ribbed. In addition to different knit types, different areas may also incorporate different yarns to further vary the properties of upper 70. In addition to providing a three-dimensional structure, therefore, the flat knitting process may be utilized to impart different knit types and yarns to different areas of upper 70, thereby varying the properties of upper 70 in the different areas.

[0062] Another article of footwear 10' is depicted in FIGS. 11A and 11B as including a sole structure 20' and an upper 30'. Whereas footwear 10 includes sole structure 20 that is separate from and attached to upper 30, sole structure 20' of this example is a lower surface of a textile material that forms upper 30'. Accordingly, footwear 10' may be used for activities such as yoga where a minimal sole is acceptable. In other configurations, sole structure 20' may include polymer foam or rubber elements that impart force attenuation and wear resistance. A separate sole structure may be provided for use with upper 30', if desired.

[0063] Upper 30' includes a foot-receiving portion 31' and a pair of straps 32' that extend outward from sides of foot-receiving portion 31'. Foot-receiving portion 31' has the general configuration of a sock that is formed of unitary (i.e., one piece) construction by the flat knitting process. Foot-receiving portion 31' is, therefore, a textile element shaped to extend around the foot, and

foot-receiving portion 31' has an opening 33' for inserting and removing the foot from upper 30'. Straps 32' are each formed of unitary (i.e., one piece) construction with foot-receiving portion 31' and are joined with foot-receiving portion 31' proximal opening 33'. As with foot-receiving portion 31', straps 32' are formed through the flat knitting process. Each of straps 32' in this example structure are tapered from the area where straps 32' are joined with foot-receiving portion 31' to an end portion of straps 32'. That is, the end portions of straps 32' have a lesser width than the portions of straps 32' that are adjacent opening 33'. Straps 32' may each be formed from a single layer of textile material, or each of straps 32' may have a tubular configuration that is effectively formed from two layers of the textile material.

[0064] Straps 32' are utilized to secure footwear 10' to the foot. As such, straps 32' may have a length that ranges, for example, between three inches and twenty-four inches, depending upon the size and intended use of footwear 10'. As depicted, however, straps 32' are approximately six inches in length. Each of straps 32' has an end portion and a fastener 34' that is located at the end portion. Fastener 34' is depicted as corresponding portions of a hook-and-loop fastener, such as VELCRO®, but they may also be snaps, buttons, or other desired fasteners. With reference to FIG. 11B, straps 32' wrap around the ankle such that fastener 34' is utilized to secure the end portions of straps 32' together behind the ankle. Alternately, straps 32' may be tied on the upper surface of the foot or may wrap around the foot to secure footwear 10' to the foot. Accordingly, a variety of methods for securing footwear 10' to the foot may be utilized, depending upon the foot size and preferences of the wearer.

[0065] Whereas upper 30 is formed from three separate textile elements 40, 50, and 60 that are joined through stitching, upper 30' is formed from a single textile element formed of unitary construction. In contrast with upper 30, therefore, upper 30' is free from seams that may contact the foot during use. That is, foot-receiving portion 31' of this example structure 10' is formed to extend around the foot and does not include seams adjacent the foot. Furthermore, the seamless

union of sole structure 20' and upper 30' in this example structure 10' further reduces seams adjacent the foot. Accordingly, the flat knitting process may be utilized to form a seamless footwear component that extends around the foot.

[0066] FIGS. 12 and 13 illustrate additional examples of articles of footwear like the example shown in FIGS. 11A and 11B, but these additional examples have somewhat different straps and/or securing arrangements. In the example article of footwear 100 shown in FIG. 12, the article of footwear 100 includes a sole structure 120 and an upper 130. A separate sole structure 120 may be provided and attached to the upper 130, if desired, or the upper 130 and the sole structure 120 may be provided as a unitary, one-piece construction (e.g., as a flat knit yoga shoe, slipper, bootie, or the like). The upper 130 of this example structure 100 includes a foot-receiving portion 131 that defines an opening 133 through which the wearer's foot may be inserted. This example structure 100 includes a single strap 132 that extends over the wearer's foot to secure the foot in the article of footwear 100. While any desired type of securing system may be provided (e.g., buttons, snaps, hooks, buckles, etc.), in this example structure 100, one portion of a hook-and-loop fastener 134 is provided on the free end of the strap 132, and this portion of the fastener 134 secures to another portion of the hook-and-loop fastener (not shown) provided at the side of the upper 130. The strap 132 may be provided on either the lateral side or the medial side of the upper member 130 without departing from the invention. This strap 132 may be provided as a unitary, one-piece construction with the upper member 130 by a flat knitting process, e.g., in the manner described above in conjunction with the strap 32 of FIGS. 11A and 11B. If desired, the strap 132 (as well as straps 32 described above) may be constructed from a stretchable material, e.g., to enable a snug and secure fit to the wearer's foot.

[0067] FIG. 13 illustrates an example article of footwear 200 having yet another strap/securing arrangement. In this example, parts that are the same or similar to those described in conjunction with FIG. 12 will be labeled with the same reference number (and the corresponding description thereof will be omitted).

Rather than a single strap, in this example, several (e.g., four in the illustrated example) long and relatively thin and flexible straps 232 are provided. If desired, the straps 232 may be sufficiently thin and/or flexible to allow the wearer to tie them together around the foot (e.g., in a bow or a knot, akin to a shoelace), to thereby secure the foot in the article of footwear 200. The straps 232 may be of sufficient length to wrap around the wearer's ankle one or more times, and optionally up the wearer's calf, e.g., in a manner similar to straps provided in conventional ballet slippers and/or Greco Roman type sandals. If desired, rather than tying, fastener elements (such as hook-and-loop fasteners, or the like) may be provided, e.g., in a manner similar to that described above in conjunction with FIGS. 11A through 12.

[0068] Straps 232 may be formed as a unitary, one piece construction with the upper member 130, e.g., during a flat knitting process, like the processes described above in conjunction with FIGS. 11A through 12. Alternatively, if desired, the straps 232 may be separate from the upper member 130 (e.g., like a lace, belt, ribbon, or other strap element), optionally extending through channels formed in the upper member 130, e.g., in a manner similar to the channels 44 and 54 described above in conjunction with FIGS. 1-8E. Other strap and/or fastener arrangements may be provided without departing from this invention.

[0069] While the footwear structures 10', 100, and 200 shown in FIGS. 11A through 13 are illustrated as ballet or yoga type footwear, the described structures and techniques may be used to provide upper members or portions thereof (e.g., liners, bootie elements, etc.) for a wide variety of different footwear products without departing from the invention.

[0070] Conclusion

[0071] As described above, a flat knitting process may be utilized to form a variety of uppers or other structures for inclusion in footwear products. An advantage of flat knitting is that generally three-dimensional structures may be formed. In addition, structures wherein layers of material overlap each other to form loops or other overlapping configurations may be formed. The flat knitting

process may also be utilized to form areas with different properties, e.g., by using combinations of different types of stitches and/or different types of yarns. Accordingly, flat knitting may be utilized to shape an upper and also provide different properties to different areas of the upper.

[0072] The invention is disclosed above and in the accompanying drawings with reference to a variety of embodiments. The purpose served by the disclosure, however, is to provide an example of the various features and concepts related to aspects of the invention, not to limit the scope of aspects of the invention. One skilled in the relevant art will recognize that numerous variations and modifications may be made to the embodiments described above without departing from the scope of the invention, as defined by the appended claims.

WHAT IS CLAIMED IS:

1. An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer having:
 - a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;
 - a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
 - a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion.
2. The article of footwear of claim 1, further comprising a first loop being formed as a second layer of unitary construction with the first layer.
3. The article of footwear of claim 2, wherein the first loop extends outward from the central portion.
4. The article of footwear of claim 2, further comprising eight loops being formed as a second layer of unitary construction with the first layer.
5. The article of footwear of claim 1, wherein the knitted element defines a void for receiving a foot of a wearer.
6. The article of footwear of claim 1, wherein the knitted element defines at least a portion of an exterior surface of the upper, and the knitted element defines at least a portion of a void for receiving a foot of a wearer.

7. The article of footwear of claim 1, wherein the knitted element includes a first area and a second area, the first area including a first type of knit structure, and the second area including a second type of knit structure, the first type being different than the second type.
8. The article of footwear of claim 1, wherein the at least one mechanically manipulated yarn includes a first yarn and a different second yarn, the first yarn being located in a first area of the upper, and the second yarn being located in a second area of the upper.
9. The article of footwear of claim 1, wherein the knitted element forms a defined shape having finished edges during the flat knitting process.
10. An article of footwear comprising an upper including a flat-knitted element formed from at least one yarn mechanically manipulated in a flat-knitting process, the flat-knitted element including a first layer and a second layer,
the first layer including:
a central portion;
a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and
a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion; and
the second layer being flat-knitted with the first layer at opposite ends of the second layer to form an overlapped loop.
11. The article of footwear of claim 10, wherein the central portion has a domed, three-dimensional structure configured for extending over the top of a foot.

12. A method of manufacturing an article of footwear, the method comprising forming during a flat-knitting process an upper including a flat-knitted element including a first layer having:

a central portion having a domed, three-dimensional structure configured for extending over the top of a foot;

a first side portion being formed of unitary construction with the central portion and extending from a first side of the central portion; and

a second side portion being formed of unitary construction with the central portion and extending from a second side opposite the first side of the central portion.

13. The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a stitch type of the first area being different than a stitch type of the second area.

14. The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a yarn type of the first area being different than a yarn type of the second area.

15. The method recited in claim 12, wherein the flat knitting process includes forming a first area and a second area, a stitch type and a yarn type of the first area being different than a stitch type and a yarn type of the second area.

16. The method recited in claim 12, further comprising assembling the flat-knitted element into an article of footwear.

17. The method recited in claim 16, wherein the assembling includes joining side edges of the first side portion and the second side portion to form a seam extending under a foot and along a longitudinal length of the foot.

18. The method recited in claim 16, wherein the assembling includes joining rear edges of the first side portion and the second side portion to form a seam that extends upward along a heel.

19. The method recited in claim 12, wherein the flat knitting process includes forming a first loop of unitary construction in the textile element.

20. The method recited in claim 19, further comprising extending a lace element through the first loop.

ABSTRACT

Flat knitting allows production of textile structures (e.g., for use in footwear uppers) of a final desired shape such that textile cutting steps can be avoided. Flat knitted elements also can be formed directly in desired three dimensional shapes, which can help avoid the need to use additional support structures (e.g., in footwear construction). By selectively placing multiple different yarns and/or stitch patterns at multiple different locations in the overall structure during the knitting process, flat knitted products may have multiple different physical properties (e.g., different stretchability, different moisture management capabilities, etc.) at multiple different locations or zones within a single, unitary construction (e.g., different properties at different zones or locations within a single footwear structure). Additionally, flat knitting can be used to produce pockets, tunnels, or other layered structures in the final product.

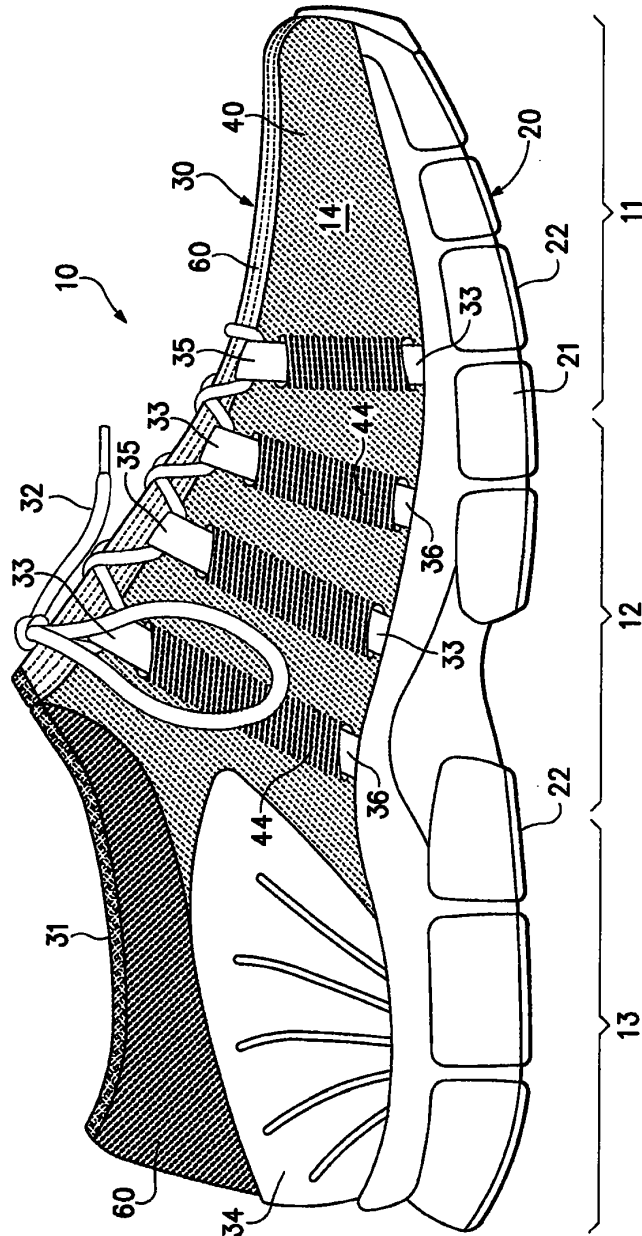


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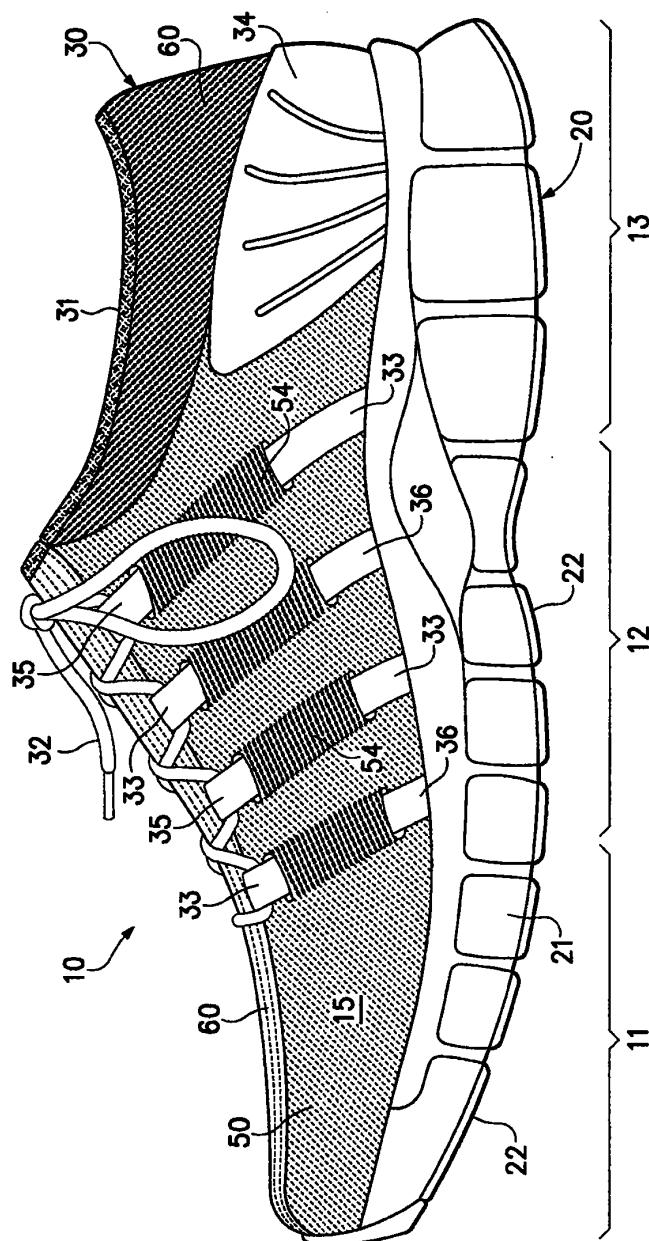


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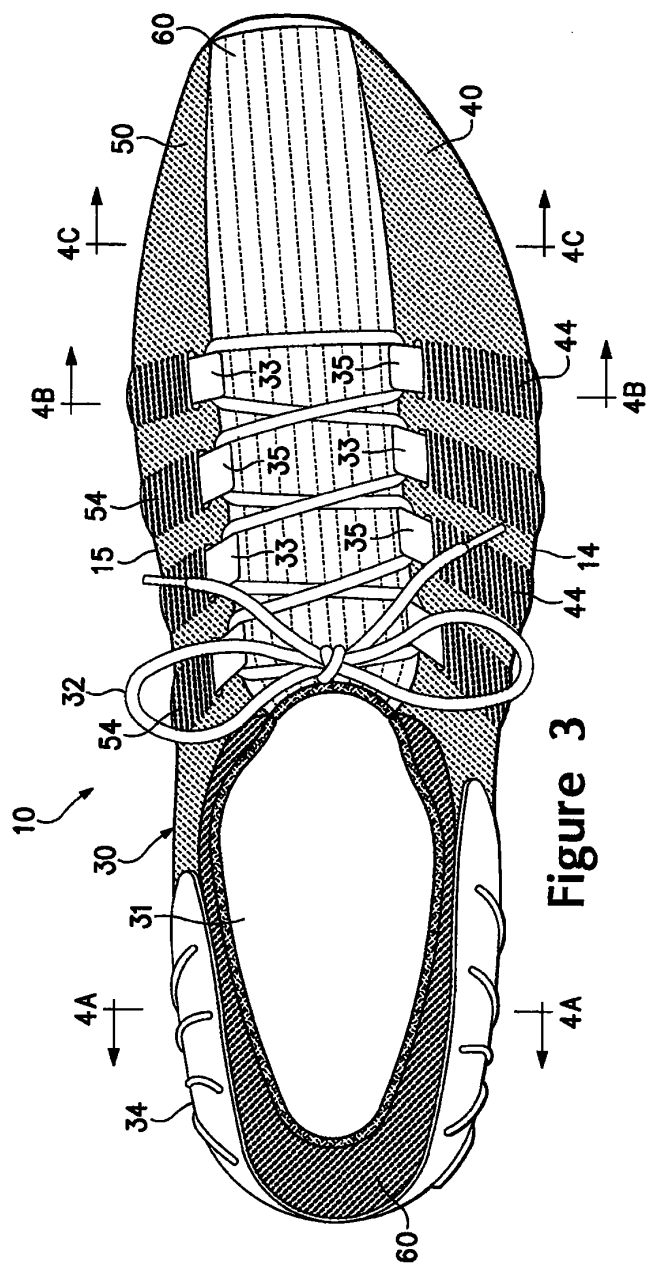


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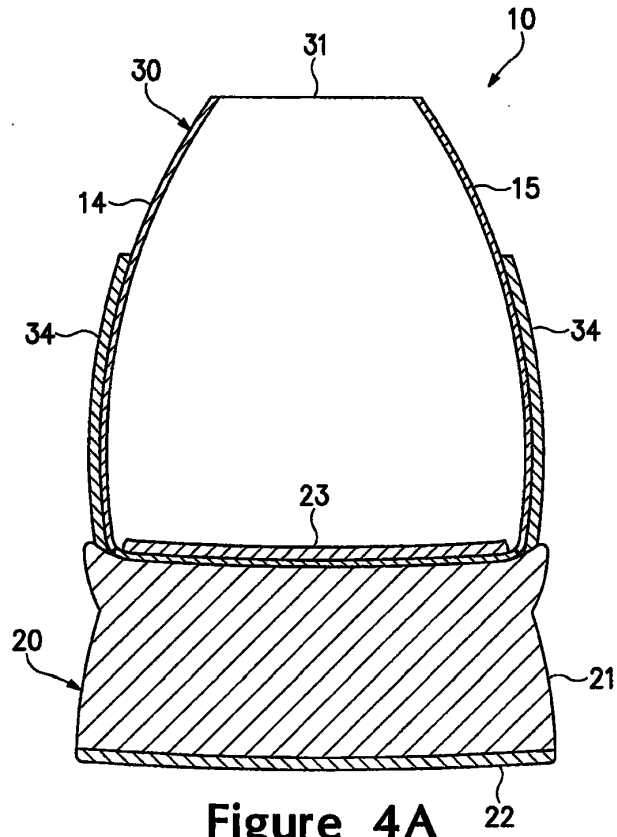


Figure 4A

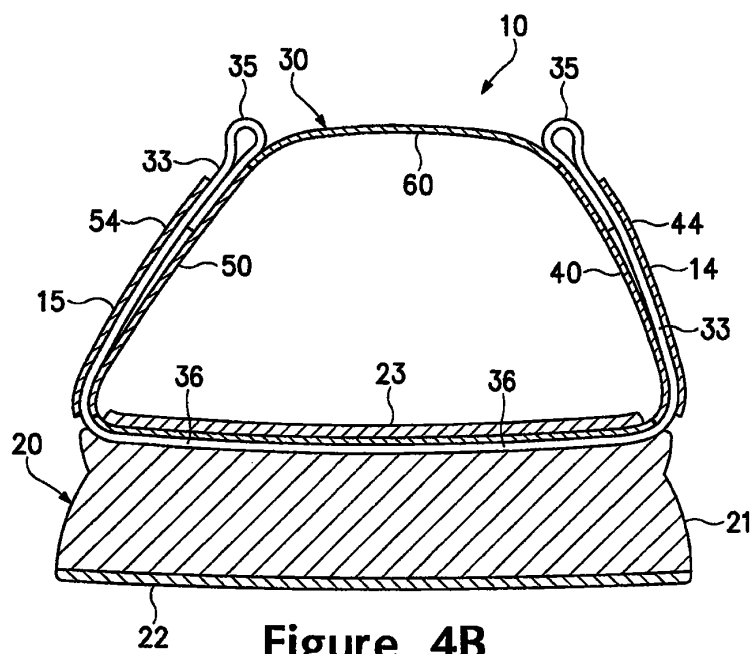


Figure 4B

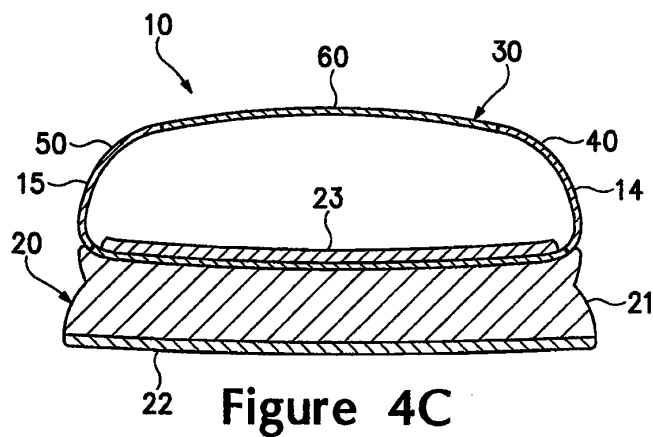


Figure 4C

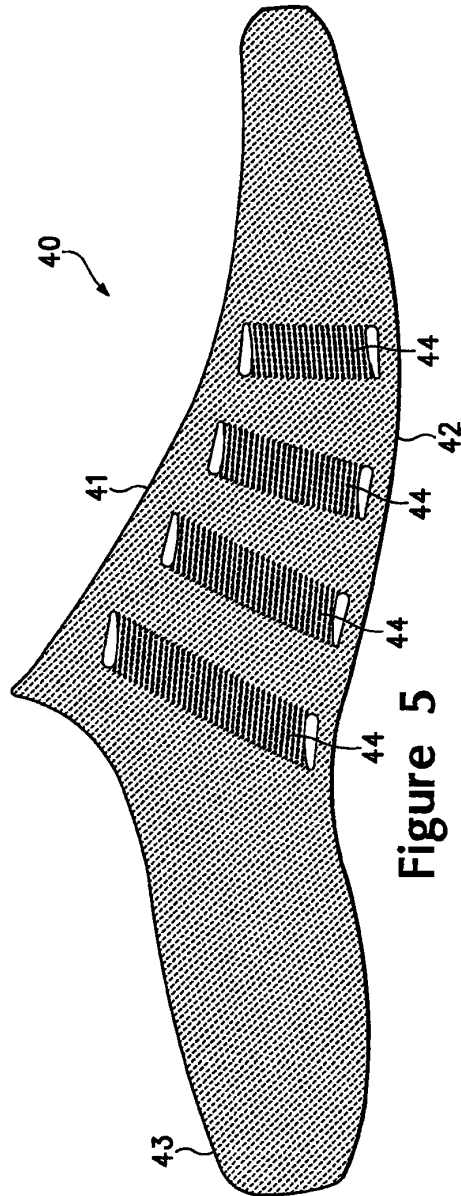


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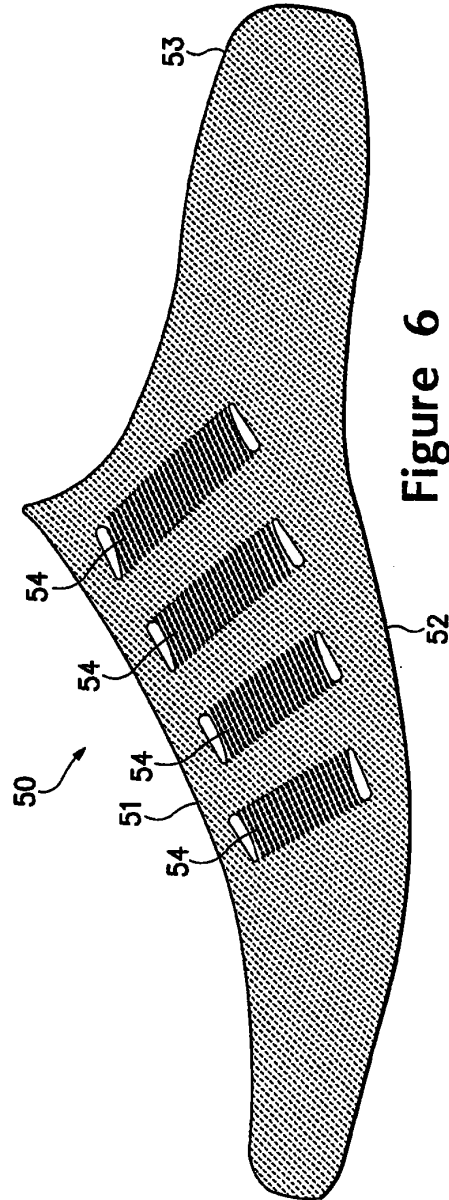


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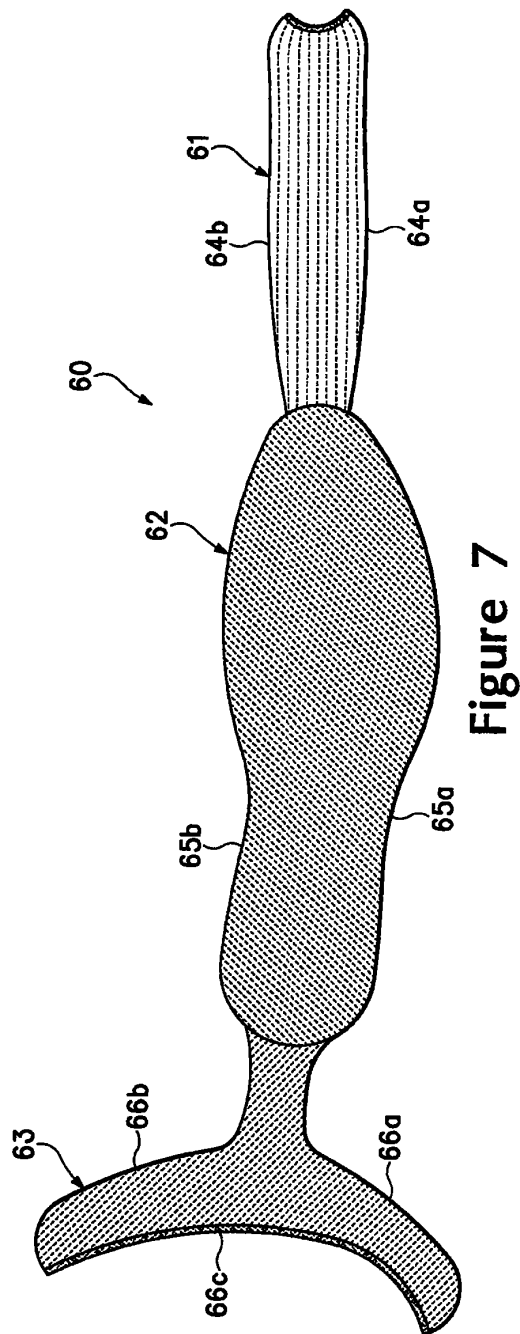


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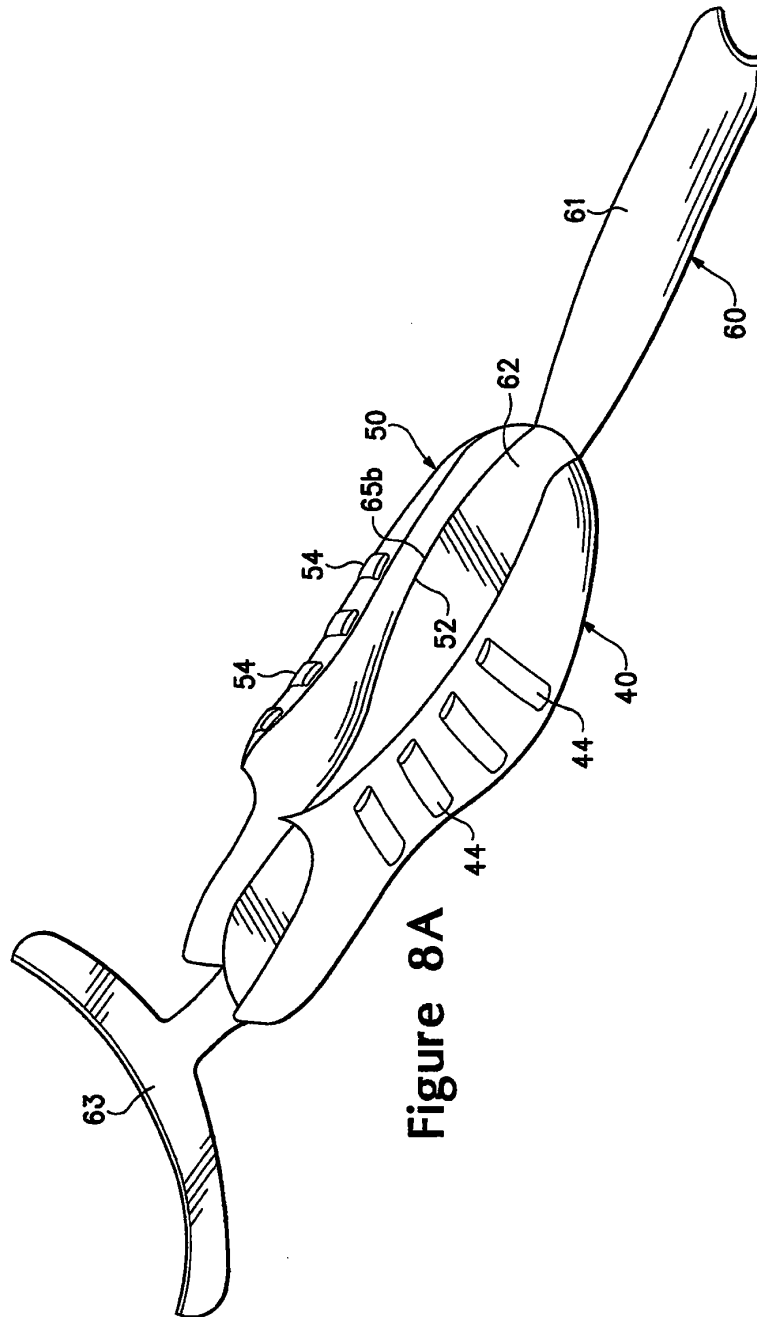
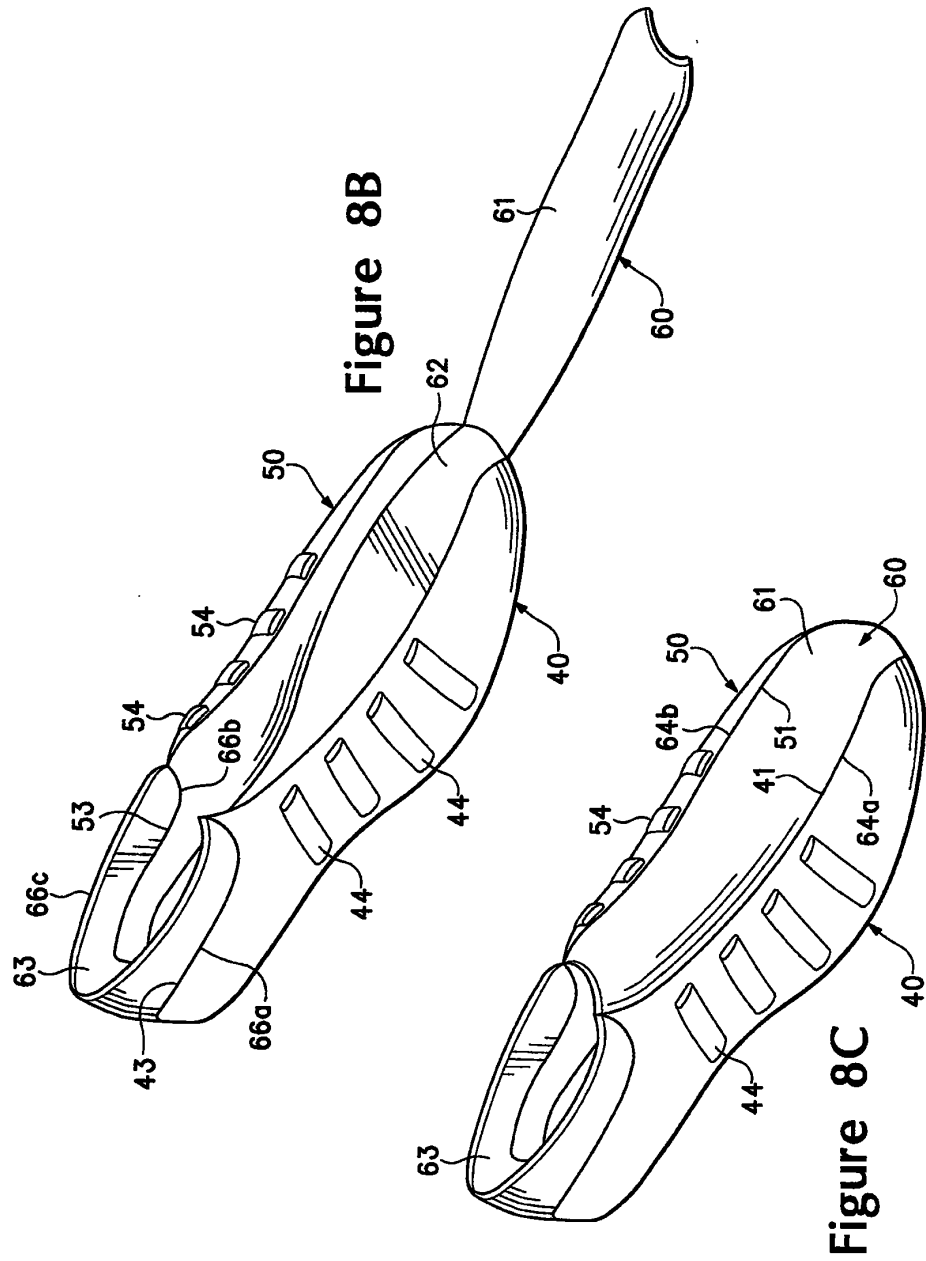
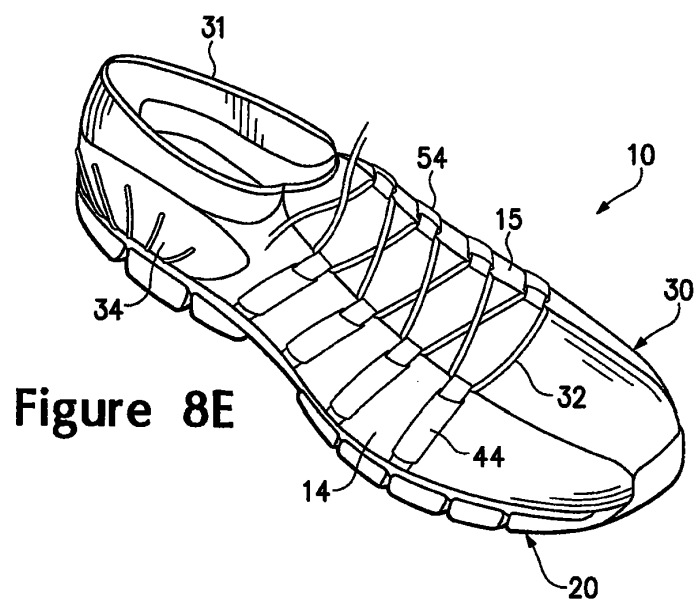
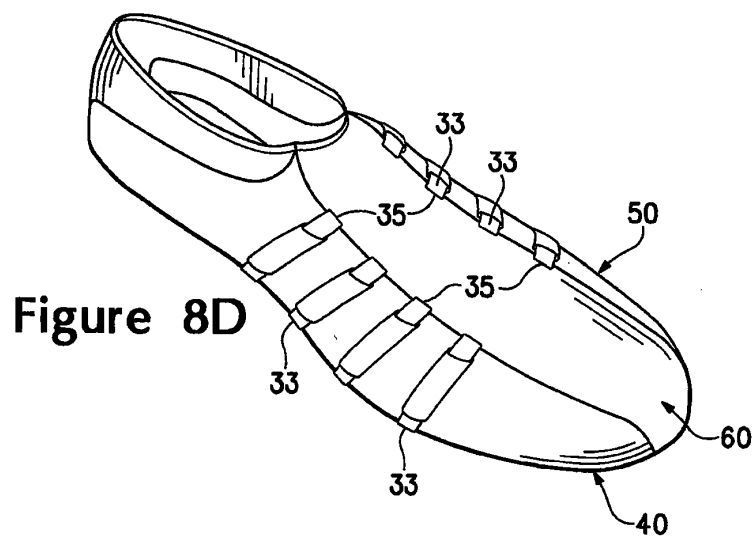


Figure 8A





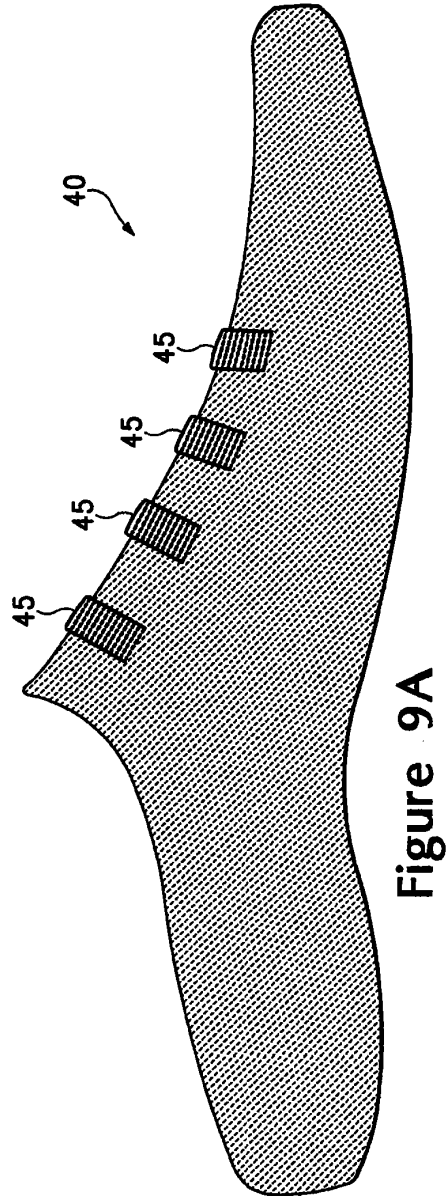


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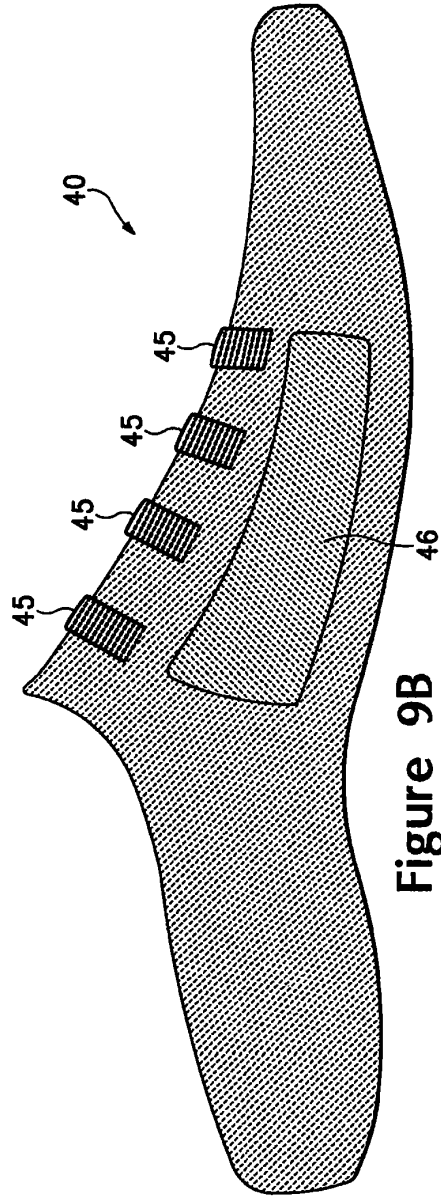


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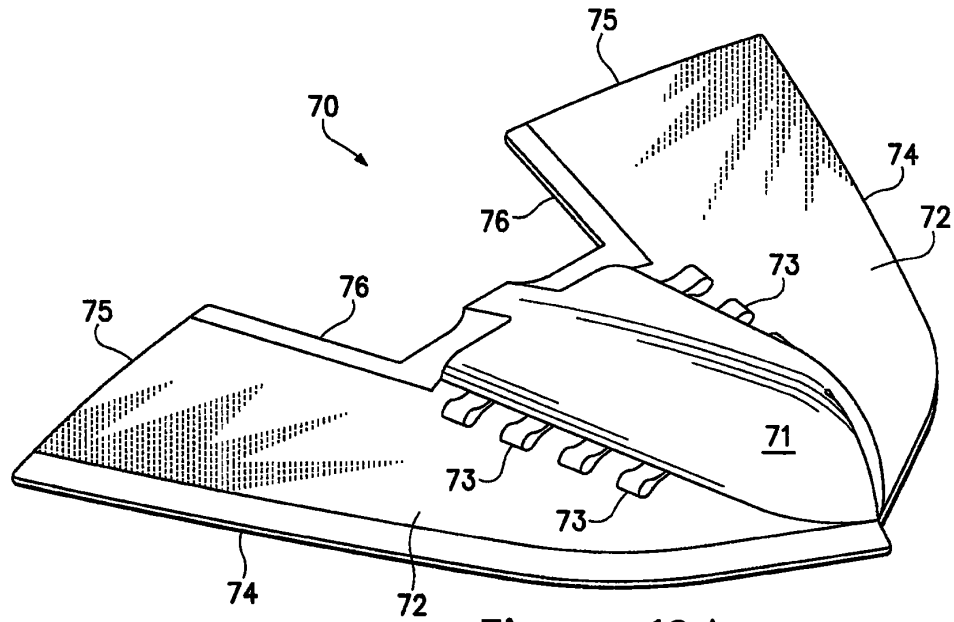


Figure 10A

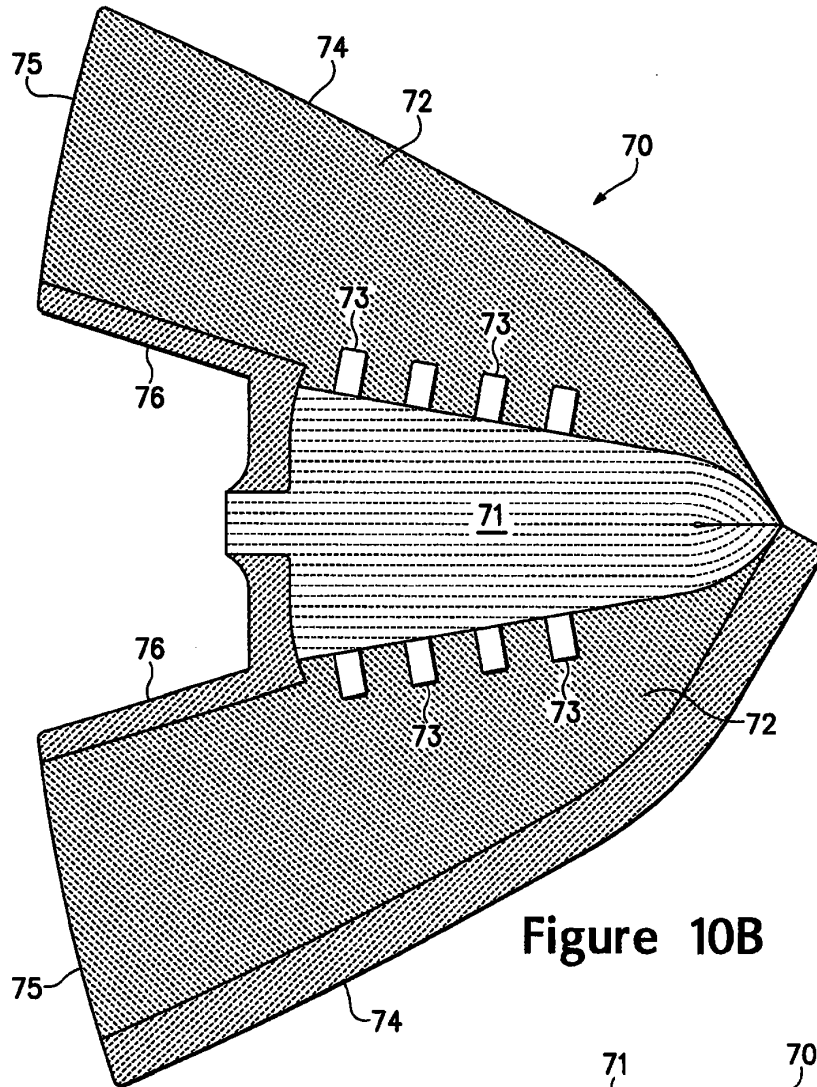


Figure 10B

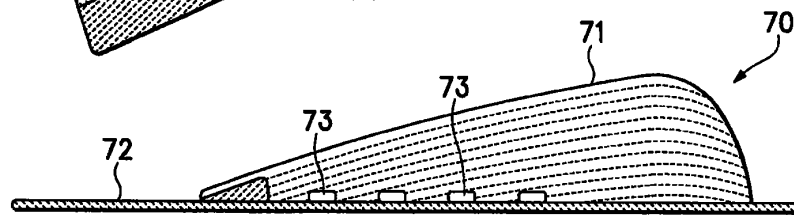


Figure 10C

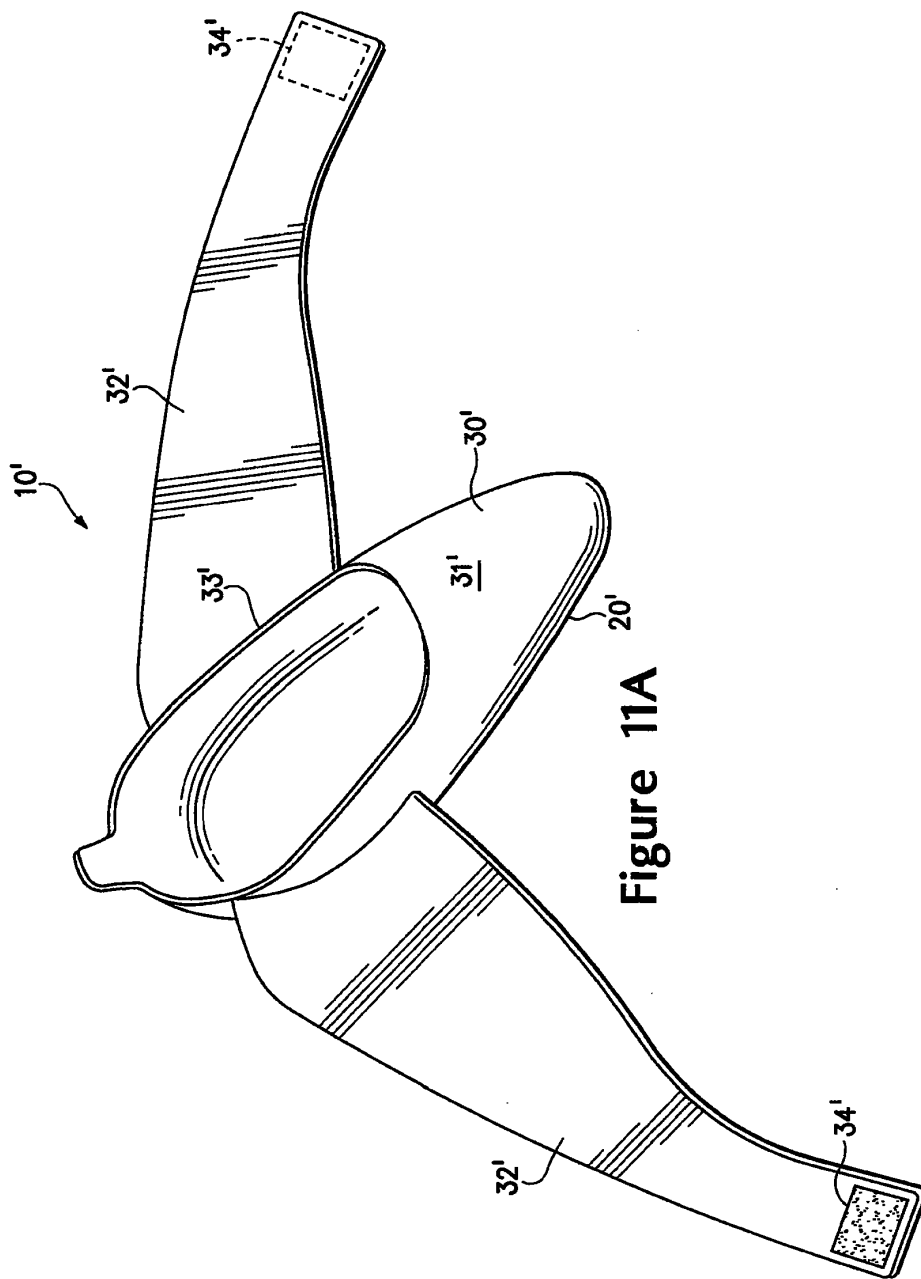


Figure 11A

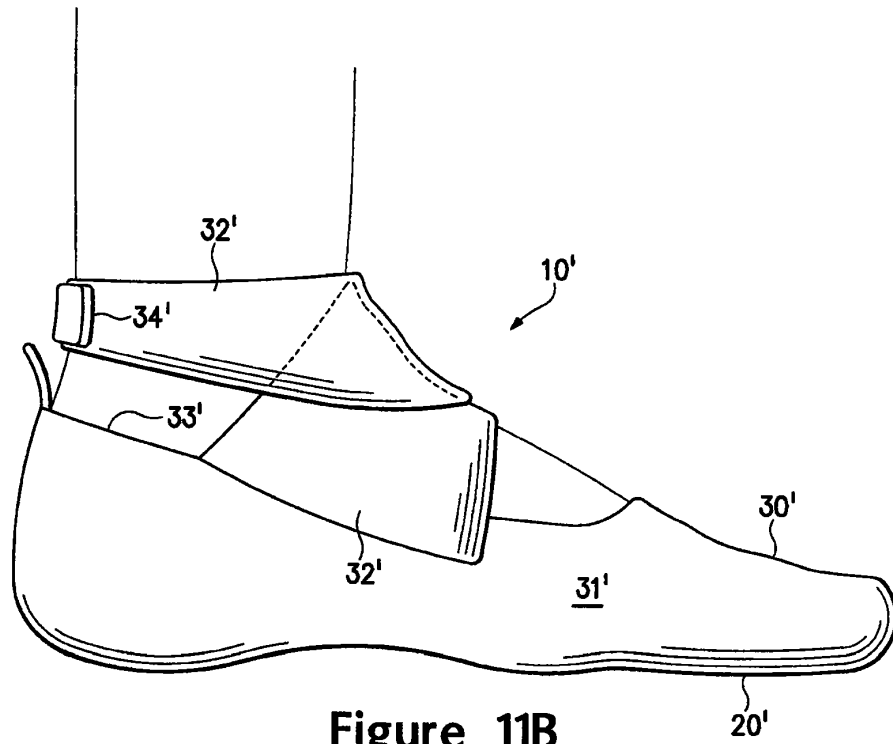


Figure 11B

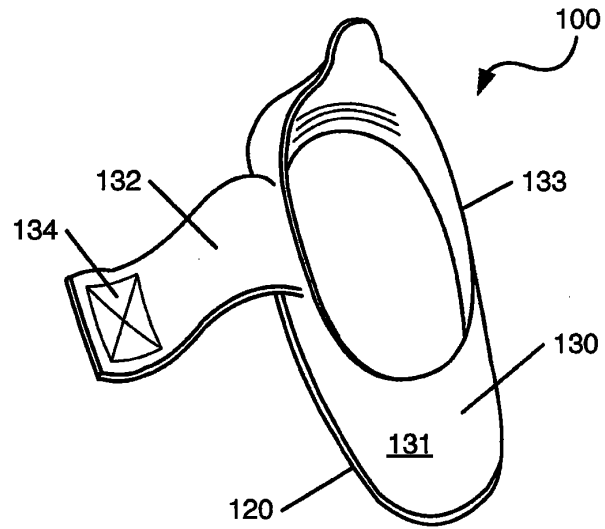


Figure 12

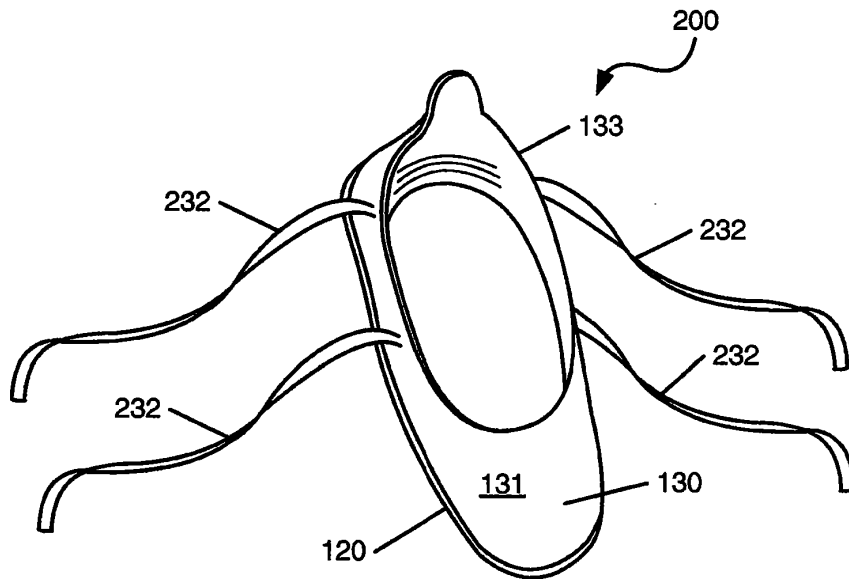


Figure 13

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	51-3770
		Application Number	
Title of Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--

Inventor Information:

Inventor 1					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Bhupesh		Dua			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Portland	State/Province	OR	Country of Residence	US	
Mailing Address of Inventor:						
Address 1		c/o NIKE, Inc.				
Address 2		One Bowerman Drive				
City	Beaverton	State/Province	OR			
Postal Code	97005	Country	i	US		
Inventor 2					Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Edward	N.	Thomas			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
City	Portland	State/Province	OR	Country of Residence	US	
Mailing Address of Inventor:						
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City	Beaverton	State/Province	OR			
Postal Code	97005	Country	i	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.						

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	51-3770
		Application Number	
Title of Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		

☐ An Address is being provided for the correspondence information of this application.			
Customer Number	57618		
Email Address	mail@plumsea.com	Add Email	Remove Email

Application Information:

Title of the Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		
Attorney Docket Number	51-3770	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	18	Suggested Figure for Publication (if any)	10A

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.			
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Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Division of	13533140	2012-06-26
Prior Application Status	Patented	Remove	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		51-3770	
		Application Number			
Title of Invention		Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13533140	Continuation of	12829788	2010-07-02	8215132	2012-07-10
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11558499	Division of	11558499	2006-11-10	7774956	2008-05-15
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.					

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

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Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

Authorization to Permit Access:

☒ Authorization to Permit Access to the Instant Application by the Participating Offices

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	51-3770
		Application Number	
Title of Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.			
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If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.			
Clear			
☒ Assignee	☐ Legal Representative under 35 U.S.C. 117	☐ Joint Inventor	
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If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:			
Name of the Deceased or Legally Incapacitated Inventor :			
If the Applicant is an Organization check here. ☒			
Organization Name	NIKE, Inc.		
Mailing Address Information For Applicant:			
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Address 2			
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Country	US	Postal Code	97005
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	51-3770
		Application Number	
Title of Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		
Email Address			
Additional Applicant Data may be generated within this form by selecting the Add button.			

Non-Applicant Assignee Information:

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Assignee 1				
Complete this section only if non-applicant assignee information is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). Do not include in this section an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest), as the patent application publication will include the name of the applicant(s).				
If the Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Non-Applicant Assignee:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications.					
Signature	/Eric M. Gibson/			Date (YYYY-MM-DD)	2013-11-22
First Name	Eric M.	Last Name	Gibson	Registration Number	59058
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	51-3770
		Application Number	
Title of Invention	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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EFS ID:	17476689
Application Number:	14087169
International Application Number:	
Confirmation Number:	5123
Title of Invention:	Article Of Footwear Having A Flat Knit Upper Construction Or Other Upper Construction
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	57618
Filer:	Eric M. Gibson/Cathy Lee
Filer Authorized By:	Eric M. Gibson
Attorney Docket Number:	51-3770
Receipt Date:	22-NOV-2013
Filing Date:	
Time Stamp:	11:59:49
Application Type:	Utility under 35 USC 111(a)

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File Listing:					
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Information:					

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