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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	005127.01675
	Application Number	
Title of Invention	AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	

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.
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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.)

Applicant Information:

Applicant 1 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

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 i	US

Citizenship under 37 CFR 1.41(b) i: US

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Applicant 2 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
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Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

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Citizenship under 37 CFR 1.41(b) i: US

Mailing Address of Applicant:

Address 1	c/o NIKE, Inc.
Address 2	One Bowerman Drive

City	Beaverton	State/Province	OR
Postal Code	97005-6453	Country i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

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For further information see 37 CFR 1.33(a).

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☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	22910		
Email Address	jtanner@bannerwitcoff.com	Add Email	Remove Email

Application Information:

Title of the Invention	AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER		
Attorney Docket Number	005127.01675	**Small Entity Status Claimed** ☐	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	12	**Suggested Figure for Publication (if any)**	9

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.

Representative Information:

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). Enter either 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.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	22910		

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(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	12879517	2010-09-10
Prior Application Status	Pending		Remove

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Title of Invention	AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12879517	Continuation of	12032995	2008-02-18
Prior Application Status	Patented		Remove

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12032995	Division of	10791289	2004-03-03	7347011	2008-03-25

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This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. 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(a).

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Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			○ Yes ◉ No

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Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1 Remove

If the Assignee is an Organization check here. ☒

Organization Name	NIKE, Inc.		
Mailing Address Information:			
Address 1	One Bowerman drive		
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City	Beaverton	**State/Province**	OR
Country [i]	US	Postal Code	97005-6453
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button. Add

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Jeanne M. Tanner/			Date (YYYY-MM-DD)	2011-09-20
First Name	Jeanne M.	Last Name	Tanner	Registration Number	45156

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

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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.

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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.

Banner & Witcoff Ref. No. 005127.00260
Client Ref. No.

JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled An Article of Footwear Having a Textile Upper, the specification of which

- ☐ is attached hereto.
- ☒ was filed on 3/3/04 as Application Serial Number 10/791,289 and was amended on _____ (if applicable).
- ☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned

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Banner & Witcoff Ref. No. 005127.00260
Client Ref. No.

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the practitioners at:

Customer Number: 22909 (PORT)

Please address all correspondence and telephone communications to the address and telephone number for this Customer Number.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Bhupesh Dua Date 07/21/04
Full Name of First Inventor Dua (Family Name) Bhupesh (First Given Name) (Second Given Name)
Residence Portland, Oregon Citizenship U.S.A.
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Signature Edward N. Thomas Date 7/15/04
Full Name of Second Inventor Thomas (Family Name) Edward (First Given Name) Nathaniel (Second Given Name)
Residence Portland, Oregon Citizenship U.S.A.
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AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

CROSS-REFERENCE TO RELATED APPLICATIONS

[01] This U.S. Patent Application is a continuation application of and claims priority to U.S. Patent Application Serial No.: 12/879,517, filed September 10, 2010, which is a continuation application of and claims priority to U.S. Patent Application Serial No.: 12/032,995, filed February 18, 2008, which is a divisional application of and claims priority to U.S. Patent Application serial number 10/791,289, filed March 3, 2004, now U.S. Patent 7,347,011, issued March 25, 2008, each of which are being entirely incorporated herein by reference.

BACKGROUND OF THE INVENTION

Field of the Invention

[02] The present invention relates to footwear. The invention concerns, more particularly, an article of footwear incorporating an upper that is at least partially formed from a textile material.

Description of Background Art

[03] 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 and absorbing energy (i.e., imparting cushioning), the sole structure may provide traction and control potentially harmful foot motion, such as over 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.

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[04] 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, particularly girth, to accommodate feet with varying proportions. In addition, the upper may include a tongue that extends under the lacing system to enhance the comfort of the footwear, and the upper may include a heel counter to limit movement of the heel.

[05] Various materials may be utilized in manufacturing the upper. The upper of an article of athletic footwear, for example, may be formed from multiple material layers that include an exterior layer, an intermediate layer, and an interior layer. The materials forming the exterior layer of the upper may be selected based upon the properties of wear-resistance, flexibility, 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 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. 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.

[06] An intermediate layer of the upper may be formed from a lightweight polymer foam material that provides cushioning and protects the foot from objects that may contact the upper. Similarly, an 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.

[07] 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

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any manufacture 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, thereby producing a woven fabric, for example.

[08] 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.

[09] 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.

[10] 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. Patent Number 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. Patent Numbers 4,813,158 to Brown and 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.

[11] From the perspective of manufacturing, utilizing multiple materials to impart different properties to an article of footwear may be an inefficient practice. For example, the various materials utilized in a conventional upper are not generally obtained from a single supplier. Accordingly, a manufacturing facility must coordinate the receipt of specific quantities of materials with multiple suppliers that may have distinct business practices or may be located in different regions or countries. The various materials may also require additional machinery or different assembly line techniques to cut or otherwise prepare the material for incorporation into the footwear. In addition, incorporating separate materials into an upper may involve a plurality of distinct manufacturing steps requiring multiple individuals. Employing multiple materials, in addition to textiles, may also detract from the breathability of footwear. Leather, synthetic leather, or rubber, for example, are not generally permeable to air. Accordingly, positioning leather, synthetic leather, or rubber on the exterior of the upper may inhibit air flow through the upper, thereby increasing the amount of perspiration, water vapor, and heat trapped within the upper and around the foot.

SUMMARY OF THE INVENTION

[12] The present invention is an upper for an article of footwear, the upper incorporating a textile element formed with a knitting machine, for example. In one aspect of the invention, the textile element has edges that are joined together to define at least a portion

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of a void for receiving a foot. In another aspect of the invention, the textile element has a first area and a second area of unitary construction. The first area is formed of a first stitch configuration, and the second area is formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the textile element. The knitting machine may have a configuration that forms the textile element through either warp knitting or weft knitting.

[13] Another aspect of the invention involves a method of manufacturing an article of footwear. The method includes a step of mechanically-manipulating a yarn with a circular knitting machine, for example, to form a cylindrical textile structure. In addition, the method involves removing at least one textile element from the textile structure, and incorporating the textile element into an upper of the article of footwear.

[14] In another aspect of the invention, an article of footwear has an upper and a sole structure secured to the upper. The upper incorporates a textile element formed with a knitting machine. The textile element is removed from a textile structure that includes an outline of the textile element, and the textile element has edges that are joined together to define at least a portion of a void for receiving a foot.

[15] The advantages and features of novelty characterizing the present 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 invention.

DESCRIPTION OF THE DRAWINGS

[16] The foregoing Summary of the Invention, as well as the following Detailed Description of the Invention, will be better understood when read in conjunction with the accompanying drawings.

[17] Figure 1 is a lateral elevational view of an article of footwear having an upper in accordance with the present invention.

[18] Figure 2 is a lateral elevational view of the upper.

[19] Figure 3 is a top plan view of the upper.

[20] Figure 4 is a rear elevational view of the upper.

[21] Figure 5 is a bottom plan view of the upper.

[22] Figure 6 is a first cross-sectional view of the upper, as defined by section line 6-6 in Figure 2.

[23] Figure 7 is a second cross-sectional view of the upper, as defined by section line 7-7 in Figure 2.

[24] Figure 8 is a plan view of a textile element that forms at least a portion of the upper.

[25] Figure 9 is a perspective view of a textile structure that incorporates two of the textile element.

[26] Figure 10 is a plan view of another textile element.

[27] Figure 11 is a plan view of yet another textile element.

[28] Figure 12 is a lateral elevational view of another article of footwear having an upper in accordance with the present invention.

[29] Figure 13 is a lateral elevational view of yet another article of footwear having an upper in accordance with the present invention.

[30] Figure 14 is a cross-sectional view of the footwear depicted in Figure 13, as defined by section line 14-14.

DETAILED DESCRIPTION OF THE INVENTION

[31] The following discussion and accompanying figures disclose an article of footwear 10 and a method of manufacturing footwear 10, or components thereof, in accordance with the present invention. Footwear 10 is depicted in the figures and discussed below as

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having a configuration that is suitable for athletic activities, particularly running. The concepts disclosed with respect to footwear 10 may, however, be applied to footwear styles that are specifically designed for a variety of other athletic activities, including basketball, baseball, football, soccer, walking, and hiking, for example, and may also be applied to various non-athletic footwear styles. Accordingly, one skilled in the relevant art will recognize that the concepts disclosed herein may be applied to a wide range of footwear styles and are not limited to the specific embodiments discussed below and depicted in the figures.

[32] The primary elements of footwear 10 are depicted in Figure 1 as being a sole structure 20 and an upper 30. Sole structure 20 is secured to a lower portion of upper 30 and provides a durable, wear-resistant component that imparts cushioning as footwear 10 impacts the ground. Upper 30 is at least partially formed from a textile element 40 that defines an interior void for comfortably receiving a foot and securing a position of the foot relative to sole structure 20. Various edges of textile element 40 are then secured together to form the shape of upper 30. In some embodiments, textile element 40 may form substantially all of upper 30, or textile element 40 may only be a portion of an upper.

[33] Sole structure 20 has a generally conventional configuration that includes a midsole 21 and an outsole 22. Midsole 21 is secured to a lower portion of upper 30 and is formed of a polymer foam material, such as ethylvinylacetate or polyurethane. Accordingly, midsole 21 attenuates ground reaction forces and absorbs energy (i.e., provides cushioning) as sole structure 20 impacts the ground. To enhance the force attenuation and energy absorption characteristics of sole structure 20, midsole 21 may incorporate a fluid-filled bladder, as disclosed in U.S. Patent Numbers 4,183,156 and 4,219,945 to Rudy. Alternately or in combination, midsole 21 may incorporate a plurality of discrete, columnar support elements, as disclosed in U.S. Patent Numbers 5,343,639 and 5,353,523 to Kilgore et al. Outsole 22 is secured to a lower surface of midsole 21 and may be formed from carbon black rubber compound to provide a durable, wear-resistant surface for engaging the ground. Outsole 22 may also incorporate a textured lower surface to enhance the traction characteristics of footwear 10. In addition, footwear 10 may include an insole (not depicted), which is a relatively thin, cushioning member

located within upper 30 and adjacent to a plantar surface of the foot for enhancing the comfort of footwear 10.

[34] Sole structure 20 is described above as having the elements of a conventional sole structure for athletic footwear. Other footwear styles, including, dress shoes and boots, for example, may have other types of conventional sole structures specifically tailored for use with the respective types of footwear. In addition to a conventional configuration, however, sole structure 20 may also exhibit a unique, non-conventional structure. Accordingly, the particular configuration of sole structure 20 may vary significantly within the scope of the present invention to include a wide range of configurations, whether conventional or non-conventional.

[35] Upper 30 is depicted in Figures 2-7 as having a lateral region 31, an opposite medial region 32, an instep region 33, a lower region 34, and a heel region 35. Lateral region 31 extends through a longitudinal length of footwear 10 and is generally configured to contact and cover a lateral side of the foot. Medial region 32 has a similar configuration that generally corresponds with a medial side of the foot. Instep region 33 is positioned between lateral region 31 and medial region 32, and instep region 33 extends over an instep area of the foot. Lower region 34 forms a bottom surface of upper 30 and also extends through the longitudinal length of footwear 10. Heel region 35 forms a rear portion of upper 30 and is generally configured to contact and cover a heel area of the foot. In addition, lateral region 31, medial region 32, instep region 33, and heel region 35 cooperatively define an ankle opening 36 for providing the foot with access to the void within upper 30.

[36] Upper 30 is at least partially formed from textile element 40, which forms regions 31-35, and may also include laces or other elements associated with a conventional upper for footwear. Textile element 40 is a single material element that is formed to exhibit a unitary (i.e., one-piece) construction, and textile element 40 is formed or otherwise shaped to extend around the foot. As depicted in Figures 2-7, textile element 40 forms both an exterior surface and an interior surface of upper 30. Textile element 40 may be formed as a part of a larger textile element. Textile element 40 is then removed from the larger textile element and various edges of textile element 40 are secured together to form

the shape of upper 30. A plurality of seams 51-54 are formed, therefore, when joining the edges of the textile element. Seam 51 extends along the longitudinal length of lower region 34 and is centrally-located with respect to lateral region 31 and medial region 32. Seam 52 is also centrally-located and extends upward along heel region 35. A seam 53 is positioned in a forefoot area of upper 30 and joins a portion of lower region 34 with both of lateral region 31 and medial region 32. In addition, a seam 54 is positioned in a rear area of upper 30 and joins a portion of lower region 34 with heel region 35.

[37] Textile element 40 exhibits the general shape depicted in Figure 8 prior to the formation of seams 51-54. Following formation of seams 51-54, however, textile element 40 exhibits the shape of upper 30 depicted in Figures 2-7. Seams 51-54 are formed by securing various edges of textile element 40 together. More specifically, (1) seam 51 is formed by securing an edge 41a with an edge 41b; (2) seam 52 is formed by securing an edge 42a with an edge 42b; (3) a first portion of seam 53 is formed by securing an edge 43a with an edge 43b (4) a second portion of seam 53 is formed by securing an edge 43c with an edge 43d; (5) a first portion of seam 54 is formed by securing an edge 44a with an edge 44b; and (6) a second portion of seam 54 is formed by securing an edge 44c with an edge 44d. Referring to Figure 8, the positions of regions 31-35 and ankle opening 36 are identified to provide a frame of reference relating to the various portions of textile element 40.

[38] In order to join edges 41a and 41b to form seam 51, textile element 40 is folded or otherwise overlapped such that edge 41a is placed adjacent to edge 41b. Stitching, an adhesive, or heat bonding, for example, is then utilized to secure edge 41a and edge 41b. Textile element 40, as depicted in Figure 8, has a generally planar configuration. Upon the formation of seam 51, however, one portion of textile element 40 overlaps the other portion of textile element 40. The volume between the overlapping portions effectively forms a portion of the void within upper 30 for receiving the foot.

[39] The folding or overlapping of textile element 40 to form seam 51 places edge 42a adjacent to edge 42b, which facilitates the formation of seam 52. With reference to Figure 8, an edge 45 forms a generally u-shaped area in textile element 40. Upon the joining of edges 42a and 42b to form seam 52, the u-shaped area becomes an aperture in

textile element 40 and effectively forms ankle opening 36. Each of edges 43a-43d and edges 44a-44d are formed from a generally v-shaped area of textile element 40. Accordingly, seams 53 and 54 may be formed by closing the v-shaped areas and securing the various edges together.

[40] Following the formation of each of seams 51-54, the manufacturing of upper 30 is essentially complete. Various finishing steps may be performed, such as reinforcing ankle opening 36, for example. Upper 30 (i.e., textile element 40) is then secured to sole structure 20, with an adhesive, for example. The insole is then placed into the void within upper 30 and adjacent to lower region 34. In some embodiments, various reinforcing members may be added to the exterior or interior surface of upper 20 in order to limit the degree of stretch in upper 20 or provide enhanced wear-resistance. In addition, a lacing system may be added to provide adjustability.

[41] Textile element 40 is a single material element with a unitary construction, as discussed above. As defined for purposes of the present invention, unitary construction is intended to express a configuration wherein portions of a textile element are not joined together by seams or other connections, as depicted with textile element 40 in Figure 8. Although the various edges 41a-44d are joined together to form seams 51-54, the various portions of textile element 40 are formed as an unitary element without seams, as discussed below.

[42] Textile element 40 is primarily formed from one or more yarns that are mechanically-manipulated through either an interweaving, intertwining and twisting, or interlooping process, for example. As discussed in the Background of the Invention section above, 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. Textile element 40 may, therefore, be formed from one of these processes for manufacturing a textile.

[43] A variety of mechanical processes have been developed to manufacture a textile. In general, the mechanical processes may be classified as either warp knitting or weft knitting. With regard to warp knitting, various specific sub-types that may be utilized to manufacture a textile include tricot, raschel, and double needle-bar raschel (which further includes jacquard double needle-bar raschel). With regard to weft knitting, various specific sub-types that may be utilized to manufacture a textile include circular knitting and flat knitting. Various types of circular knitting include sock knitting (narrow tube), body garment (seamless or wide tube), and jacquard.

[44] Textile element 40 may be formed through any of the mechanical processes discussed above. Accordingly, textile element 40 may be formed on either a warp knitting machine or a weft knitting machine. One suitable knitting machine for forming textile element 40 is a wide-tube circular knit jacquard machine. Another suitable knitting machine for forming textile element 40 is a wide-tube circular knitting machine that is produced in the Lonati Group by Santoni S.p.A. of Italy under the SM8 TOP1 model number. This Santoni S.p.A. wide-tube circular knitting machine may form a textile structure having a diameter that ranges from 10 inches to 20 inches, with 8 feeds for each diameter. The machine exhibits a maximum 140 revolutions per minute for 10 inch diameters, and a maximum 120 revolutions per minute for 13 inch diameters. Furthermore, the machine gauge is variable between 16, 22, 24, 26, 28, and 32 needles per inch, and is suitable for various needle gauges ranging from 48 to 75.

[45] A wide-tube circular knitting machine, as produced by Santoni S.p.A., forms a generally cylindrical textile structure and is capable of forming various types of stitches within a single textile structure. In general, the wide-tube circular knitting machine may be programmed to alter the design on the textile structure through needle selection. That is, the type of stitch that is formed at each location on the textile structure may be selected by programming the wide-tube circular knitting machine such that specific needles either accept or do not accept yarn at each stitch location. In this manner, various patterns, textures, or designs may be selectively and purposefully imparted to the textile structure.

[46] An example of a textile structure 60 that may be formed with a wide-tube circular knitting machine is depicted in Figure 9. Textile structure 60 has a generally cylindrical

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configuration, and the types of stitches vary throughout textile structure 60 so that a pattern is formed with the outline of textile element 40. That is, differences in the stitches within textile structure 60 form an outline with the shape and proportions of textile element 40.

[47] The Santoni S.p.A. wide-tube circular knitting machine may form a textile structure having a diameter that ranges from 10 inches to 16 inches, as discussed above. Assuming that textile structure 60 exhibits a diameter of 10 inches, then the circumference of textile structure 60 is approximately 31 inches. In many circumstances, the total width of textile element 40 will be approximately 12 inches, depending upon the size of footwear 10. The outlines for at least two textile elements 40 may, therefore, be formed on textile structure 60. Referring to Figure 9, the outline of textile element 40 is depicted on a front portion of textile structure 60, and the outline of another textile element 40 is depicted on a rear portion of textile structure 60. Accordingly, a first textile element 40 and a second textile element 40 may be simultaneously formed in a single textile structure 60. As the diameter of textile element 60 is increased or the width of textile element 40 decreases, however, an even greater number of textile elements 40 may be outlined on textile structure 60.

[48] Textile structure 60 may be formed with a wide-tube circular knitting machine, as discussed above. The types of stitches that form textile structure 60 may be varied to form an outline of one or more textile elements 40 on textile structure 60. That is, the wide-tube circular knitting machine may be programmed to form different types of stitches in textile structure 60 so as to outline one or more textile elements 40. Each textile element 40 is then removed from textile structure 60 with a die-cutting, laser-cutting, or other conventional cutting operation. Once textile element 40 is removed from textile structure 60, seams 51-54 may be formed and textile element 40 may be incorporated into footwear 10.

[49] The yarn forming textile element 40 may be generally 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 an interlooping process.

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 an interlooping process. Modern filaments include a plurality of synthetic materials such as rayon, nylon, polyester, and acrylic, with silk being the primary, naturally-occurring exception. Yarn may be formed of a single filament (conventionally referred to as a monofilament yarn) or a plurality of individual filaments. 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. Accordingly, yarns may have a variety of configurations within the scope of the present invention that generally conform to the definition provided above.

[50] In order to provide the stretch and recovery properties to upper 30, and particularly textile element 40, 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.

[51] As discussed above, a yarn that incorporates elastane fibers is suitable for textile element 40. A plurality of other yarns, whether elastic or inelastic, are also suitable for textile element 40. The characteristics of the yarn selected for textile element 40 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 high luster 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. Finally, polyester is a hydrophobic material that also provides relatively high durability. Accordingly, the materials comprising the yarn may

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be selected to impart a variety of physical properties to textile element 40, and the physical properties may include, for example, strength, stretch, support, stiffness, recovery, fit, and form.

[52] Textile element 40 is depicted as having a generally smooth, non-varied stitch configuration. That is, similar stitches are utilized throughout textile element 40 to impart a common texture to the various portions of textile element 40. As discussed above, however, a wide-tube circular knitting machine is generally capable of forming various types of stitches within a single textile structure. The wide-tube circular knitting machine may, therefore, vary the stitches within textile element 40 to produce various patterns, designs, or textures, for example. Various types of stitches may also be formed with other types of knitting machines. With reference to Figure 10, a textile element 40' with the general shape of textile element 40 is depicted as having various areas with different textures. For example, a central area that corresponds with instep region 33 has a first texture 46' that is generally smooth. In addition, textile element 40' includes a second texture 47' that is a plurality of longitudinal ribs. When incorporated into footwear 10, the ribs will extend longitudinally along lateral region 31 and medial region 32, and the ribs may extend into heel region 35. The ribs may be present for aesthetic purposes, or may affect the stretch properties of upper 20, for example. Accordingly, textile element 40' exhibits areas with different textures in a single element of textile material.

[53] Many conventional articles of footwear incorporate uppers with various material elements that each exhibit different properties. For example, a first material element may be smooth, and a second material element may be textured. The first and second material elements are then stitched together to form a portion of the conventional upper. Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile, rather than two separate elements that are stitched or otherwise joined together.

[54] A textile structure 40" is depicted in Figure 11 and has the general shape of both textile element 40 and textile element 40'. Textile element 40" includes areas with three

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different textures. A first texture 46" is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40" also include a second texture 47", which is generally rough in comparison with first texture 46". In addition, the area of textile element 40" corresponding with instep region 33 includes a third texture 48". The different textures 46"-48" are formed by merely varying the type of stitch formed by the wide-tube circular knitting machine at each location of textile element 40". Textures 46"-48" may exhibit aesthetic differences, or the differences may be structural. For example, the degree of stretch in areas with textures 46"-48" may be different, or the wear resistance of the areas may vary depending upon the stitch utilized. The air-permeability of textile element 40" may also vary in the different areas. Third texture 48" is formed to include a plurality of apertures that extend through textile element 40". The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process, and the apertures facilitate the transfer of air between the void within upper 20 and the area outside of upper 20. Accordingly, the various stitches formed in textile element 40", or one of textile elements 40 or 40', may be utilized to vary the texture, physical properties, or aesthetics of footwear 10 within a single, unitary element of material.

[55] In addition to varying the stitch types to form textures 46'-47' and 46"-48", the type of yarn utilized in various areas of textile elements 40' and 40" may be changed to impart different properties. As discussed above, yarn may be formed from cotton, wool, elastane, rayon, nylon, and polyester, for example. Each of these yarn types may impart differing properties to the areas corresponding with textures 46'-47' and 46"-48". For example, elastane may be utilized to impart stretch, wool may be utilized for insulation, and nylon may be utilized for durability. Accordingly, different yarn types may be utilized to impart different properties. The types of knitting that may be utilized to form different zones with different properties (e.g., yarn characteristics, textures, etc.) may vary significantly to include the various warp knitting and weft knitting processes discussed earlier, such as tricot, raschel, double needle-bar raschel, circular knitting, and flat knitting, for example.

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[56] An article of footwear 110 is depicted in Figure 12 and includes a sole structure 120 and an upper 130. Upper 130 includes a textile element 140 having the general configuration of textile element 40. As with textile element 40, textile element 140 forms both an exterior surface and an interior surface of upper 130. In addition, upper 130 includes a lace 131 and a plurality of elements 132-135 that also form a portion of the exterior surface. Lace 131 extends through a plurality of apertures formed in textile element 140. The apertures may be formed by omitting stitches at specific locations. Element 132 is positioned in a forefoot area of footwear 110 and may be formed of leather or rubber, for example, to provide additional wear-resistance. Element 133 extends around the ankle opening to reinforce and limit stretch in the area of the ankle opening. Element 134 extends around the heel region to counter movement of the heel and seat the heel above sole structure 120. Furthermore, elements 135 are substantially inextensible strips of material, such as leather or synthetic leather, that limit stretch on the lateral side of footwear 110. Whereas upper 30 was almost exclusively formed by textile element 40, upper 130 also includes lace 131 and elements 132-135. Accordingly, an upper in accordance with the present invention may incorporate a plurality of additional components.

[57] Another article of footwear 210 is depicted in Figures 13-14 and includes a sole structure 220 and an upper 230. Upper 230 includes a textile element 240 that forms an interior layer. In addition, upper 230 includes an intermediate layer 250 and an exterior layer 260. As discussed in the Background of the Invention section above, the upper of a conventional article of footwear may be formed from multiple material layers that include an exterior layer, a intermediate layer, and an interior layer. The materials forming the exterior layer of the upper may be selected based upon the properties of wear-resistance, flexibility, and air-permeability, for example. The intermediate layer of the upper may be formed from a lightweight polymer foam material that provides cushioning and protects the foot from objects that may contact the upper. Similarly, an interior layer of the upper may be formed of a moisture-wicking textile that removes perspiration from the area immediately surrounding the foot.

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Skechers v Nike

[58] Upper 230 has a configuration that is similar to the configuration of the conventional upper in that various material layers are utilized. In contrast with the conventional upper, however, the interior layer is formed of textile element 240, which is manufactured through the process discussed above. That is, textile element 240 is a single element of textile that forms the interior layer of upper 230. A benefit to utilizing textile element 240 for the interior layer is that textile element 240 includes few seams that may contact the foot. In addition, the stitches utilized at various locations of textile element 240 may modify the texture of the interior surface of upper 230, thereby limiting the degree of slip that occurs between the foot and upper 230 or enhancing the air-permeability of upper 230 in specific locations.

[59] Various warp knitting or weft knitting processes may be utilized to form textile element 40, or the various other textile elements discussed above. An advantage of this process is that various stitches may be incorporated into specific locations of textile element 40 to modify the physical properties or aesthetics of textile element 40. Whereas a conventional upper includes various elements that stitched or adhesively joined, textile element 40 is a single, unitary element of material. From the perspective of manufacturing, utilizing multiple materials to impart different properties to an article of footwear may be an inefficient practice. By forming textile element 40 to be a single, unitary element of material, however, efficiency is increased in that upper 20 may include a single textile element, rather than numerous joined elements.

[60] A variety of knitting processes may be utilized to form textile element 40, as discussed above. As a specific example, a jacquard double needle-bar raschel knitting machine may be utilized to form a flat textile structure, and may also be utilized to form the textile structure to have the configuration of a spacer mesh textile. Unlike textile structure 60, which exhibits a generally cylindrical configuration, the textile structure formed with the jacquard double needle-bar raschel knitting machine will have a flat configuration. Like textile structure 60, however, an outline of a textile element may be imparted to the textile structure formed with the jacquard double needle-bar raschel knitting machine. That is, differences in the stitches within the textile structure may form an outline with the shape and proportions of the intended textile element. Accordingly, the textile

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Skechers v Nike

element may be removed from the textile structure and incorporated into footwear 10. In addition, the jacquard double needle-bar raschel knitting machine may be utilized to impart various textures, different properties, or different yarn types to the textile element. Similarly, other types of knitting, such as a flat knitting, may be utilized within the scope of the present invention to impart various textures, different properties, or different yarn types to the textile element.

[61] The present 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 the invention, not to limit the scope 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 present invention, as defined by the appended claims.

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CLAIMS

We claim:

1. A method of manufacturing an article of footwear, the method comprising:

simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;

removing the knitted textile element from the surrounding knitted textile structure;

incorporating the knitted textile element into the article of footwear.

2. The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes simultaneously knitting a plurality of textile elements.

3. The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile includes knitting an outline of the knitted textile element.

4. The method of claim 3, wherein the outline has the shape and proportion of the knitted textile element.

5. The method of claim 1, wherein the knitted textile element has a substantially planar configuration upon removal from the surrounding knitted textile structure.

6. The method of claim 1, wherein the knitted textile element includes longitudinal edges formed when the knitted textile element is removed from the surrounding knitted textile structure.

7. The method of claim 6, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

8. The method of claim 1, wherein the knitted textile element has a plurality of different knitted textures formed by varying at least one of the stitch type and the yarn type.

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9. The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a wide-tube circular knitting machine.

10. The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

11. The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes forming the knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the knitted textile element.

12. The method of claim 1, wherein incorporating the knitted textile element into the article of footwear includes securing edges of the knitted textile element to form a seam that extends along a lower region of an upper and securing the upper to a sole structure.

13. A method of manufacturing an article of footwear, the method comprising:

knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure,

varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions;

removing the first and second knitted textile elements from the knitted textile structure;

incorporating at least one of the first and second knitted textile elements into the article of footwear.

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14. The method of claim 13, wherein knitting a first textile knitted element simultaneously with a surrounding knitted textile structure includes knitting an outline of the first knitted textile element.

15. The method of claim 13, wherein the first and second textile knitted elements have substantially planar configurations upon removal from the surrounding knitted textile structure.

16. The method of claim 13, wherein the first knitted textile element includes longitudinal edges formed when the first knitted textile element is removed from the surrounding knitted textile structure.

17. The method of claim 16, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

18. The method of claim 16, wherein incorporating the first knitted textile element into the article of footwear includes securing the longitudinal edges of the first knitted textile element to form a seam that extends along a lower region of an upper.

19. The method of claim 13, wherein knitting the first and second knitted textile elements simultaneously with a surrounding knitted textile structure includes utilizing a wide-tube circular knitting machine.

20. The method of claim 13, wherein knitting the first and second textile knitted elements simultaneously with a surrounding knitted textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

21. The method of claim 13, wherein knitting the first knitted textile element simultaneously with a surrounding knitted textile structure includes forming the first knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the first knitted textile element.

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22. An article of footwear comprising:

an upper including a textile element simultaneously knitted with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure, the knitted textile element being removed from the surrounding knitted textile structure; and

the upper secured to a sole structure.

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AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

ABSTRACT OF THE DISCLOSURE

An article of footwear and a method of manufacturing the article of footwear are disclosed. The footwear may include an upper and a sole structure. The upper incorporates a textile element with edges that are joined together to define at least a portion of a void for receiving a foot. The textile element may also have a first area and a second area with a unitary construction. The first area is formed of a first stitch configuration, and the second area is formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the textile element. Various warp knitting or weft knitting processes may be utilized to form the textile element.

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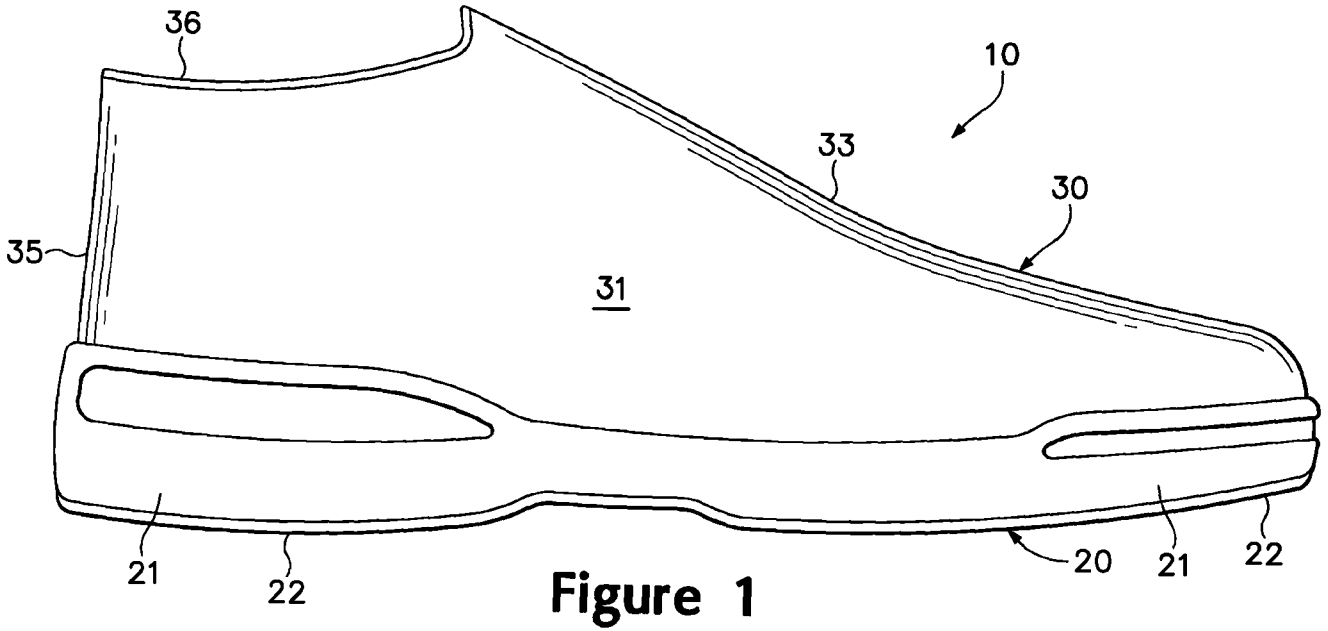


Figure 1

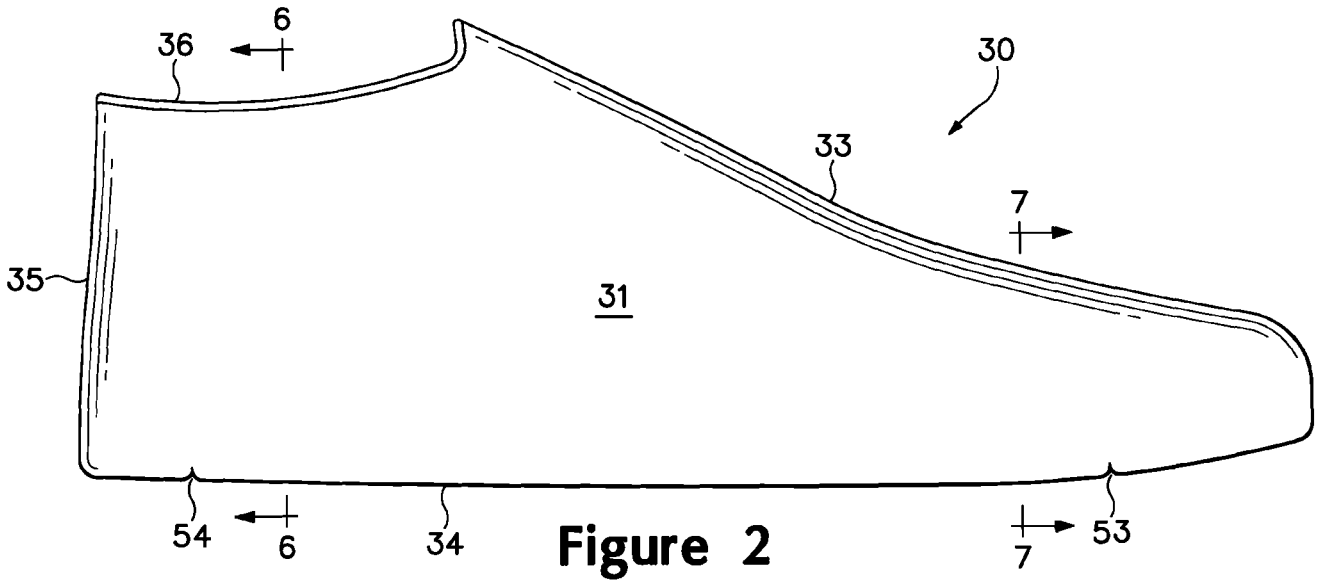


Figure 2

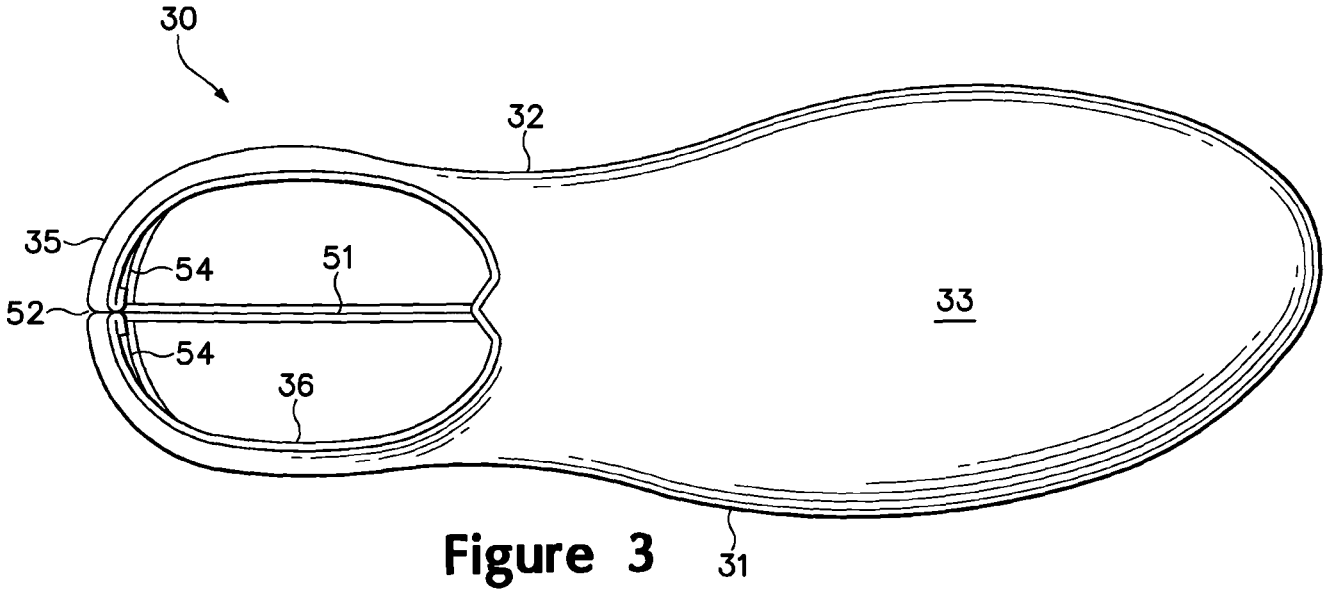


Figure 3

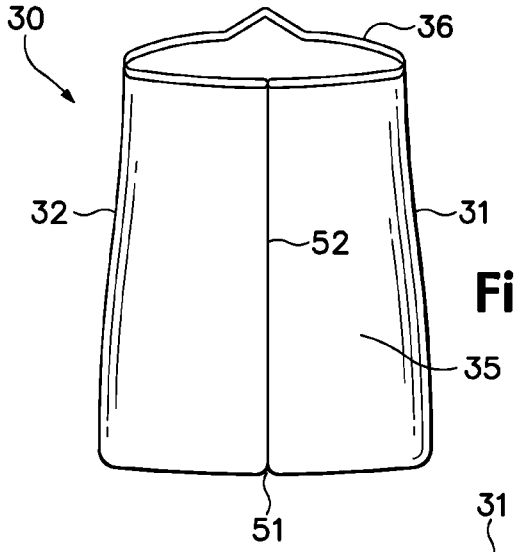


Figure 4

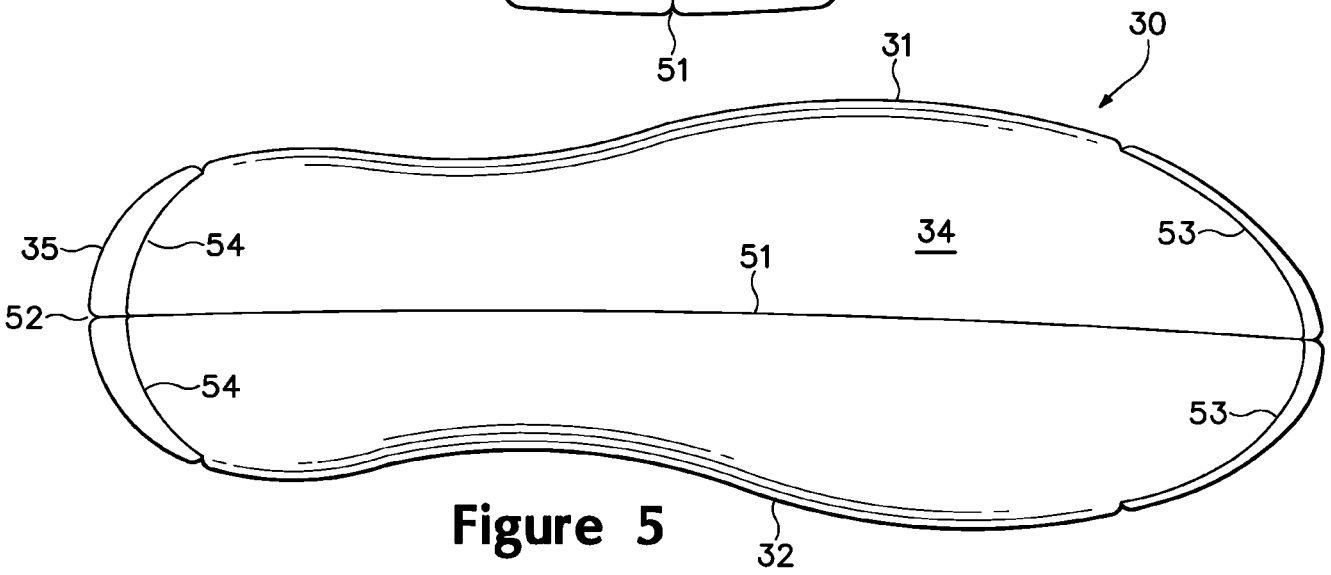


Figure 5

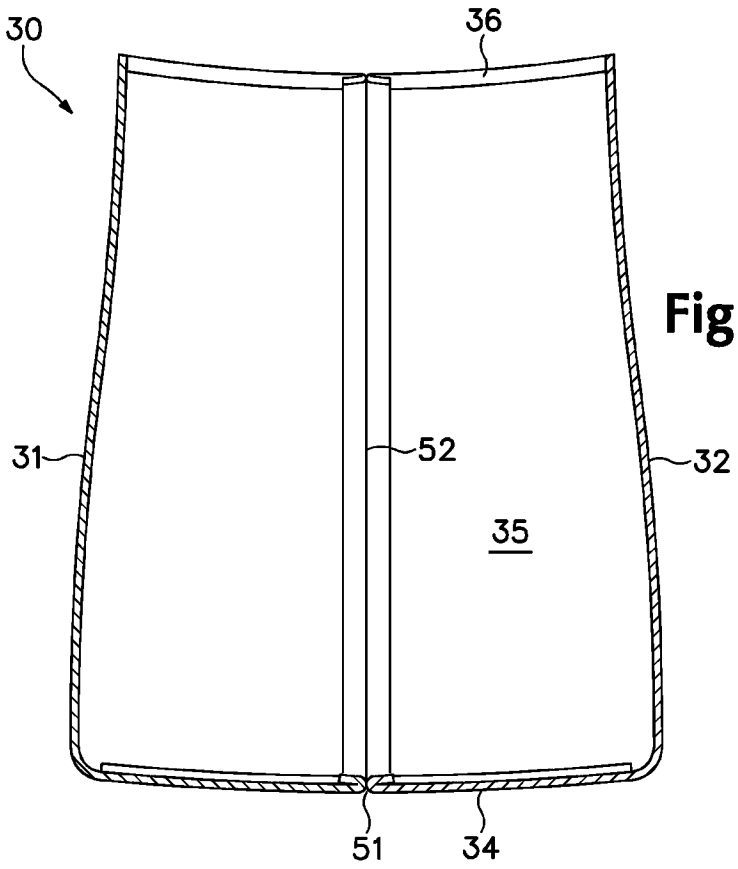


Figure 6

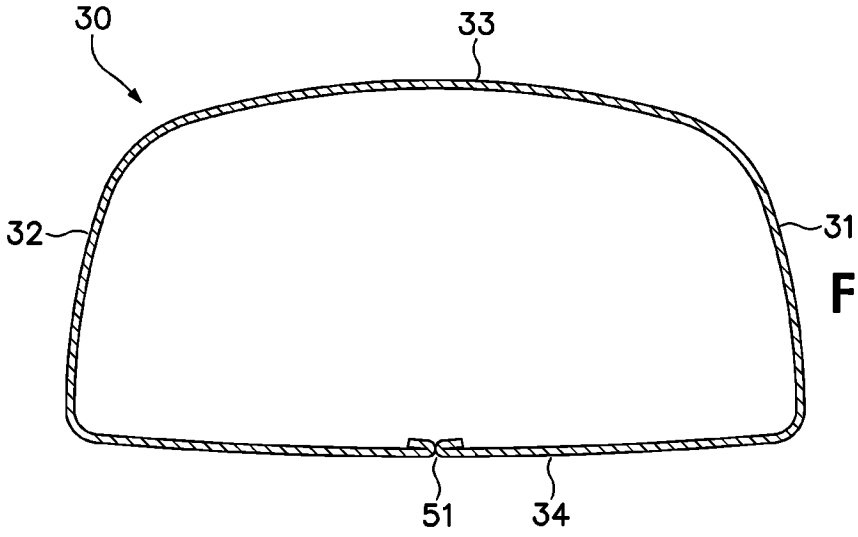


Figure 7

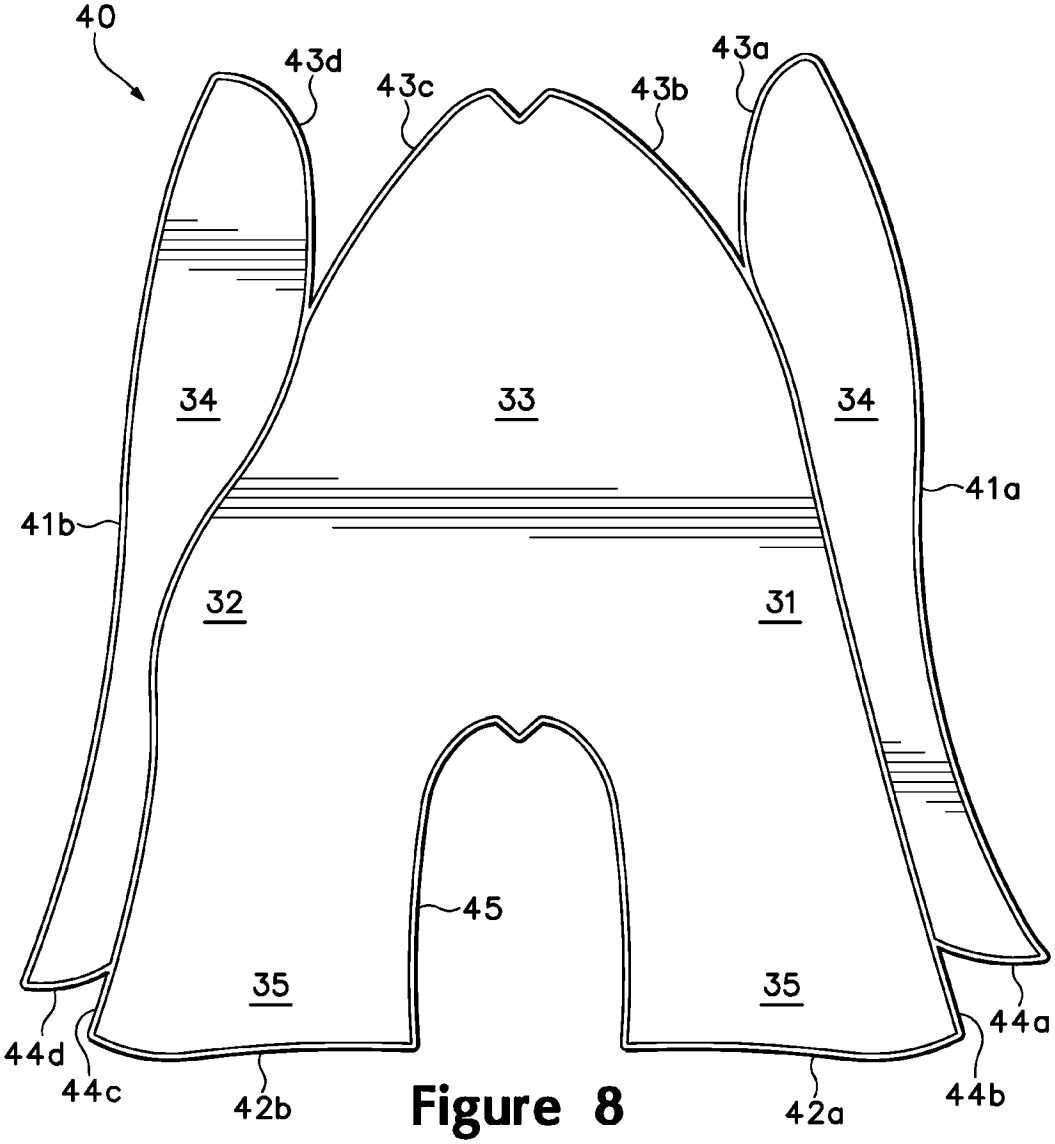

40
43d
43c
43b
43a
34
33
34
41a
41b
32
31
45
35
35
44a
44d
44c
42b
42a
44b

Figure 8

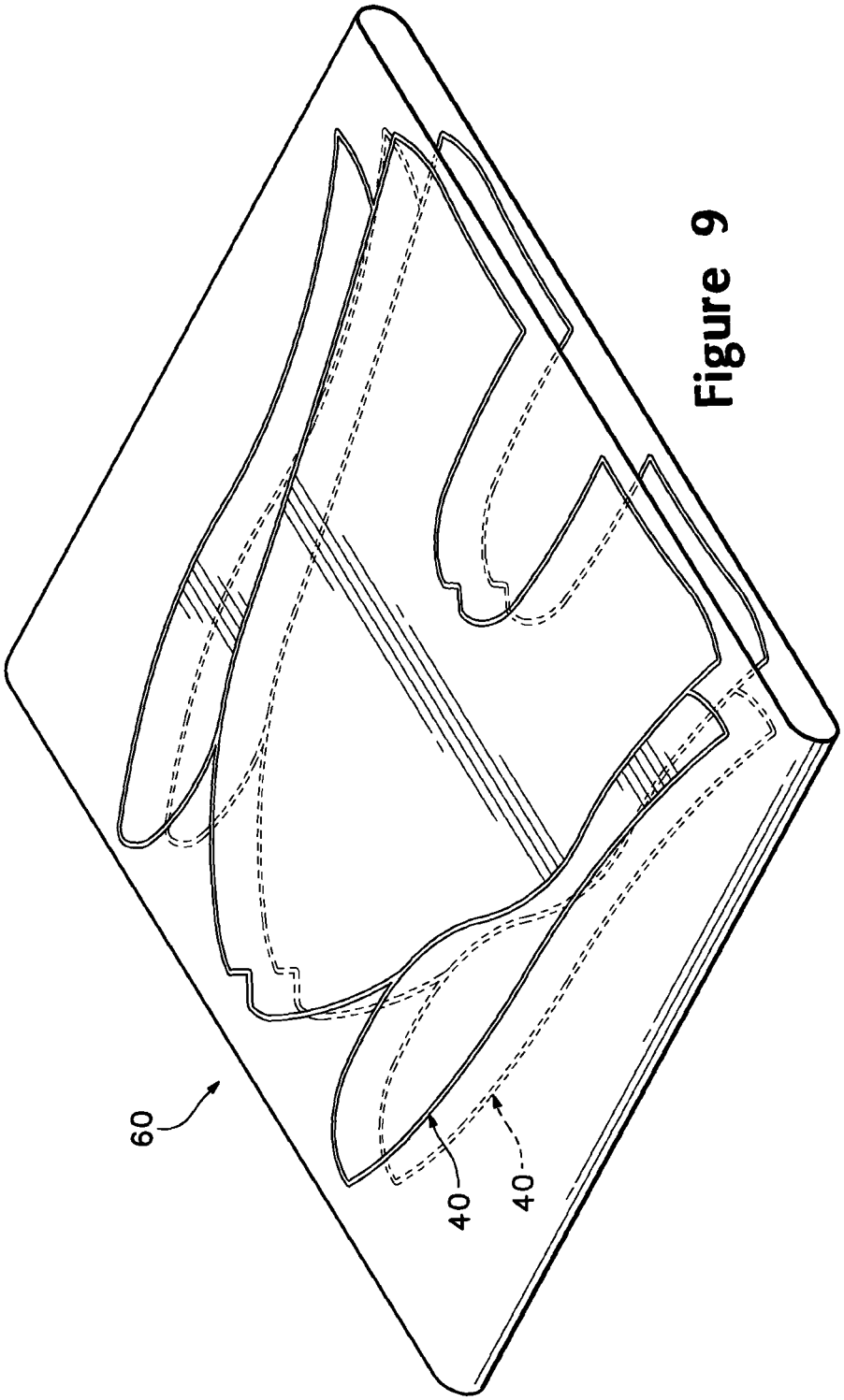


Figure 9

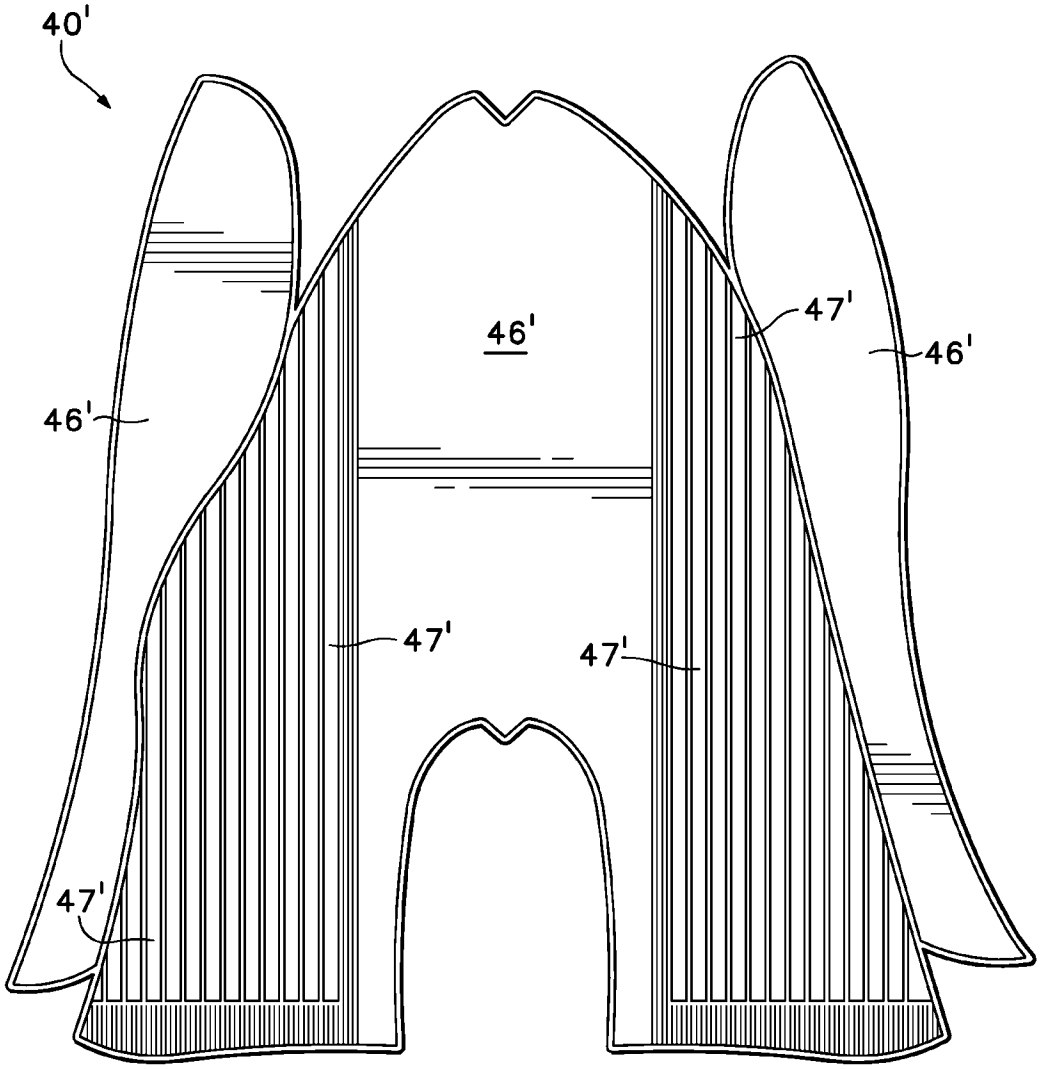


Figure 10

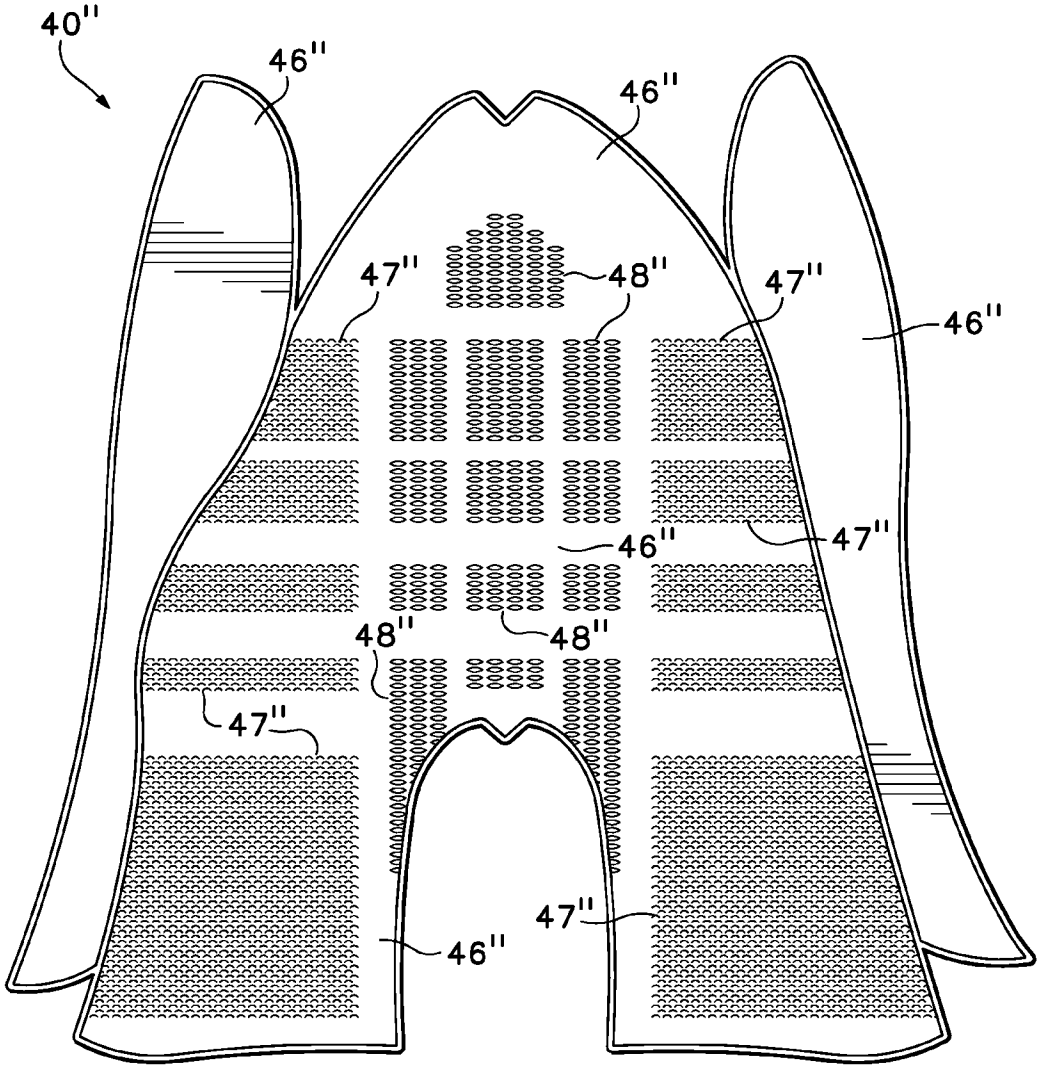


Figure 11

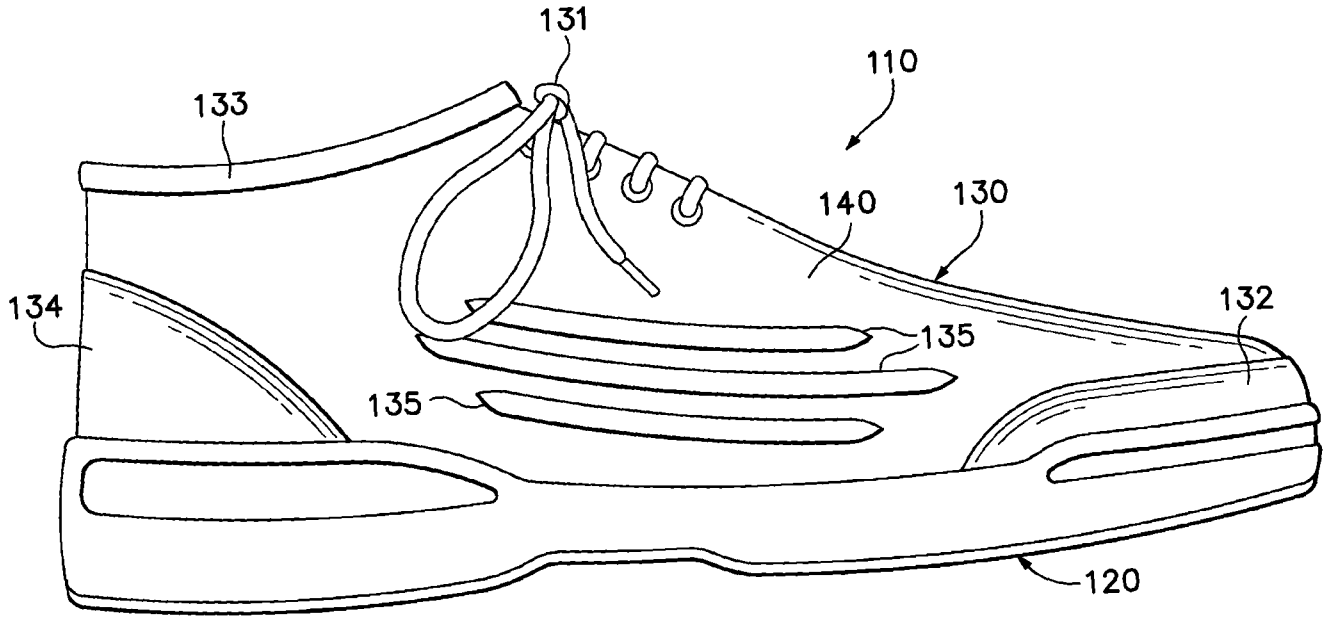


Figure 12

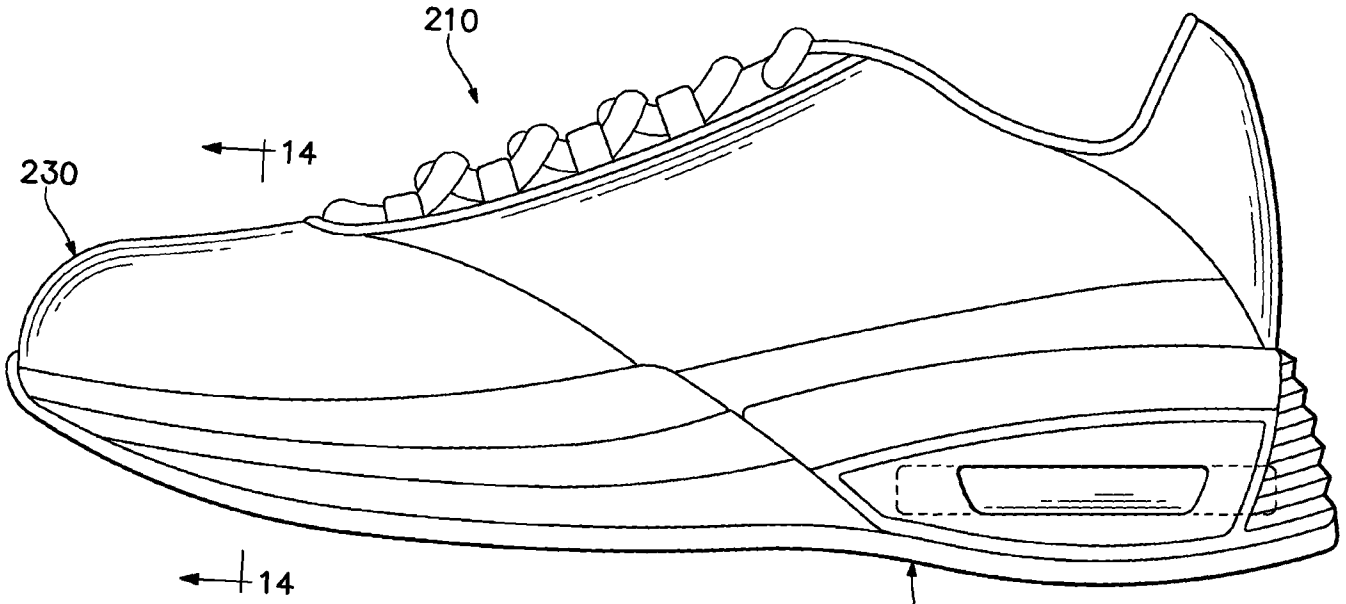


Figure 13

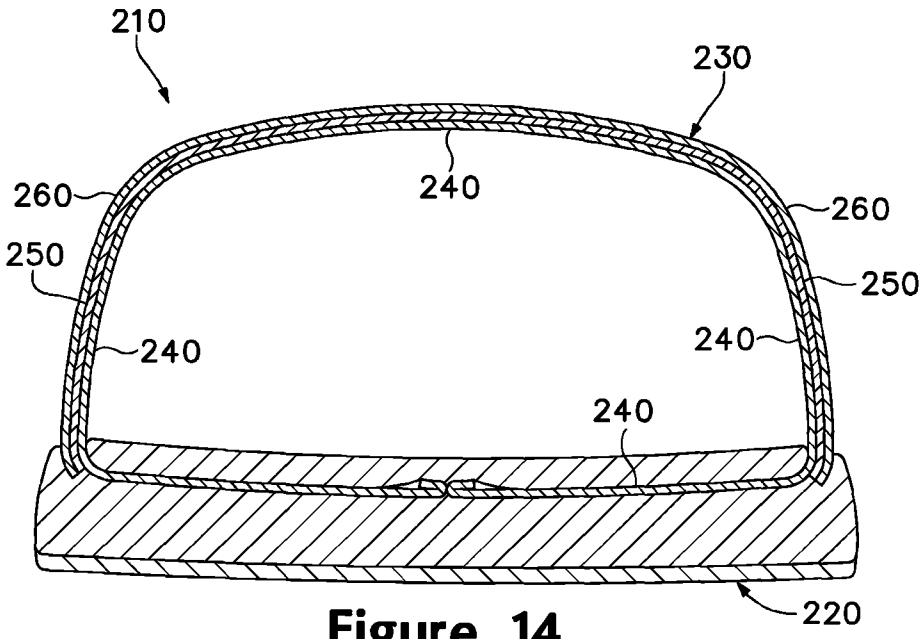


Figure 14

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Attorney Docket Number:	005127.01675

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility application filing	1011	1	330	330
Utility Search Fee	1111	1	540	540
Utility Examination Fee	1311	1	220	220
Pages:				
Claims:				
Claims in excess of 20	1202	2	52	104
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1194**

Electronic Acknowledgement Receipt	
EFS ID:	10985184
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	AN ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	20-SEP-2011
Filing Date:	
Time Stamp:	10:37:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
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Payment was successfully received in RAM	$1194
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Application Data Sheet	005127-01675_ADS.pdf	837560 b0f4cf85d312fb96e087a95ec533607322282 7fb	no	5
Warnings:					
Information:					
2	Oath or Declaration filed	005127-01675_Declaration.pdf	88046 37a62d37f213c3792bd989f4ca105b873fe6 e04f	no	2
Warnings:					
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3		005127-01675_Application-w-Drawings.pdf	444464 85d22cf88438ae9c8e66a733accd46d3d37 4ca6f	yes	35
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	18	
	Claims		19	22	
	Abstract		23	23	
	Drawings-only black and white line drawings		24	35	
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	36638 4887dd96475fbae0569591b861414786ea8 43dd9	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1406708		

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/236,742	09/20/2011	3728	1194	005127.01675	22	3

CONFIRMATION NO. 5214

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

FILING RECEIPT

OC000000050125833

Date Mailed: 09/30/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Bhupesh Dua, Portland, OR;
Edward Nathaniel Thomas, Portland, OR;

Assignment For Published Patent Application

NIKE, INC., Beaverton, OR

Power of Attorney: The patent practitioners associated with Customer Number 22909

Domestic Priority data as claimed by applicant

This application is a CON of 12/879,517 09/10/2010
which is a CON of 12/032,995 02/18/2008 PAT 7,814,598
which is a DIV of 10/791,289 03/03/2004 PAT 7,347,011

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If Required, Foreign Filing License Granted: 09/29/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/236,742**

Projected Publication Date: 01/12/2012

Non-Publication Request: No

Early Publication Request: No

Title

ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

Preliminary Class

036

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/236,742

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	380
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	620
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	250
TOTAL CLAIMS (37 CFR 1.16(i))	22 minus 20 =	* 2			OR	x 60 =	120
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 250 =	0.00
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).						0.00
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1370

APPLICATION AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
Total (37 CFR 1.16(ii))	*	Minus	**	=	x =		OR	x =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)		RATE($)	ADDITIONAL FEE($)
Total (37 CFR 1.16(ii))	*	Minus	**	=	x =		OR	x =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

U.S.PATENTS						Remove
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	2147197	A	1936-11-25	Glidden	
	2	4211806	A	1980-07-08	Civardi et al.	
	3	4255949	A	1981-03-17	Thorneburg	
	4	4373361	A	1983-02-15	Thorneburg	
	5	4447967	A	1984-05-15	Zaino	
	6	4607439	A	1986-08-26	Harada	
	7	4785558	A	1988-11-22	Shiomura	
	8	4813158	A	1989-03-21	Brown	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	9	5345638	A	1994-09-13	Nishida	
	10	1888172	A	1932-06-06	Joha	
	11	1902780	A	1933-03-21	Holden, et al.	
	12	1910251	A	1933-05-23	Joha	
	13	2001293	A	1935-05-14	Wallace	
	14	2400692	A	1946-05-21	Herbert	
	15	2641004	A	1953-06-09	Ronyan, et al.	
	16	3694940	A	1972-10-03	Stohr	
	17	6558784	B1	2003-05-06	Norton, et al.	
	18	6910288	B2	2004-06-28	Dua	
	19	6931762	B1	2005-08-23	Dua	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	20	1597934	A	1926-08-31	Stimpson	
	21	2330199	A	1943-09-28	Basch	
	22	2586045	A	1952-02-19	Hoza	
	23	2675631	A	1954-04-20	Doughty	
	24	4317292	A	1982-03-02	Melton	
	25	5461884	A	1995-10-31	McCartney, et al.	
	26	5511323	A	1996-04-30	Dahlgren	
	27	5746013	A	1998-05-05	Fay, Sr.	
	28	7051460	B2	2006-05-30	Orei, et al.	
	29	2047724	A	1936-07-14	Zuckerman	
	30	5095720	A	1992-03-17	Tibbals, Jr.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	31	5353524	A	1994-10-11	Brier	
	32	5735145	A	1998-04-07	Pernick	
	33	6308438	B1	2001-10-30	Throneburg, et al.	
	34	7016867	B2	2006-03-21	Lyden	
	35	7107235	B2	2006-09-12	Lyden	
	36	2701458	A	1955-02-08	Ducharme	
	37	7347011	B2	2008-03-25	Dua et al.	
	38	7814598	B2	2010-10-19	Dua et al.	
	39	2314098	A	1943-03-16	McDonald	
	40	2538673	A	1951-01-16	Donahue	
	41	4276671	A	1981-07-07	Melton	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
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	Examiner Name	TBA
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	42	4852272	A	1989-08-01	Chilewich et al.	
	43	5323627	A	1994-06-28	Lonati et al.	
	44	7207196	B2	2007-04-24	Lonati et al.	

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	1	20040118018	A1	2004-06-24	Dua	
	2	20020078599	A1	2002-06-27	Delgorgue, et al.	
	3	20030126762	A1	2003-07-10	Tseng	

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	1	90/03744	WO		1990-04-19	RBFPT, Inc.		☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	2	1437057	EP		2004-07-14	Mizuno Corp.		☐
	3	1539886	GB		1979-02-07	Ashworths Ltd.		☐
	4	1067566	CN		1993-01-06	Puma AG		☒
	5	1411762	CN		2003-04-23	Taiwan Baihe Industry Co., Ltd.		☒
	6	1429512	CN		2003-07-16	Taiwan Baihe Industry Co., Ltd.		☒
	7	627878	DE		1936-03-12	Gunther GmbH	Machine Translation Only	☒

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	1	Santoni S.p.A. publication: Knitting Wear, SM8 Top 1 (2 pages)	☐
	2	International Search Report and Written Opinion mailed on May 19, 2005 in related PCT Application No.: PCT/US2005/004776	☐
	3	Page 1 of Lyden Letter of April 21, 2010 - Redacted.	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	4	Office Action issued July 27, 2007 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒
	5	Office Action issued February 15, 2008 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒
	6	Office Action issued June 13, 2008 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

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☒ A certification statement is not submitted herewith.

SIGNATURE

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Signature	/Jeanne M. Tanner/	Date (YYYY-MM-DD)	2011-10-19
Name/Print	Jeanne M. Tanner	Registration Number	45156

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HEAT EMBOSSED SHOES

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A labor-saving shoe making process provides multilayered, heat embossed, shoe components including a one-piece upper. The components comprise a resilient foam layer and other layers for flexibility, strength and durability. Embossing of the shoe components serves to reduce the thickness of the material, provide sealing of the material, provide form and shape to the shoe, and allow strain control management. The connecting of shoe components is accomplished in part through the use of thermoplastic rivets which are heated and melted by the application of a high frequency field.

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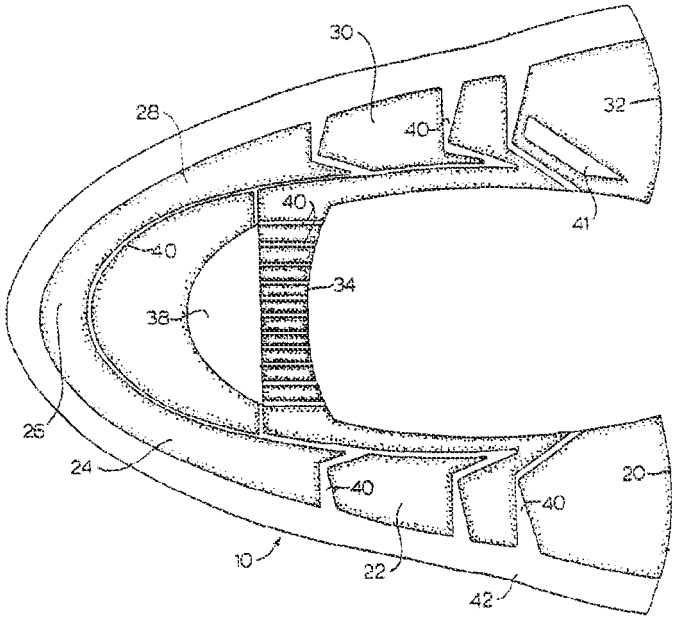
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(57) Abstract

A labor-saving shoe making process provides multilayered, heat embossed, shoe components including a one-piece upper. The components comprise a resilient foam layer and other layers for flexibility, strength and durability. Embossing of the shoe components serves to reduce the thickness of the material, provide sealing of the material, provide form and shape to the shoe, and allow strain control management. The connecting of shoe components is accomplished in part through the use of thermoplastic rivets which are heated and melted by the application of a high frequency field.

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HEAT EMBOSSED SHOES

Background of the Invention

The process of shoe manufacturing is generally very labor intensive and the most expensive component of the manufacturing process today is labor. For a particular shoe style, after the pattern is made for all sizes and the production schedule of manufacturing steps is determined, the labor-intensive assembly process occurs. The assembly process for a shoe having its specific design and number of pieces begins with the process of cutting the upper material. With a more complicated shoe pattern or with more pieces in the shoe design, more elaborate cutting procedures must be designed to minimize waste of materials.

In a typical shoe manufacturing process, after the upper pieces are cut, they are prepared for stitching in the fitting process. The upper pieces are first marked for stitching. The edges of the pieces that are to be joined to other pieces must be reduced in thickness in the skiving process in which a machine cuts a bevel on the edge of the material on the flesh side, or underside of each piece. Some or all of the upper parts, particularly thick leather uppers, may also need to be reduced in thickness or made more even in thickness by a "splitting" machine. Each of these steps requires handling of the individual upper pieces and skilled manipulation to achieve the desired change in the upper.

After the upper pieces are prepared by skiving and splitting, in a typical process, the interlining is cemented to the upper in the doubling process to add thickness and to improve the comfort and smoothness of the interior of the shoe. This requires careful

alignment of the interlining and the upper. To further improve the comfort and to add strength, the insides of the seams are often "rubbed" to reduce their bulk and then reinforced with fabric tape that is adhesive coated. Similar fabric tape is also often applied to the edges of the uppers that are around the top of the shoe opening. Each of these top edges as well as other visible edges may also have cement applied to them prior to folding them into a narrow fold and heat-cementing or stitching the fold in place to provide a neat appearance to the edge.

If the shoe has eyelets, these are applied by a machine that punches, spaces, and aligns the holes and sets the eyelets in the appropriate place. The eyelets then are laced by a machine with thread so that the piece(s) are held in the correct position in the subsequent steps.

The upper pieces are stitched together after or during the fitting process depending on the manufacturing steps for the particular shoe. The stitching process may be by machine or by hand and may include reinforcement stitching at the front corners in laced shoes and decorative stitching.

In the final segment of the traditional shoe manufacturing process, the uppers are then shaped over a last (a shoe form shaped like a foot). A variety of lasting techniques may be used to assemble the upper and interlining over the last and to fasten them to the insole. In this process the heel, toe and side portions of the shoe upper are pulled into place around the last so that they are in the desired shape of the final shoe product. The shoe upper may then remain in that pulled position for several days to set the shape.

Alternatively, the position of the upper may be set by a heat setting process. The bottoms of the shoes are added in the "bottoming" process by cementing, molding or sewing. Laces are then added and the product is boxed and warehoused.

Summary of the Invention

Provided with the present invention is a component of a shoe comprising a multi-layered material embossed in a manner which serves several functions, including but not limited to closing or sealing of edges, incorporation of functional design or pattern lines to facilitate flexing for contouring to maintain shape, and for strain management. The embossing seals the layers of the material together at the edge and reduces the thickness of the material in the embossed regions. One layer of the multi-layered material is a breathable porous foam which, when subjected to heat, or other forms of fusing energy, becomes viscous to a point that an internal bonding of the foam cell matrix is accomplished.

The shoe component is any one of a number of different elements of the shoe. Possible components include an entire one-piece upper or overlay portions. The shoe component may have embossing away from the edges of the material, such as embossing to facilitate design or pattern. Such embossing serves to control shape and texture of the shoe component, and may additionally serve to provide specific strain performance factors in end use application.

Also provided in the present invention is a method of fastening together portions of a shoe. The method involves aligning the shoe portions and inserting a thermoplastic connector through the material of the shoe

portions. The thermoplastic connector is then subjected to sufficient energy to soften the thermoplastic connector. The shape of the connector is then deformed such that when it hardens its new shape restricts the shoe portions from separating from one another.

The first thermoplastic connector may be inserted through a second thermoplastic member as well as the aligned portions of the shoe. The connector may be subjected to a high frequency electromagnetic field of sufficient energy to melt the two pieces of the connector to the point that they adhere to one another, thus securing the shoe portions together.

Brief Description of the Drawings

Figure 1 is a sectional perspective view of the layered upper material prior to heat embossing.

Figure 2 is a sectional perspective view of the layered upper material after heat embossing.

Figure 3 is a plan view of a first embodiment of an embossed pattern for an upper.

Figure 4 is a plan view of a second embodiment of an embossed pattern for an upper showing one side of the upper.

Figure 5 is a plan view of a third embodiment of an embossed pattern for an upper.

Figure 6 is a plan view of a fourth embodiment of an embossed pattern for an upper.

Figure 7 is a plan view of a fifth embodiment of an embossed pattern for an upper.

Figure 8 is a perspective drawing of a shoe made from the first embodiment of the upper.

Figure 9 is a schematic drawing of placement of uppers in a multiple-upper cutting pattern.

Figure 10 is an elevational view of an embossing mold as used in the process of the invention.

Figure 11 is a partial sectional side view of the upper material on the bottom mold plate prior to embossing.

Figure 12 is a partial sectional side view of the upper material on the bottom mold plate after embossing.

Figure 13 is a perspective view of a mold used according to the process of the invention.

Figure 14 is a side view of a shoe having a quarter overlay secured by a thermoplastic rivet.

Figure 15 is a side view of the thermoplastic rivet of Figure 14.

Figure 16 is a plan view of a one-piece upper used in the shoe of Figure 14.

Figure 17 is a side view of a shoe having a quarter overlay, a forefoot stabilizer, and a tougue secured by thermoplastic rivets.

Figure 18A is a plan view of the one-piece upper used in the shoe of Figure 17.

Figure 18B is a cross section of Figure 18A.

Figure 19A is a plan view of two quarter overlays of a thermal plastic urethane material.

Figure 19B is a cross section of Figure 19A.

Figure 20A is a plan view of a forefoot stabilizer of a thermal plastic urethane material.

Figure 20B is a cross section of Figure 20A.

Figure 21A is a plan view of two quarter overlays of a heat embossed foam/fabric material.

Figure 21B is a cross section of Figure 21A.

Figure 22A is a plan view of a forefoot stabilizer of a heat embossed foam/fabric material.

Figure 23A is a perspective view of a thermoplastic fastener.

Figure 23B is a side view of an unfolded thermoplastic fastener.

Figure 23C is a rear view of a shoe upper partially fastened at the heel by a thermoplastic fastener.

Figure 24 is a side view of a casual shoe embodying the present invention.

Figure 25 is a plan view of a main upper portion used to form the shoe of Figure 24.

Figure 26 is a plan view of a quarter overlay in the shoe of Figure 24.

Figure 27 is a cross sectional view of the overlay of Figure 26 taken along line 27-27.

Figure 28 is an alternative quarter overlay.

Figure 29 is a side view of a shoe using the upper of Figure 28.

Detailed Description of the Preferred Embodiments

The present invention comprises a method for making shoes and shoe components and the shoes and shoe components made by this process.

Most types of shoes may be made with the method of the invention. Thus, flat heeled shoes, high-heeled shoes, and shoes with buckles, straps connected to both sides of the shoe and extending across the top of the foot, lacing, velcro attachment straps or other fasteners may be made with the process of the invention. Additional decorations or cut outs may also be added to the basic show pattern.

As shown in Figures 1 and 2, the upper 10 is preferably comprised of a plurality of layers and most preferably of three layers. Additional layers may be

added for durability or strength. A process known as a combining process which is well known in the footwear manufacturing field, may be used to make a layer of fabric adhere to each side of a foam core 12 layer. In the preferred embodiment, the layers are held together by neoprene cement. The bottom sheet (lining) is placed in a mold and coated with cement and then the foam layer is placed on the lining. Finally, another layer of cement is applied and the fluid layer is added. The mold is then closed to press the layers together. Other methods of layer formation may be used.

In a preferred embodiment, the layers are held together by adhesive systems of a thermo-set (cross-linked) nature. However, adhesives in the thermoplastic family may also be used providing they exhibit melting properties in excess of the process temperatures associated with the other components of the material. Alternatively, flame lamination techniques can be used which eliminate the need for adhesives altogether.

A preferred core material 12 is a foam product of the polyurethane family of an ether origin (i.e. polypropylene glycol), which is treated with a diisocyanate in the presence of water and catalyst agents. Density of preferred foams run 1.5 - 4.0 lbs/ft but foams of higher and lower density have application in some end use catagories. Many foam core materials originate from variations inside of the polyurethane family. Others utilizing polymer backbones which fall outside the polyurethane group can also be used as core materials.

In one preferred embodiment, the outer layer is a warp knit fabric classified as "tricot." The term refers

to a fairly wide range of finished goods, some of which are acceptable in a shoe molding process, and some which are not. In particular, two bar knits such as full tricots and warp lockknit have shown particularly good characteristics with regard to the molding process as well as end use.

In another preferred embodiment, the outer layer is a weft knit fabric of jersey, rib, or purl designation. Variations of the jersey designation show particularly good properties due to their dimensional equality in elasticity. Many other variations of weft knitted fabric have also shown good success in the process and end use.

In still another preferred embodiment, the outer layer is of the woven classification. In utilizing woven structure fabrics in the fabrication process, success is more dependent upon yarn schemes than in knit fabrics. While a characteristic of knitted structures is fabric stretch or elasticity, wovens possess lower stretch values due to the somewhat linear relationship between fabric and yarn width/length. Therefore, in utilizing woven materials in the process, it is necessary to focus on yarn elasticity properties. Methods of incorporating elasticity in yarns are well known and may include texturing or using bi-component or bi-constituent yarn or fiber.

A different preferred embodiment uses an outer layer made of a product of the leather designation. Such leathers may be derived from cow, steer, bull, water buffalo, pig, calf, etc. Hides can be tanned by methods which produce leather products compatible to the shoe fabrication method of the present invention. Considering the durability of general leather products, a property necessary to use leather successfully is

multi-directional extension with a low corresponding loss of basic strength properties such as tear. In one application, this is accomplished by splitting the leather hide down to relatively low gauge (0.4 - 0.6 mm.) and laminating the resulting veneer to a substrate of substantial properties. Substrate nomination is contingent upon final component requirements.

In another preferred embodiment, the outer layer is of synthetic polymer products such as polyurethane, P.V.C., or synthetic rubbers, in either cellular or solid state. Industrial processes may be used to to fabricate products that use synthetic skins or coatings on a fabric substrate. Two such methods used extensively in the industry are "wet" and "dry" processing. Because of their low cost, such materials can be engineered in a multitude of methods to produce a wide range of physical properties and appearances.

Considerations governing choice of inner and outer layer materials include embossability of the outer layer, which includes scorch resistance to heat but also requires ability to take the embossing and retain the form in conjunction with the foam layer; sufficient tear strength of one or both layer; comfort of the inner layer; durability of both layers; appearance of the outer layer; and flexibility of both layers.

The uppers 10 are cut from the embossed, layered material using a variety of methods. These include, but are not limited to, standard knife edge die, knife edge gang die, dual function mold/die method, automated vertical die cutting, automated roller die cutting, automated laser method, and template/guide automated cutting. The die or template may be designed to cut one or more uppers at a time.

One example is the spacing of four upper patterns 18 as shown in Figure 9 on a single cutting die or template guide will allow interlocking of the patterns on the upper material and will minimize material waste. Generally, a square sheet of material about the size of the mold is used. After embossing, the embossed sheet is demolded and the molded upper is then cut out of the square sheet. A gang cutting die with a template guide is generally used for a multi-cavity mold.

The shape of the upper 10 is constrained by the shape and size of the foot but may be designed for a wide variety of shoe styles. As shown in Figure 3, beginning on one side of the shoe, the one-piece shoe upper 10 extends in a "U" or "V" shape from a first central back side 20 of the upper to a first shoe side 22 to the first side front 24, to the toe area 26; and then the second side extends in mirror image to the first side from the toe area 26 to the second side front 28, the second shoe side 30 and the second back side 32 of the upper 10. The dotted line in Figures 4-7 show the central point on each side of which the shape of the shoe is a rough mirror image of the other side, the difference between sides being that the shoe side 22 or 40 which is on the inside of the foot may be cut with a small indentation or other variation to assist in lasting the side of the shoe that will be on the inside of the foot. A strap 34 may extend over the top of the foot connecting the sides 22,30 or the side fronts 24, 28 (Figures 3 and 4); or each side may have a laceable strap 36 (Figures 5 and 6) or a strap from the other side. The upper 10 over the top of the foot may be solid without a cut away area 38 or there may be no strap(s) at all (Figure 7).

Before the layered material is cut (trimmed), it is placed in a heat molding press to emboss a design 40 on the material and to flatten the edges 42. The embossing process heat-fuses the edge seams including the upper edges 48 thus making the multi-layered material totally enclosed without stitching the edge seams and thus enables the labor-saving use of the one-piece upper.

Embossing 40 in the toe area 26 and side fronts 24,28 (Figure 3) helps maintain the toe box shape and embossing lines 40 on the strap 34 help curve the strap across the instep. Additional embossing adds to the rigidity of the shoe upper so that it better retains a desired shape. All of the embossing may be shaped for aesthetic styling. Edge 42 is the lasting margin that is lasted under during the lasting process. A logo may be placed on the shoe in a logo area 41 embossed on the shoe. The design may be formed on any portion of the shoe. In Figures 3-7, a variety of side designs are shown. The design may extend across the strap 34 as shown in Figures 3-4. It is important to note that the heat fusing and embossing of a design on natural materials such as cotton or leather as well as on nylons, polyesters, and other synthetic materials to form a three-layered laminate shoe upper is a unique and important aspect of this invention.

Embossing additionally serves to manage strain in end use. Since embossing lines are used extensively to create designs and patterns, it is possible to use these points, or add additional points which become part of the design pattern. This embossing then serves to control upper component strain by "locking off" outer shell or substrate fiber length. This technology serves to provide the shoe designer with unlimited control over

shoe upper end use dynamic properties, by allowing extensive adjustment of specific modulus properties in locations of stress and associated strain. For example, it is well known that basketball shoe top collars which are properly functional stretch to a degree to allow the wearer a snug fit around the lower portion of the leg when fully laced. However, the shoe portions known as the in/out quarters, when properly engineered, require stretch properties which are considerably less than those of the top collar. By using the described method, a shoe designer may make function an inherent part of the shoe design. The method allows function to be incorporated into the shoe in the fabrication step itself.

A typical embossing mold 100 which is used in the process of the invention is comprised of hydraulic cylinders 102 and 104 that drive a top press plate 106 against a bottom press plate 108, while mold 110 is located in between (Figure 10). Both of the press plates 106,108 contain heating elements 112 and 114. The heating elements 112,114 heat the press plates 106,108 which in turn heat the top mold plate 116 and the bottom mold plate 118 to the desired temperature. It is important to note that it is possible to use different temperature settings between the top press plate 106 and the bottom press plate 112 during the molding operation. This allows the top mold plate 116 to be either a higher or lower temperature than bottom mold plate 118 of mold 110 during the same molding process, thus allowing a more heat sensitive material such as thermoplastic urethane or PVC to be used on one of the surfaces.

For example, Figures 11 and 12 show partial cross sections of mold 110 and an upper prior to and during the embossing process. The use of mold alignment pins 120 on

one of the mold plates as shown in perspective view in Figure 13 and mold pin alignment holes 122 enables proper alignment of the mold plates 116, 118. If outer layer 14 happens to be a heat sensitive material such as PVC, mold press plate 106 may be set at a lower temperature so as not to heat top mold plate 116 above the softening point of layer 14. The temperature of bottom mold plate 118 may or may not need to be increased to compensate for the lower temperature of top plate 116 in order to achieve the proper heat fusing of layers 14 and 16 to foam core 12. After the desired heating time, the top press plate 106 is raised and the embossing mold 110 is removed. The embossed, molded upper is removed and is ready for trimming of the excess material. In a preferred method of the invention with polyurethane foam, a three minute heating cycle at 200 degrees C is used. This temperature, in the presence of molding pressure, is adequate to accomplish internal cell wall bonding. Such bonding is a consequence of the heat and pressure which renders the cell matrix viscous to a point of internal tack. This internal tack accomplishes setting of the areas of embossing. Although the heating of the foam is likely to be to a temperature less than its melting temperature, the embossed regions are here referenced as melted regions. Leather products, fabrics of natural and synthetic fiber, and synthetic material of P.V.C or polyurethane in combination with the foam can withstand this heating treatment without distortion or degradation of original physical properties.

As an alternate method of embossing, ultra-sonic or high frequency welding techniques could be used for embossing materials such as certain plastics that are not porous or discontinuous and have the requisite

characteristics to enable embossing upon exposure to the high frequencies. High frequency heat is produced by using a transformer to raise the main voltage, a rectifier to change alternating current to direct current, and an oscillator valve to stop and start the current at speeds of about 28 million cycles per second or greater, to establish a field between two metal plates.

High frequency heating differs from radiant and conducted heat in that the temperature is raised uniformly throughout a material without a necessary waiting period for heat to spread from an exterior heat source to the interior of the material. In using high frequency heating with the invention an oscillating electronic field is created between two surfaces between which is positioned the upper material. Exposure to this field results in movement of the molecules in the upper and uniform generation of frictional heat throughout the upper. The use of a high frequency heating field plus pressure from the protruding portions of a mold result in the embossed design on the upper. The mold may also be used to cut the perimeter of the upper by having a raised edge around the outside edge of the mold.

High frequency welding with a welding die also may be used to fuse two pieces of material, such as the two back edges of the upper, or to add extra components to the upper (such as a tongue, trim, buckles, etc.). High frequency (HF) welding is particularly suited to such materials as PVC and would allow the fusing of color pigments or appliques to the embossed areas.

After the upper 10 is completely embossed, a back strip 44 is attached to the back sides 20, 32 of the upper 10 using stitching methods known in the art as

shown in Figure 8. The back strip 44 may be a straight narrow strip of 3/8 to 1/2 inch width and approximately double the length of the backside so that it may be sewn to both the inside and outside of the back shoe seam forming a fold 46 at the top edge 48 of the shoe 50. Alternatively, the back strip 44 may only be placed on the exterior to the shoe 50. The back strip 44 may also be decoratively designed in color and/or shape. If the back strip 44 is omitted, an alternative method of attaching the back sides of the upper, such as overlapping the back sides and stitching, or heat embossing the two sides together may be used.

According to a method of the invention, the shoe 50 is lasted with any of several conventional techniques. Preferably, of these techniques, cold cement lasting is used because it is the simplest lasting method and is less costly than others, but California lasting (full sock lasting) may also be used. The insole board that is used is preferably made of non-woven, cellulose base fiber board prepared by conventional techniques, but it may be made of other hard or soft fiber lasting boards. The sock liner preferably is made of Tricot-covered rubber sponge, but it could be made of any fabric-covered cushioning material. When the shoe is lasted, lines A and B are aligned in parallel in shoes with a strap 34 (Figure 3).

Following attachment of the back strip and lasting, the bottom 52 of the shoe is attached, preferably by a cementing method. Cold cementing is preferably used because it is inexpensive and simple. The bottom 52 is preferably made using molded ethyl vinyl acetate (EVA) by methods known in the art; however cut EVA may be used as may thermal plastic rubber. Other bottoming methods that

do not entail the cement process may be used. These would require "direct-attached" polyurethane or thermal plastic rubber. Both of these latter techniques require California lasted shoes.

A preferred embodiment of the invention involves preparation of a three layered upper having an outer layer which is a warp knit, weft knit, woven fabric, leather product, or synthetic coated material. The central layer of the material is a polyurethane foam, and the inner liner may be any one of a number of materials. The laminate is heat embossed at 200 degrees C for approximately three minutes, after which the backsides of the the upper are attached together by means of stitching to a back strip. The upper is then lasted and attached to the bottom of the shoe by cold cementing or other conventional means.

A number of different components of a shoe may be made using heat embossing methods such as those previously described for the one piece upper. The heat embossing of shoe components is decorative as well as functional in several ways. For a multi-layered material having a layer of porous foam such as polyurethane foam, the heat and pressure of the heat embossing selectively causes the inner cell wall matrix to become viscous to a point that the resulting tack is adequate to accomplish bonding. Thus, when heated, the polyurethane foam becomes a strong bonding adhesive which adheres firmly to surrounding material. For a material having the foam as a central layer between two outer fabric layers, the embossing serves to firmly seal the three layers together. The shoe components of the present invention are embossed along the edges and are thus sealed along

the edges, removing the need for any edge stitching to hold the material layers together.

Another function of the heat embossing is to reduce the thickness of the material in the region of the embossing. Since shoe components are often joined at the edges, it is desireable to have the edges relatively thin compared to the rest of the material to prevent from forming an unusually thick region of the shoe where the connected shoe components overlap. Heat embossing along the edges of a shoe component provide this thinner region without the necessity of skiving, which is the traditional method of edge thickness reduction.

Shown in Figure 14 is a side view of a typical shoe 130 made with a heat embossing process. The shoe 130 has a heat embossed upper 132 and a quarter overlay 134 which is also heat embossed. The edges of the overlay 134 are embossed to reduce and seal them, while a more central region 135 of the overlay is embossed to hold eyelets 136, which in turn hold the laces of the shoe 130. The overlay 134 is stitched to the lasting margin of the upper and may be additionally secured by a thermoplastic rivet 138. During assembly, the two-piece rivet 138 is passed through aligned holes in both the overlay 134 and the upper 132.

A side view of thermoplastic rivet 138 passing through two pieces of material 139,141 shown in Figure 15. Front rivet plate 140 has two pins 142 which fit into the receiving holes 146 of back plate 144. Heating of the thermoplastic rivet 138 causes the two pieces of the rivet to melt and bond together forming a secure, permanent connection. This heating is preferably done with a high frequency electromagnetic field, which is particularly good for providing uniform heating of the

thermoplastic material. Alternative heating methods such as ultrasonic heating or thermal welding may also be used. The pins 142 of the front plate 140 of the rivet 138 may extend through holes 146 and beyond the rear surface of back plate 144. In such a case, pressure applied to the back of the rivet 138 during heating then causes the end of the pins 142 to spread and flatten out along the rear surface of the back plate 144. Thus when the rivet hardens, the pins 142 are even further prevented from moving back through the holes in the back plate 144.

Using certain thermoplastic materials, the thermoplastic rivet 138 may alternatively consist of just the front plate 140. Once the pins 142 pass through the material to be joined, they are heated and the pins 142 are flattened out to restrict the rivet 138 from passing back through the material. Such a deformation of the rivet 138 may be accomplished through the use of a pressure device which applies pressure to the rivet 138 during heating.

Figure 16 shows a plan view of the upper of the shoe in Figure 14. Quarter region 148 is embossed flat to provide a seat for a quarter overlay 134. The lasting margin 150 is also embossed to seal the edge and to reduce the thickness of the lasting margin 150 without skiving. The upper is shown with one of two quarter overlays 134 in place. The other quarter overlay is left out to show the quarter region 148 of the upper, which is embossed flat to accomodate an overlay 134. Embossing this region 148 prevents the shoe from being abnormally wide in the overlapping quarter region of the shoe. Rivet holes 149 are also shown in both the upper 132 and the quarter overlay 134.

In Figure 17 is shown a shoe 152 having an upper 153 and a number of overlay components. A heel stabilizer 154, a quarter overlay 156, and a forefoot stabilizer 158 are each attached to the shoe 152 during a bottoming process. A tongue 160 is also included, and both the tongue 160 and the forefoot stabilizer 158 are attached to the vamp 162 of the upper by way of a thermoplastic rivet 164. In this case the rivet 164 serves to secure both the tongue 160 and the forefoot stabilizer 158, thus providing an economical use of connection elements.

The overlay components 154,156,158 of the shoe 152 of Figure 17 are preferably made by an injection molding process using materials such as thermoplastic elastomers, or in some cases engineering thermoplastics. Some alternatives to the injection molding method include flow molding, casting, and extrusion process. The molded overlays are easy and inexpensive to produce and add support and aesthetic value to the shoe. Other materials such as the foam/fabric material of the upper or a natural material such as leather are also used as overlay material. A combination of different overlay components of different materials is often used on the same shoe.

Both the tongue 160 and the upper 153 of the shoe 152 are formed of a material with a central resilient foam layer. Heat embossing seals and reduces the material in selected areas. Figures 18A and 18B show a plan view and a cross sectional view, respectively, of the upper 153 of Figure 17. The lasting margin 156 of the upper 153 is embossed. Futher embossing of the upper 153 provides seats for the overlays shown in the assembled shoe of Figure 17. Since the non-shaded portions of Figure 18A are the regions depressed by heat embossing, it is apparent that the embossed regions seat

the heel stabilizer 154, the quarter overlay 156, and the forefoot stabilizer 156 perfectly. The cross section of Figure 18B shows the relative thickness difference between an embossed region 168 and a non-embossed region 170 of the upper 153.

Figure 19A is a plan view of the quarter overlays 156 and 156' of the shoe 152 of Figure 17 (overlay 156' is not shown in Figure 17). It can be seen from this view that the injection molded components are fabricated in a manner to reduce thickness gauge in the bottom region. These portions of the overlays are turned under during bottoming of the shoe, and it is therefore advantageous to have the thickness reduced in these regions 172. Figure 19B is a cross section of one of the quarter overlays 156, 156' and shows the difference in thickness in different regions of the TPU material. Much of the molded pattern is decorative, but it additionally serves to allow a certain degree of bending movement to the overlay. The mold also gives shape and texture to the surface of the overlay.

Shown in Figure 20A is a plan view of the forefoot stabilizer 158 of the shoe 152 of Figure 17. Like the quarter overlays 156, 156', this particular forefoot stabilizer 158 is made of a TPU material. The forefoot stabilizer is made flat in a central region 174 and at the ends 176 of the extending portions 177. Molded lines 178 in the remainder of the material provide texture and improve bending properties in this region. Holes 180 in the central region 174, support the pins 142 of thermoplastic rivet 138. The cross section of Figure 20B shows the difference in thickness between the different regions of the forefoot stabilizer.

Figure 21A is a plan view of an alternative embodiment of the quarter overlays 156 and 156' of Figures 17 and 19. Quarter overlays 180 and 180' still fit within the recessed regions of the shoe upper 153 of Figure 17, but are made of foam/fabric material instead of a TPU. The foam/fabric material is like that previously disclosed for the upper, and is embossed along the edges to seat the material. The quarter overlays 180 and 180' are also embossed at the bottom portions 182 and in the eyelet regions 184. The eyelets (not shown) are mounted in the regions 184, and the bottom portions 182 are attached to the lasting margin of the upper 153 prior to bottoming of the shoe. The raised non-embossed central regions 186 of the quarter overlays 180, 180' are instrumental in keeping the shape of the overlays. A cross section of one of the quarter overlays is shown in Figure 21B. From this cross section the thickness difference between the embossed and non-embossed regions of the foam/fabric material is apparent.

The forefoot stabilizer 188 of Figure 22A is similarly shaped to the forefoot stabilizer 158 of Figures 17 and 20, but is made of the foam/fabric material. The forefoot stabilizer 188 is embossed in the bottom regions 190, in the eyelet regions 192, in the rivet region 194, and along the edges. The embossing along the bottom region 190 allows proper attachment to the shoe upper. The embossing in the eyelet regions 192 provides a flat region for attachment of the eyelet (not shown). The embossing in the rivet region 194 provides a flat, recessed region in which the rivet 164 fits, passing through rivet holes 196. The raised, non-embossed region 198 gives shape and texture to the surface of the forefoot stabilizer 188. A cross section

of the forefoot stabilizer is correspondingly shown in Figure 22B.

Figures 23A-23C show a folding thermoplastic fastener 200 designed particularly for binding together the left and right heel portions of an upper. The fastener 200 is shown folded up in Figure 23A and partially unfolded in Figure 23B. Two rows of pins 202 on fastener rear plate 204 align with the two rows of holes 206 on fastener hole plate 208 when the fastener is folded over. As shown in Figure 23C, the reduced areas of the heel portions 210 of a shoe upper 212 are punched with holes 214 which align with the pins 202 of the fastener 200 when the heel portions 210 are pulled together. The pins 202 of the fastener 200 are then pushed through the holes 214 of the heel portions 210. The fastener is then closed along a hinge between the rear plate 204 and the hole plate 208, such that the holes 206 in the hole plate 208 engage the ends of the pins 202 sticking through the heel portions 210. Once engaged, the fastener is heated to melt the pin/hole connections such that when rehardened they are permanently secured. Decorative cover plate 216 is hinged to hole plate 208 and is folded over to cover the pin/hole connections. The cover plate 216 has a lip which meshes with a lip on the hole plate 208 to keep it tightly secured when folded over and pressed into engagement with the hole plate 208.

As noted above, the embossing allows for control of stress, contouring and flexibility of various portions of the shoe. Figure 24 illustrates a women's casual shoe which utilizes such functional embossing. The shoe upper is formed of a one-piece upper, illustrated in Figure 25, and quarter overlays, one of which is illustrated in

thickness of the embossed lines 226 and 228 also allows bending along the embossing lines.

Figure 28 illustrates an alternative quarter overlay, and a shoe incorporating that overlay is illustrated in Figure 29. In this design, stretch from the eyelets to the sole is controlled by the horizontal embossing lines such as 236. Depending on the weave of the fabric layers, some stretching is allowed between the embossing lines. In this design, stretching from the eyelets to the shoe must be limited to a larger extent by the weave of the fabric than in the prior design, but the embossing lines allow for greater flexibility which allows the overlay to fold over the foot more readily.

The invention has great industrial applicability particularly in countries with a labor shortage or where it is essential to minimize labor costs to be competitive. The method of the invention may be used in the shoe manufacturing industry to make durable, attractive, inexpensive shoes through elimination or diminishing of most of the labor-intensive shoe fitting steps, such as skiving, multiple-piece stitching, prefitting, splitting, interlining, and edge taping.

While the invention has been described with reference to specific embodiments thereof, it will be appreciated that numerous variations, modifications, and embodiments are possible, and accordingly, all such variations, modifications, and embodiments are to be regarded as being within the the spirit and scope of the invention.

CLAIMS

1. A shoe comprising an upper portion formed substantially of resilient foam material sandwiched between inner and outer layers, the upper portion being embossed by melted, depressed regions of the foam.

2. A shoe as claimed in Claim 1 wherein the upper portion has an embossed lasting margin.

3. A shoe as claimed in Claim 1 wherein edges of the upper portion are embossed to seal said edges.

4. The shoe component of Claim 1 wherein the resilient foam material is a porous breathable foam which in the presence of heat and pressure transforms internally to a point that the inner cell wall matrix of the foam becomes viscous, providing sufficient tack to accomplish a bonding within the matrix.

5. The shoe component of Claim 1 wherein embossing of the shoe component provides a predetermined functional design pattern on the shoe component.

6. The shoe component of Claim 1 wherein embossing of the shoe component contributes to specific strain performance factors in the shoe component.

7. The shoe component of Claim 1 wherein the embossing of the shoe component contributes to the maintaining of the proper shape of the shoe component.

8. The shoe component of Claim 1 wherein the shoe component is a one-piece upper.

9. The shoe component of Claim 1 wherein the shoe component is an eyestay overlay.

10. The shoe component of Claim 1 wherein the shoe component is a quarter overlay.

11. A component of a shoe comprising a multi-layered material embossed along the edges of the material, the embossing sealing the layers of the material together at the edge and reducing the thickness of the material in the embossed regions.

12. The shoe component of Claim 11 wherein the multi-layered material includes a layer of porous breathable foam which in the presence of heat and pressure transforms internally to a point that the inner cell wall matrix of the foam becomes viscous, providing sufficient tack to accomplish a monogamous bonding within the matrix.

13. The shoe component of Claim 1 wherein the shoe component is further embossed away from the edges of the material.

14. A shoe comprising an upper portion having back sides, sides and a toe area formed from a single sheet of material, the material being selectively embossed relative to the shoe structure such that depressions embossed in the material help maintain a proper shape of the shoe.

15. A shoe as claimed in Claim 14 wherein the shoe comprises a depression curved about the toe area to separate upper and side portions of the toe area.

16. A shoe as claimed in Claim 14 wherein said upper portion comprises a strap formed between sides of the shoe, the strap having transverse depressions thereacross.

17. A shoe as claimed in Claim 14 wherein said upper portion has a depressed lasting margin.

18. A shoe as claimed in Claim 14 wherein upper edges of back sides and sides of said upper portion are sealed by depressions.

19. A shoe as claimed in Claim 14 wherein the sheet of material comprises a resilient foam layer sandwiched between inner and outer layers.

20. A shoe as claimed in Claim 14 wherein the said upper portion has a depressed lasting margin.

21. A shoe as claimed in Claim 14 wherein upper edges of back sides and sides of said upper portion are sealed by depressions.

22. A shoe comprising an upper portion having back sides, sides and a toe area formed in a single sheet of material, the sheet of material comprising resilient foam material sandwiched between inner and outer layers, the material being embossed by melted, depressed regions of the foam to help maintain the shape of the shoe, the depressed regions including a lasting margin and upper edges of the back sides and sides.

23. A shoe as claimed in Claim 22 comprising a depression curved about the toe area to separate upper and side portions of the toe area.

24. A shoe comprising a plurality of heat-embossed, multi-layered shoe portions fastened together with a thermoplastic connector, the connector passing through the material of the connected portions and being such that once heated it restricts separation of said materials.

25. A shoe as claimed in Claim 24 wherein the thermoplastic connector comprises a first member having pins which extend through the material being fastened together, and a second member having holes which engage the pins of the first member while they are extended through said material.

26. The shoe of Claim 24 wherein the shoe portions comprise the left and right heel portions of a one-piece upper.

27. The shoe of Claim 24 wherein the multi-layer composition of said shoe portions includes a central layer of porous foam sandwiched between an inner layer and an outer layer.

28. A method of making a shoe component, comprising:

fabricating the shoe component in a desired shape from a multi-layered material; and

embossing the shoe component in select regions, the embossing sealing the layers of the material together at the edge and reducing the thickness of the material in the embossed regions.

29. The method of Claim 28 wherein said embossing of the shoe component comprises embossing with heat.

30. The method of Claim 28 wherein embossing said shoe component comprises embossing with high frequency energy.

31. The method of Claim 28 wherein said shoe component comprises a one-piece upper.

32. The method of Claim 28 wherein said shoe component comprises a multi-layered material having an outer layer, a resilient central layer, and an inner layer.

33. The method of Claim 32 wherein said resilient central layer is a porous foam which when heated, melts to a bonding adhesive.

34. The method of Claim 32 wherein said outer layer and said inner layer are tricot.

35. The method of Claim 32 wherein said outer layer and said inner layer are woven cotton.

36. The method of Claim 32 wherein the outer layer comprises leather.

37. The method of Claim 32 wherein said central resilient layer comprises polyurethane.

38. A method of fastening together portions of a shoe, the method comprising:

aligning the shoe portions with one another in a desired fashion;

inserting a thermoplastic connector through the shoe portions such that the shoe portions are adjacent one another with the thermoplastic connector passing through each of them;

subjecting the thermoplastic connector to sufficient energy to melt the thermoplastic connector such that when rehardened, the connector restricts the shoe portions from separating from one another.

39. The method of Claim 38 wherein the thermoplastic connector comprises a first member having pins which extend through the shoe portions, and a second member having holes which engage the pins of the first member while the connector is subjected to the melting energy.

40. The method of Claim 38 wherein the shoe portions comprise the left and right heel portions of a one-piece upper.

41. The method of Claim 38 wherein the shoe portions include a tongue.

42. The method of Claim 38 wherein the shoe portions include a portion formed of a multi-layer material, the material having a layer of porous foam, and heat-embossed depressed regions in the material.

43. The method of Claim 38 wherein the shoe portions include an overlay.

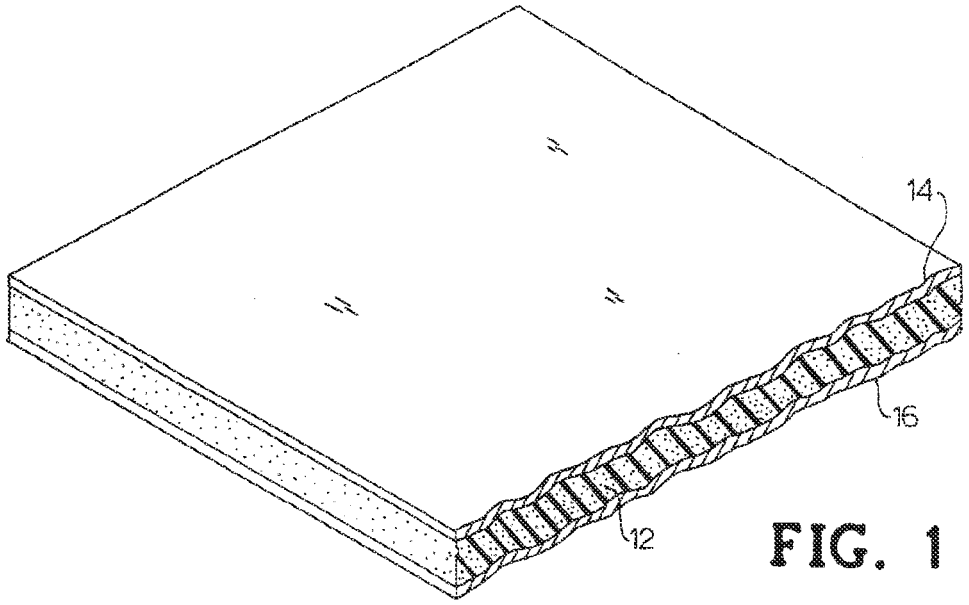


FIG. 1

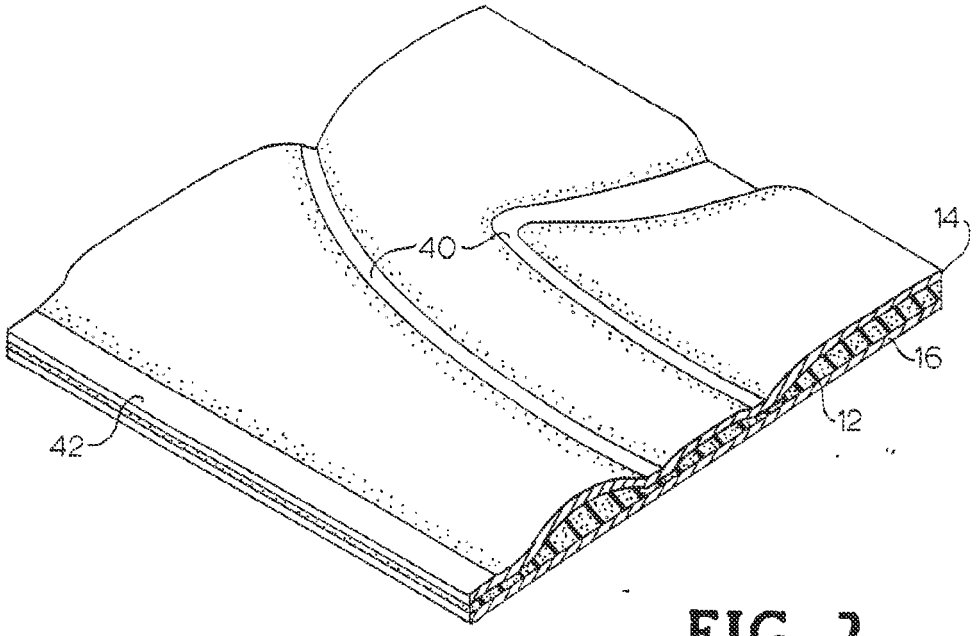


FIG. 2

Skechers EX1013-p.98
Skechers v Nike

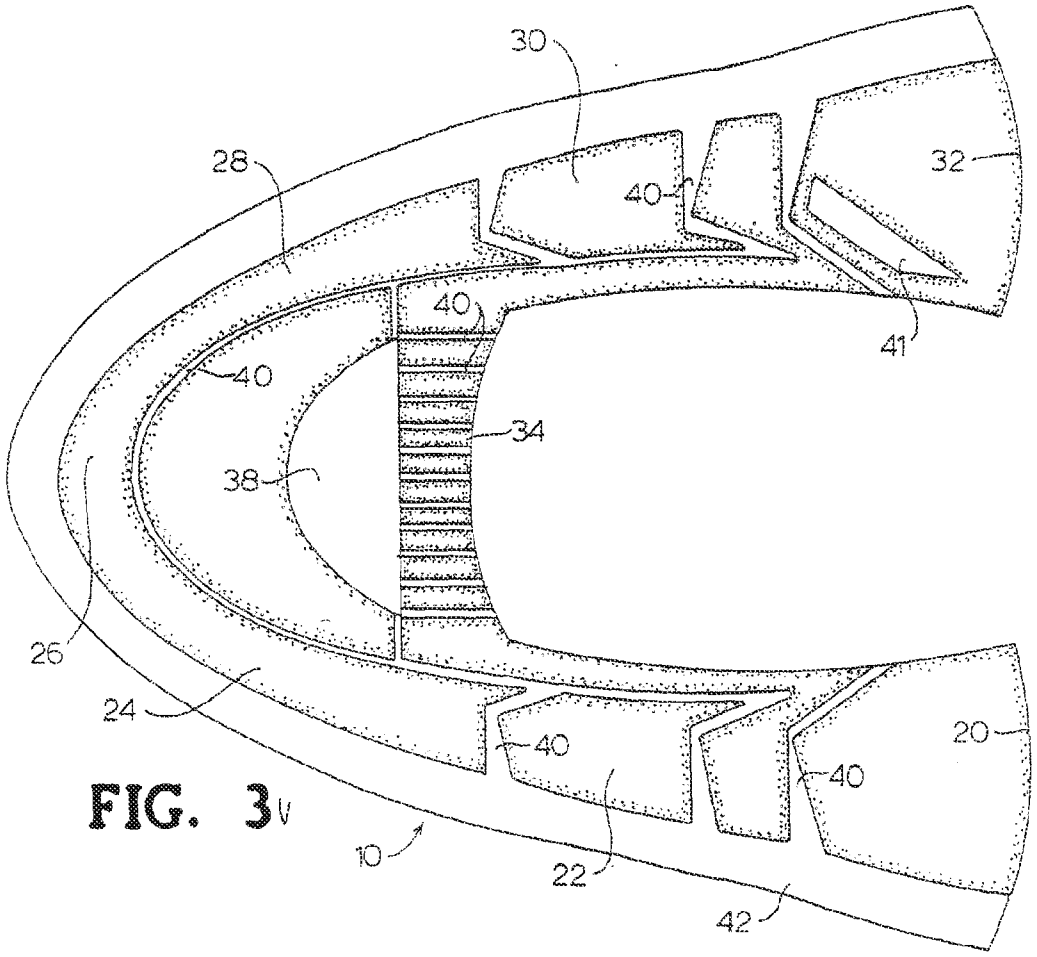

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FIG. 3

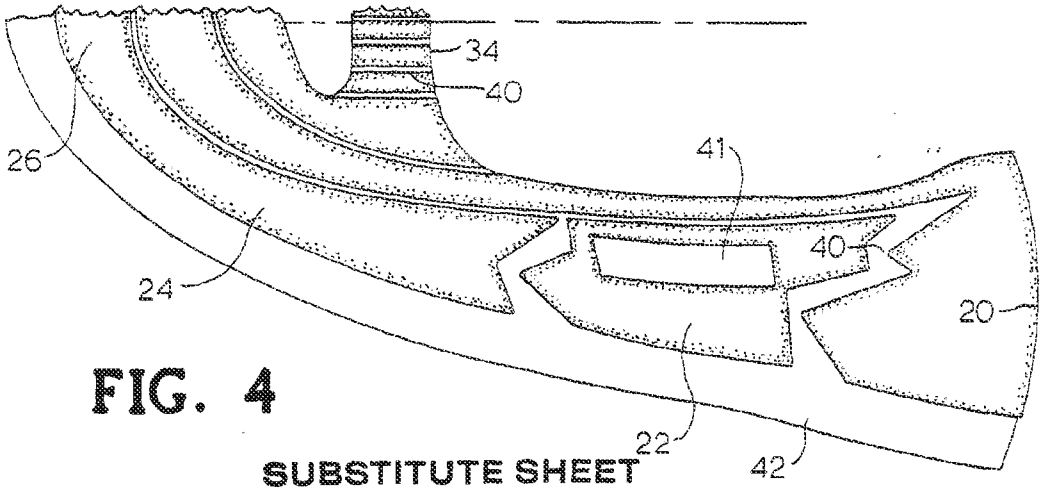

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FIG. 4

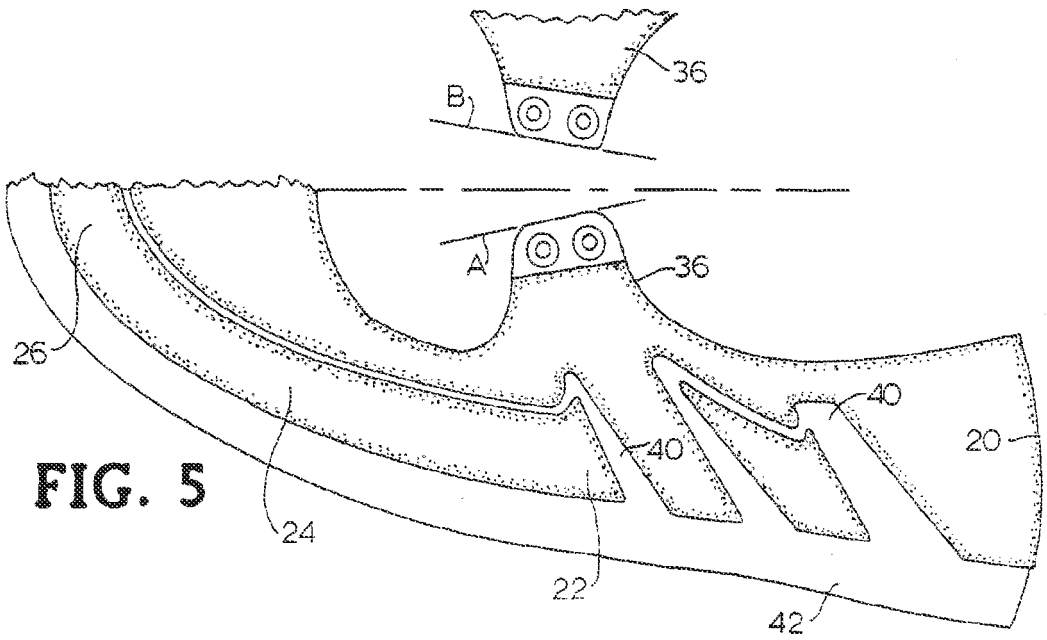


FIG. 5

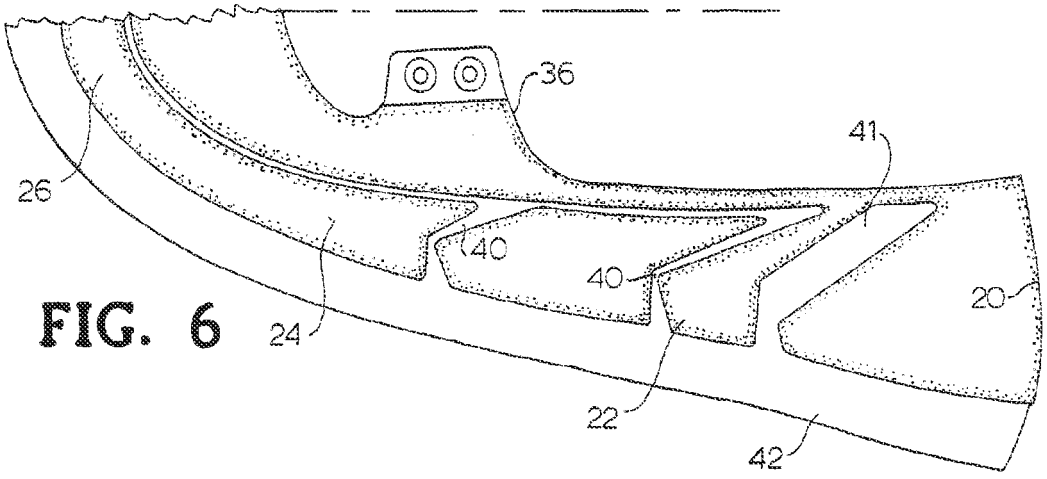


FIG. 6

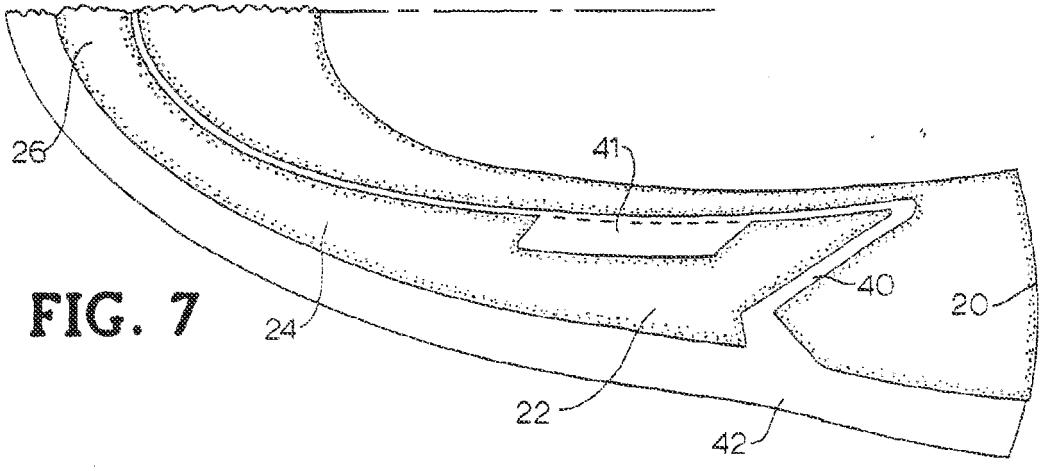


FIG. 7

Skechers EX1013-p.100
Skechers v Nike

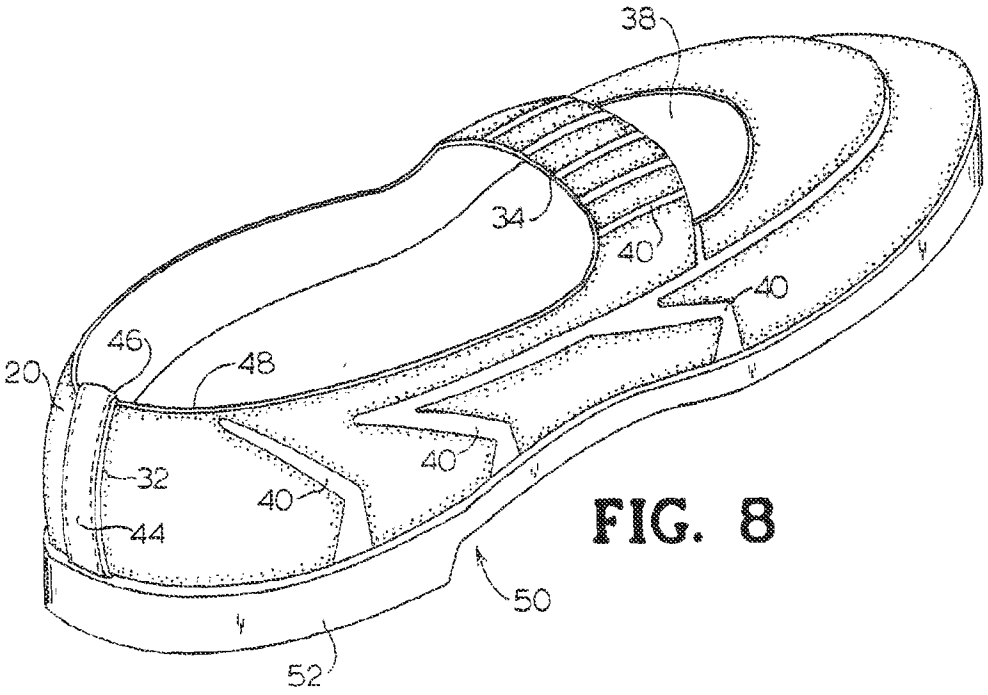


FIG. 8

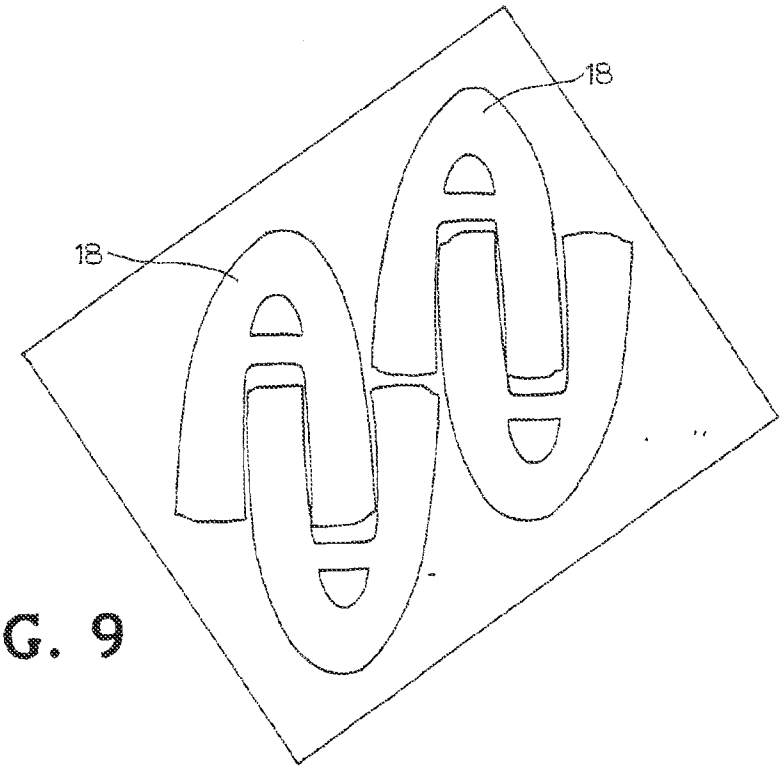


FIG. 9

Skechers EX1013-p.101
Skechers v Nike

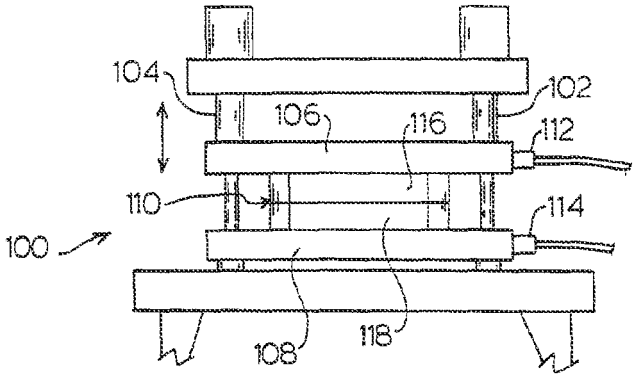


FIG. 10

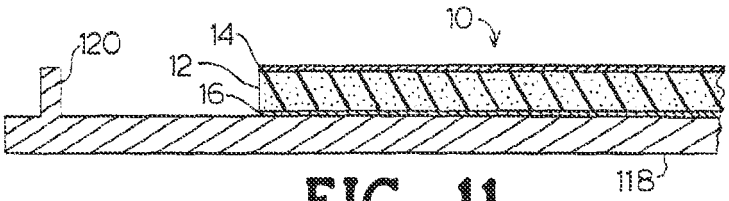


FIG. 11

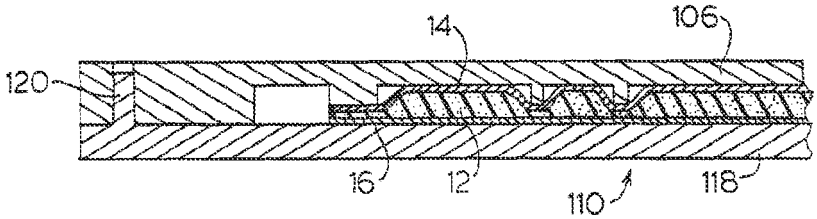


FIG. 12

Skechers EX1013-p.102
Skechers v Nike

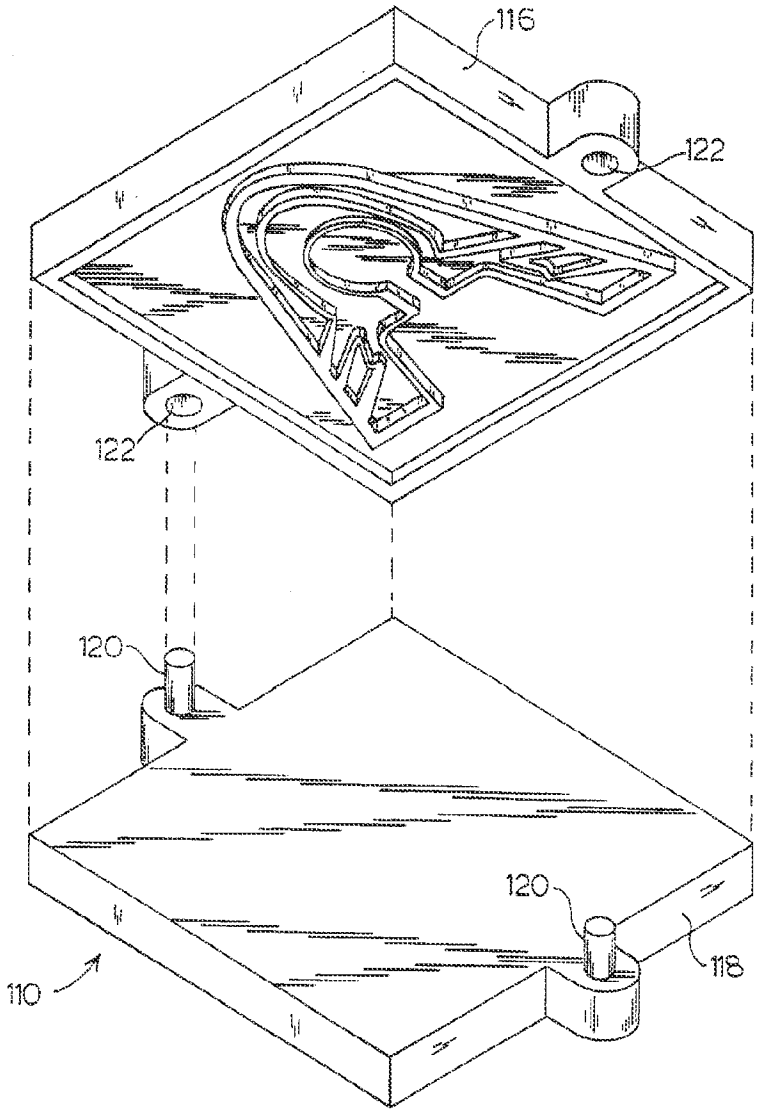


FIG. 13

Skechers EX1013-p.103
Skechers v Nike

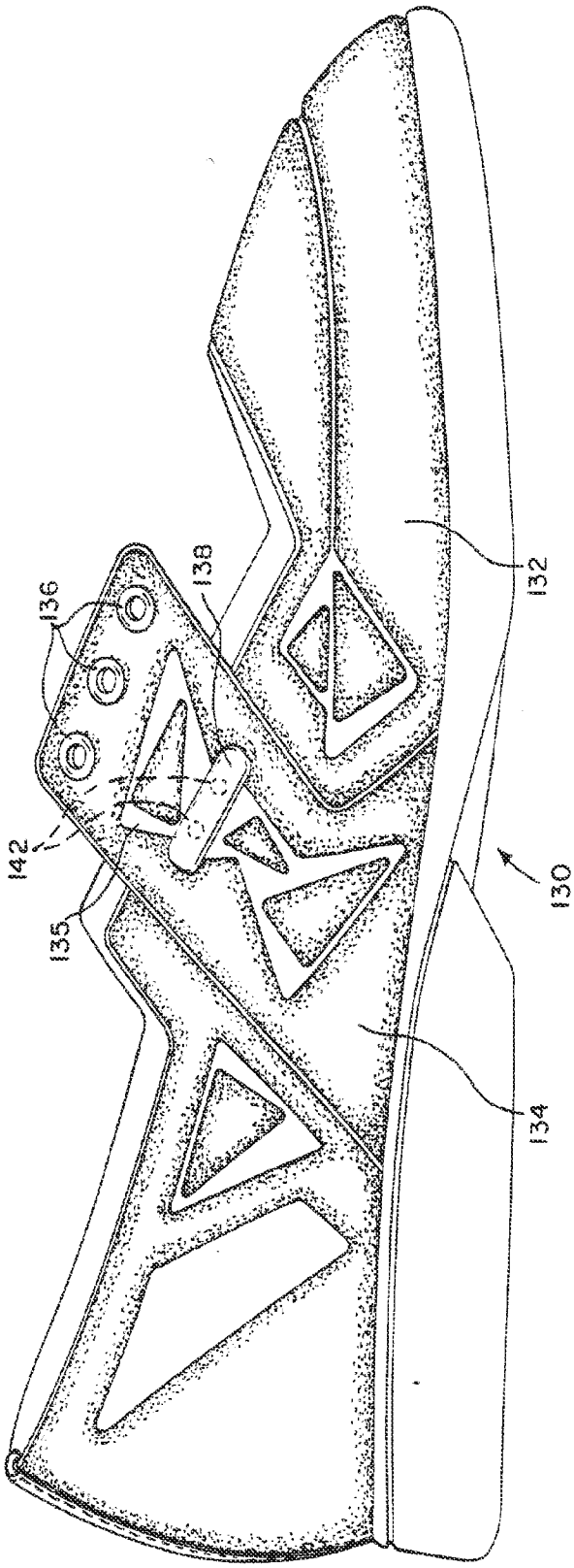


FIG. 14

Skechers EX1013-p.104
Skechers v Nike

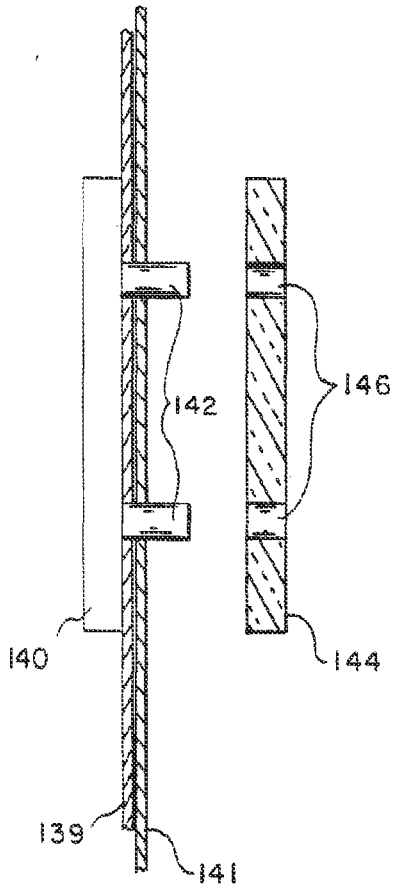


FIG. 15

Skechers EX1013-p.105
Skechers v Nike

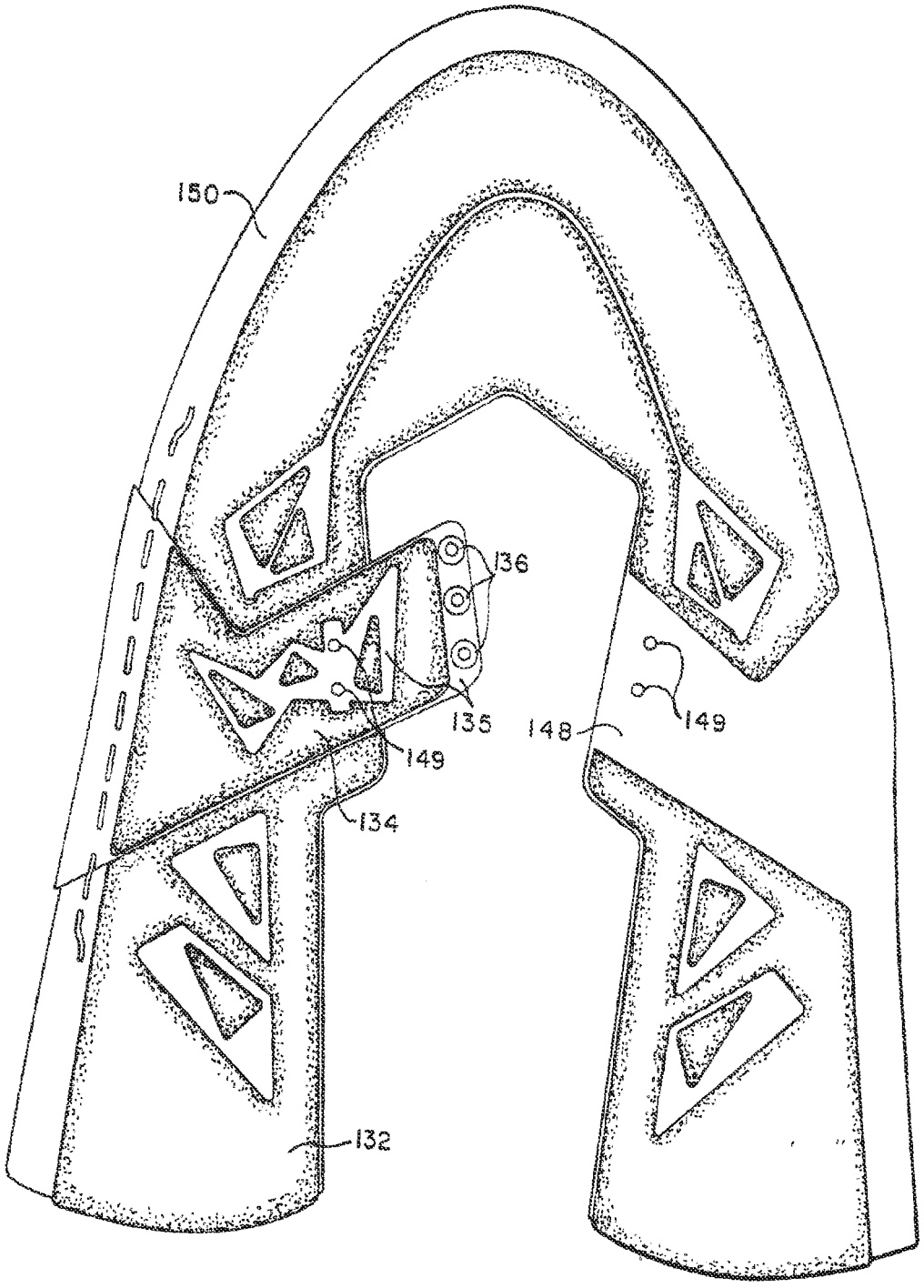


FIG. 16

Skechers EX1013-p.106
Skechers v Nike

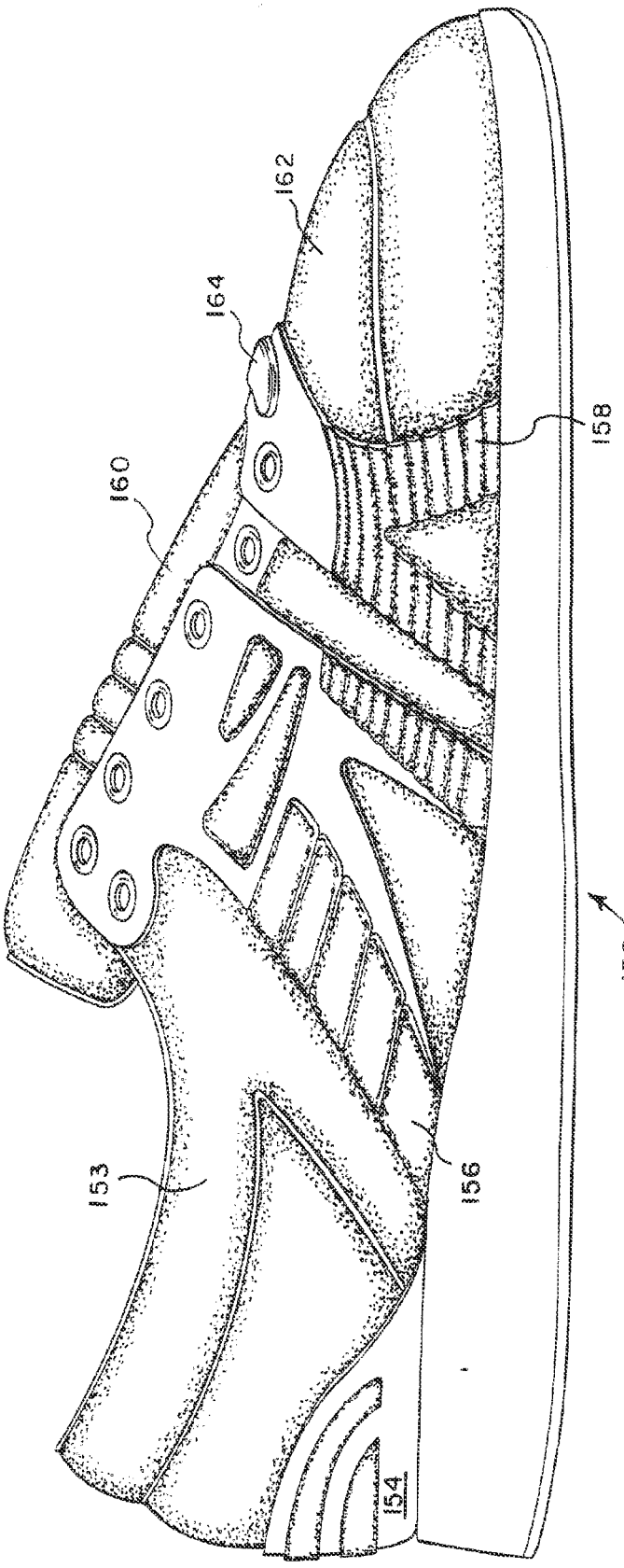


FIG. 17

Skechers EX1013-p.107
Skechers v Nike

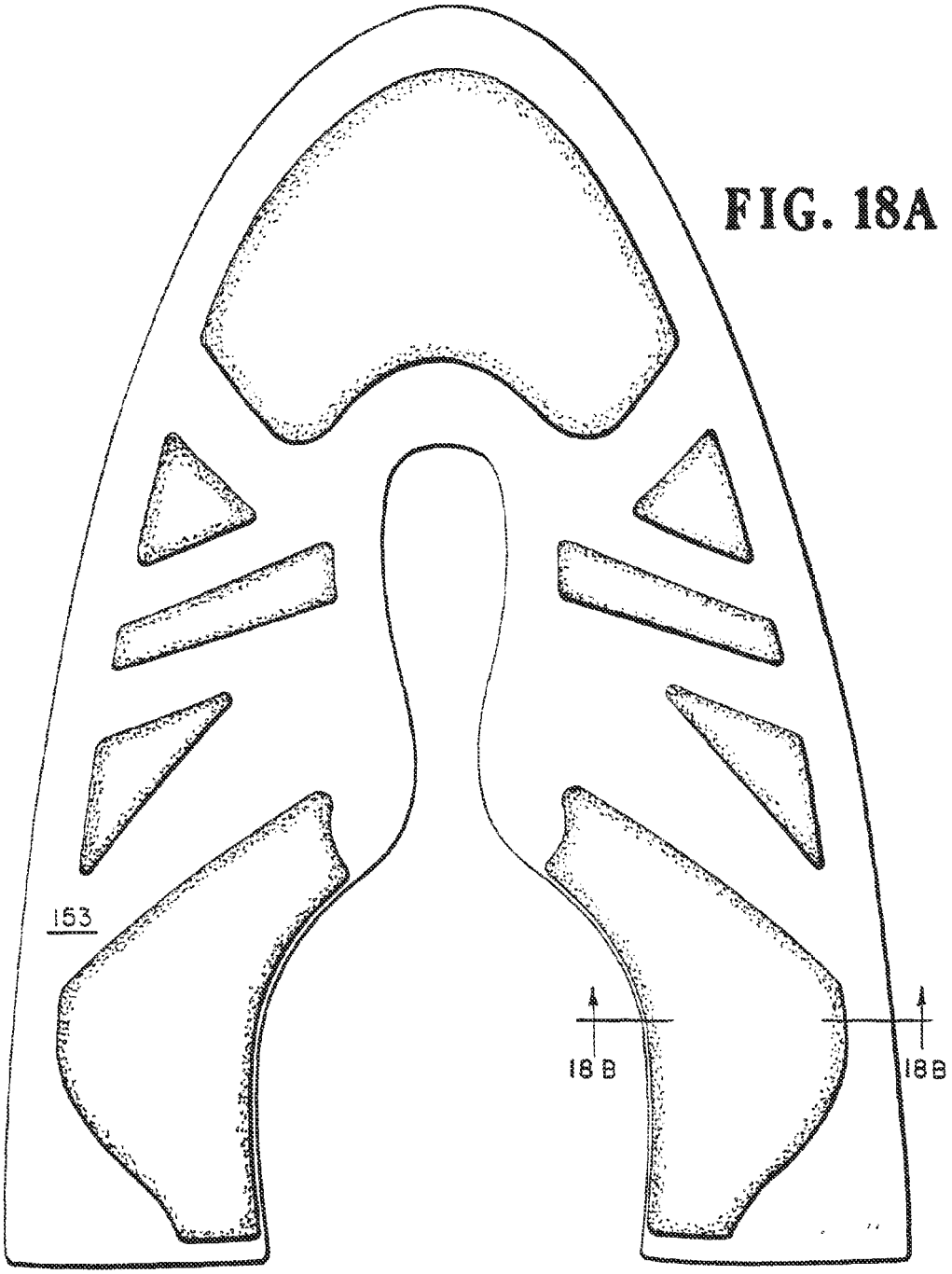


FIG. 18A

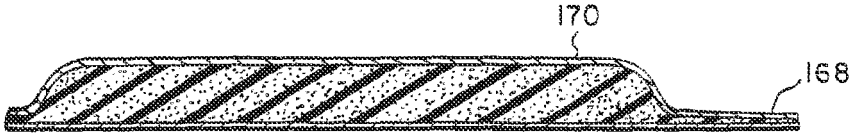


FIG. 18B

Skechers EX1013-p.108
Skechers v Nike

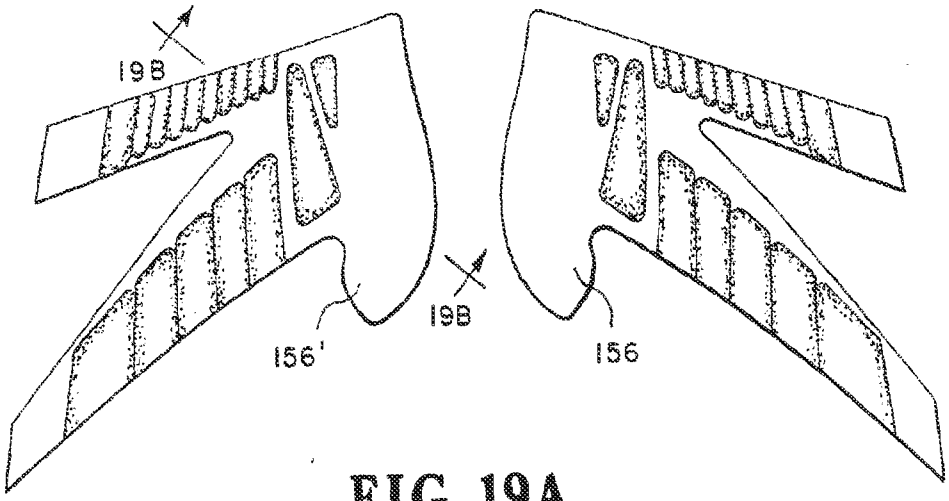


FIG. 19A

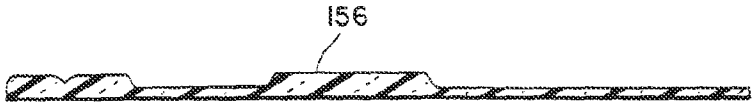


FIG.19B

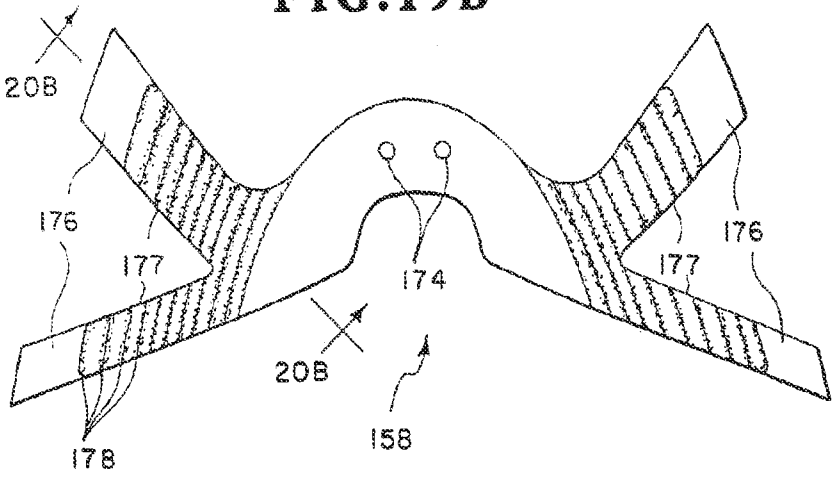


FIG.20A



FIG. 20B

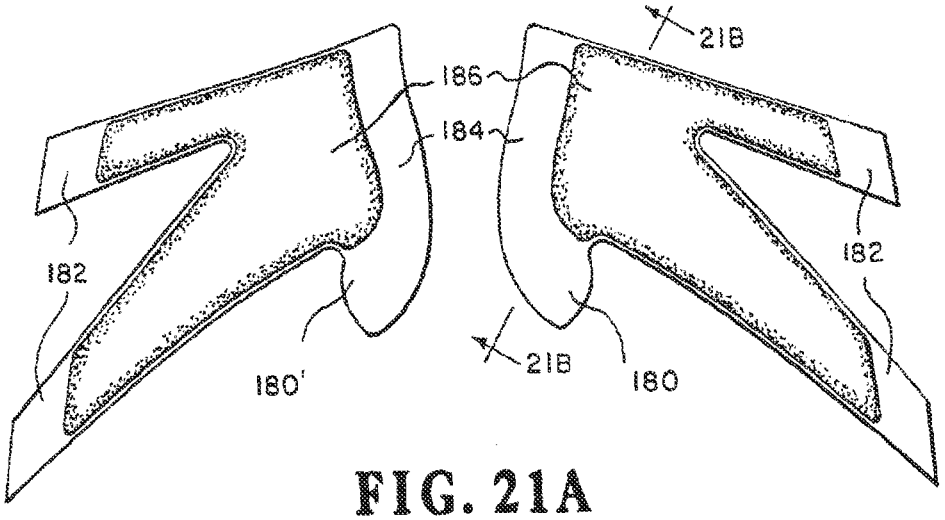


FIG. 21A



FIG. 21B

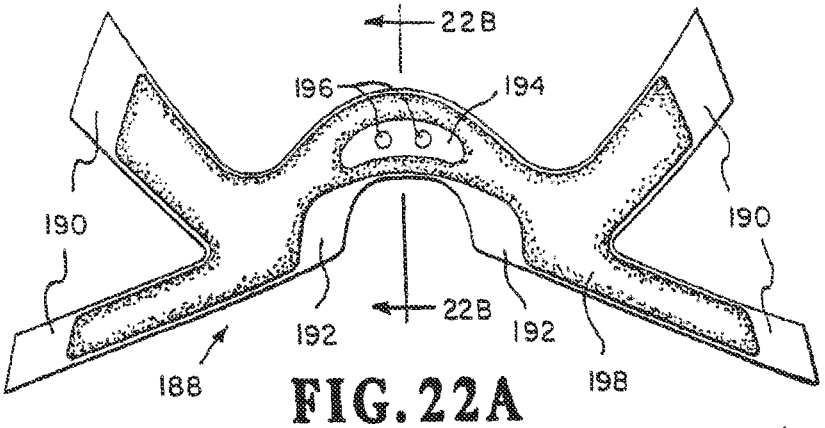


FIG. 22A

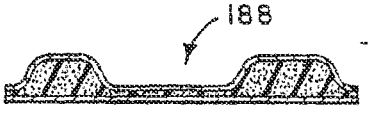


FIG. 22B

Skechers EX1013-p.110
Skechers v Nike

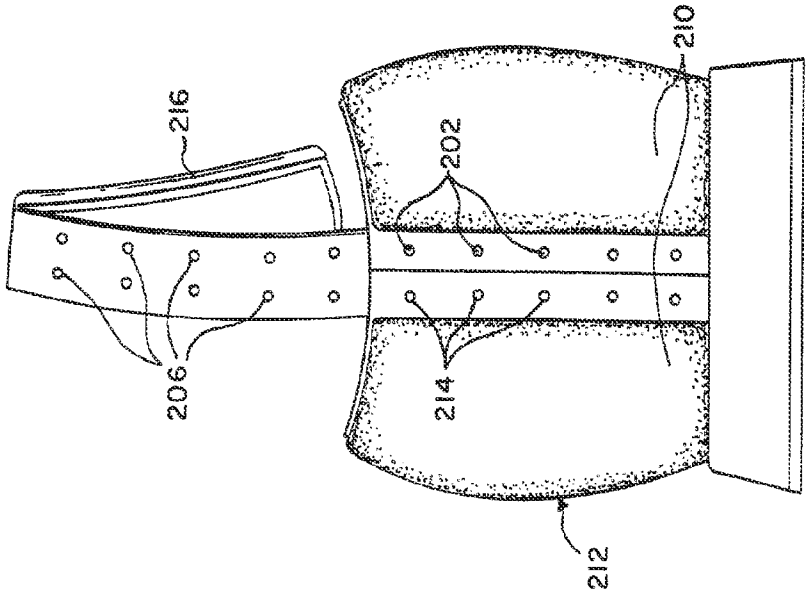


FIG. 23C

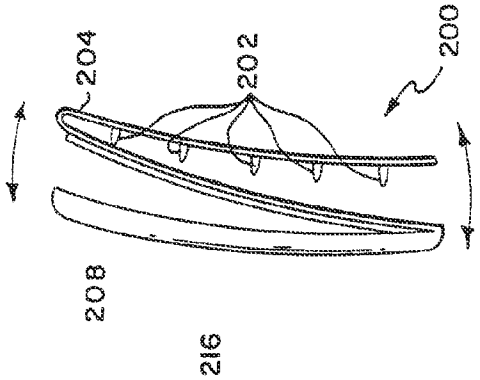


FIG. 23B

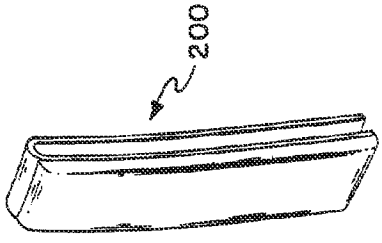


FIG. 23A

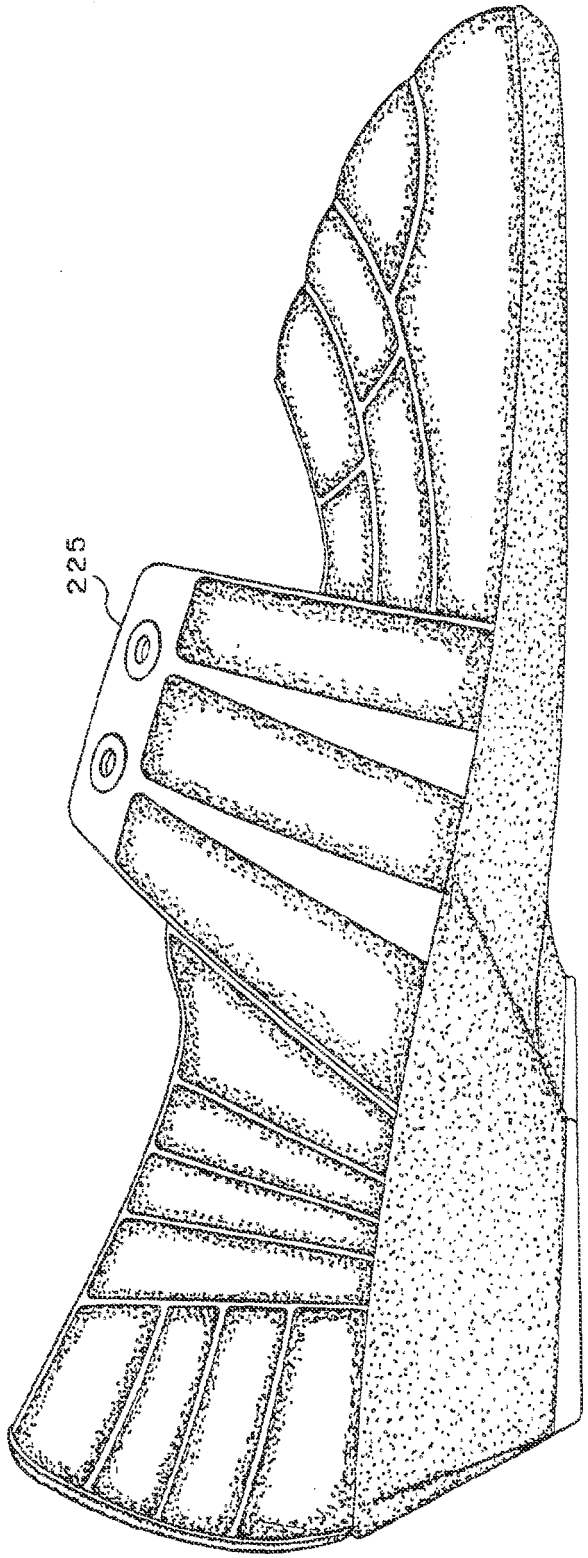


FIG. 24

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Skechers v Nike

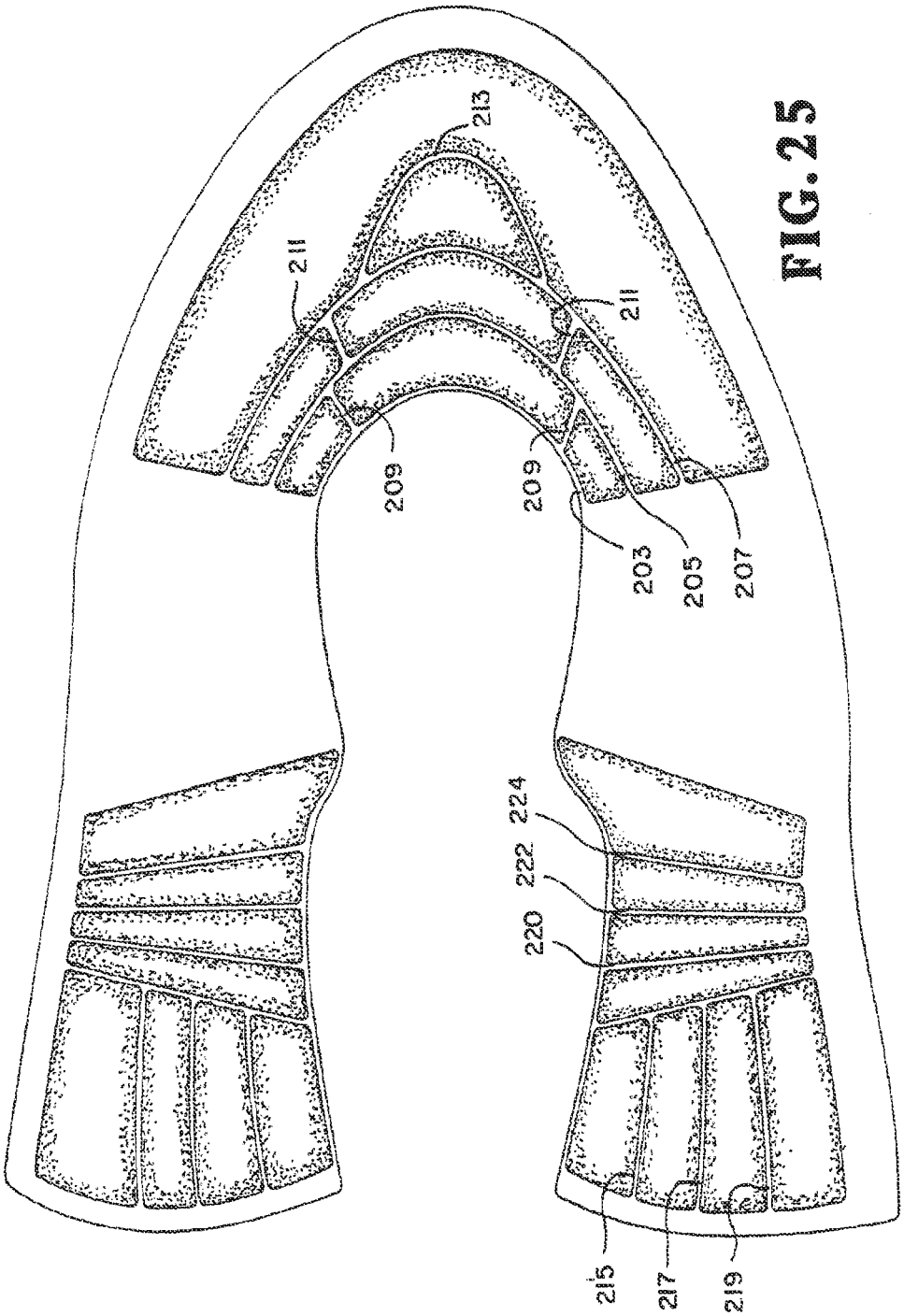


FIG. 25

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FIG. 26

FIG. 28

FIG. 27

SUBSTITUTE SHEET

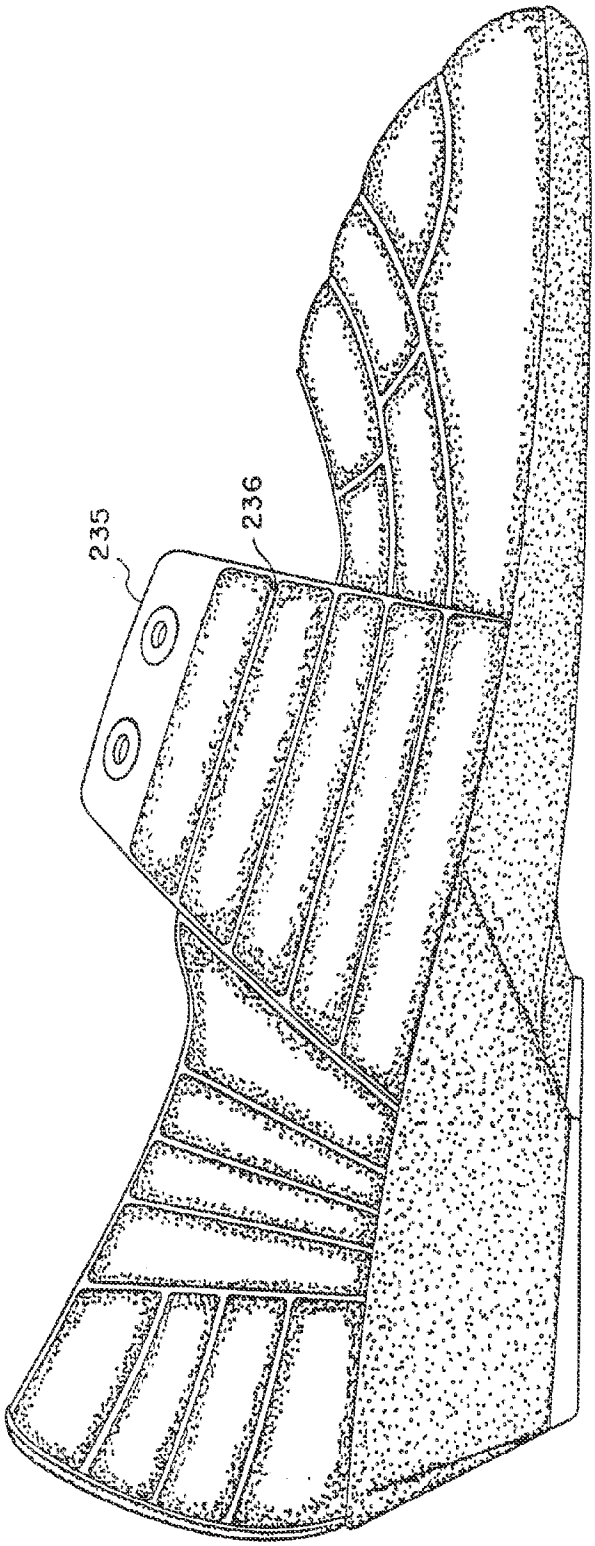


FIG. 29

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Skechers v Nike

INTERNATIONAL SEARCH REPORT

International Application No PCT/US 89/04370

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all) [6]

According to International Patent Classification (IPC) or to both National Classification and IPC

IPC5: A 43 D 8/24

II. FIELDS SEARCHED

Minimum Documentation Searched [7]

Classification System	Classification Symbols
IPC5	A 43 D; A 43 B

Documentation Searched other than Minimum Documentation to the Extent that such Documents are Included in the Fields Searched [8]

III. DOCUMENTS CONSIDERED TO BE RELEVANT [9]

Category [10]	Citation of Document, [11] with indication, where appropriate, of the relevant passages [12]	Relevant to Claim No. [13]
A	US, A, 2622052 (J.D. CHANDLER) 16 December 1952, see the whole document	1-43
A	US, A, 3130505 (I.I. MARKEVITCH) 28 April 1964, see the whole document	1-43
A	US, A, 3583081 (HIDEO HAYASHI) 8 June 1971, see the whole document	1-43
A	DE, B2, 2235819 (FRITZ WAGNER, MASCHINENFABRIK GMBH & CO KG) 14 February 1974, see the whole document	1-43

* Special categories of cited documents: [14]

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

IV. CERTIFICATION

Date of the Actual Completion of the International Search	Date of Mailing of this International Search Report
17th January 1990	12. 02. 90
International Searching Authority	**Signature of Authorized Officer**
EUROPEAN PATENT OFFICE	C.D. v.d. Vliet

Form PCT/ISA/210 (second sheet) (January 1985)

ANNEX TO THE INTERNATIONAL SEARCH REPORT
ON INTERNATIONAL PATENT APPLICATION NO. PCT/US 89/04370

SA 31867

This annex lists the patent family members relating to the patent documents cited in the above-mentioned international search report.
The members are as contained in the European Patent Office EDP file on 08/11/89
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Patent document cited in search report	Publication date	Patent family member(s)		Publication date
US-A- 2622052	16/12/52	NONE		
US-A- 3130505	28/04/64	NONE		
US-A- 3583081	08/06/71	FR-A-	1578531	14/08/69
		GB-A-	1223285	24/02/71
		DE-A-	1785183	04/11/71
		DE-U-	6753371	24/04/69
		DE-U-	6753380	24/04/69
DE-B2- 2235819	14/02/74	DE-A-	2265494	02/12/82

EPO FORM P4C9

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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(54) Light weight shoes

(57) A shoe (20) including an upper material using a double raschel warp knitted fabric is provided. The upper material includes a first surface having a non-mesh structure and a second surface having a non-mesh structure part (A)(1a-1d), a mesh structure part (B)(2) and a mesh structure part (C)(3a-3d). The burst strengths burst strengths A, B and C of the parts (A, B and C) satisfy the relationship: A > B > C. The non-mesh structure part (A)(1a-1d) is disposed in a part surrounding the tiptoe, a part connecting to a shoe sole and disposed in both sides of the foot for example, in a stripe. The mesh structure part (B)(2) is disposed in the vicinity of the surface of the toe and the mesh structure part (C)(3a-3d) is disposed in the both sides of the foot for example, in a stripe. Thus, a shoe having lightweight, air permeability and durability and a double raschel knitted fabric used for the shoe are provided.

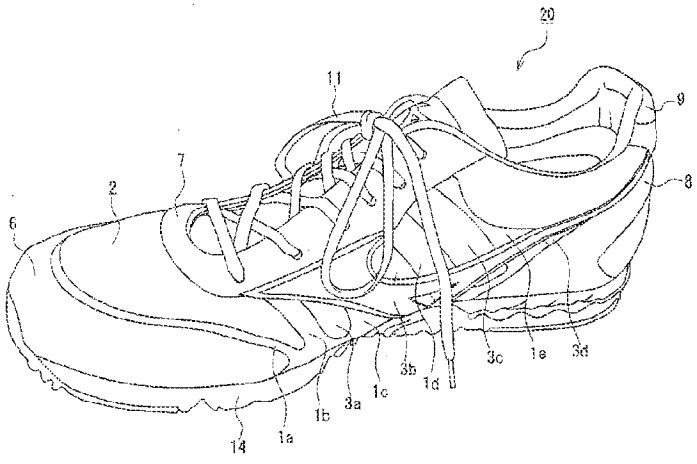


FIG. 2

EP 1 437 057 A1

Printed by Jouve, 75001 PARIS (FR)

Description

[0001] The present invention relates to shoes. More particularly, the present invention relates to shoes incorporating a double raschel warp knitted fabric.

[0002] Conventionally, a warp knitted fabric, a woven fabric, a mesh material, and the like, have been used for shoes (see, for example, application for utility model registration No. 2548713, JP 5(1993)-176804A). In particular, in sport shoes, properties such as lightweight and air permeability are required. A warp knitted fabric having a mesh structure is preferred with respect to the above-mentioned properties, but, on the other hand, it does not have a satisfactory strength and needs reinforcement as a whole. At the present, in most cases, such reinforcement is carried out by using artificial leather, leather, a resin sheet, resin, a woven fabric, and the like, from the side of the front surface. Therefore, in general, the usual weight of one sport shoe is about 150 g to 500 g.

[0003] However, the weight of the conventional sport shoe is heavy for use in marathon, running, and indoor sports such as badminton, ping-pong, etc. Therefore, there is a demand for shoes having lighter weight.

[0004] With the foregoing in mind, in order to solve the above-mentioned conventional problem, it is an object of the present invention to provide a shoe having lightweight and air permeability and also having high durability. This object is solved by the above independent claim 1. The invention also provides a double raschel warp knitted fabric of independent claim 10 and a use of this double raschel warp knitted fabric for a shoe according to independent claim 14. Further advantageous features and aspects of the invention are evident from the dependant claims, the description and the drawings.

[0005] According to one aspect of the present invention a shoe is provided which includes an upper material using a double raschel warp knitted fabric. The upper material includes a first surface having a non-mesh structure and a second surface having a non-mesh structure part (A) and mesh structure parts (B, C); the burst strengths A, B and C of the parts (A, B and C) satisfy the relationship: A > B > C; the non-mesh structure part (A) is disposed in a part surrounding the tiptoe and partially in both sides of the foot; the mesh structure part (B) is disposed in the vicinity of the surface of the toe; and the mesh structure part (C) is disposed partially in the both sides of the foot.

[0006] According to another aspect of the invention a shoe is provided including an upper material using a double raschel warp knitted fabric. The upper material includes a front surface including a mesh structure part and a back surface having a non-mesh structure; and a constituent yarn of the front surface includes a yarn having a melting point that is lower than the melting point of a constituent yarn of the back surface, and at least a part of the front surface is partially fused.

[0007] Another aspect of the present invention relates to a double raschel warp knitted fabric adapted for use with a shoe. The warp knitted fabric includes one surface having a non-mesh structure and another surface having a non-mesh structure part (A) and mesh structure parts (B, C); the burst strengths A, B and C of the parts (A, B and C) satisfy the relationship: A > B > C; the non-mesh structure part (A) is disposed in a part surrounding the tiptoe and partially in both sides of the foot, the mesh structure part (B) is disposed in the vicinity of the front surface of the toe, the mesh structure part (C) is disposed partially in the both sides of the foot; and at least the parts A to C are disposed in one continuous knitted fabric.

[0008] Figure 1 is a plan view showing a shoe pattern using a double raschel warp knitted fabric according to Embodiment 1 of the present invention.

[0009] Figure 2 is a side view showing a sport shoe according to Embodiment 2 of the present invention.

[0010] Figure 3 is a perspective view showing the shoe shown in Figure 2 when a tongue part is taken out of the shoe.

[0011] Figure 4 is a side view showing the shoe of Figure 2 seen from the opposite side.

[0012] Figure 5 is a plan view showing a shoe pattern using a double raschel warp knitted fabric according to Embodiment 3 of the present invention.

[0013] The present invention relates to a shoe including an upper material using a double raschel warp knitted fabric. The double raschel warp knitted fabric is a three-layer warp knitted fabric including a base fabric for a front surface, a base fabric for a back surface and a connecting yarn connecting the front surface to the back surface. This warp knitted fabric is knitted by using a warp knitting machine with a double needle line so that the base fabric for a first surface is knitted as a derivative weave that is jacquard-controlled so as to include a non-mesh structure part (A) and mesh structure parts (B, C) and the base fabric for a second surface is knitted as a homogeneous non-mesh structure. The second surface may be formed of one weave and may be formed with different weave mixed. A warp knitting machine for knitting this knitted fabric is commercially available from KARL MAYER Textilmaschinenfabrik GmbH in Germany (NIPPON MAYER LTD. (a Japan corporation) is included).

[0014] When the surface including the non-mesh structure part (A) and mesh structure parts (B, C) of the knitted fabric is used for the front surface of a shoe, the shoe has an excellent appearance and furthermore, a surface area is increased, thus improving air permeability. On the contrary, when the second surface having a non-mesh structure is used for the front surface of the shoe, water can easily be prevented from entering the shoe from the surface.

[0015] The burst strengths A, B and C of the parts (A, B and C) of the double raschel warp knitted fabric satisfy the relationship: A > B > C. The non-mesh structure part (A) is disposed in a part that requires a high strength,

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that is, a part surrounding the tiptoe (i.e., a tiptoe region of the shoe) and a part connecting to a shoe sole, and also to parts that face the sides of the foot (i.e., side regions of the shoe), the non-mesh structure part (A) is disposed in a stripe. Furthermore, to a part that may have moderate strength and air permeability, that is, a part in the vicinity of the surface of the toe (i.e., a toe region of the shoe), the mesh structure part (B) is placed. Furthermore, to a part that needs air permeability, that is, the side surfaces of the foot (both sides), the mesh structure part (C) is placed, for example, in a stripe. Thus, as a whole, in the shoe, air permeability and durability are balanced.

[0016] The burst strength according to the bursting test based on the JIS L 1096 A of the non-mesh structure part (A) is preferably about 1400 kPa to 1550 kPa with respect to shoes such as marathon shoes, in which lightweight is particularly required. With respect to general shoes for running or jogging, the burst strength is preferably about 1600 kPa. Furthermore, with respect to shoes for a heavy use, for example, shoes for indoor sports such as badminton, ping-pong, etc., the burst strength is preferably about 2400 kPa.

[0017] It is preferable that the burst strength of the mesh structure part (C) is in the range from 900 kPa to 1000 kPa. The mesh structure part (B) may have any burst strength between the burst strength of (A) and that of (C).

[0018] It is preferable that a tiptoe region, a heel region and an eyelet part of the sport shoe are reinforced. Among the above-mentioned parts, the heel part may not be reinforced in the case where lightweight is particularly important.

[0019] It is preferable that a tongue part of the sport shoe includes the mesh structure part (C). It is further preferable that the tongue part may include a mesh structure part (D) having a burst strength that is lower than that of the part (C).

[0020] The double raschel warp knitted fabric may have a property of being stretchable in the width direction of the foot and not stretchable in longitudinal direction of the foot. Thus, the effect of allowing a size of a shoe to be stable and preventing the tiptoe part from stretching when the toe touches to the part at the time of wearing. On the contrary, a property of not being stretchable in the width direction of the foot and stretchable in the longitudinal direction of the foot may be provided. Thus, fitness can be provided in the direction of the width. Furthermore, when a shoe is manufactured by a process called a lasting method, in particular, the manufacturing process of the side part can be carried out easily.

[0021] At least the parts A to C of the double raschel warp knitted fabrics of the present invention are disposed as one continuous knitted fabric. Thus, when the fabrics are cut together with paper pattern, a shoe can be formed, thus enabling the efficiency in the formation to be improved.

[0022] Then, on another surface of the upper material (corresponding to an instep cover) of the present invention, a fiber with a low melting point is used and at least a part thereof is fused. Since the fused part is reinforced by fixing knit stitches, in the case of reinforcing a part with which the calx is brought into contact or a part with which the both sides of the foot are brought into contact, by heating only these parts from the outside, the knit stitch can be reinforced. In this case, it is important that only outside of the upper material is fused. The inner surface side of the upper material is not preferably fused in order to maintain a flexible state because this side covers the foot. An example of the fiber with a low melting point includes, for example, an ethylene vinyl alcohol fiber yarn but is not limited thereto. It is preferable to use fibers whose melting point is 150°C to 200°C. The fiber with a low melting point may be used for an entire surface of the front surface of the double raschel warp knitted fabric. The fiber with a low melting point can be produced by mixing together with a fiber with 20 wt.% or more of high melting point material such as polyester. In the case of polyethylene terephthalate, the melting point is 260°C.

[0023] A constituent yarn of the back surface of the double raschel warp knitted fabric and a connecting yarn connecting the front surface to the back surface are preferably a polyester fiber yarn, and more preferably a polyethylene terephthalate fiber yarn. The other configuration of the present invention may be the same as that of the basic invention mentioned above.

[0024] The present invention can provide a shoe having lightweight and air permeability and further having high durability, and a double raschel warp knitted fabric used therefor.

Example

[0025] Hereinafter, the present invention will be explained in more detail by way of Examples. Note here that the present invention is not limited to the following Examples.

(Example 1)

[0026] Figure 1 shows a double raschel warp knitted fabric (thin melon-net fabric and back-woven half-net) used for a sport shoe according to one Example of the present invention. Shoe patterns 10 matched to paper patterns are placed continuously on one knitted fabric as shown in Figure 1. In the shoe patterns 10, a non-mesh structure part (A) 1a to 1e are disposed in a part surrounding the tiptoe and a part connecting to the shoe sole and stripe-shaped parts on the side surface of the foot (both sides). That is to say, 1a denotes a part surrounding the tiptoe and connected to the shoe sole; 1b to 1e denote stripe-shaped parts arranged on both surfaces of the foot (both sides); and 1f to 1g denote parts folded in the shoe sole. A cut 13 at the tip is a part that

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becomes circular shape at the site of the tiptoe when folded into the shoe sole. A constituent yarn of a front surface and a back surface of this double raschel warp knitted fabric was a multifilament fiber yarn of polyethylene terephthalate (total diameter of fibers: 84 dtex and number of filaments: 24) and a connecting yarn connecting the front surface to the back surface was a monofilament fiber yarn made of polyethylene terephthalate (total diameter of fibers: 33 dtex and number of filament: 1). Gauge of a knitting machine was 24 gauges, and the weight per unit area of an entire knitted fabric was 258 4 g/m^2.

[0027] To a part that may have a moderate strength and air permeability, that is, a part in the vicinity of the surface of the toe, a mesh structure part (B) 2 was placed.

[0028] To a part that needs air permeability, that is, the side surfaces of the foot (both sides), mesh structure parts (C) 3a to 3d were placed in a stripe.

[0029] A tongue part 12 was formed of a mesh structure part (C) 4 and a mesh structure part (D) 5 with higher air permeability.

[0030] The back surface was formed of the same weave as that of the non-mesh structure part (A) of the front surface.

[0031] This double raschel warp knitted fabric had a structure that is stretchable in the X direction and not stretchable in the Y direction.

[0032] When the bursting test was carried out in accordance with JIS L 1096 A method, the burst strength of the non-mesh structure part (A) was 1600 kPa; the burst strength of the mesh structure part (B) was 1500 kPa; the burst strength of the mesh structure part (C) was 1000 kPa; and the burst strength of the mesh structure part (D) was 930 kPa. When the air permeability test was carried out in accordance with the JIS L 1096 A method ("Frazil method"), air permeability of the non-mesh structure part (A) was 240 cm^3/cm^2/s; air permeability of the mesh structure part (B) was 255 cm^3/cm^2/s; air permeability of the mesh structure part (C) was 278 cm^3/cm^2/s; and air permeability of the mesh structure part (D) was 340 cm^3/cm^2/s. The thickness of this knitted fabric was 5 mm. Furthermore, the weight of double raschel warp knitted fabric used for one shoe was 20 g (in the case of 26.0 cm-shoe).

(Example 2)

[0033] Sport shoes were formed by using the warp knitted fabrics obtained in Embodiment 1. Figure 2 is a side view showing a shoe for a right foot. References numerals given to elements except for the elements of the shoe pattern in Figure 1 will be mentioned below. Reference numeral 6 denotes a reinforcing cloth (artificial leather) for a tiptoe part; 7 denotes a reinforcing cloth (artificial leather) for reinforcing eyelets for shoelace 11; 8 denotes a leather part for reinforcing the calx; 9 denotes a cushion part for covering the tarsus; and 14 denotes a shoe sole part formed of synthetic elastomer (EVA resin). Figure 3 is a perspective view showing the shoe of Figure 2 when the tongue portion is taken out of the shoe. Figure 4 is a side view showing the shoe of Figure 2 seen from the opposite side.

[0034] The weight of a 26-cm shoe was 133.1 g, which was significantly lighter as compared with the weight of about 150 g to 200 g of one of the conventional sport shoes of the same kind. This reduction in weight can be achieved by reducing the upper material by minimizing the amount of reinforcing materials as possible and by disposing a part requiring a satisfactory strength and a part requiring air permeability on one continuous warp knitted fabric so as to reduce sewing parts.

[0035] A test in terms of feeling of wearing, air permeability and durability was carried out by actually wearing the formed 26-cm shoes for one month. As a result, it was confirmed that the feeling of wearing, air permeability and durability were good and that the shoes had excellent functional properties as sport shoes. In particular, the shoes were suitable as shoes to be worn in long-distance running such as marathon.

(Example 3)

[0036] Figure 5 shows double raschel warp knitted fabric (thin melon-net fabric and back-woven half-net) used for sport shoes according to one Example of the present invention. A constituent yarn of a front surface of the double raschel warp knitted fabric is a multi-filament yarn made of ethylene vinyl alcohol (total diameter of fibers: 84 dtex, number of filaments: 24, amount of yarns: 78.76 g/m^2, and total ratio: 30.4%), and a constituent yarn of the back surface of the double raschel warp knitted fabric is a multi-filament yarn made of polyethylene terephthalate (total diameter of fibers: 84 dtex, number of filaments: 24, amount of yarns: 94.52 g/m^2, and total ratio: 36.5%); and a connecting yarn connecting the front surface to the back surface is a monofilament fiber yarn made of polyethylene terephthalate (total diameter of fibers: 33 dtex, number of filament: 1, amount of yarns. 85.73 g/m^2, and total ratio: 33.1%). Gauge of a knitting machine was 24 gauges, and the weight per unit area was 259.0 g/m^2. The thickness of this knitted fabric was 5 mm.

[0037] In Figure 5, reference numeral 30 denotes a shoe pattern on knitted fabric. On one knitted fabric, respective parts are placed continuously. For reducing the excess parts so as to increase the yield, the arrangement is changed from that shown in Figure 1. Reference numeral 31 denotes a part for covering the anterior side of the foot and 32 denotes a part for covering the posterior side of the foot. The configuration is different from that shown in Figure 1 in that two parts are combined into one continuous part. Reference numeral 33 denotes a tongue part, and 34 denotes a part to be attached to the posterior side face of the calx. The burst strength of each part is substantially the same as that

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in Example 1. The number of meshes (the number of holes per inch (25.4 mm)) is described below. In the below explanation, X direction denotes a width direction and Y direction denotes a longitudinal direction in Figure 5.

(1) a part 31a1 located above the toe, stripe parts 31a2 and 32a1 of the side part of the foot, a part 32a2 for covering the calx, and a part through which a shoelace passes in a tongue part 33c: 5.5 meshes in the lateral direction and 3 meshes in the longitudinal direction
(2) a tip part 31b of the toe, a side part 32b1 of the foot and a stripe part 32b2, and a part 34 to be attached to the side face of the posterior side of the calx: 11 meshes in the lateral direction and 6 meshes in the longitudinal direction
(3) an anterior side 31c1 folded into a shoe sole and a stripe part 31c2, a reinforcing part 32c1 of a side part of the calx and an edge part 32c2: 12 meshes in the lateral direction and 12 meshes in the longitudinal direction
(4) a central part 33a of the tongue part: 5 meshes in the lateral direction and 2 meshes in the longitudinal direction.
(5) a part 33b except for a central part and a part through which a shoelace passes: 6 meshes in the lateral direction and 3.5 meshes in the longitudinal direction.

[0038] This double raschel warp knitted fabric has a structure that is not stretchable in the X direction and the Y direction.

[0039] A shoe that is the same as that shown in Figures 2 to 4 is formed by using the shoe patterns 30 of a knitted fabric. Thereafter, side parts of the foot corresponding to the parts 1c and 1d of Figure 2 are fused and processed by heating thereof at 170°C. As a result, in the heated part, knit stitch structure became rigid, and thus reinforcement can be carried out.

[0040] The weight of one of the obtained 26-cm shoes was 133 g. A test in terms of feeling of wearing, air permeability and durability was carried out by actually wearing the formed 26-cm shoes for one month. As a result, it was confirmed that the feeling of wearing, air permeability and durability were good and that the shoes had excellent functional properties as sport shoes. In particular, the shoes were suitable as shoes to be worn in long-distance running such as marathon.

Claims

1. A shoe (20) comprising:

   an upper material using a double raschel warp knitted fabric;

   the upper material including a first surface having a non-mesh structure and a second surface having a non-mesh structure part (A) (1a to 1d) and mesh structure parts (B) (C) (2) (3a to 3d)

   the non-mesh structure part (A) and the mesh structure parts (B, C) respectively having burst strengths A, B and C that satisfy the relationship: A > B > C;

   the shoe including a tiptoe region, a toe region positioned adjacent to the tiptoe region, a heel region, and two side regions that extend between the heel and toe regions;

   the non-mesh structure part (A) being disposed at the tiptoe region (1a) and partially at both side regions (1b to 1e);

   the mesh structure part (B) (2) being disposed adjacent the toe region; and

   the mesh structure part (C)(3a to 3d) being disposed partially at both side regions.

2. The shoe according to claim 1, wherein in accordance with a bursting test based on JIS L 1096A Method, the burst strength of the non-mesh structure part (A) is 1400 kPa or more and the burst strength of the mesh structure part (C) is 900 kPa to 1200 kPa.

3. The shoe according to claim 1 or 2, wherein the tiptoe region (6), the heel region (8) and an eyelet part (a)(7) of the shoe are reinforced.

4. The shoe according to any one of claims 1 to 3, wherein a tongue part (5) of the shoe comprises the mesh structure part (C).

5. The shoe according to any one of claims 1 to 4, wherein a constituent yarn of the first surface and the second surface, and a connecting yarn connecting the first surface to the second surface are polyester fiber yarns.

6. The shoe according to claim 1, wherein the upper material comprises a front surface having a mesh structure part and a back surface having a non-mesh structure; a constituent yarn of the front surface including a yarn having a melting point that is lower than the melting point of a constituent yarn of the back surface, and at least a part of the front surface is partially fused.

7. The shoe according to claim 6, wherein the constituent yarn of the front surface is an ethylene vinylalcohol fiber yarn.

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8. The shoe according to claim 6 or 7, wherein the constituent yarn of the back surface and the connecting yarn connecting the front surface to the back surface are polyester fiber yarns.

9. The shoe according to any one of the preceeding claims wherein at least the parts (A) to (C) are disposed in one continous knitted fabric.

10. A double raschel warp knitted fabric including one surface having a non-mesh structure and another surface having a non-mesh structure part (A) and mesh structure parts (B, C);
the non-mesh structure part (A) and the mesh structure parts (B, C) including burst strengths A, B and C satisfy the relationship: A > B > C, and
the parts (A) to (C) being disposed in one continuous knitted fabric.

11. The double raschel warp knitted fabric according to claim 10, wherein a constituent yarn of the first surface and the second surface and a connecting yarn connecting the first surface to the second surface is a polyester fiber yarn.

12. The double raschel warp knitted fabric according to claim 10, wherein the upper material comprises a front surface having a mesh structure part and a back surface having a non-mesh structure; and a constituent yarn of the front surface including a yarn having a melting point that is lower than the melting point of a constituent yarn of the back surface.

13. The double raschel warp knitted fabric according to claim 12, wherein the constituent yarn of the front surface is an ethylene-vinyl alcohol fiber yarn.

14. The double raschel warp knitted fabric according to claim 12 or 13, wherein the constituent yarn of the back surface and the connecting yarn connecting the front surface to the back surface are polyester fiber yarns.

15. Use of a double raschel warp knitted fabric according to any one of claims 10 to 14 for a shoe.

16. Use of a double raschel warp knitted fabric according to claim 15 for a shoe;

the shoe including a tiptoe region, a toe region positioned adjacent to the tiptoe region, a heel region, and two side regions that extend between the heel and toe regions;

the non-mesh structure part (A) being disposed at the tiptoe region and partially at the side regions of the shoe;

the mesh structure part (B) being disposed in the vicinity of the toe region of the shoe;

the mesh structure part (C) being disposed partially at the side regions of the shoe.

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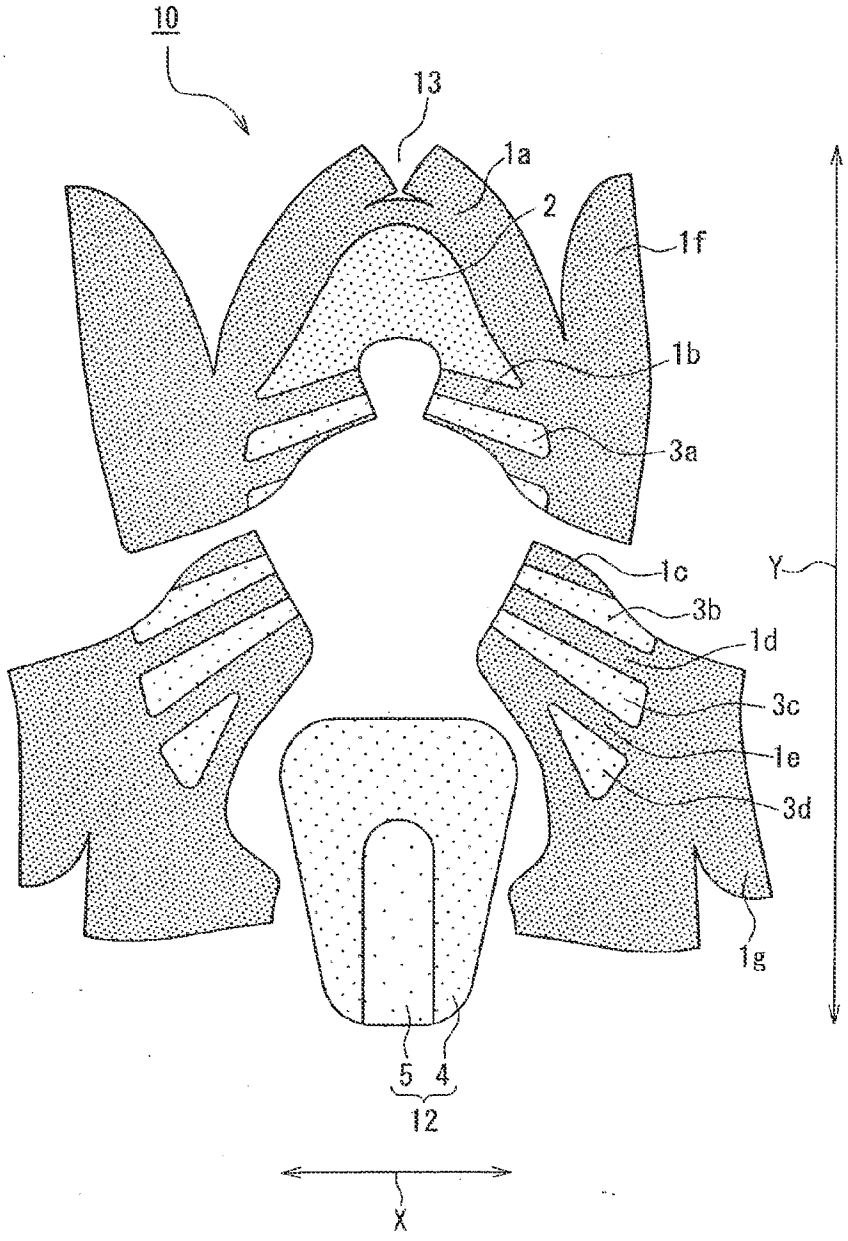


FIG. 1

Skechers EX1013-p.124
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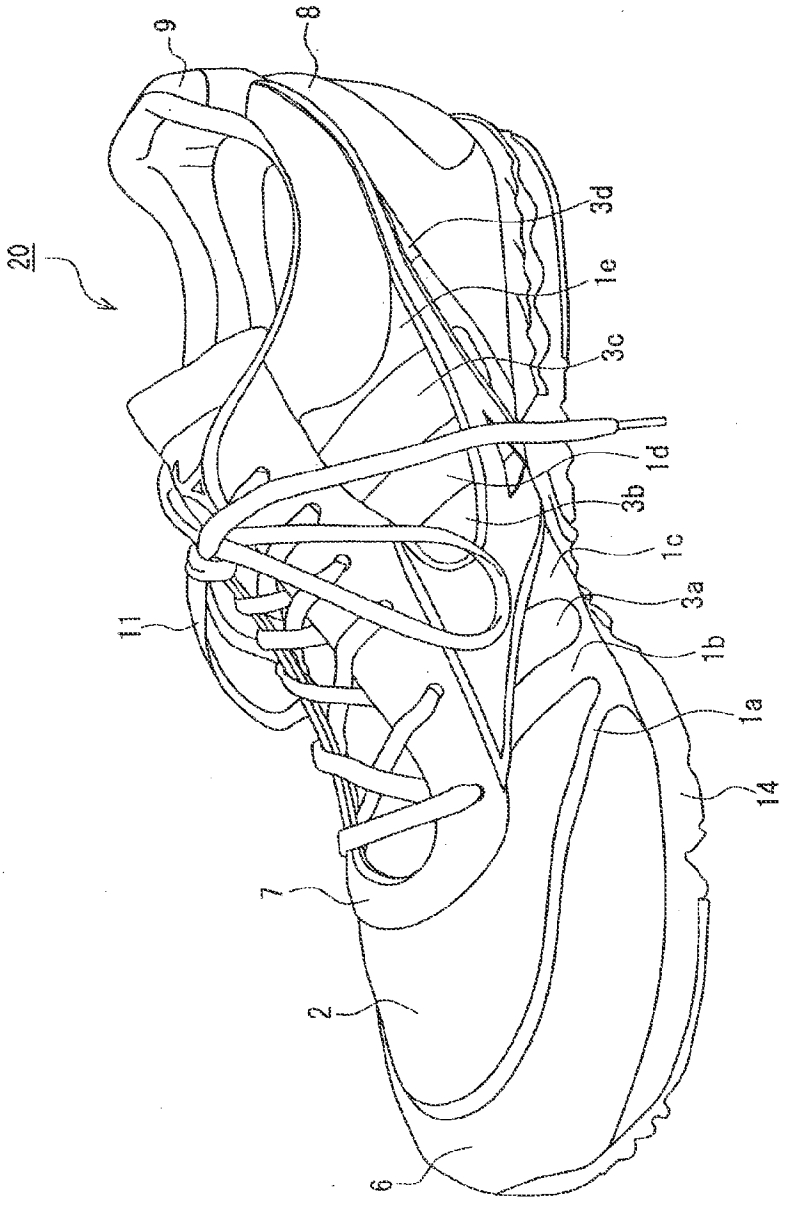


FIG. 2

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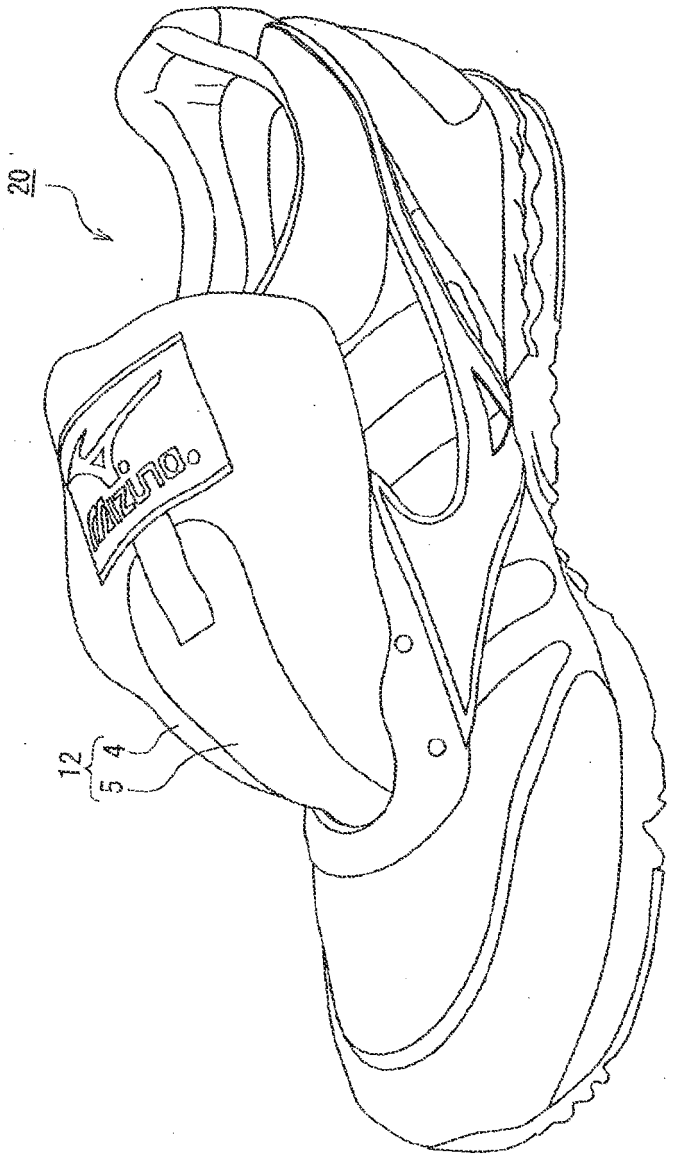


FIG. 3

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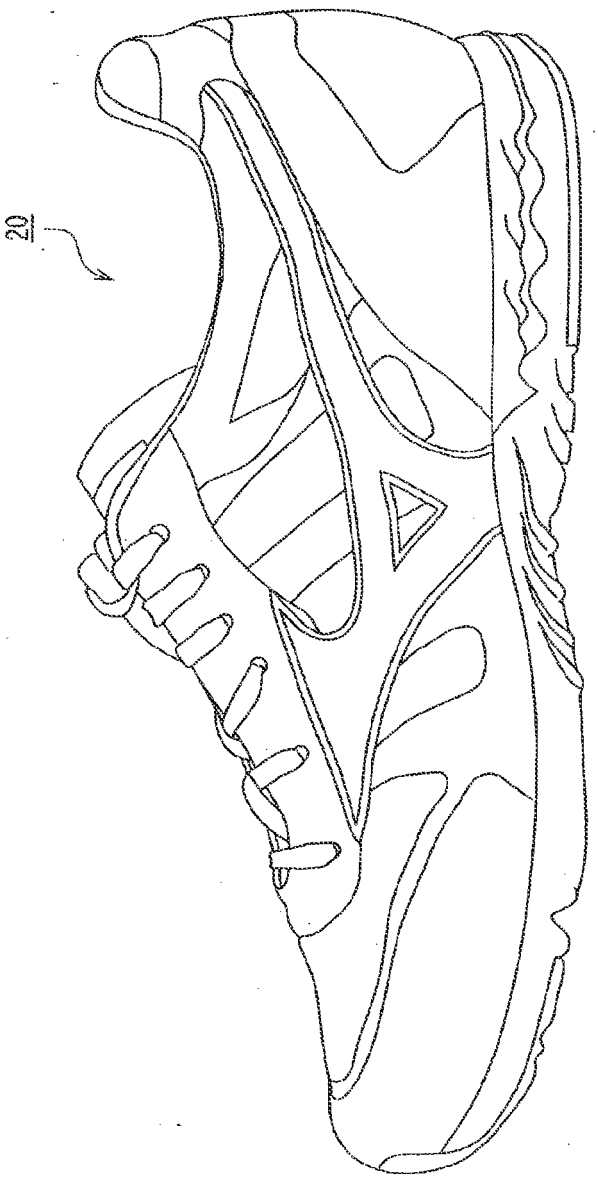


FIG. 4

Skechers EX1013-p.127
Skechers v Nike

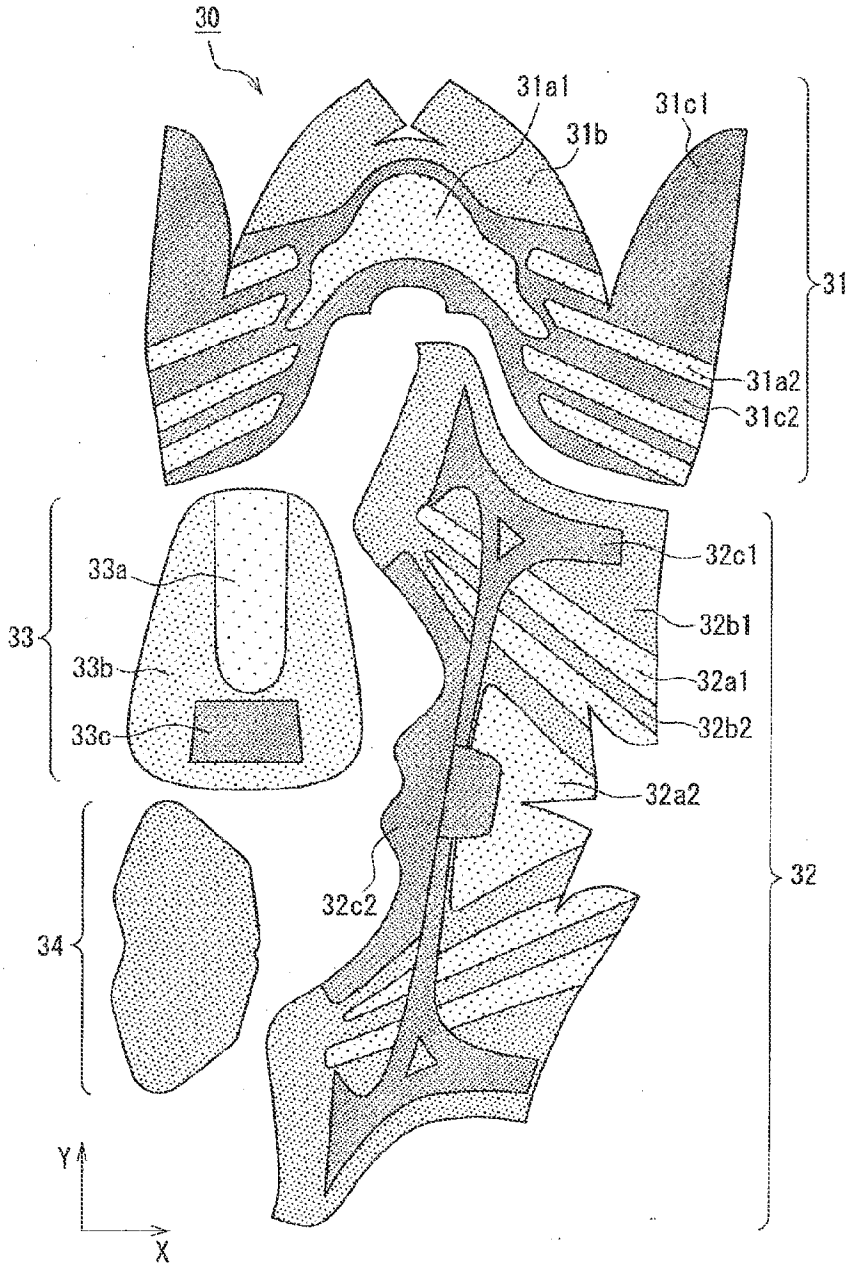


FIG. 5

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European Patent Office

EUROPEAN SEARCH REPORT

Application Number
EP 04 00 0365

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
A	PATENT ABSTRACTS OF JAPAN vol. 1997, no. 06, 30 June 1997 (1997-06-30) & JP 9 047302 A (MIZUNO CORP), 18 February 1997 (1997-02-18) * abstract *	1,10,15, 16	A43B1/00 A43B5/06 A43B7/06 D04B21/02
A	PATENT ABSTRACTS OF JAPAN vol. 2002, no. 07, 3 July 2002 (2002-07-03) & JP 2002 065303 A (TOHO TENAX CO LTD), 5 March 2002 (2002-03-05) * abstract *	1,10,15, 16	
A	FR 2 319 488 A (CITC INDUSTRIES INC) 25 February 1977 (1977-02-25) * the whole document *	1,10,15, 16	
A	US 5 746 013 A (FAY SR WILLIAM L) 5 May 1998 (1998-05-05) * the whole document *	1,10,15, 16	

TECHNICAL FIELDS SEARCHED (Int.Cl.7)

A43B
D04B

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
The Hague	22 April 2004	Cianci, S

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
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T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
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ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 04 00 0365

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
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22-04-2004

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 9047302 A	18-02-1997	NONE	
JP 2002065303 A	05-03-2002	NONE	
FR 2319488 A	25-02-1977	DE 2634159 A1	17-02-1977
		DE 7623920 U1	26-01-1978
		FR 2319488 A1	25-02-1977
US 5746013 A	05-05-1998	BR 9602748 A	22-04-1998
		CA 2179108 A1	14-12-1996

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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1 539 886

PATENT SPECIFICATION (11) 1 539 886

(21) Application No. 47899/75 (22) Filed 21 Nov. 1975 (19)

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(44) Complete Specification published 7 Feb. 1979

(51) INT. CL.[2] A43B 23/04 3/10

(52) Index at acceptance

A3B 10B2 1B4A 1C3 1J 8G

(54) FOOTWEAR

(71) We, ASHWORTHS (SLIPPERS) LIMITED, a British Company, of Albion Mills, Albion Street, Elton, Bury, Lancashire, do hereby declare the invention, for which we pray that a patent may be granted to us, and the method by which it is to be performed, to be particularly described in and by the following statement:—

This invention concerns footwear, and more particularly relatively soft-topped footwear, such as slippers.

In the conventionally-employed techniques for making slippers and the like, one starts with a generally U-shaped upper blank. This is closed by applying the free end edges together and sewing them, as at the "heel" of the upper, if desired incorporating any requisite heel stiffening. Next, a previously-prepared sole-piece (also known as a "sock") is sewn in place to the lower edge of the upper. If the top edge of the upper requires to be folded over and hemmed down, this is done too at this stage. The resultant assembly is then applied to a mould whereby a combined sole and heel of appropriate plastics material or rubber is injection-moulded in place, covering the undersurface of the sole-piece and the seam between the latter and the upper. After cooling and setting of the plastics material or rubber, an insole (or inner sock) is inserted to overlie the inner surface of the sole-piece, this insole being caused to adhere in place.

Thus, with these conventional techniques use is made essentially of three separate components two of which have to be united prior to the moulding of the sole and heel, and the assembly has to be allowed to cool prior to the final step of sticking the insole in place.

An object of the present invention is to provide a form of upper blank the use of which simplifies the footwear-making techniques above discussed.

With this object in view, the present invention provides a blank, for use in making an article of footwear, comprising a U-shaped panel which serves to form the footwear upper, characterised in that said U-shaped panel has formed integrally therewith a sole-piece which is contiguous with and extends from the outer edge of one limb of the U, the free outer edge of the U-shaped panel and the free edge of the sole-piece having registration marks to facilitate securement thereof together and being formed to define no discernable allowances.

The invention further includes a method of making an article of footwear, using a blank as aforesaid, which comprises closing the upper by bringing together the free heel and edges of the limbs of the U-shaped panel and securing said heel end edges together, connecting the free edge of the sole-piece to the corresponding lower free edge of the upper using the said registration marks on said edges to facilitate their alignment; and moulding a combined sole and heel plastics material or rubber, to the assembly so formed.

The invention further includes, of course, an article of footwear made by this method.

The invention will be described further, by way of example, with reference to the accompanying drawings, in which:—

Fig. 1 is a plan view of a preferred embodiment of the blank of the invention;

Fig. 2 is an enlarged section taken on the line 2—2 of Fig. 1 to illustrate the nature of the material of which the particular blank of Fig. 1 is made;

Fig. 3 is a perspective view illustrating a first step in a method of making an article of footwear using the blank of Fig. 1;

Fig. 4 is a plan view illustrating subsequent steps in the method;

Fig. 5 is a perspective view illustrating a subsequent stage in the method;

Fig. 6 is a perspective view illustrating the completed upper and insole assembly ready for a sole and heel to be applied thereto; and

Fig. 7 is a diagrammatic sectional view illustrating the assembly of Fig. 6 about to have a sole and heel moulded thereon as a final stage in the method of making the article of footwear.

Referring first to Figs. 1 and 2 of the drawings, these figures illustrate a preferred embodiment of the blank of the invention, which is for use in making a soft-topped

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article of footwear, for example a slipper or casual shoe. The particular blank, indicated generally by the reference numeral 10, comprises a surface fabric layer 11, for instance of coloured interlock knit fabric, a cushioning layer 12 of a resilient foamed material such as polyurethane, a bonding layer 13, e.g. of unbleached interlock knit fabric, and an outer layer 14 of an elastomer imparting an appearance or feel of soft and pliable leather, but of course, any suitable upper material may be used. In Fig. 1, the blank is shown with the surface fabric layer 11 uppermost.

As can be seen from Fig. 1, the blank 10 comprises an upper panel 15 generally of U-shape providing side-by-side limbs 16, 17. The limb 16 has formed integrally therewith a sole piece 18, the overall shape of which conforms to a conventional sole-piece or sock, with one side edge of said sole-piece contiguous with the corresponding side edge of the limb 16, free outer edge 23 of the upper panel 15 and free outer edge 22 of the sole-piece having no discernable allowances other than registration marks 26, 27, 28, 30, 31 to facilitate securement thereof together, as will be described later.

Figs. 3 to 7 illustrate the steps involved in making a slipper or other soft-topped article of footwear using the blank of Figs. 1 and 2.

Firstly, the free heel end edges 19 of the limbs 16, 17 of the U-shaped upper blank 15 are brought together, with the surface fabric layer 11 outwards, and then these free heel end edges 19 are secured together with one or more lines of stitching as indicated at 20, as shown in Fig. 3. Thereupon, a binding tape 21 is sewn over the heel end edges 19 at the resultant seam or join, and the closed upper is then turned right-side-out as shown in Fig. 4.

If it should be desired to reinforce the footwear article's heel, appropriate reinforcing panels (not shown) are stitched in place instead of, or in addition to, the binding tape 21, prior to turning right-side-out.

The next step is to secure the sole-piece 18 in position. As is shown in Fig. 5, this is done by sewing the free outer edge 22 of the sole-piece 18 to the corresponding free outer edge 23 of the upper panel 15, as at 25, the edge 23 of the upper panel 15 being pleated where necessary, for example around the toe region as indicated at 24 in Fig. 5. To ensure proper registration of the various parts of the edge 22 and 23, during this sewing operation, the registration marks 26, 27 and 28, which are in the form of pointed protuberances, on the sole-piece 18 are registered respectively with the heel stitching 20 and with the corresponding registration marks 30 and 31 on the upper panel 15.

This securement of the sole-piece 18 having been completed, inner free edge 32 of the upper panel 15 is finished by folding inwards as a hem 33 and securing it in position by stitching, for example of a decorative configuration, as indicated at 34 in Fig. 6.

As a final stage in the making of the slipper or other article of footwear, the assembly, formed as above described and indicated by the numeral 35, is pulled onto a last 36 which is then positioned accurately in a heated multi-part mould 37 so as to define a mould space 38 corresponding to the desired outer configuration of a combined sole and heel of the slipper. An appropriate plastics or rubber material (not shown) is then injected into the mould space 38 thereby to mould said combined sole and heel onto the underside of the sole-piece 18, overlapping the stitched connection between the latter and the upper panel 15.

Upon removal from the last, any moulding sprue is cut away and the completed article of footwear is left to permit cooling and setting of the combined sole and heel, being otherwise substantially finished upon removal from the last and not requiring the addition of any further components.

The resultant slipper or other article of footwear is smart in appearance and snug in wear. Its primary advantage lies in the fact that it is significantly more economical to produce than in the case where traditional techniques are employed. Only one component is employed for the upper and sock, compared with three components in the traditional manufacture. Furthermore, the amount of sewing is less, and the steps of applying adhesive and assembling a component after moulding-on of the sole and heel are obviated.

Naturally, the invention is not confined to the precise details of the foregoing example, and variations may be made thereto within the scope of the following claims. Thus, it will readily be understood that the configuration of the blank and the material from which it is made may differ from what is illustrated, and the registration marks may be, for example, notches or small perforations. Naturally, decorative panels and/or trimmings, braids or ribbons may be provided on the finished article. The invention is not confined to the production of slippers but can be employed in relation to various styles of casual and soft-topped footwear.

WHAT WE CLAIM IS:—

1. A blank, for use in making an article of footwear, comprising a U-shaped panel which serves to form the footwear upper, characterised in that the said U-shaped panel has formed integrally therewith a sole-piece which is contiguous with and extends from the outer edge of one limb of the U, the free outer edge of the U-shaped panel

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and the free edge of the sole-piece having registration marks to facilitate securement thereof together and being formed to define the discernable allowances.

2. A blank as claimed in Claim 1, wherein the registration marks are in the form of pointed protuberances, notches or perforations.

3. A blank as claimed in Claim 1 or 2 and which is of elastomer-coated fabric.

4. A blank as claimed in Claim 3, in which a cushioning layer, of resilient foamed material, is bonded to the fabric layer.

5. A blank, for use in making an article of footwear, substantially as hereinbefore described with reference to and as illustrated in the accompanying drawings.

6. A method of making an article of footwear, using a blank as claimed in any preceding claim, which comprises closing the upper by bringing together the free heel end edges of the limbs of the U-shaped panel and securing said heel end edges together, connecting the free edge of the sole-piece to the corresponding lower free edge of the upper using the said registration marks on said edges to facilitate their alignment; and moulding a combined sole and heel, of plastics material or rubber, to the assembly so formed.

7. A method as claimed in Claim 6, wherein a binding tape is sewn over the heel end edges at the joint or seam at the heel of the upper.

8. A method as claimed in Claim 6 or 7 wherein a reinforcing panel is stitched to the upper at the heel thereof.

9. A method as claimed in Claim 6, 7 or 8 wherein the inner free edge of the upper panel is finished by folding it inwards as a hem and securing it in position by stitching.

10. A method as claimed in any of claims 6 to 9 wherein the combined sole and heel is moulded-in so as to overlap the stitched connection between the sole-piece and the upper panel.

11. A method of making an article of footwear substantially as hereinbefore described with reference to and as illustrated in the accompanying drawings.

12. An article of footwear made by the method of any of claims 6 to 11.

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2 SHEETS This drawing is a reproduction of the Original on a reduced scale.
SHEET 1

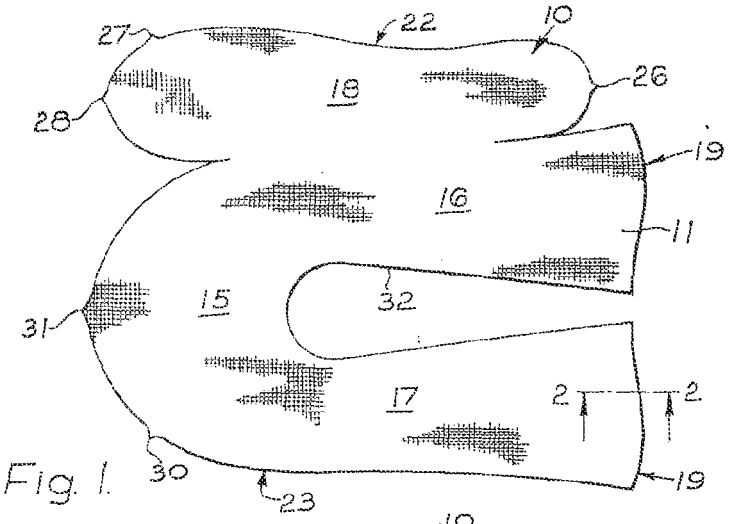


Fig. 1.

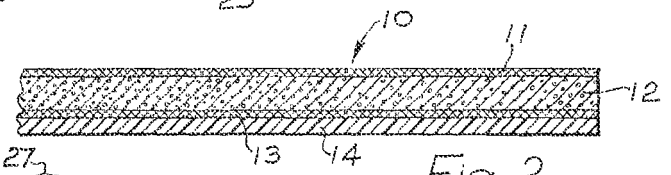


Fig. 2.

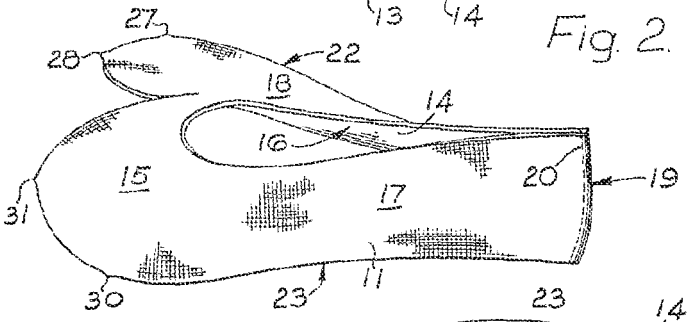


Fig. 3.

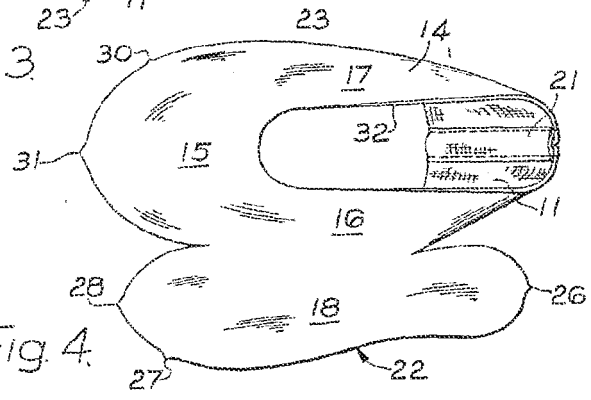


Fig. 4.

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SHEET 2

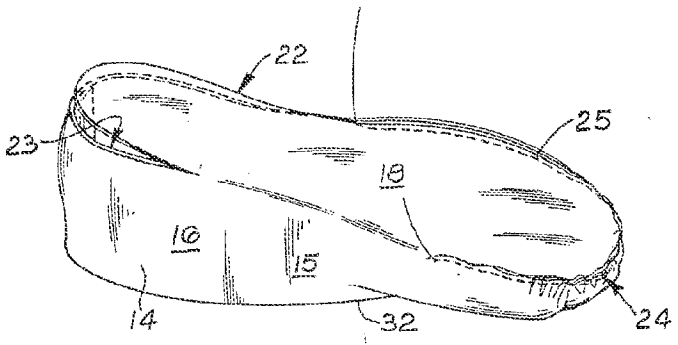


Fig. 5.

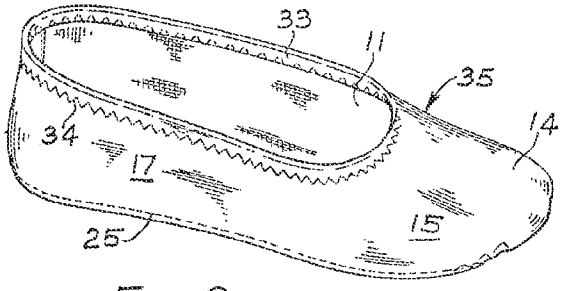


Fig. 6.

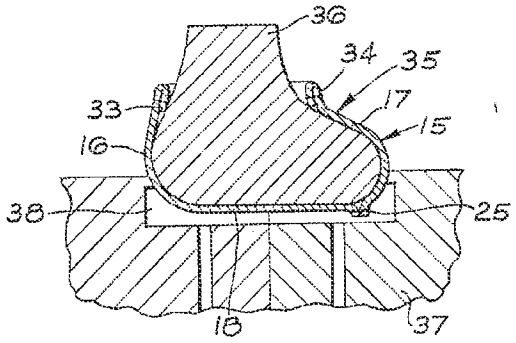


Fig. 7.

[19] State Intellectual Property Office of the People's Republic of China [11] Publication No.: CN 1067566A

[12] Published Specification of Invention Patent Application

[21] Application No.: 92104757.6

[51]Int. Cl[5]
A43B 10/00

[43] Publication date: January 6, 1993

[22] Application date: June 17, 1992
[30] Priority
[32] 91.6.17 [33] DE [31] P4119911.1
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[74] Patent Agency: Patent Agent Department of China Council for the Promotion of International Trade
Agent: Minjun Cai

A43B 23/02 A43B 9/00
A43B 1/04 A43D 8/26
A43D 8/16

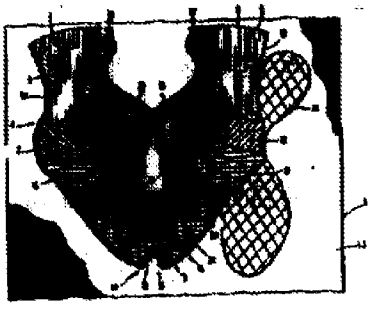
Number of pages of Specification: 9
Number of pages of Drawings: 4

[54] Title of Invention

A Method for Making Shoe Forming Part with Fabric and the Shoe Forming Part Such Made

[57] Abstract

A method for making an upper by cutting out the upper from a breadth of fabric according to the shape of an unfolded surface, wherein the shape of the upper is made by joining the unfolded material part to form a seam. When processing a piece of fabric (1), different processing measures are taken for processing the unfolded surface (2) at the same time when the fabric (1) is prepared, such as different making methods, different thread materials, colors and thicknesses, use of one or multiple materials, and so on, and furthermore, the fabric is cut into an extended upper surface and processed into an upper so that the upper is made economically with less time.



(BJ) No. 1456

Claims

1. A method for making the shoe forming part from fabric with a plurality of patterns in the shape of an unfolded surface of an upper, wherein the unfolded surface is cut out from the fabric and sewed with the upper to form an upper part, and the matching sole part is set in the edge zone of the uncut outer edge of the configured unfolded surface, characterized in that the method comprises the following procedures:

-- When processing the fabric (1), by means of the printing process on the fabric and/or textile processing process inside the fabric, the patterns or partial patterns on it not only follow the shape of the unfolded surface (2) of the upper (3), but also follows the shape of the sole part (29);

-- The unfolded surface (2) of each the upper (3) is directly configured with a sole part (29), and the sole part (29) is mounted on the correct position of the unfolded surface (2) of the upper (3);

-- When processing the fabric (1), the unfolded surface (2) or the area where the unfolded surface (2) is located is processed to serve as the sole part (29) or the area for setting these patterns according to other weaving mode and/or knitting mode;

--The area of the unfolded surface (2) and/or the sole part (29) with different loads when the shoe is loaded is made in weaving and/or knitting mode matching the loads;

-- Mutually configured unfolded surface (2) and the sole part (29) are not completely separated from each other when being cut out from the fabric (1), and instead they maintain mutual connection through related fabric sectioning;

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-- Those separated units of the unfolded surface (2) with the sole part (29) first join the unfolded surface (2) into an upper (3) at a set seam position, and finally sew or nail the sole part (29) to the corresponding free outer edge of the unfolded surface (2).

2. The method according to Claim 1, characterized in that the unfolded surface (2) and /or the sole part (29) are located in the high load area of the upper (3) or the sole part (29), and should be configured with a reinforced structure before or after being cut out from the fabric (1).

3. The method according to Claim 1 or 2, characterized in that the outer contour (30, 31) of the unfolded surface (2) of the upper (3) is attached with an independent part which will extend over the full length of the sole to be formed later, its shape of partial section of a sole respectively (29.1, 29.2), its outer contour (29.3, 29.[*sic*:4]) can be joined into a longitudinal seam to form the sole part (29).

4. The method according to Claim 1 or 2, characterized in that a forefoot sole part section (29.5) is processed from the outer contour (30 or 31) of the unfolded surface (2) of the upper (3) and a heel sole part section (29.6) is processed from another outer contour (31 or 30), they face the outer contour (29.7 or 29.8) in the middle of the upper (3) and can be mutually joined through a transverse, slanted, S-shaped or similar extended seam, thus to form the sole part (29).

5. The method according to any one of Claims 1 through 4, characterized in that at least one embroidery is processed or set on the unfolded surface (2) before or after cutting of the sole part (29) of the unfolded surface (2).

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6. The method according to Claim 5, characterized in that the embroidery is at least partially processed as an eyelet embroidery.

7. The method according to any one of Claims 1 through 6, characterized in that an inner sole or insole is configured after processing of the upper (3).

8. The method according to any one of Claims 1 through 7, characterized in that a shoe tongue (32) is set on the unfolded surface (2) before or after cutting of the sole part (29) of the unfolded surface (2), which undergoes special sewing and/or bonding and /or nailing.

9. The method according to Claim 8, characterized in that the tongue (40) on the fabric (1) is made with different patterns, textile modes, colors and printings as well as other similar methods.

10. The method according to Claim 9, characterized in that the tongue (40) is made with the same fabric (1), that is, same as the making of the unfolded surface (2) and the sole part (29) or the sole sections (29.1, 29.2; 29.5, 29.6).

11. The method according to Claim 10, characterized in that the tongue (40) is at least partially configured in a free area (41) which is located between extended sections (42, 43) for forming the heel part.

12. The method according to any one of Claims 1 through 11, characterized in that the area (1.1) of the fabric (1) which is not prepared for the unfolded surface (2) or the unfolded surface (2) including the tongue (40) during making has a common quality and/or density and/or a light weight.

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13. The shoe forming part made with the method according to Claims 1 through 12, characterized in that each unfolded surface (2) looks having patterns resulting from at least five different processing modes.

14. The shoe forming part according to Claim 13, characterized in that each tongue (40) has patterns resulting from at least two different processing modes.

15. The shoe forming part according to Claim 13 or 14, characterized in that the sole part (29) or the sole part sections (29.1, 29.2; 29.5, 29.6) is composed of perfect hygroscopic material, particularly cotton textiles.

16. The shoe forming part according to Claim 15, characterized in that, the hygroscopic material accounts for at least 25% of the total materials.

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Specification

Method for Making Shoe Forming Part from Fabric and the Made Shoe Forming Part

The invention relates to a method for making a shoe forming part from a breadth of fabric. 1. The method involves making the shoe forming part from fabric with a plurality of patterns in the shape of an unfolded surface of an upper, wherein the unfolded surface is cut out from the fabric and sewed with the upper to form an upper part, and the sole part is set in the edge zone of the uncut outer edge of the configured unfolded surface. The invention also relates to the shoe forming part made according to the above-mentioned method.

The above-mentioned method is known from DE-PS627876. Here the breadth of fabric is made in this way: it looks like three kinds of continuous horizontal stripes of different fabrics, and the horizontal strips are printed with a pattern in the shape of a U-shaped unfolded surface of an upper. The horizontal stripes are made in this way, that is, the first kind is used for the heel cover, the second kind for the vamp and side part, and the third kind for the forefoot cover. Therefore, the second kind of horizontal stripes should be processed into elastic and multi-layered stripes, and other two kinds of horizontal stripes should be processed into non-elastic and durable stripes. Reinforced threads can also be added, and horizontal stripes for use with heel can also be processed into a hollow fabric which can accommodate a heel cover. The U-shaped part can be cut out from the fabric, it forms a heel cover on the open U-shaped side, which is sewed and mounted on the sole of a shoe according to a method not detailed here.

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The purpose of the invention is to further improve the known prior methods. A plurality of forms can be taken for combination of uppers and the related sole part, and can be processed together with stripe logos and decorations, so as to make the upper processing to be economic and cost-effective.

Therefore, the invention uses the method for making the shoe forming part from fabric with a plurality of patterns in the shape of an unfolded surface of an upper, wherein the unfolded surface is cut out from the fabric and sewed with the upper to form an upper part, and the sole part is set in the edge zone of the uncut outer edge of the configured unfolded surface. When processing the fabric, by means of the printing process on the fabric and/or textile processing process inside the fabric, patterns or partial patterns not only follow the extended shape of the upper, but also follow the shape of the sole. The unfolded surface of each the upper is directly configured with a sole part, and the sole part is mounted on the correct position of the unfolded surface of the upper. When processing the fabric, the unfolded surface or the area where the unfolded surface is located is processed to serve as the sole part or the area for setting these patterns according to other weaving mode and/or knitting mode. The area of the unfolded surface and/or the sole part with different loads when the shoe is loaded is made in weaving and/or knitting mode matching the loads. Mutually configured unfolded surface and the sole part are not completely separated from each other when being cut out from the fabric, and they maintain mutual connection through related fabric sectioning. Those separated units of the unfolded surface with the sole part first join the unfolded surface into an upper at a set seam position, and finally sew or nail the sole part to the corresponding free outer edge of the unfolded surface.

For the method according to the present invention, only those fabric parts need to be processed according to required quality, thickness and multi-layer, that is, to comply with patterns or a certain range of the patterns of the upper and the sole part, while other fabric parts can be composed simply or with cheap materials and are only joined to patterns or area with such

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a pattern of the fabric after being processed. Therefore, leftover materials cut in this way are a simple and cheap kind of textiles. To the contrary, all leftover materials on known fabric with horizontal stripes are expensive hollow fabrics, multi-layered fabrics, and so on.

Another advantage of the method according to the present invention is that a single pattern or partial patterns can be processed directly from the fabric according to the required shoe size. Therefore, leftover materials can be further limited, since a single pattern or partial patterns can be mutually joined directly according to the preset size. According to future load or required model, the single pattern or partial patterns can be configured as soft, rigid and elastic ones or configured with different colors, and so on. Only supplemental mounting of internal and/or external reinforcing elements, such as internal and/or external forefoot cover, heel cover, and so on, is needed.

When a piece of program-controlled processing equipment is used, almost optional selection can be made for the weaving or knitting mode of half an area or shape and the type and/or color of threads and fibers according to the created program and the size of the unfolded surface of future shoe size. Therefore, only a few individual parts are processed separately and then mounted on the upper.

Details of other advantages of the invention will be given in the following claims and detailed description will be given for preferred embodiments with combination of drawings. As shown in the figures:

Figure 1 is a top view of a section of fabric which has an unfolded surface processed during fabric making for use with an upper.

Figure 2 shows a part cut from the fabric which has a plurality of unfolded surfaces for use with different uppers.

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Figure 3 is a side view of a shoe which has an upper part composed of unfolded surfaces of the fabric shown in Figures 1 and 2.

Figure 4 shows a part cut from the fabric with an unfolded surface on both sides of which a section of sole part and a tongue are configured.

Figure 5 shows a part cut from an extended piece of fabric. On one side of the unfolded surface is a section of the forefoot heel part, and on the other side is a section of the sole part of the rear foot or heel part.

Fabric is marked with "1" in Figures 1 and 2. The fabric is made with conventional weaving mode, for example, independent or a large quantity of unfolded surfaces (2) for use with uppers are generated through weaving and/or knitting and/or embroidering, such as the side of an upper shown in Figure 3.

Fabric base (4) can be a conventional braid or knitting such as one composed of warp and weft threads. The unfolded surface (2) is separated based on individual parts or areas which match mutually through different material manufacture and/or different fibers or threads, such as wools, wools with metal threads, silks, silks with metal threads, cotton with manmade fiber or similar materials and/or fibers or threads of different colors, including those metals or fiber ropes or combinations of fiber ropes with different printing colors or in different processing processes (such as twisted or parallel processing).

The individual parts or areas of the upper (3) can be such an area on which a lace is configured, for example, with a wearable part. For example, the setting of areas (5 and 6) is to get an internal or external heel cover (9) (Figure 3). After the unfolded surface (2) is cut out from the fabric (1), edges (7 and 8) are sewed to form a heel seam. Finally the heel cover (9) is gotten from the joined areas (5 and 6) shown in Figure 3, for example, the bonding and/or sewing can be used.

Accordingly, at toe (10), the shape is formed by sewing edges (11 and 12) to form a seam at the toe. To reduce friction, a toe cover (15) as shown in Figure 3 can be added to the front edge (13) close to the toe area (14) in the front area, which is specially bonded and/or sewed.

Since normally the toe area (14) is quite soft or elastic and should be air permeable if necessary. According to the present invention, fabric for the toe area (14) is fabricated through weaving and knitting modes and/or through appropriate material selection, such as use of silk threads or manmade materials. Such a manufacture mode can bring about such a result, that is, perfect air permeability of the toe area (14).

For example, these purposes can be achieved by mesh braids or mesh knitting structure.

Areas marked with positions (16 and 17) are independent parts for logos, for example, the industry-famous "FormStrip" is a mark of the applicant.

As shown in Figure 3, from the instep area (18) to the heel area (19), extended areas (20, 21 and 22) not only should be designed as an elastic band shape, but also should be made with special stretching resistance. To achieve the required effect, the upper area can be completed specially by taking appropriate measures during the making of the fabric (1). For example, fibers or threads with a special stretching resistance can be used here. If necessary, the above-mentioned material can be double-layered or multi-layered material or a fabric with a special thickness or a weaved or embroidered fabric.

Particularly (as shown in Figure 3), when no additional lace of last shape for mounting shoelaces is configured, shoelace areas (23 and 24) can be processed according to the requirement for shape stability.

Finally, in the embodiment shown in Figures 1 and 2, areas (26 and 27) of said unfolded

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surface (2) of the fabric (1) are processed according to shapes, colors and processes different from other areas, and after forming, the heel seam is mounted with a heel cover (28) as shown in Figure 3.

Obviously, any quantity of unfolded surfaces (2) of different shapes and/or patterns and sizes can be made from the fabric (1). Therefore, first appropriate equipment is program-controlled equipment, particularly computer-controlled processing equipment, so that processing processes, colors, patterns and sizes can be changed at will.

A further advantageous composition according to the present invention, the unfolded surface (2) of the upper can be configured with an independent part (29) of sole shape processed together. After being cut out, the independent part (29) is joined to the unfolded surface (2), and during or after forming and fixation of the upper composed of the unfolded surface (2), the independent part (29) is folded to the sole plane and reaches the lower edge area of the upper (3), and is determined by contours (30 and 31) of the unfolded surface (2), which can be fixed according to know methods such as bonding, sewing and nailing.

During making the fabric (1) or after fabric making and if necessary, after cut-out of the unfolded surface (2), an embroidery such as an eyelet embroidery, factory's logo or other symbols or logos can be configured at an appropriate or preferred position of the unfolded surface (2).

Finally a tongue (32) (Figure 3) can be added to the forefoot area before or after cutting out of the unfolded surface. On the upper (2), after being processed, an internal sole and/or an insole can be added or formed when necessary.

The processed upper (3) is then sent to a bonding, injection or plastic injection mold to form the insole (33) and heel sole (34) shown in Figure 3 in such a mold by known measures.

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Up to date, the advantage of the method of the invention described here lies in that a developed textile machine can be used to particularly weave as much as seven kinds of textile fibers or threads and colors into fabric in one operating procedure. As mentioned earlier, a computer-controlled program (based on related basic patterns) can be used to process any sizes and different upper models. Uppers processed from fabric in this way features very light weight, for example, an upper of a shoe of size 8 only weights about 70 to 80 grams. Compared with known prior methods, the manufacture cost of such an upper part is very low.

Position number 1.1 in Figures 1 and 2 indicate unprocessed planar area which is located outside the unfolded surface (2) of the upper (3) or tongue (40).

According to further advantageous structure of the invention, the sole part (29) can be further improved. The sole (29) expressed with independent parts in Figures 1 and 2 are separated longitudinally, transversely or obliquely, so that the sole can comprise two or more parts, and thus at least a sole section is configured respectively on each contour (30, 31) of the unfolded surface (2).

According to the embodiment shown in Figure 4, On the outer contour (31) is a sole section (29.1) extended over the full length of the sole to be formed, about half of the sole (29), and on the outer contour (30) is configured with a sole section (29.2) comprising other part of the sole (29). The soles (29.1, 29.2) complement each other to form a complete sole part (29). In the meantime, its outer contours (29.3, 29.4) preferably use a longitudinal seam for mutual connection, such as by means of sewing and/or bonding and /or hot pressing.

In the embodiment shown in Figure 5, a forefoot sole section (29.5) is configured on the outer contour (31) of the unfolded surface (2) of the upper (3), and a heel sole section (29.6) is configured on the outer contour (30). The outer contours (29.7, 29.8) facing the middle of the

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upper (3) will be mutually joined to form a complete sole (29) later. In this case, the seam formed by related contours (29.7, 29.8) is a transverse, oblique, or slanted and a bit S-shaped extension. The preferred seam route is such that it will not apply any uncomfortable pressure to the sole in any cases.

According to the embodiment shown in Figure 4, a tongue (40) is also configured, which is made by use of different weaving structure and/or weaving pattern and/or embroidery or one or a plurality of printings during the processing procedure of the fabric (1). Different types of tongues (40) can be made from the fabric (1) according to related shoe models and/or sizes, based on a plurality of shapes, sizes, colors, and patterns. Preferably, the unfolded surface (2) is always processed from the same fabric (1) as the tongue (40).

The preferred area utilization of the fabric (1) is to place the tongue (40) in the free area between two extended sections (42, 43). The extended sections (42, 43) form the rear part of a shoe later, that is, the heel part.

Preferably, each unfolded surface (2) has at least five different patterns (i.e., with different appearances) processed differently (preferably, over 10 patterns), and the tongue (40) has at least two patterns (preferably at least three patterns).

A further advantage of the structure of the invention is that the fabric (1) is made in following method, that is, the area (1.1) without configuration of the unfolded surface (2) and tongue (40) is composed of material as simple, cheap and light as possible. For example, the area (1.1) can be made in gauze mode or by use of a little or very little warp and/or weft threads and/or hairlines, and so on. This will guarantee the forming part of a shoe can be processed economically, such as, the upper part, i.e., the sole part and sole and/or tongue.

Preferably, the textile part of the material used for the unfolded surface (2) and the sole part (29), particularly the sole part sections (29.1, 29.2) or the areas (29.5, 29.6) is hydroscopic. Therefore, it is much better to

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use cotton material. The composition of the hydroscopic material accounts for at least 25% of the total material used. And this proportion can be as high as 100% based on actual conditions.

As described earlier, the necessary fabric can be manufactured with a piece of program-controlled fabric processing equipment. After proper adjustment of its programs, the equipment can almost be applicable to any change of the size of the unfolded surface of each upper, weaving or knitting model of each section or contour, thread or fiber type and/or color.

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Figure 1

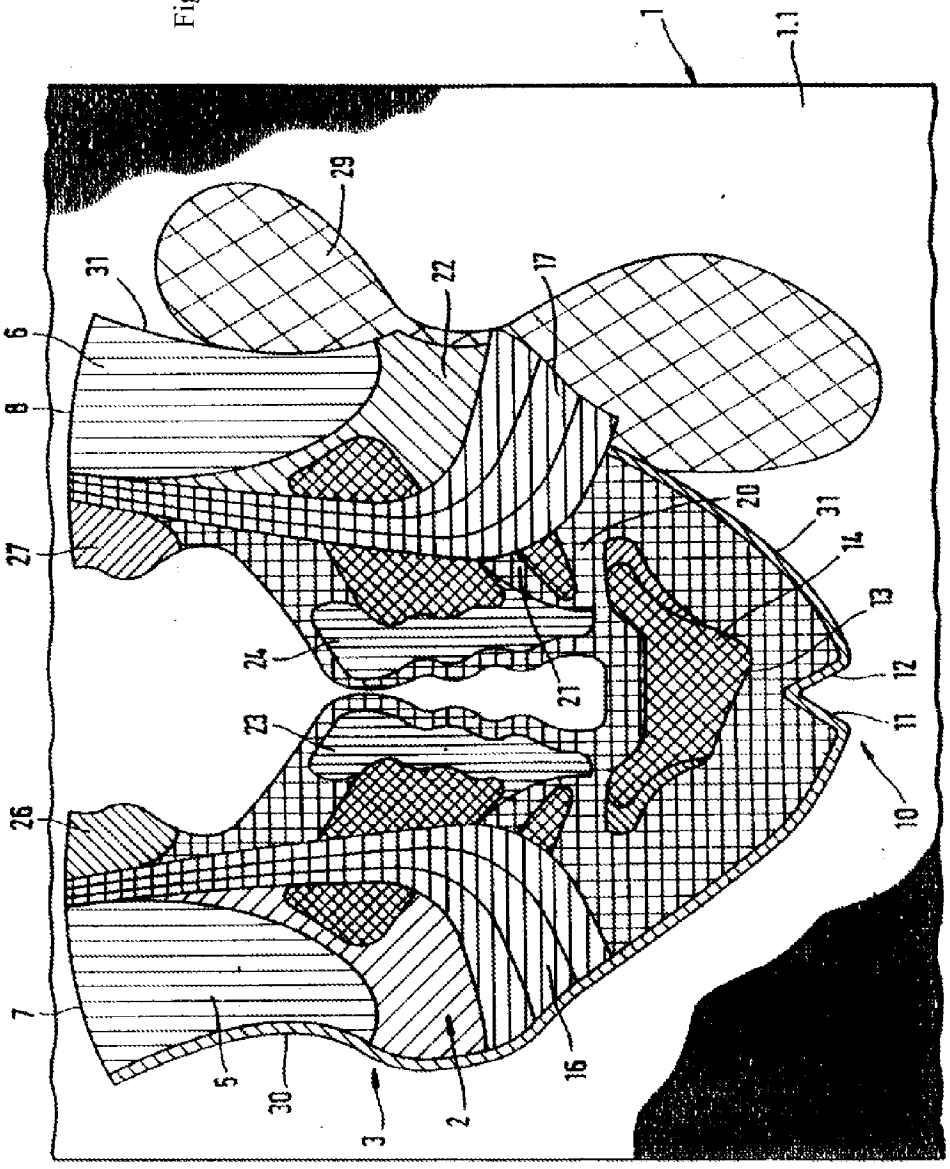


Figure 2

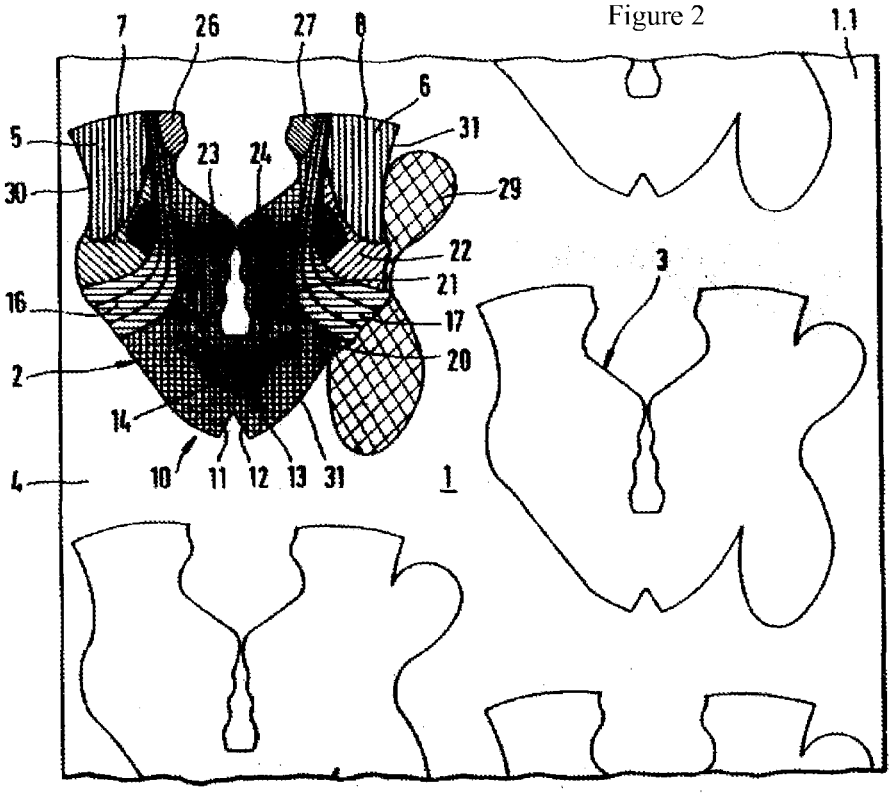
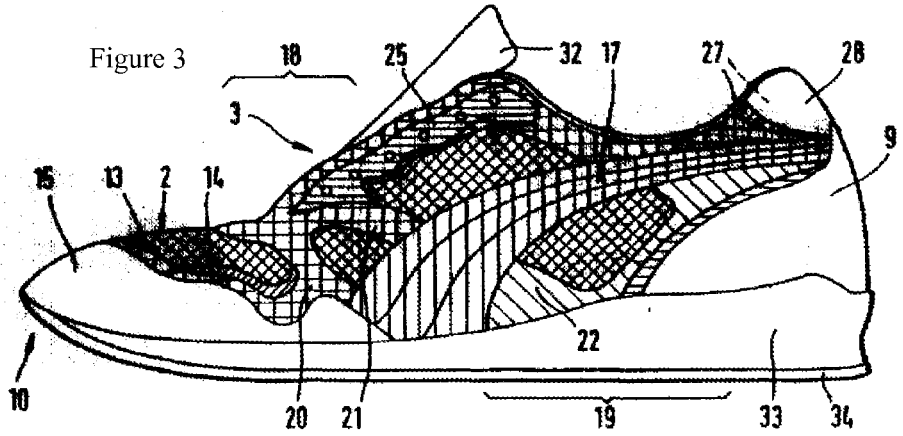


Figure 3



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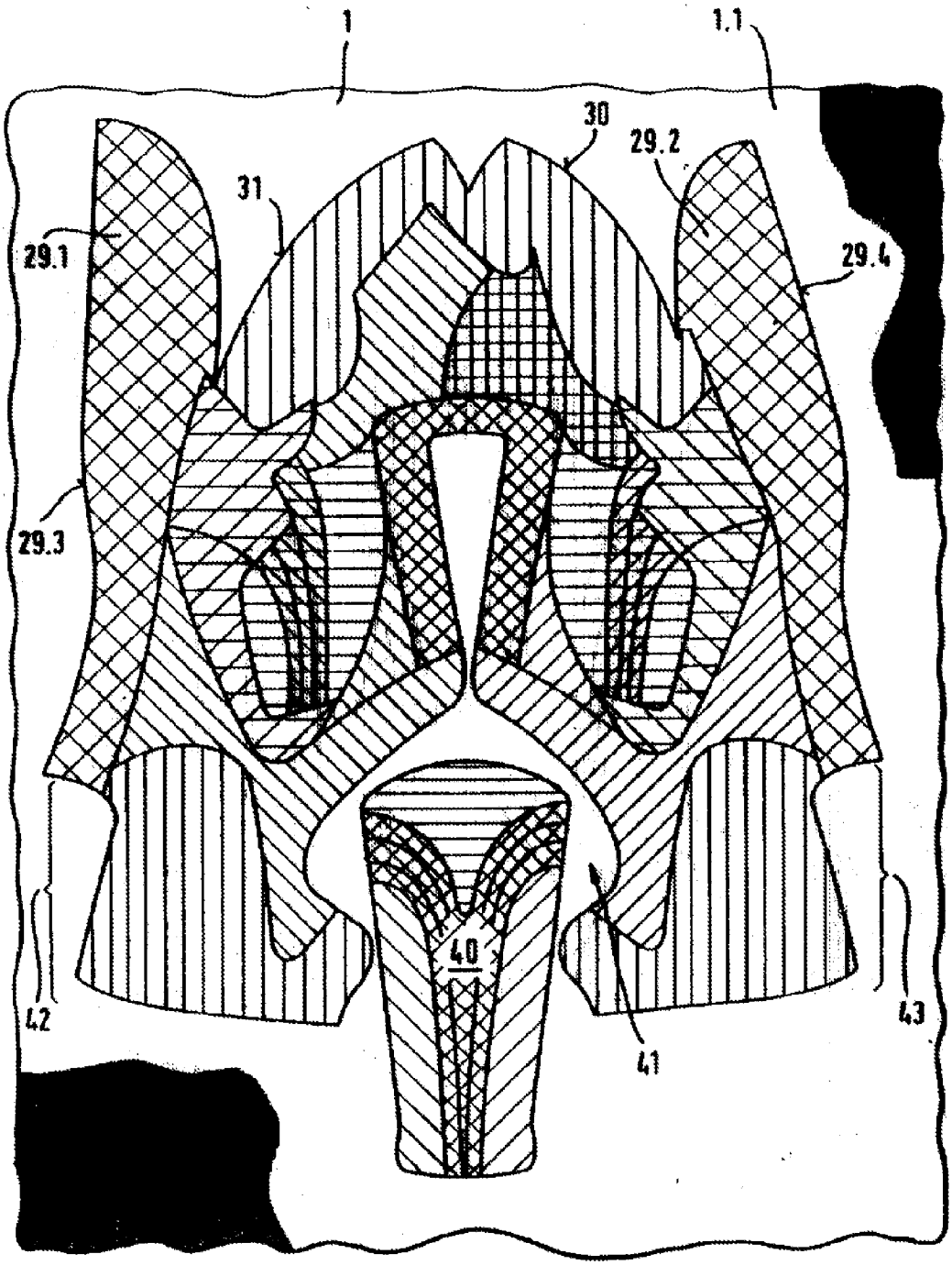


Figure 4

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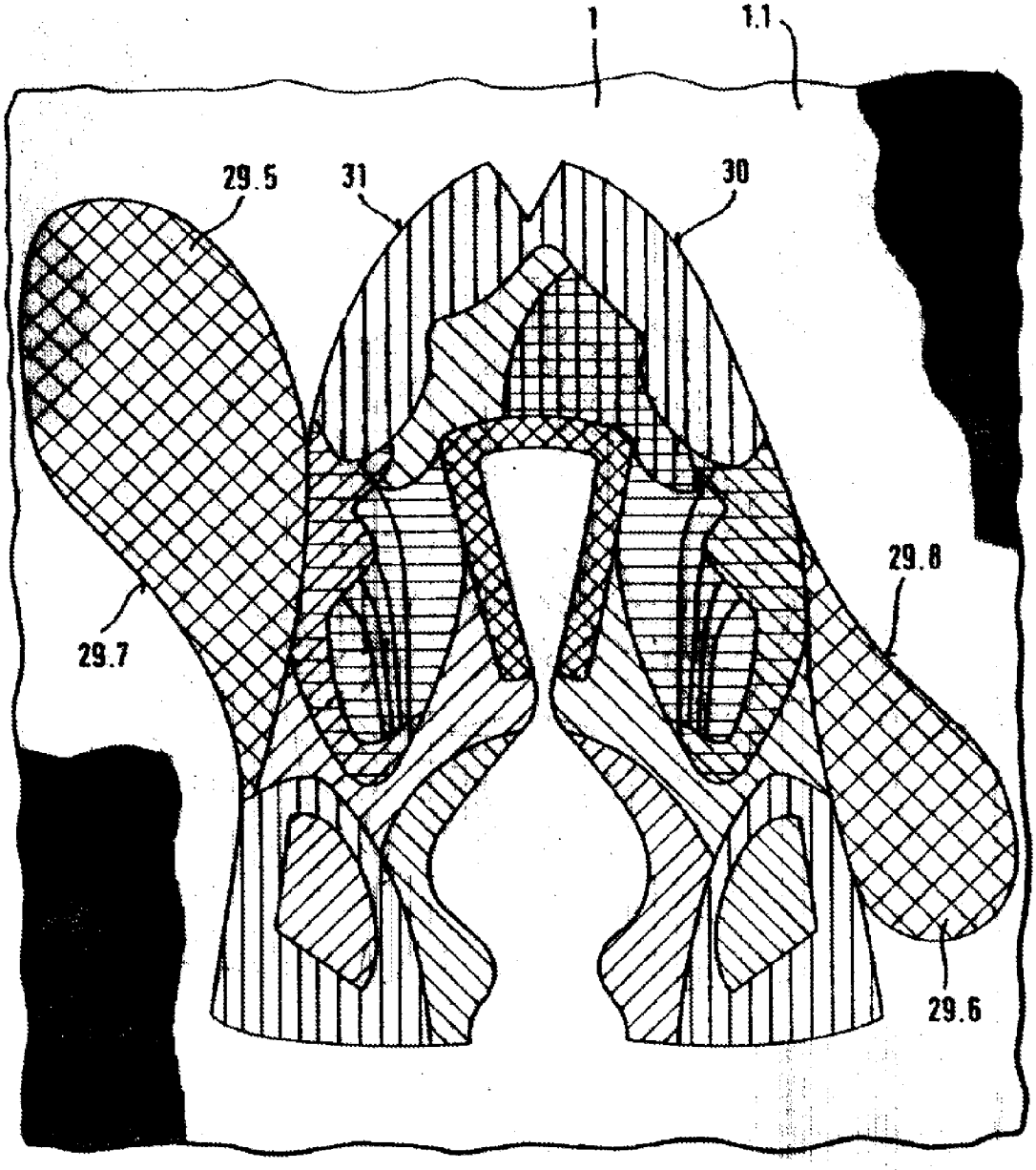


Figure 5

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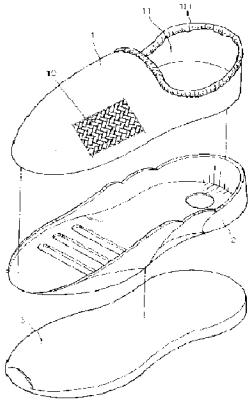
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权利要求书 1 页 说明书 3 页 附图 5 页

[54] 发明名称 鞋子

[57] 摘要

本发明一种鞋子。其主要是以多数股弹性编织带经连续交叉编织，使其形成具有伸缩弹性的圆筒形编织鞋面基材，尔后于鞋面基材一侧的预设适当位置予以裁切有鞋口，并经适当的修裁塑型后，再与预先已成型的中底进行结合，以此而形成一舒适、透气性佳且耐用的鞋子产品。



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1、一种鞋子，其特征为：以多数股弹性编织带经连续交叉编织，使其形成具伸缩弹性的圆筒形编织鞋面基材，尔后于鞋面基材一侧的预设适当位置予以裁切有鞋口，并经过适当的修裁塑型后，再与预先已成型的中底进行结合，以此而形成一舒适、透气性佳且耐用的鞋子产品。

2、如权利要求 1 所述的鞋子，其特征在于：圆筒形编织鞋面基材采用30-60 度交叉编织法编织而成。

3、如权利要求 1 所述的鞋子，其特征在于：在鞋面基材的鞋口周缘车缝滚边条。

4、如权利要求 1 所述的鞋子，其特征在于：鞋面基材与中底采用粘胶贴合、线材车缝、或先粘胶贴合再予以线材车缝、或其他等效的方式结合。

5、一种鞋子的鞋面，其特征在于：其主要是以多数股弹性编织带经连续交叉编织，使其形成具伸缩弹性的圆筒形编织鞋面基材，尔后于鞋面基材一侧的预设适当位置予以裁切有鞋口，并经适当的修裁塑型后，以此而形成一具有舒适、透气性佳且耐用的鞋面。

6、如权利要求 5 所述的鞋子，其特征在于：圆筒形编织鞋面基材采用30-60 度交叉编织法编织而成。

7、如权利要求 5 所述的鞋子，其特征在于：在鞋面基材的鞋口周缘车缝滚边条。

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鞋子

技术领域

本发明属于一种鞋子的技术领域，尤其涉及一种形成具伸缩弹性的圆筒形编织鞋面的鞋子。

背景技术

习知传统的鞋子制程，尤指休闲、运动用的布面球鞋（如图 1、2 所示），主要具有一裁切呈预设大小的鞋面布 A，而鞋面布 A 于里层并以粘胶帖附一层内衬（里）A1，另在鞋面布 A 的周缘底部内折一道底缘 A2，再以底缘 A2 粘贴或车缝于一布底 B 上，而布底 B 的下层粘贴一中底 C，中底 C 并再与鞋布面 A 粘贴或车缝结合，该中底 C 的底部再由一大底 D 粘贴或射出结合，而此一结合制程由于步骤复杂、手序烦琐，且制作时需大量运用粘胶，不但浪费人工与制作成本外，同时较不符合环保。

如图 1 所示，再者，由于习知鞋子的鞋面布 A 先以直角交叉编织呈一胚布 A0，再以胚布 A0 经冲裁而成鞋面布 A 的里层以粘胶贴附内衬（里）A1 层，而粘胶本身不具透气性，因此在穿着时其包覆性不良且透气性极差，除了造成闷热不适外，也容易孳生微菌而致使恶臭或香港脚（脚气）。

由于习知鞋子的鞋面布 A 是以底部所投设的底缘 A2 粘贴或车缝于布底 B 上，再与中底 C 实施粘贴或车缝结合，而此一结合结构因存在单点受力的问题，所以极容易因剧烈跑跳使鞋面布 A 与布底 B 间产生爆裂而损坏。

经由上述的说明可知，传统鞋子不论是构成或制作方法，由于设计未臻完善，而存在多项为人诟病的缺失与不便，严重影响到鞋类产品的经济价值，实有彻底解决其缺失的必要。

发明内容

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有鉴于此，本案发明人乃籍由多年从事鞋类相关产品研发与制造的经验，积极寻求解决的方案，经长期努力的研究与试作，终有本发明的产生，针对现有技术存在的缺点，本发明提供一种鞋子；本发明采用的技术方案是：一种鞋子，其特征为：以多数股弹性编织带经连续交叉编织，使其形成具伸缩弹性的圆筒形编织鞋面基材，尔后于鞋面基材一侧的预设适当位置予以裁切有鞋口，并经过适当的修裁塑型后，再与预先已成型的中底进行结合，以此而形成一舒适、透气性佳且耐用的鞋子产品。

圆筒形编织鞋面基材采用 30-60 度交叉编织法编织而成。

在鞋面基材的鞋口周缘车缝滚边条。

鞋面基材与中底采用粘胶贴合、线材车缝、或先粘胶贴合再予以线材车缝、或其他等效的方式结合。

一种鞋子的鞋面，其特征在于：其主要是以多数股弹性编织带经连续交叉编织，使其形成具伸缩弹性的圆筒形编织鞋面基材，尔后于鞋面基材一侧的预设适当位置予以裁切有鞋口，并经适当的修裁塑型后，以此而形成一具有舒适、透气性佳且耐用的鞋面。

圆筒形编织鞋面基材采用 30-60 度交叉编织法编织而成。

在鞋面基材的鞋口周缘车缝滚边条。

本发明鞋子的结构，使鞋子的结合制程易于实施例，同时能节省较多的内衬（里）组件与粘胶量，以符合环保要件，另，筒状鞋面是采直接与中底结合，其成品除富具极佳的包覆性与透气性使穿着更为舒适外，且耐用度更显卓越，避免产生爆裂损坏之虞。

本发明还提供的鞋子鞋面具有良好包覆性及透气性。

附图说明

图 1 为习知鞋面基材的成型示意图；

图 2 为习知鞋子的大部分分解立体示意图；

图 3 为本发明的鞋子基材编织状态示意图；

图 4 为本发明的大部分解立体示意图；

图 5 为本发明的穿着实施例示意图。

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具体实施方式

下面结合附图及具体实施例对本发明作进一步的详细说明。

如图 3 所示，本发明一种鞋子，其主要是以多数股弹性编织带 10 经连续交叉编织，使其形成具伸缩弹性的圆筒形编织鞋面基材 1。

如图 3、4 所示，尔后于鞋面基材 1 一侧的预设适当位置予以裁切有鞋口 11，并经适当的修裁塑型后，以形成一具有舒适且透气性佳的鞋面。

再者，预先制作一所需造型、功能的鞋中底 2，并在中底 2 下方贴附或一体射设有大底 3，再将上述已成型的鞋面基材 1 与中底 2 进行结合，以此而形成一舒适、透气性佳且耐用的鞋子产品（请参阅图 5 所示）。

如图 3 所示，本发明的圆筒形编织鞋面基材 1、采 30-60 度交叉编织法编织而成。

如图 4 所示，另外，本发明是在鞋面基材 1 的鞋口 11 周缘车缝滚边条 111，其材质以具弹性者为佳。

本发明的鞋面基材 1 与中底 2 是采用粘胶贴合、线材车缝、或先粘胶贴合再予以线材车缝、或其他等效的方式结合。

通过上述的说明，由于本发明采用鞋面基材 1 与中底 2 直接结合，据此使得鞋子的结合制作过程易于实施外，且耐用度更显卓越，除能避免产生爆裂损坏之虞，同时又能节省较多的内衬（里）组件与粘胶量，以达到符合环保的要件，其为本发明的一优点。

再者，本发明的筒状鞋面 1 是采用弹性编织带 10 经过连续交叉编织而成，其成品的包覆性与透气性极佳，籍此，使其穿着时具有舒适的效果外，并可防止微菌孳生或导致使恶臭、香港脚，此乃本发明另一优点。

此外，本案在实际使用时，可视情况使用鞋垫，以增加其舒适性。

归纳上述的说明，本发明可有效解决传统鞋子的缺失与不便，同时具有上述众多的效能与实用价值，因此本发明确为一创新、新颖、进步的创作，且在相同的技术领域未见相同或近似的产品公开使用，故本发明符合专利的申请要件，现依法提出申请。

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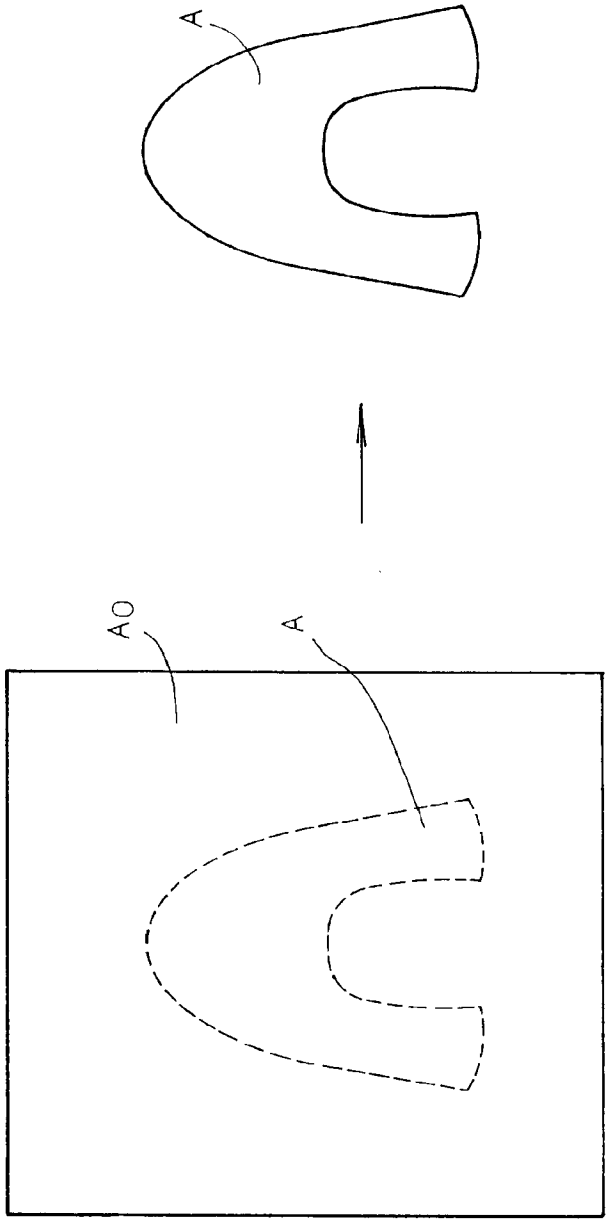


图 1

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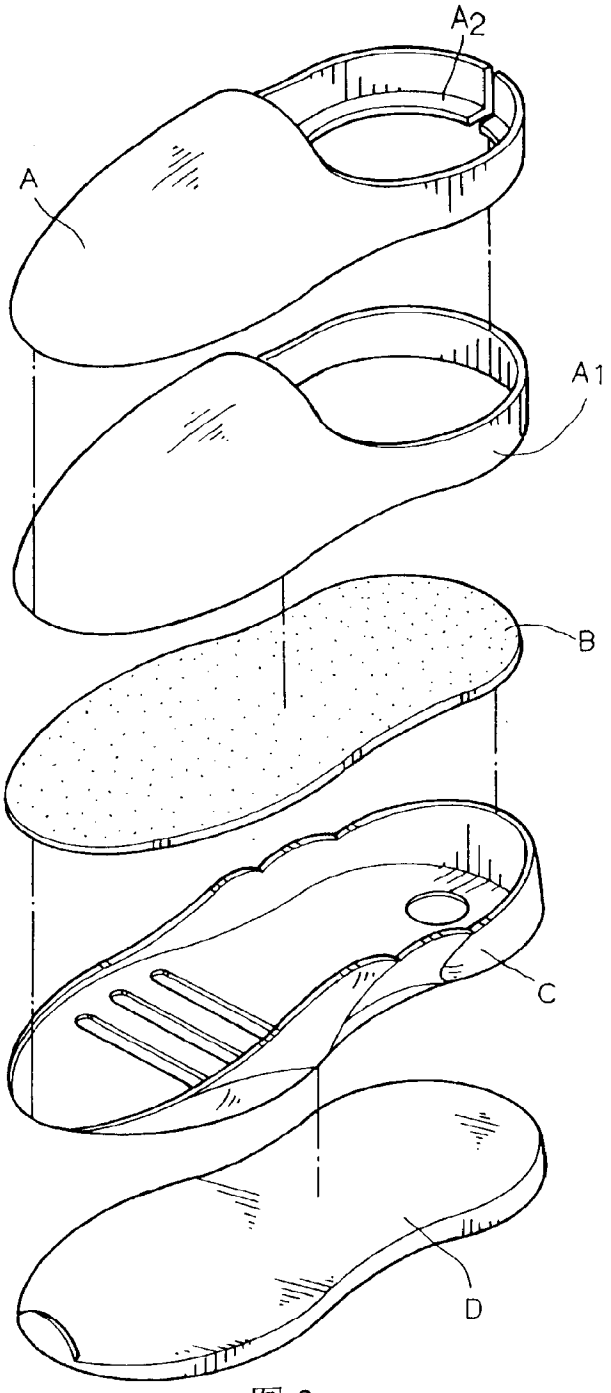


图 2

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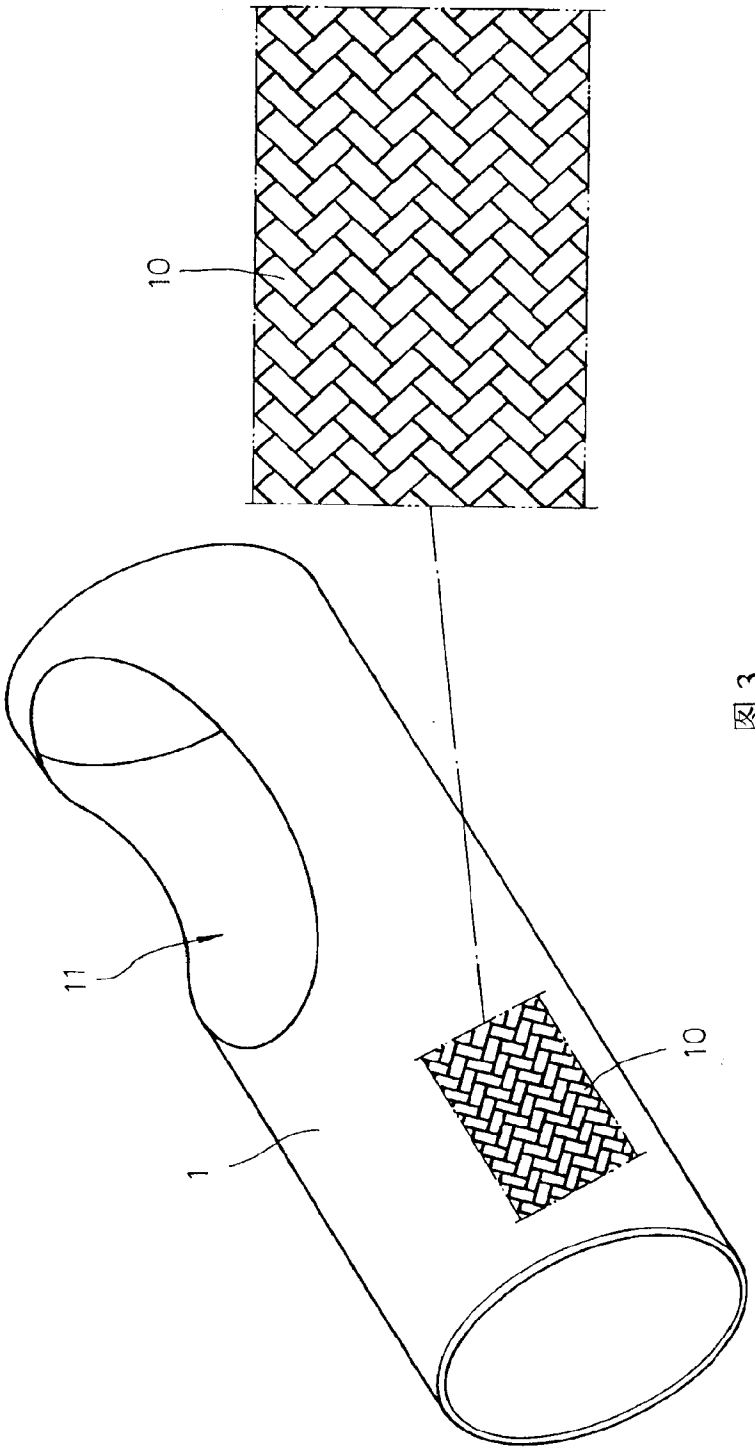


图3

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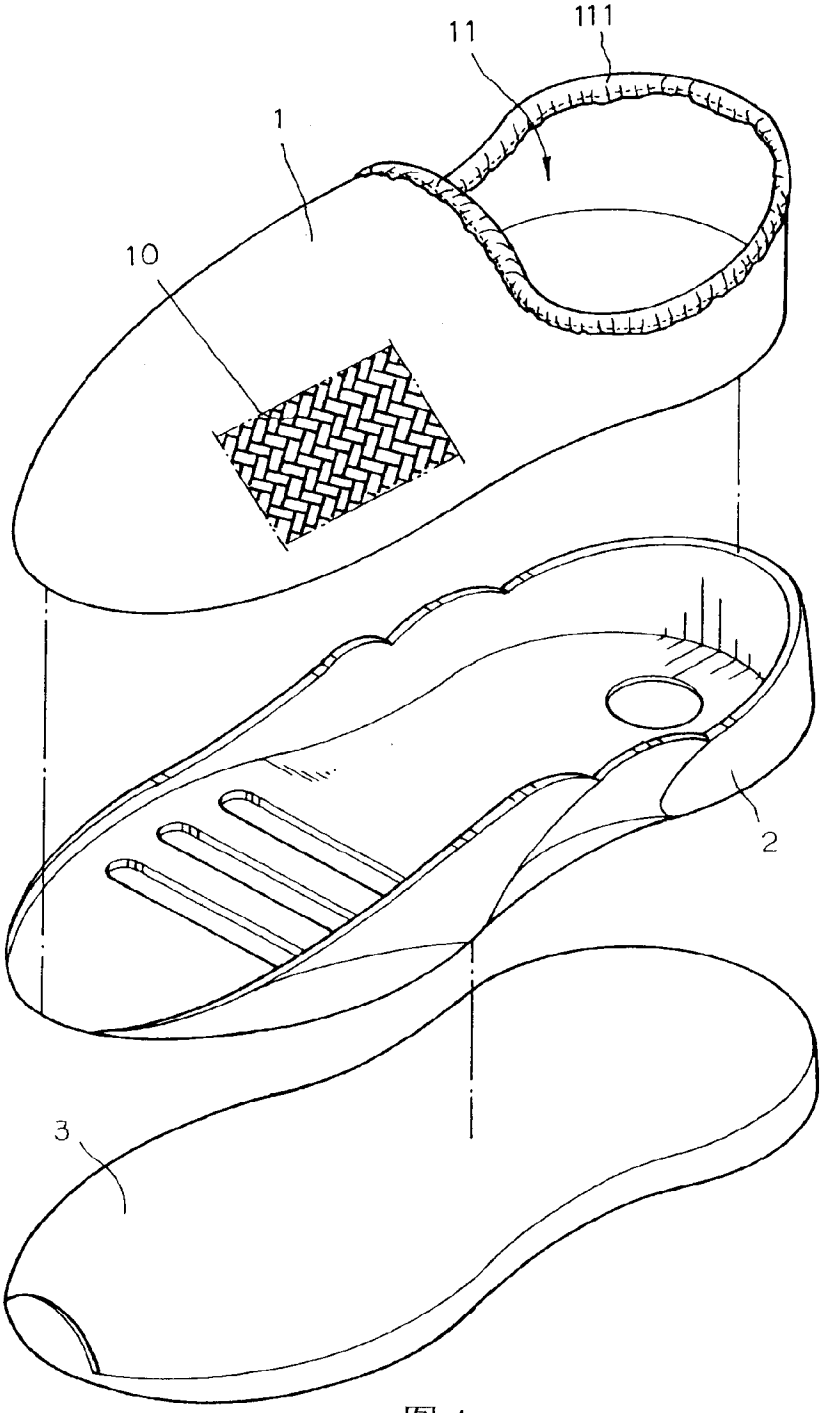


图 4

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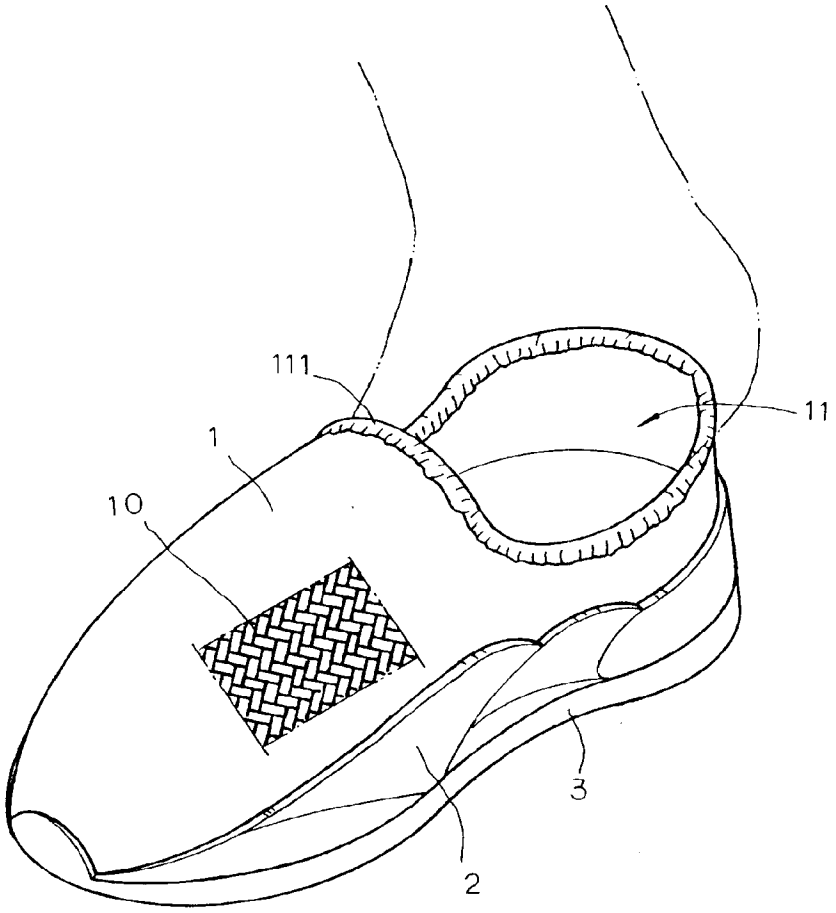


图 5

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[72] Inventor(s): Huandong Zeng

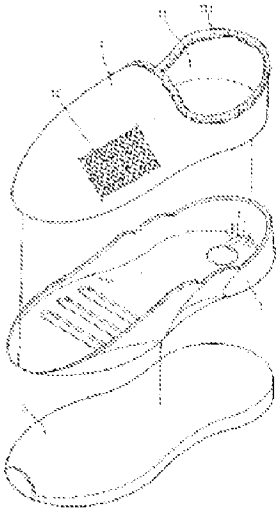
[74] Patent agency: China Science Patent & Trademark Agent Ltd.
Agent: Liguang Zhu, Zhanbang Zhang

One page of Claims, three pages of Specification and five pages of Drawings

[54] Title of Invention Shoe

[57] Abstract

The invention relates to a shoe, which is made by continuously interleaved braiding with a plurality of strands of elastic braids to form an elastic cylindrical braided vamp base material, and then cutting a topline in an appropriate preset position at one side of the vamp base material, and trimming and modeling it properly, and then combining it with a pre-molded insole to form a comfortable and durable shoe product with a good air permeability.



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1. A shoe, characterized in that it is made by continuously interleaved braiding with a plurality of strands of elastic braids to form an elastic cylindrical braided vamp base material, then cutting a topline in an appropriate preset position at one side of the vamp base material, and trimming and modeling it properly, and then combining it with a pre-molded insole to form a comfortable and durable shoes product with a good air permeability.

2. The shoe according to Claim 1, characterized in that the cylindrical braided vamp base material is made by braiding using the method of 30~60° interleaved braiding.

3. The shoe according to Claim 1, characterized in that a piping is sewed along the circumference of the topline of the vamp base material.

4. The shoe according to Claim 1, characterized in that the vamp base material is combined with the insole by means of gluing, thread sewing or first gluing and then thread sewing, or other equivalent means.

5. A vamp of a shoe, characterized in that it is made by continuously interleaved braiding with a plurality of strands of elastic braids to form an elastic cylindrical braided vamp base material, and then cutting a topline in an appropriate preset position at one side of the vamp base material, and trimming and modeling it properly, and then combining it with a pre-molded insole to form a comfortable and durable vamp with a good air permeability.

6. The shoe according to Claim 5, characterized in that the cylindrical braided vamp base material is made by braiding using the method of 30~60° interleaved braiding.

7. The shoe according to Claim 5, characterized in that a piping is sewed along the circumference of the topline of the vamp base material.

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Shoe

Field of the Invention

The present invention relates to the technical field of a shoe, and more particularly to a shoe with an elastic cylindrical braided vamp.

Background of the Invention

The prior traditional shoe process, particularly for gym shoes with a cloth vamp for leisure and sports purpose (as shown in Figures 1 and 2), mainly comprises the combination of cutting a piece of vamp cloth A of the preset size, gluing a layer of lining (inner lining) A1 to the inlay of the vamp cloth A, folding a bottom edge A2 at the bottom of the circumference of the vamp cloth A, then gluing or sewing the bottom edge A2 to a cloth sole B, and gluing an insole C to the lower layer of the cloth sole B, and further gluing or sewing the insole C to the vamp cloth A, and then attaching an outsole D to the bottom of the insole C by gluing or injection. This process of combination involves complicated steps and troublesome procedures, and uses a large amount of mucilage glue, which not only wastes labor hours and manufacture costs, but also is not good to the environment.

As shown in Figure 1, furthermore, since the vamp cloth A of the prior shoe is first made by perpendicularly interleaved braiding to become a gray cloth A0 and the gray cloth A0 is blanked to become the inlay of the vamp cloth A and is glued to the lining (inner lining) A1 layer. However, the glue itself is not air permeable, leading to poor coverage and bad air permeability of the shoe when worn, which in turn not only gives rise to frowziness and discomfort, but could also easily cause growth of germs an microbes, resulting in stink or "Hong Kong-foot" (dermatophytosis).

The vamp cloth A of the prior shoe is glued or sewed to the cloth sole B by using the bottom edge A2 set at the bottom, and is then combined with the insole C by gluing or sewing. The structure from this combination will have stress at a single point. These factors could easily cause popping cracks between the vamp cloth A and cloth sole B during vigorous running and jumping, resulting in damages.

It is know from the above description that, due to design defects, the traditional shoes, regardless of their composition or manufacture methods, have a number of shortcomings and inconveniences which are the frequently complaints and seriously affect the economic value of shoe products, so it is necessary to thoroughly solve these shortcomings.

Description of the Invention

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In view of this, the inventor of the present invention has been actively looking for a solution, building on years of experience in research, development and manufacture of shoe-related products, and finally made the present invention after a long period of research and trial manufactures. Targeting at the disadvantages of the prior art, the present invention provides a shoe. The technical scheme of the present invention is: a shoe, characterized in that it is made by continuously interleaved braiding with a plurality of strands of elastic braids to form an elastic cylindrical braided vamp base material, then cutting a topline in an appropriate preset position at one side of the vamp base material, and trimming and modeling it properly, and then combining it with a pre-molded insole to form a comfortable and durable shoes product with a good air permeability.

The cylindrical braided vamp base material is made by braiding using the method of 30~60° interleaved braiding.

A piping is sewed along the circumference of the topline of the vamp base material.

The vamp base material is combined with the insole by means of gluing, thread sewing or first gluing and then thread sewing, or other equivalent means.

A vamp of a shoe, characterized in that it is made by continuously interleaved braiding with a plurality of strands of elastic braids to form an elastic cylindrical braided vamp base material, then cutting a topline in an appropriate preset position at one side of the vamp base material, and trimming and modeling it properly, and then combining it with a pre-molded insole to form a comfortable and durable vamp with a good air permeability.

The cylindrical braided vamp base material is made by braiding using the method of 30~60° interleaved braiding.

A piping is sewed along the circumference of the topline of the vamp base material.

The structure of the shoe of the present invention makes it easy to implement the shoe combination process, and can save a considerable amount of lining (inner lining) components and glue to meet environmental protection requirements, and furthermore, the cylindrical vamp is directly combined with the insole so that the finished product will have better durability to avoid the problem of cracking damages, in addition to excellent coverage, a good air permeability, and more comfort when worn.

The shoe and vamp provided by the present invention has good coverage and air permeability.

Brief Description of the Drawings

Figure 1 is a schematic diagram of forming of the prior vamp base material;
Figure 2 is a 3D schematic diagram showing the most decomposition of the prior shoes;
Figure 3 is a schematic diagram showing the braiding status of shoe base material of the present invention;
Figure 4 is a 3D schematic diagram showing the most decomposition of the invention;
Figure 5 is a schematic diagram showing an embodiment of wearing of the present invention.

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Embodiments

Further detailed description of the present invention will be given below in combination with drawings and embodiments.

As shown in Figure 3, the present invention provides a shoe, which is made by continuously interleaved braiding with a plurality of strands of elastic braids 10 to form an elastic cylindrical braided vamp base material 1.

As shown in Figures 3 and 4, then a topline 11 is cut in an appropriate preset position at one side of the vamp base material 1, then it is trimmed and modeled properly, and is finally combined with a pre-molded insole to form a comfortable and durable vamp with a good air permeability.

Furthermore, a shoe insole 2 with the required model and functions is made in advance, an outsole 3 is provided at the bottom of the insole 2 by bonding or by integrated injection, and then the said formed vamp base material 1 is combined with the insole 2 to form a comfortable and durable shoe product with a good air permeability (see Figure 5).

As shown in Figure 3, the cylindrical braided vamp base material 1 of the present invention is made by braiding using the method of 30~60° interleaved braiding.

Additionally, as shown in Figure 4, the present invention involves sewing of the piping 111 along the circumference of the topline 11 of the vamp base material 1, and preferably the material of the piping is elastic.

The vamp base material 1 of the present invention is combined with the insole 2 by means of gluing, thread sewing or first gluing and then thread sewing, or other equivalent means.

According to the above description, since the present invention uses direction combination of the vamp base material 1 and the insole 2, it is easy to implement the combination process of shoes, and the shoes have better durability to avoid the trouble of cracking damages while saving a considerable amount of lining (inner lining) components and glue to meet environmental protection requirements. This is an outstanding advantage of the present invention.

Furthermore, the cylindrical vamp 1 of the present invention is made by continuous interleaved braiding with elastic braids 10, so the finished product has excellent coverage and a good air permeability. As a result, it is not only comfortable to wear, but can also avoid the growth of gems and microbes that could lead to stink and Hong Kong foot. This is another advantage of the present invention.

Furthermore, in actual application of the present invention, a pad may be used as needed to improve comfort.

In summary, the present invention not only effectively solves the shortcomings and inconveniences of the traditional shoes but also has many functional and practical values as mentioned in the above, so the present invention is an innovative, novel and advanced creation, and public use of the same or similar products in this technical field has never been seen. Therefore, the present invention meets the requirements for patentability, and hereby an application is filed according to applicable laws.

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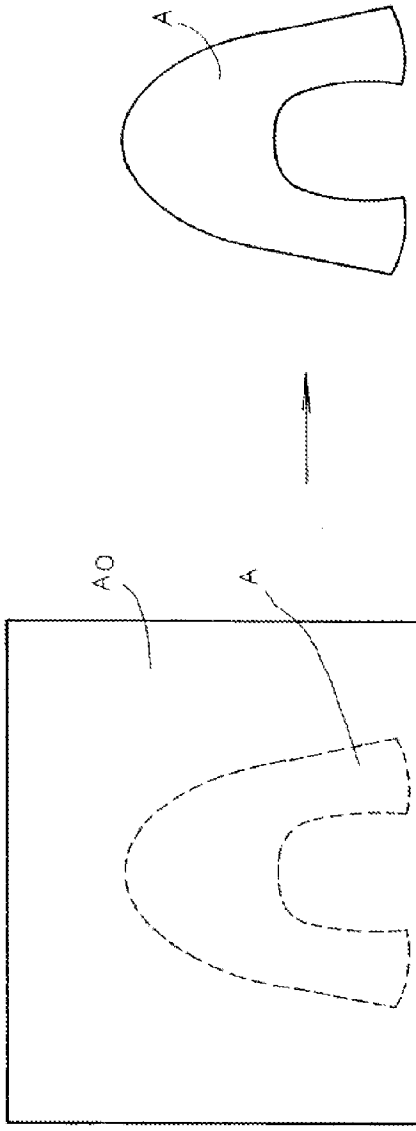


Figure 1

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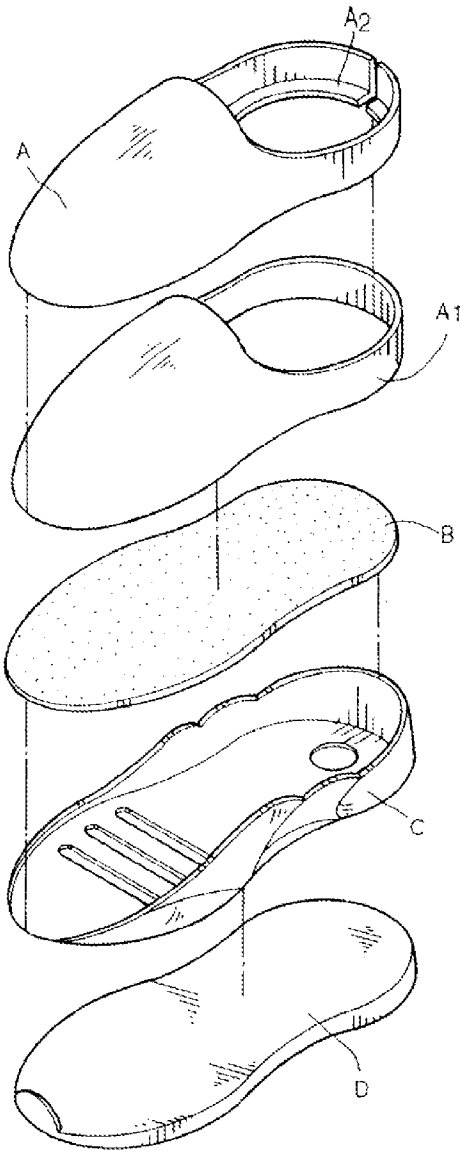


Figure 2

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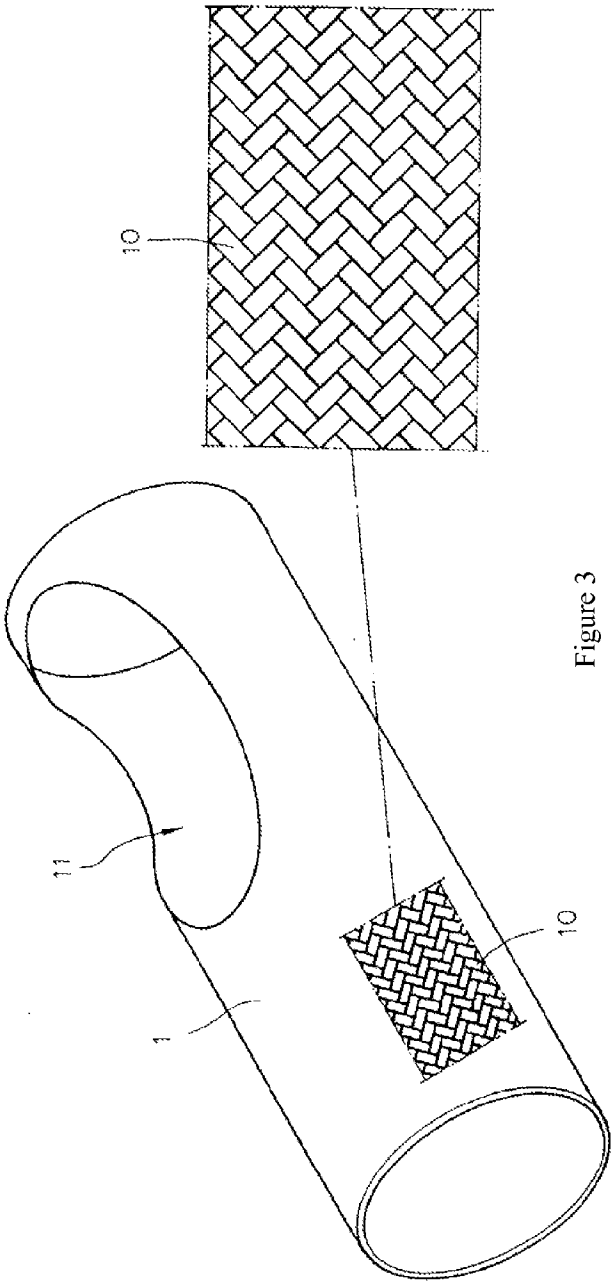


Figure 3

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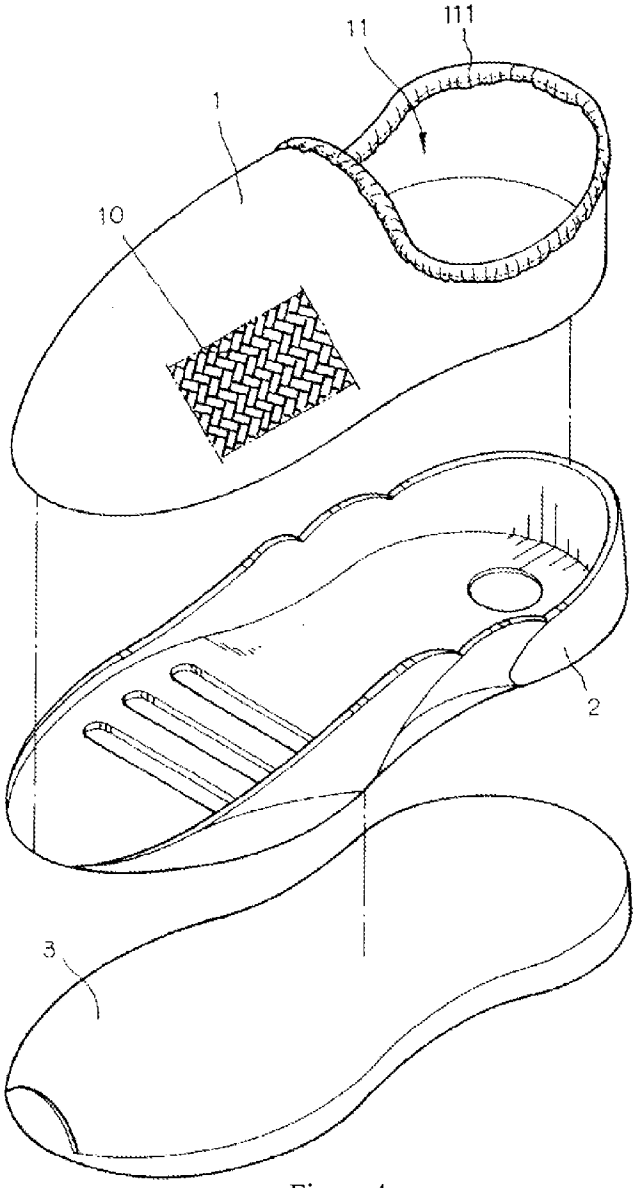


Figure 4

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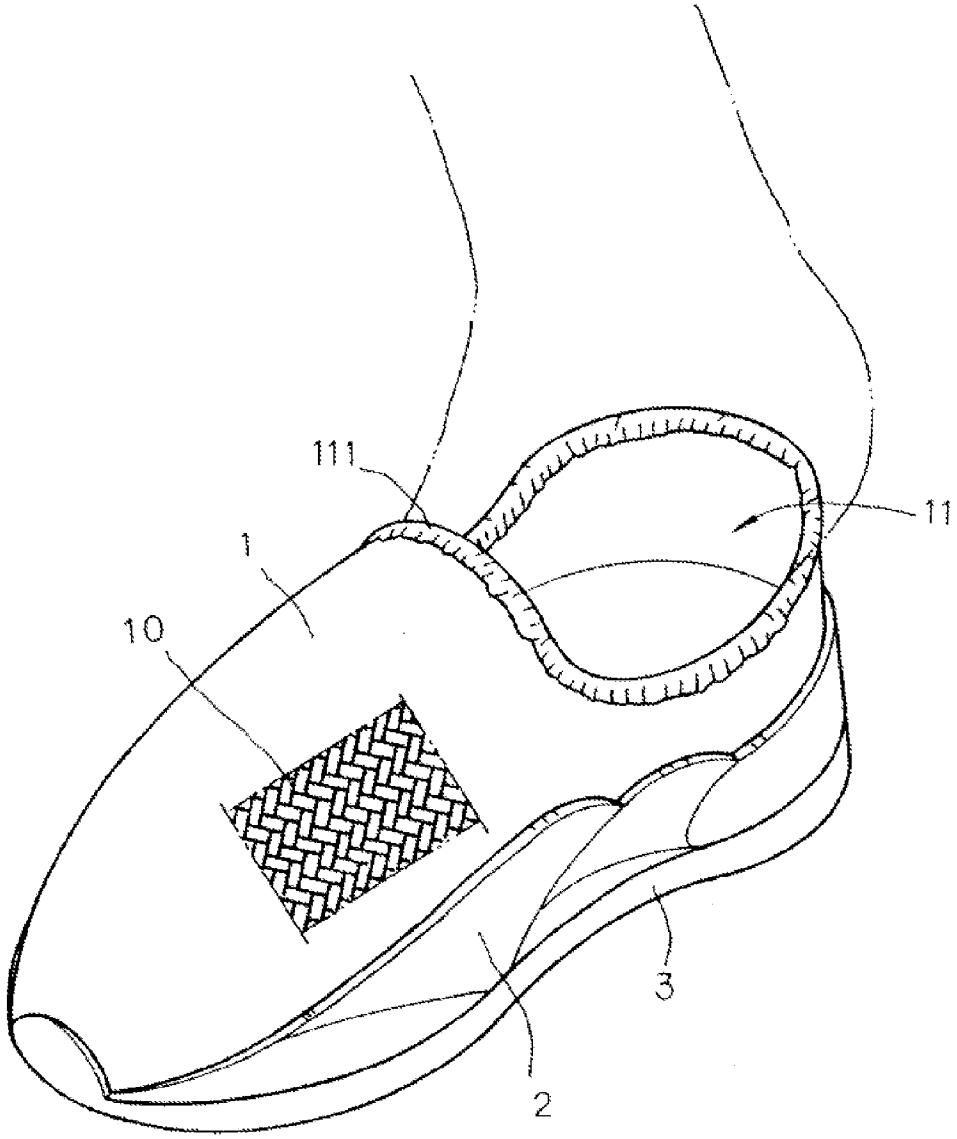


Figure 5

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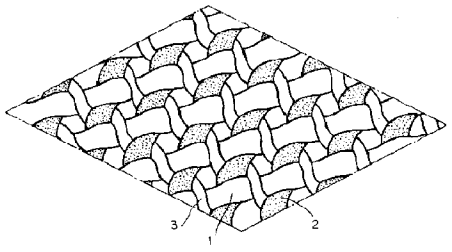
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权利要求书 2 页 说明书 3 页 附图 5 页

[54] 发明名称 三向立体鞋面

[57] 摘要

本发明提供一种三向立体鞋面，其主要是包含有经向带、纬向带及一支撑带，其中，经向带及纬向带分别在经、纬向交叠后，再由支撑带与经、纬向带略呈三角关系，并以波浪状上下穿过前述的经向带及纬向带，令经向带、纬向带、支撑带交叉编织后形成一呈三角立体形状结构的三向立体鞋面。本发明利用该一结构，使提供鞋面具有以不同方向可观得不同色彩及视觉变化，使成品能够呈显多重变化的效果，以之为消费者所广泛接受，同时本发明的立体效果是编织而成，故制作步骤简易、减少人工及成本浪费，进而使成品价格降低，据此以期提高鞋子的品质及经济价值。



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1、一种三向立体鞋面，其特征在于：包含有经向带、纬向带及一支撑带，其中，经向带及纬向带分别在经、纬向交叠后，再由支撑带与经、纬向带略呈三角关系，并以波浪状上下穿过前述的经向带及纬向带，令经向带、纬向带、支撑带交叉编织后形成一呈约三角立体状结构的三向立体鞋面。

2、如权利要求 1 所述的三向立体鞋面，其特征在于：该经向带、纬向带及支撑带是为一编织带。

3、如权利要求 1 所述的三向立体鞋面，其特征在于：该支撑带具有与经向带、纬向带不同的颜色。

4、如权利要求 1 所述的三向立体鞋面，其特征在于：该支撑带、纬向带、经向带具不同的颜色。

5、如权利要求 1 所述的三向立体鞋面，其特征在于：该支撑带、经向带、纬向带具有相同的颜色。

6、如权利要求 1 所述的三向立体鞋面，其特征在于：该经向带、纬向带及支撑带可为皮料、塑合材料或其他材质。

7、一种三向立体鞋面布，其特征在于：包含有经向带、纬向带及一支撑带，其中，经向带及纬向带分别在经、纬向交叠后，再由支撑带与经、纬向带略呈三角关系，并以波浪状上下穿过前述的经向带及纬向带，令经向带、纬向带、支撑带交叉编织后形成一呈三角立体状结构的三向立体鞋面布。

8、如权利要求 7 所述的三向立体鞋面布，其特征在于：该经向带、纬向带及支撑带是为一编织带。

9、如权利要求 7 所述的三向立体鞋面布，其特征在于：该支撑带具有与经向带、纬向带不同的颜色。

10、如权利要求 7 所述的三向立体鞋面布，其特征在于：该支撑带、纬向带、经向带具有不同的颜色。

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11、如权利要求 7 所述的三向立体鞋面布，其特征在于：该支撑带、经向带、纬向带具有相同的颜色。

12、如权利要求 7 所述的三向立体鞋面布，其特征在于：该经向带、纬向带及支撑带可为皮料、塑合材料或其它材质。

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三向立体鞋面

所属技术领域

本发明涉及鞋子的鞋面技术领域，尤指一种具有以不同方向会呈显不同色彩及视觉变化的三向立体鞋面。

背景技术

已知传统的鞋面布，尤指编织鞋面，一般仅以简单的经、纬轴向交叉编织方式制成平面编织鞋面，此种已知鞋面布的外观较为呆板单调，若为求鞋面呈显多变化，则另需在鞋面印刷或车缝图案，商标或文字等，而此一加工方式不但步骤繁琐复杂，浪费人工增加成本，且仍无法满足时下年青人追求新鲜感的要求。

经由上述的说明可知，由于传统鞋面布的成型方式，普遍存在有呆板单调与加工繁琐、变化性不足等缺点，严重影响到鞋类产品的经济价值及竞争能力，实有彻底解决其缺点的必要。

发明内容

有鉴于此，本发明人乃以多年从事鞋类相关产品的研发与制造的经验为基础，积极寻求解决的方案，经长期努力的研究与试作，而有了本发明的三向立体鞋面的产生。

本发明主要的特征是：包含有经向带、纬向带及一支撑带，其中，经向带及纬向带分别在经、纬向交叠后，再由支撑带与经、纬向带略呈三角关系，并以波浪状上下穿过前述的经向带及纬向带，令经向带、纬向带、支撑带交叉编织后形成一呈三角立体状结构的三向立体鞋面。

本发明提供一种三向立体鞋面，其利用该一高度创作的结构，使提供鞋面具有以不同方向可观得不同色彩及视觉变化，使成品能够呈显多重变

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化的效果，以之为消费者所广泛接受，同时本发明的立体效果是编织而成，故制作步骤简易、减少人工及成本浪费，进而使成品价格降低，据此以期提高鞋子的品质及经济价值。

为使能进一步了解本发明的构成、特征及其它目的，以下乃举一较佳实施例，并配合附图详细说明如后，同时让熟习该项技术领域者能够具体实施。

附图说明

图 1 是本发明的编织平面示意图；

图 2 是本发明第一方向的立体示意图；

图 3 是本发明第二方向的立体示意图；

图 4 是本发明第三方向的立体示意图；

图 5 是本发明使用于鞋子的实施例示意图。

其中 1---经向带　　2---纬向带　　3---支撑带

具体实施方式

如图 1 所示，本发明是一种三向立体鞋面，其主要是包含有多股的经向带 1、纬向带 2 及支撑带 3，其中，经向带 1 及纬向带 2 分别在适当角度的经、纬向交叉互叠，互叠方式以经向带 1 在上纬向带 2 在下，再由支撑带 3 与经向带 1、纬向带 2 略呈三角关系，并以波浪状上下穿过前述的经向带 1 及纬向带 2，支撑带 3 的编织方式为跨越过经向带 1 之上，再往下穿设于纬向带 2 之下，如图 2 至图 4 所示，而利用前述的编织制造程序，得令经向带 1、纬向带 2、支撑带 3 交叉编织后的鞋面布，形成一呈约三角立体状的结构。

再者，本发明的经向带 1、纬向带 2 及支撑带 3 是为一编织带；或经向带 1、纬向带 2 及支撑带 3 可采用皮料、塑合材料或其它材质。

而本发明的支撑带 3 具有与经向带 1、纬向带 2 不同的颜色。

又，本发明的支撑带 3、纬向带 2、经向带 1 分别设具不同的颜色。

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而前述利用不同色彩的经向带 1、纬向带 2 及支撑带 3 制成的鞋面、鞋子可以从不同角度表现出不同的色彩及花纹变化，非常有趣。

另外，本发明的该支撑带 3、经向带 1、纬向带 2 设成相同的颜色。

如图 5 所示，而本发明经上述的编织制造程序后，除提供鞋面具有以不同方向可观得不同色彩及视觉变化外，且使得成品能够呈显多重变化的效果，以期为消费者所广泛接受，同时本发明的立体效果是编织而成，故制作步骤简易、减少人工及成本浪费，进而使成品价格降低，据此以期提高鞋子的品质及经济价值。

归纳上述的说明，本发明可有效解决传统鞋面布所致生的缺点，同时具有上述众多的效能与实用价值，因此本发明确实为一高度利用自然法则的设计，且在相同的技术领域中未见相同或近似的产品公开使用，于是提出发明专利申请。

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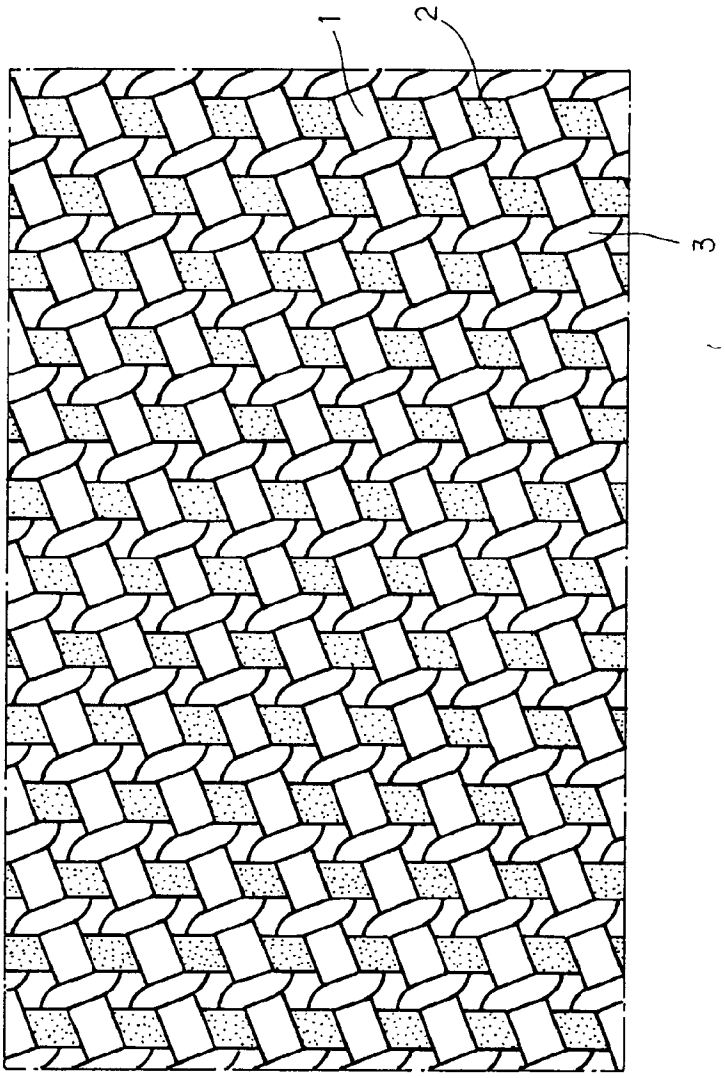


图 1

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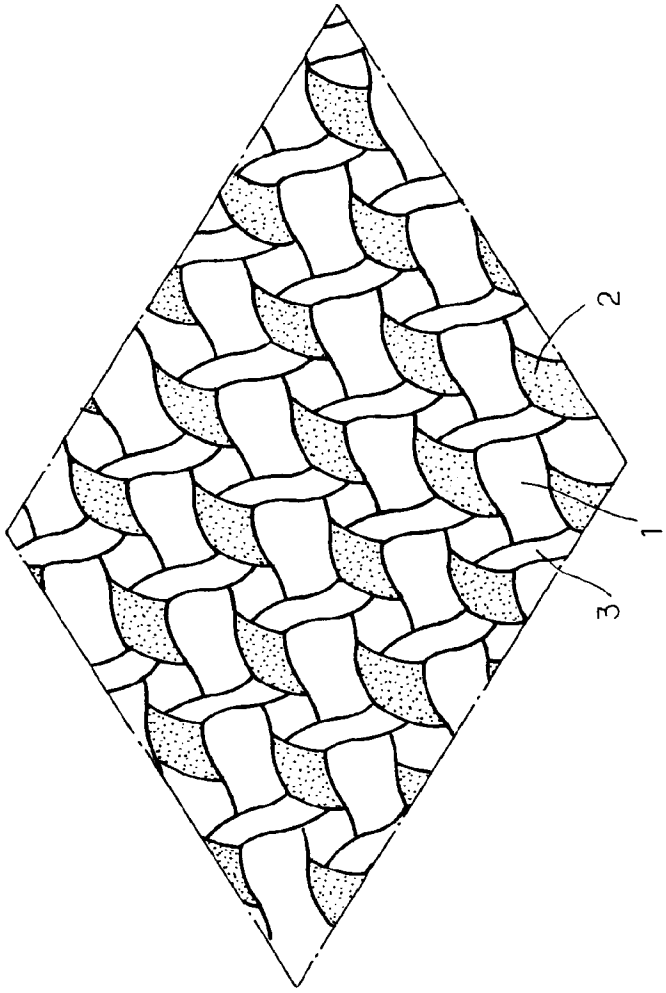


图 2

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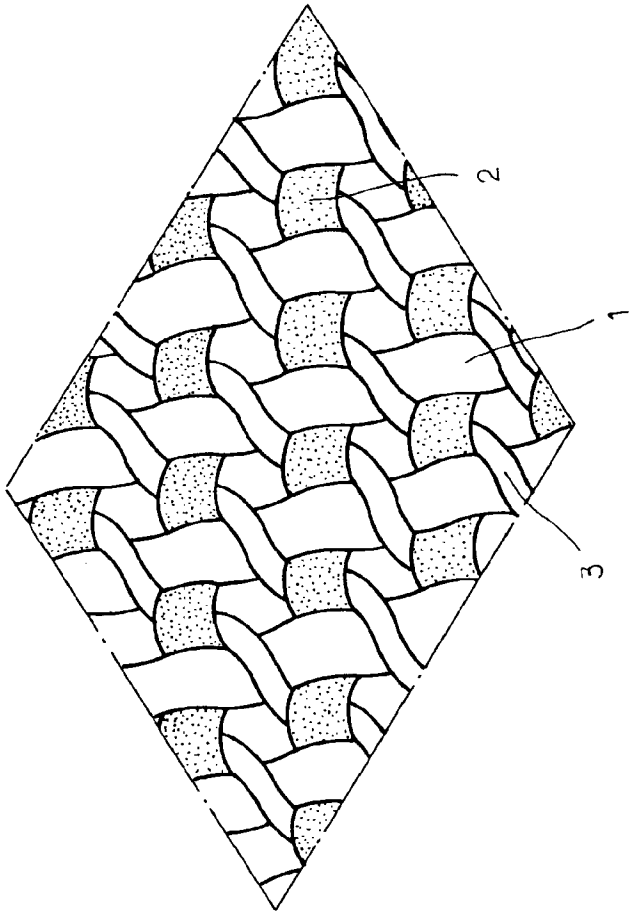


图 3

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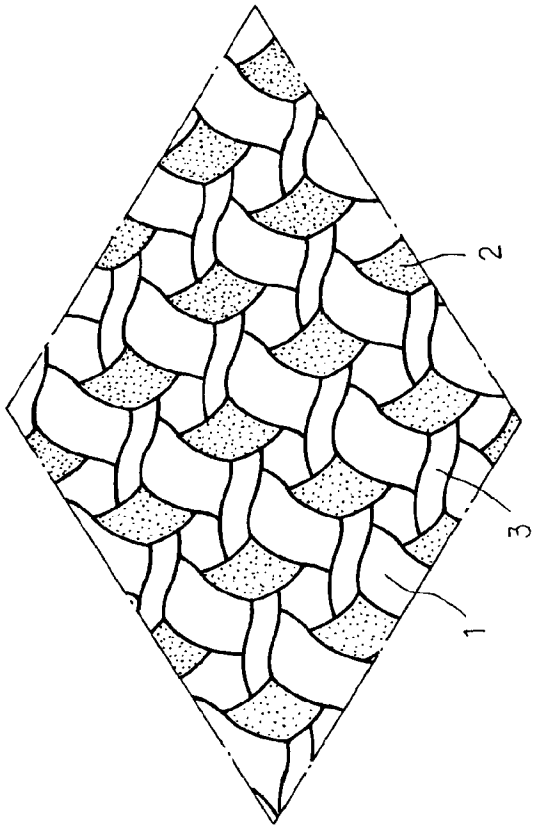


图 4

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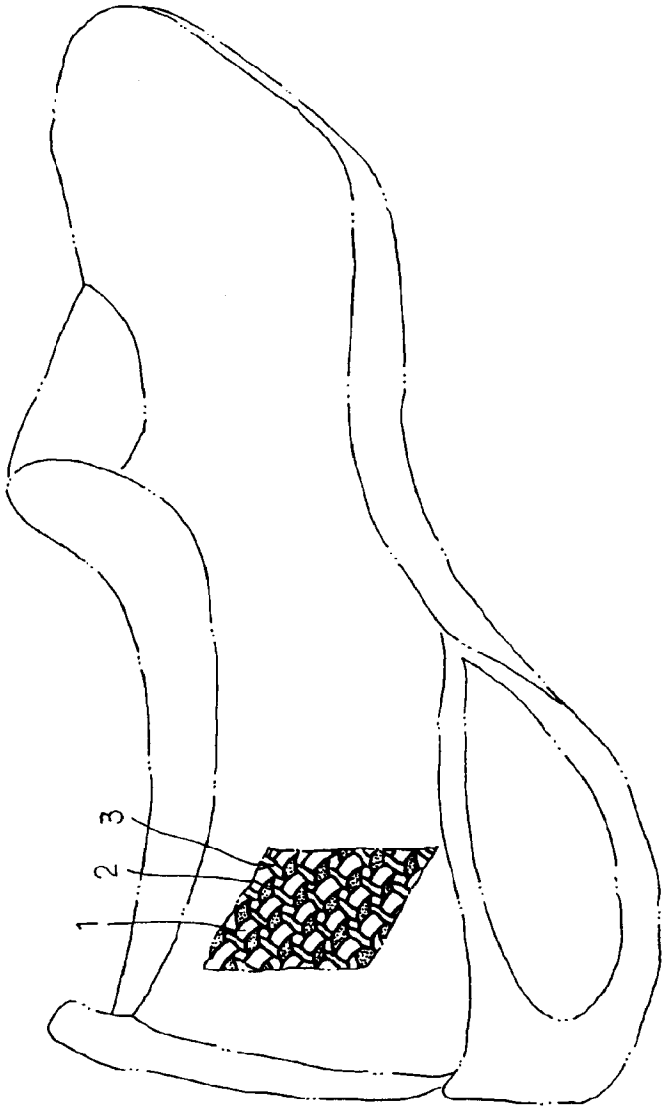


图 5

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[74] Patent agency: China Science Patent & Trademark Agent Ltd.

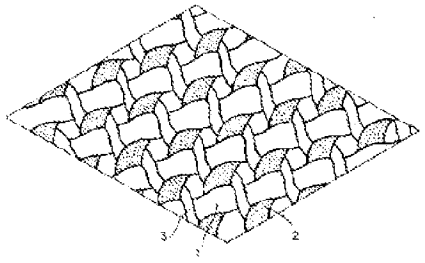
Agent: Liguang Zhu, Zhanbang Zhang

Two pages of Claims, three pages of Specification and five pages of Drawings

[54] Title of Invention 3-dimensional Vamp

[57] Abstract

The present invention provides a 3-dimensional vamp comprising a warp braid, a weft braid and a supporting braid, wherein the warp braid and weft braid are overlapped in the warp and weft directions, the supporting braid forms a slightly triangular relationship with the warp and weft braids, and wavily weaves up and down through said warp and weft braids, so that the woven warp braid, weft braid and supporting braid form a 3-dimensional vamp of triangular 3D structure. The present invention uses this structure to provide a vamp that delivers different colors and visual changes when viewed from different directions so that the finished product has the effect of a plurality of changes, which will be widely accepted by consumers, and further, the 3-dimensional effect of the present invention results from weaving, so it is easy to make and reduces labor time and costs to lower the price of the finished product and improve the quality and economic value of the shoe.



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1. A 3-dimensional vamp, characterized in that it comprises a warp braid, a weft braid and a supporting braid, wherein the warp braid and weft braid are overlapped in the warp and weft directions, the supporting braid forms a slightly triangular relationship with the warp and weft braids, and wavily weaves up and down through said warp and weft braids so that the woven warp braid, weft braid and supporting braid form an 3-dimensional vamp of approximate triangular 3D structure.

2. The 3-dimensional vamp as described in Claim 1, characterized in that said warp braid, weft braid and supporting braid are a woven braid.

3. The 3-dimensional vamp as described in Claim 1, characterized in that said supporting braid has a different color from the warp braid and weft braid.

4. The 3-dimensional vamp as described in Claim 1, characterized in that said warp braid, weft braid and supporting braid have different colors.

5. The 3-dimensional vamp as described in Claim 1, characterized in that said warp braid, weft braid and supporting braid have the same color.

6. The 3-dimensional vamp as described in Claim 1, characterized in that said warp braid, weft braid and supporting braid can be made of leather, [synthetic] plastics or other materials.

7. A 3-dimensional vamp cloth, characterized in that it comprises a warp braid, a weft braid and a supporting braid, wherein the warp braid and weft braid are overlapped in the warp and weft directions, the supporting braid forms a slightly triangular relationship with the warp and weft braids, and wavily weaves up and down through said warp and weft braids, so that the woven warp braid, weft braid and supporting braid form a 3-dimensional vamp cloth of triangular 3D structure.

8. The 3-dimensional vamp cloth as described in Claim 7, characterized in that said warp braid, weft braid and supporting braid are a woven braid.

9. The 3-dimensional vamp cloth as described in Claim 7, characterized in that said supporting braid has a different color from said warp braid and weft braid.

10. The 3-dimensional vamp cloth as described in Claim 7, characterized in that said warp braid, weft braid and supporting braid have different colors.

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11. The 3-dimensional vamp cloth as described in Claim 7, characterized in that said warp braid, weft braid and supporting braid have the same color.

12. The 3-dimensional vamp cloth as described in Claim 7, characterized in that said warp braid, weft braid and supporting braid can be made of leather, [synthetic] plastics or other materials.

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3-dimensional Vamp

Field of the Invention

The present invention relates to the technical field of shoe vamp, and more particularly to a 3-dimensional vamp which can deliver different colors and visual changes when viewed from different directions.

Background of the Invention

The prior traditional vamp cloth, particularly a woven vamp, is generally a planar woven vamp simply made by cross weaving in the warp and weft axial directions. The appearance of such prior vamp cloth is relatively dull and tedious. The only way to allow the vamp to deliver various changes is to print or mechanically sew designs, trademarks or characters onto the vamp. This processing mode not only involves complicated procedures, wastes labor time and increases costs, but also cannot meet the current requirements of the young people for the feel of fashion and novelty.

It can be seen from the above description that, the forming method of the traditional vamp cloth generally results in a dull and tedious appearance, and has a complicated process and lack of changes, which has seriously affected the economic value and competitiveness of shoe products. Therefore, there is a need to thoroughly overcome these shortcomings.

Description of the Invention

In view of this, the inventor of the present invention has been actively looking for a solution, building on years of experience in research, development and manufacture of shoe-related products, and has invented the 3-dimensional vamp after a long period of research efforts and trial making.

The present invention is characterized in that it comprises a warp braid, a weft braid and a supporting braid, wherein the warp braid and weft braid are overlapped in the warp and weft directions, the supporting braid forms a slightly triangular relationship with the warp and weft braids, and wavily weaves up and down through said warp and weft braids, so that the woven warp braid, weft braid and supporting braid form a 3-dimensional vamp of triangular 3D structure.

The present invention provides a 3-dimensional vamp which uses this highly creative structure to provide a vamp that can deliver different colors and visual changes when viewed from different directions so

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that finished product has the effect of a plurality of changes, which will be widely accepted by consumers, and further the 3-dimensional effect of the present invention results from weaving, so it is easy to make and can reduce labor time and costs to lower the price of the finished products and improve the quality and economic value of shoes.

To further understand the composition, features and other purposes of the present invention, the following single preferred embodiment is given to give detailed description in combination with the drawings, and help those who are skilled in the art to implement the present invention.

Brief Description of the Drawings

Figure 1 is a planar schematic diagram of the weaving of the present invention;
Figure 2 is a 3D schematic diagram of the first direction of the present invention;
Figure 3 is 3D schematic diagram of the second direction of the present invention;
Figure 4 is a 3D schematic diagram of the third direction of the present invention;
Figure 5 is a schematic diagram of the preferred embodiment of the present invention for use in shoes.
Where, 1 – warp braid, 2 – weft braid, 3 – supporting braid

Embodiments

As shown in Figure 1, the present invention is a 3-dimensional vamp, comprising a plurality of strands of warp braid 1, weft braid 2 and supporting braid 3, wherein, the warp braid 1 and weft braid 2 are overlapped in the warp and weft directions at an appropriate angle with the warp braid 1 on top of the weft braid 2, then the supporting braid 3 forms a slightly triangular relationship with the warp braid 1 and weft braid 2, and wavily weaves up and down through said warp braid 1 and weft braid 2 in such a way that the supporting braid 3 passes over the warp braid 1 and then passes under the weft braid 2, as shown in Figures 2 through 4, so that said weaving procedure causes the vamp cloth woven by such cross weaving of the warp braid 1, weft braid 2 and supporting braid 3 to form a 3D structure.

Furthermore, the warp braid 1, weft braid 2 and supporting braid 3 of the present invention are a woven braid; or the warp braid 1, weft braid 2 and supporting braid 3 can be made of leather, [synthetic] plastics or other materials.

The supporting braid 3 of the present invention has a different color from the warp braid 1 and weft braid 2.

In addition, the supporting braid 3, weft braid 2 and warp braid 1 of the present invention are respectively configured with different colors.

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Viewed from different angles, the vamp and shoe made of the above-mentioned warp braid 1, weft braid 2 and supporting braid 3 in different colors can deliver interestingly different color and pattern changes.

In addition, the supporting braid 3, warp braid 1 and weft braid 2 of the present invention are configured with the same color.

As shown in Figure 5, after the above-mentioned weaving process, the present invention provides a vamp showing different colors and visual changes when viewed from different directions and will also allow the finished product to have the effect of a plurality of changes, which will be widely accepted by consumers, and further, the 3-dimensional effect of the present invention results from weaving, so it is easy to make and can reduce labor time and costs to lower the price of finished products and improve the quality and economic value of the shoe.

In summary, the present invention can effectively overcome the disadvantages of a traditional vamp cloth, and has a plurality of functions and practical values as mentioned in the above. Therefore the present invention is indeed an exquisite design that makes the most of the natural laws, and the public use of the same or similar products has never been seen in this technical field, so a patent application is filed hereby.

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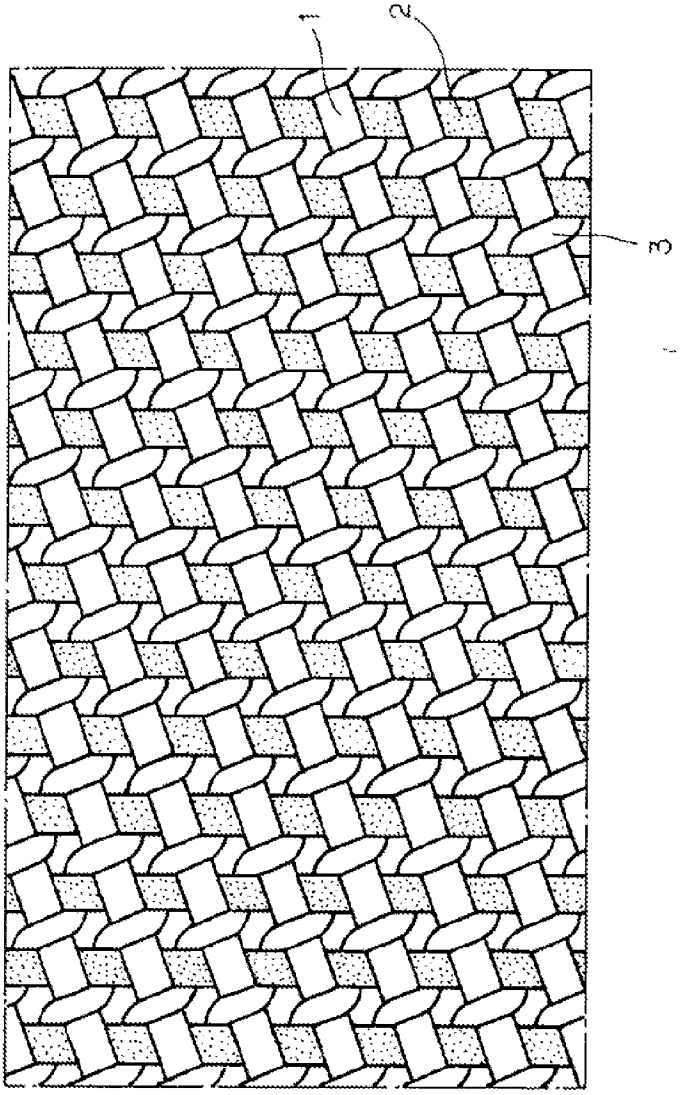


Figure 1

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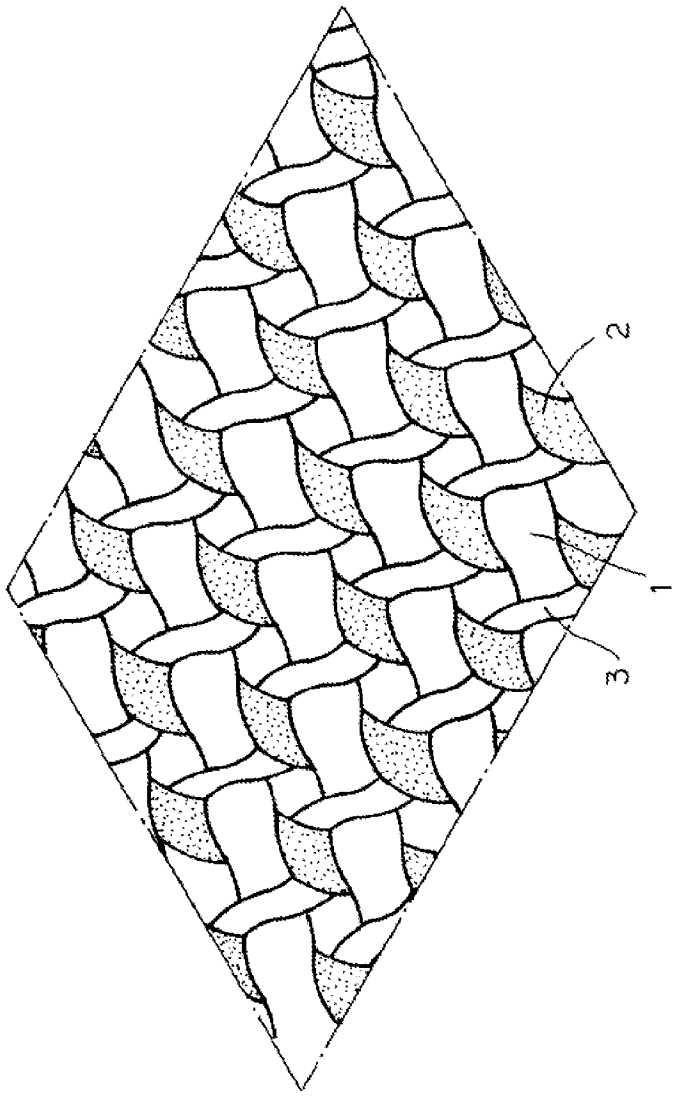


Figure 2

Skechers EX1013-p.192
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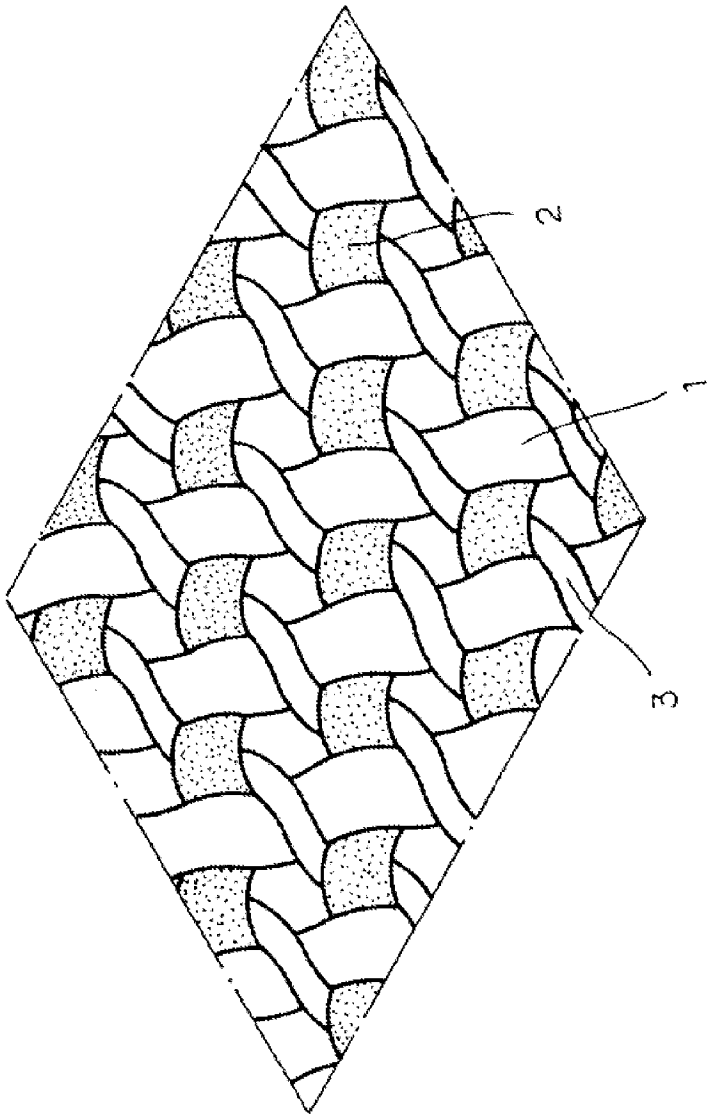


Figure 3

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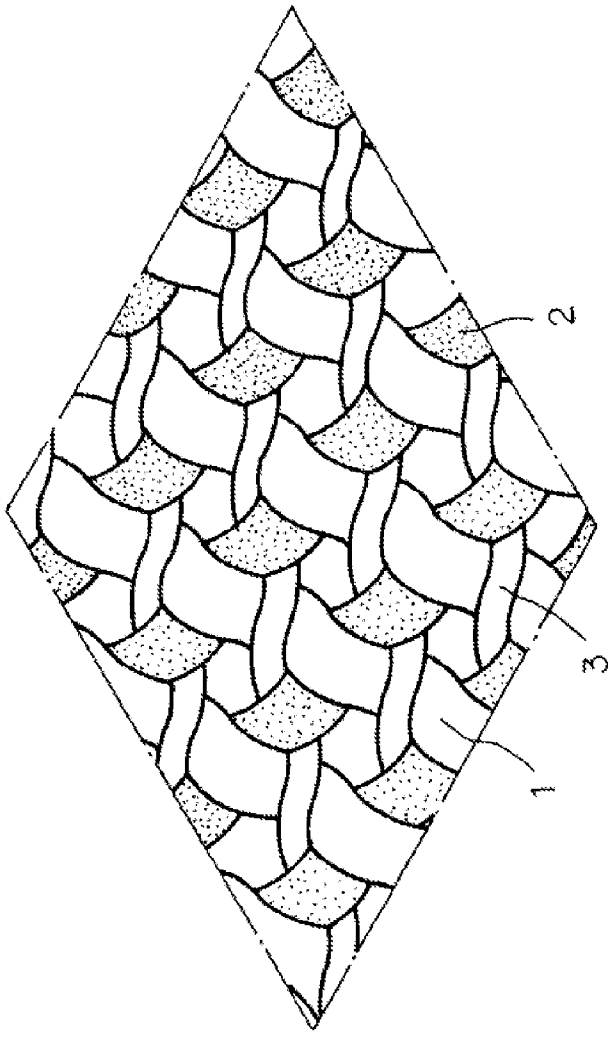


Figure 4

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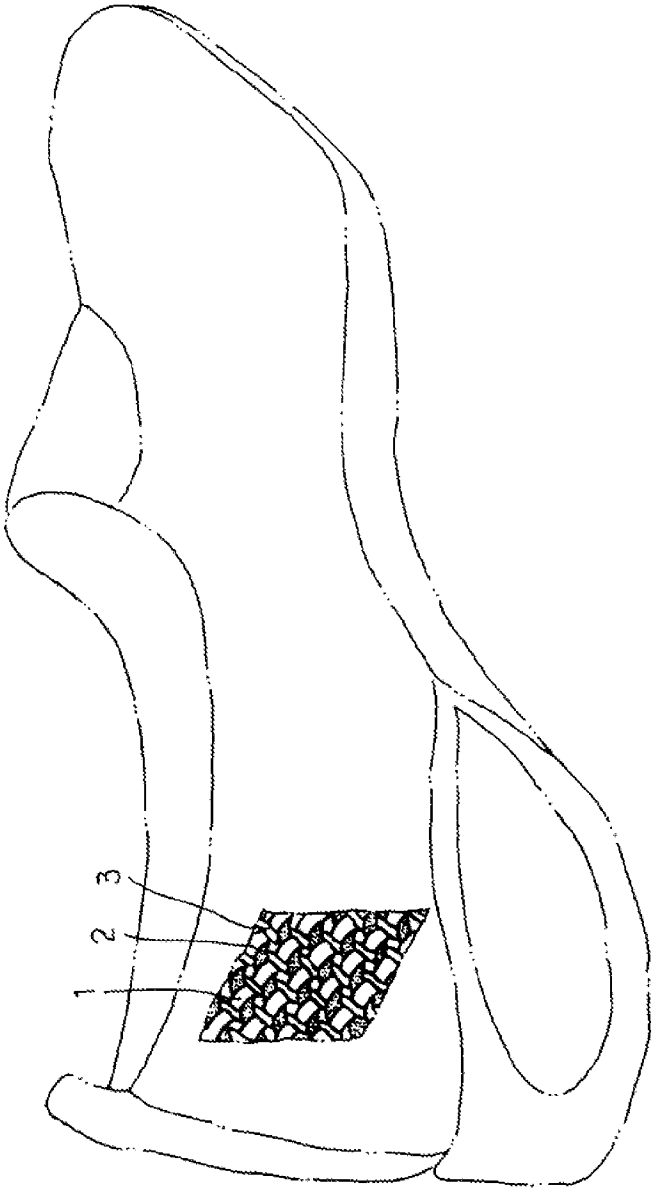


Figure 5

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1. JULI 1936

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№ 627878

KLASSE 71a GRUPPE 101

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Tag der Bekanntmachung über die Erteilung des Patents: 12. März 1936

Patentverwertung Dr. Martin Günther G. m. b. H. in Berlin

Verfahren zur Herstellung von Schuhen mit Gewebeoberteil

Patentiert im Deutschen Reiche vom 25. Oktober 1932 ab

Zur Herstellung von leichten Schuhen werden meist Gewebe verwendet, die als Dickstoffgewebe mehrschichtig ausgebildet sind.

Bei derartigen Schuhen wurden auch bereits einzelne Teile, wie Vorder- und Hinterkappen, durch miteinander verklebte Gewebebahnen versteift ausgebildet. Wenn solche Versteifungen auch durch ausgestanzte Stellen mit Luftöffnungen versehen wurden, so war dieses jedoch oft nicht ausreichend, so daß sich Fußverletzungen durch Druck und Scheuern einstellten. Man hat auch bereits nahtlos gewirkte Füßlinge als Strumpf- bzw. Schuhteile einzeln hintereinander, z. B. auf Bandwebstühlen, hergestellt oder gewirkt, die eine einheitliche Gewebestruktur bzw. Maschenbildung aufweisen.

Es sind auch bereits an einzelnen Stellen verstärkte Gewebe hergestellt worden, sowie solche, die an bestimmten Stellen als Doppelgewebe ausgebildet sind, wobei die Verstärkung durch chemisch behandelte Textilfäden, doppelte Fadenführung etwa auch zur Bildung von Mustern o. dgl. erreicht wurde.

Erfindungsgemäß sind leichte Schuhe, insbesondere Sportschuhe, dadurch hergestellt, daß der Schuhoberteil aus einem Gewebe besteht, das in zusammenhängender Reihenfolge aus Gewebestreifen verschiedener Ausgestaltung erhalten wird. Diese Gewebestreifen entsprechen in ihrer Ausbildung den für den fertigen Schuh in allen seinen Teilen erwünschten Eigenschaften an Festigkeit, Steifigkeit, Elastizität usw.

Die für die verschiedenen zusammenhängenden Gewebestreifen erwünschten Gewebeeigenschaften können dadurch erreicht werden, daß die Gewebebahn an den bestimmten Stellen mehrschichtig ausgebildet ist. Es können auch an bestimmten Stellen des Gewebes harte oder härtbare Fäden eingebracht sein, deren Lage, Anzahl und Stärke sich nach den jeweils gewünschten Eigenschaften des betreffenden Schuhteiles richtet. Insbesondere für die Kappen können bestimmte Teile des zusammenhängenden Gewebes auch als Hohlgewebe ausgebildet werden, oder es können z. B. die Ober- und Unterschichten des Gewebes an bestimmten Stellen unverbunden bleiben. In die so entstehenden Hohlräume sind dann versteifende Werkstoffe eingeschoben, die der Vorder- bzw. Hinterkappe die gewünschte Festigkeit verleihen, ohne daß sich Druckstellen oder Verletzungen durch Scheuern bilden können.

Das Gewebe, die Zuschnitte oder auch der fertige Schuh können zur Erzielung der Versteifung an bestimmten Stellen einer Nachbehandlung unterzogen werden, die sich nach dem verwendeten Textilmaterial oder den besonderen Eigenschaften der Verstärkungen richtet. Die Nachbehandlung kann eine chemische sein oder z. B. durch Druck oder Wärme erfolgen. Durch die Nachbehandlung kann gleichzeitig ein Imprägnieren, Dichten oder eine sonstige Beschaffenheitsänderung des Gewebes erzielt werden.

Die einzelnen Schuhzuschnitte werden aus den entsprechend gewebten Bahnen heraus-

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geschnitten, wobei schon bei der Gewebeherstellung auf die Lage der einzelnen zusammenhängenden und zusammenzuwebenden Gewebestreifen in bezug auf die Anordnung der Schuhzuschnitte Rücksicht genommen ist.

Durch dieses Herstellungsverfahren wird der Vorteil erreicht, daß auf der ganzen Breite eines Gewebes entsprechend viele gleiche Schuhzuschnitte hergestellt werden können. Die Anordnung der einzelnen Schuhzuschnitte ermöglicht eine gute Ausnutzung des Gewebes bei geringstem Abfall. Die Schuhzuschnitte sind vollkommen für die Anbringung der Sohle fertig, und es ist nur eine Naht an der Hinterkappe erforderlich. Es lassen sich Schuhe jeder Größe durch entsprechende Wahl der Fadenanordnung herstellen, und es können z. B. auch Muster, Kennmarken o. dgl. für die einzelnen Schuhe in der fertigen Stoffbahn aufgedruckt oder sonst aufgetragen werden.

Auf der Zeichnung ist ein Ausführungsbeispiel des Erfindungsgegenstandes wiedergegeben, bei dem die einzelnen Schuhzuschnitte in besonders zweckmäßiger Weise auf einer zusammenhängenden Gewebebahn angeordnet sind.

Abb. 1 zeigt einen schematischen Querschnitt durch die in

Abb. 2 in einer Ansicht von oben dargestellten Gewebebahn, auf der die Lage der einzelnen Schuhzuschnitte angegeben ist.

Abb. 3 zeigt einen Teil des Querschnittes nach Abb. 1 mit Angabe einer beispielsweisen Ausbildung der einzelnen zusammenhängenden und zusammengewebten Gewebestreifen.

Abb. 4 gibt einen fertigen Schuh wieder.

Die Gewebebahn 1 stellt ein zusammenhängendes Gewebe dar, das jedoch aus verschieden gebundenen und ausgestatteten Streifen I, II und III besteht. Diese Streifen werden zweckmäßig so angeordnet, daß aus ihnen ein zusammenhängender, also aus einem Stück bestehender Schuhoberteil geschnitten werden kann, bei dem dann die Streifen I, II und III an den Stellen liegen, an denen, ihrer verschiedenen Ausgestaltung entsprechend, die gewünschten Eigenschaften an dem fertigen Schuh in Erscheinung treten können.

Bei dem dargestellten Ausführungsbeispiel ist die Anordnung so getroffen, daß die Schuhoberteile 2, 3, 4 und 5 mit ihrem Kappenteil so aneinanderliegen, daß die Gewebebahn 1 möglichst rationell ausgenutzt ist.

Hierbei ist der Gewebestreifen I als Hohlgewebe ausgebildet, da er zur Herstellung der Hinterkappe dient. Um die Hinterkappe zu versteifen, kann in den Hohlraum 6 zwischen der Gewebeober- und -unterschicht 7 und 8 Versteifungsmaterial eingeschoben oder eingewebt werden.

Der Gewebestreifen I geht in den Streifen II über, der bei dem dargestellten Ausführungsbeispiel zur Bildung des Blattes und der Schuhseitenteile bestimmt ist. Dementsprechend ist das Gewebe des Streifens II elastisch und mehrschichtig ausgebildet. Der Gewebestreifen II geht in den Gewebestreifen III über, der im vorliegenden Falle zur Bildung der Vorderkappe ausgebildet ist. Bei dem gezeichneten Ausführungsbeispiel sind die Schuhoberteile 2, 3, 4 und 5 mit ihrem Spitzenteil so aneinandergelegt, daß die ganze Breite des Streifens III zur Herstellung der Vorderkappen benutzt werden kann.

Der Streifen III geht dann wieder in einen Streifen II über, an welchem sich der Gewebestreifen I ohne Unterbrechung und in entsprechender Ausbildung anschließt.

Auf diese Weise bilden zwei Streifen I, zwei Streifen II und ein Streifen III einen Geweberapport A. Für die Herstellung eines Schuhes wird also ein halber Rapport $= {}^1/_2 A$ (Abb. 3) benötigt. Es können so viele Rapporte A nebeneinander gleichzeitig hergestellt werden, wie dieses die Breite des verwendeten Webstuhles zuläßt.

Die Verbindung der einzelnen Gewebeschichten eines mehrschichtigen Gewebes kann in beliebiger Weise erfolgen; sie wird jedoch zweckmäßig, wie z. B. aus Abb. 3 ersichtlich, schon beim Weben selbst hergestellt.

Bei diesem Gewebe stellt die Schicht 7 die vollkommen gleichmäßige und glatte Oberfläche des Gewebes 1 bzw. des fertigen Schuhes dar. Zur Versteifung des Gewebestreifens III bzw. der Schicht 8 des Gewebestreifens I sind in das Gewebe Versteifungsfäden 9 eingebracht, die z. B. für die Versteifung der Hinterkappe in den meisten Fällen ausreichen dürften. Diese Versteifungsfäden sind entweder aus hartem Material hergestellt, wie z. B. die sogenannten Siriusfäden. Sie können auch mit Cellulose imprägniert und nachträglich härtbar sein. Es können auch, wenn eine Versteifung dieses Streifens gewünscht wird, in den Streifen II Versteifungsfäden eingebracht werden.

Bestehen die Versteifungsfäden aus nachträglich härtbaren Werkstoffen, so können diese in einer so großen Anzahl in das Gewebe eingebracht werden, daß bei der Härtung, die sowohl im Stoff als auch beim fertigen Schuh vorgenommen werden kann, die neben den Versteifungsfäden liegenden Textilfäden mitimprägniert und dadurch mitversteift werden, so daß eine dichte zusammenhängende Gewebeschicht entsteht. Es können auch nur bestimmte Fäden des Schuhgewebes z. B. aus Hartgarn hergestellt oder nachträglich härtbar sein. Auf diese Weise

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lassen sich alle Teile des Schuhes in der jeweils gewünschten Steifigkeit herstellen.

Die Anbringung der Schuhsohlen 10 (Abb. 4) erfolgt nach den bekannten Verfahren, und es werden auch Schnürlöcher 11, Ösen usw. in bekannter Weise an den Schuhen angebracht. Die einzelnen Schuhoberteile werden bei dem gezeichneten Ausführungsbeispiel an der Hinterkappe zusammengenäht.

Die Verteilung der einzelnen Zuschnitte 2 bis 5 auf der Gewebebahn 1 richtet sich je nach der Größe der herzustellenden Schuhe, worauf schon beim Aufbau des Gewebes Rücksicht genommen wird. Entsprechend kann der Musteraufdruck für die Schuhe im ganzen Stück vorgenommen werden, wie es auch möglich ist, gleichzeitig beim Ausstanzen entsprechende Kappen- oder Seitenteile mit gestanzten Zieröffnungen zu versehen.

Neben Sportschuhen lassen sich auch andere Fußbekleidungsstücke, wie z. B. Sandalen, Gamaschen, Überziehschuhe usw., bei denen bestimmte Stellen versteift sein sollen, in der beschriebenen Weise herstellen. Aus Abb. 4 ist die Anordnung der Gewebestreifen I, II und III ersichtlich.

Patentansprüche:

1. Verfahren zur Herstellung von Schuhen mit Gewebeoberteil, dadurch gekennzeichnet, daß der Schuhoberteil aus einem Gewebe hergestellt ist, das in fortlaufender Reihenfolge aus in Dicke und Steifigkeit für die Bildung der Vorderkappe, des Blattes, der Seitenteile und der Fersenkappe geeigneten, zusammenhängend hergestellten Gewebestreifen besteht.

2. Verfahren nach Anspruch 1, dadurch gekennzeichnet, daß die für die Herstellung der verschiedenen, zusammenhängend hergestellten Gewebestreifen erwünschte Festigkeit und Steifigkeit durch mehrschichtige Ausbildung des Gewebes erreicht ist.

3. Verfahren nach Anspruch 1 und 2, dadurch gekennzeichnet, daß in das zusammenhängende Gewebe an bestimmten Stellen harte oder härtbare Versteifungsfäden eingebracht sind.

4. Verfahren nach Anspruch 1 bis 3, dadurch gekennzeichnet, daß das zusammenhängende Gewebe z. B. an den zur Bildung der Kappen bestimmten Teilen als Hohlgewebe ausgebildet ist.

5. Verfahren nach Anspruch 1 bis 4, dadurch gekennzeichnet, daß bestimmte Gewebeteile oder der fertige Schuh zur Versteifung einer Nachbehandlung unterzogen werden, die dem Werkstoff oder der Art der Versteifungsfäden, der gewünschten Steifigkeit des Gewebes, dem Werkstoff von eingeschobenen Einlagen o. dgl. entspricht.

Hierzu 1 Blatt Zeichnungen

BERLIN. GEDRUCKT IN DER REICHSDRUCKEREI

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Zu der Patentschrift 627878

Kl. 71a Gr. 101

Abb. 1.

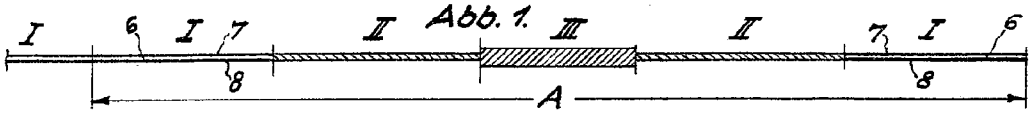


Abb. 2.

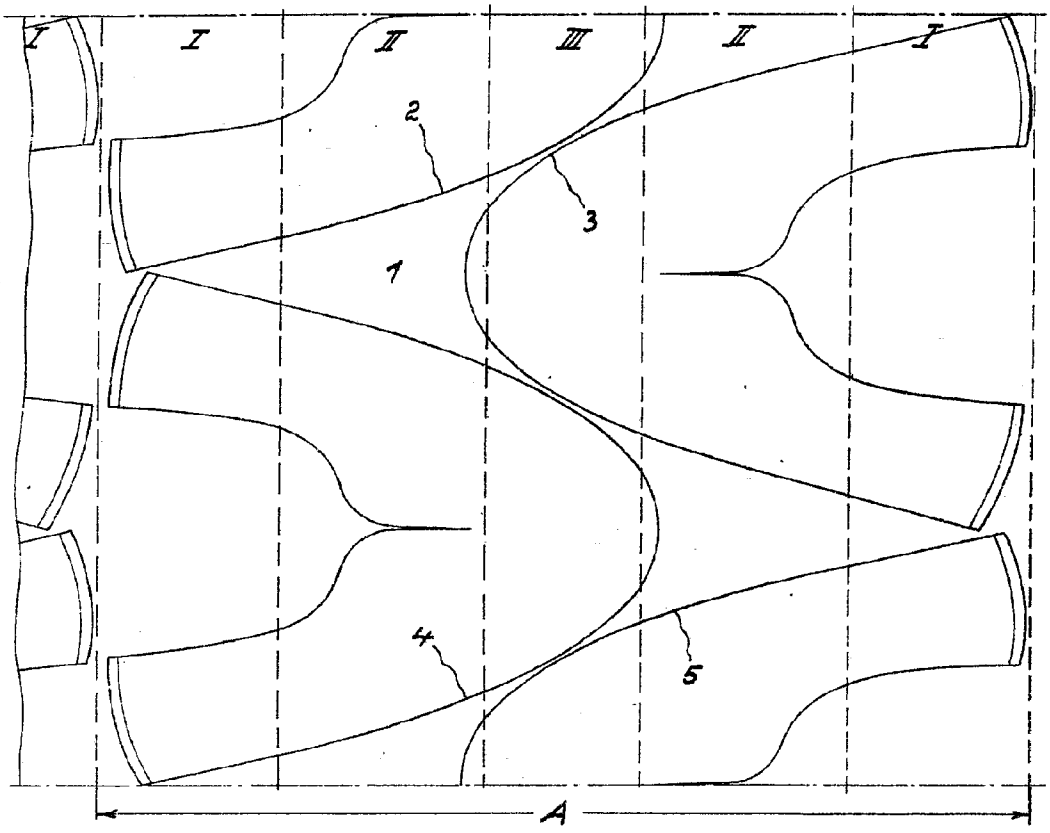


Abb. 3

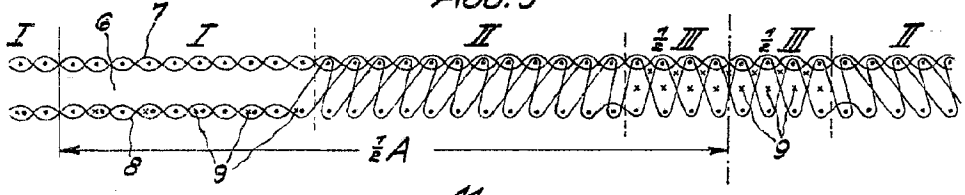
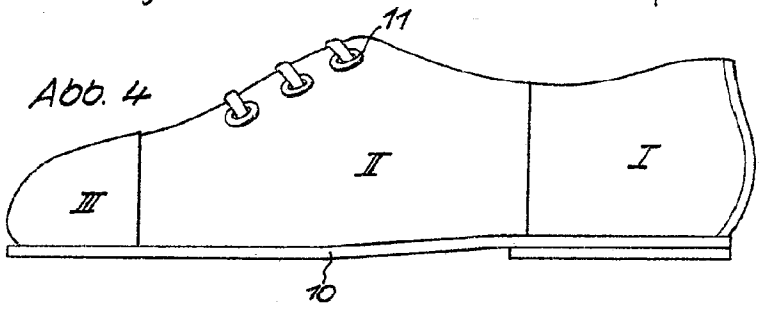


Abb. 4



Machine Translation of DE 627878 (provided by the European Patent Office)

Method to the preparation of shoes nmit fabric upper section The preparation of light shoes usually tissues become used, as Thick matter fabric multilayer formed are.

Slurry such Shoes also became reits single Parts, how Front one and rear one caps, through bonded with one another tissues clear reinforce formed. Even if such stiffeners by punched locations with air openings provide became, then however often was this not sufficient, so that itself foot injuries by pressure and shyness ern adjusted. One has also already approaches loose knitted Füsslinge as sock and/or. Shoe parts of single one behind the other, z. B. on smallwares looms, prepared or knitted, those one uniform Tissue structure and/or. Mesh education exhibit.

There is also already on single Locations amplified tissues prepared, as well as such, on particular locations as Double fabric formed is, whereby those amplifier acre kung by chemical treated textile threads, double thread guide about also to the formation of Patterns o. such. achieved became.

Is according to invention easy of shoes, in special athletic shoes, by the fact prepared that the shoe upper section out a tissue exists, that in continuous series follows from fabric strips more various from organization obtained becomes. This Gewebestrei fen corresponds in their formation for the finished shoe in everything its parts he properties at strength wished, Rigid industrial union keit; Elasticity etc. - . - . . ,. -- Those for the various are connected that Fabric strip desired fabric-own shanks can become by the fact achieved that the web at the particular locations is multilayer formed. Can do also on particular locations of the tissue hard or curable threads introduced its, of them Layer, number and starch itself after that in each case desirable properties of the respective shoe part arranges. In particular for the caps can certain parts of the continuous tissue also as hollow one fabric to be.ausgebildet, or z can do. B. the upper and lower layers of the Ge woven at particular locations remain unconnected. Into the so resultant cavities are then reinforcing materials eingescho ben, those that Front and/or. Hinterkappe those desired strength lend, without pressure points or injuries can form by scrubbing.

The tissue, those Cuts or also the finished shoe can to the achievement steifung on particular locations a after treatment to be submitted, itself after that used Fabric or properties that sonderen Reinforcement arranges. Those Post treatment can do one chemical its or z. B. by pressure or warm one pursue. By the Nachbehand lung can simultaneous its, impregnation, densities or an other condition change of the tissue achieved become.

Those. - .einzelnen_ shoe cuts become from the corresponding woven Webs - out. cut, whereby already with that. G: ewebe barking _aüf those I.age_ that single sammenhängenden and to together-weave Fabric strip in _Bezug on the arrangement of the shoe cuts Regard taken is.

By this Manufacturing method becomes the advantage achieved that on that whole Wide one a tissue corresponding many same Shoe cuts prepared to become to be able. The arrangement that singlenew Shoe cut possible a good Utilization the tissue smallest Waste. Those Thrust cuts are perfect for those Outer one. - bringing the

sole finished, and it is only, one Seam at that Hinterkappe required. Leave itself shoes of each size through speaking ent Choice of the thread arrangement ago place, and z can do. B. also patterns, Knowing marks o. such. for those single shoes in the finished Web printed or otherwise applied become.

On that Drawing is execution with play of the Invention article wiederge give, with that those eilnen Shoe cuts in particularly convenient white ones up its continuous Web arranged are.

Fig. i shows one schematic Crosswise cut through those in Abb. 2 in its top view web posed; on that those Days that single Shoe cuts indicated is.

Abb..3 shows : one Part of the Cross section after Abh. i with indication: one example-wise Formation that single are connected that. and together-woven Fabric strip.

Abb, 4 gives a finished Shoe again. Those Web i places a together suspended Tissues, however from separated bound and equipped: Strip 1,< B> 11< /B> and III existence. These strips become convenient so. arranged, that out them more continuous, thus out one Piece: more existing Shoe upper section cut become Tann, with then. those Strip, 1, IR and< B> 111< /B> because of the locations are, at those, their various Embodiment entspre. chend, those desirable properties at that finished shoe in Step appearance can.

With the represented Embodiment is those Arrangement so, met. that. those Shoe upper sections A, 3, 4 and 5 with their, Cap member so anessnanderhegen; that those. Ge. honeycomb course i as rationally as possible utilized is.

Here the fabric strip is 1 as hollow one fabric _ formed, there it to Preparation that Hinterkappe serves. Over, those Rear cap too reinforce, can into that Cavity: 6 between that Fabric upper and - lower layer 7 and & Reinforcement material eiugescheban: or eiagew--bt. become. The fabric strip I goes into the strip II over, with the represented Ausfüh rungsbeispiel to the formation of the Sheet and that Shoe side parts certain is. Dementia speaking is the tissue of the strip II elastic and multilayer formed. The fabric strip IL goes into the fabric strip III over, which is in present cases to image dung of the Vorderkappe formed. that. drawn Embodiment are those Shoe upper sections A, 3, and 5 with their Tip portion so together-placed, that the whole Freite of the Strip III to Preparation that Vorderkappen used will can.

The strip III goes then again in one Strip II over, at which itself that Ge weave-mature 1 without Interruption and in corresponding formation attaches.

In this way form two strips I, two Strip II and a strip III one GeweberapportA. For the preparation one Shoe becomes, thus . half Rapport =1/2 A (Abb.3) required. So many can do RapporteA next to each other simultaneous provided becomes ago, how this the width of the used loom permits.

Those Compound that single Gecvebe laminate one multilayer tissue can in more arbitrary Manner take place; it becomes however convenient, like z. B. out Fig. 3 it obviously, already with. Woven even herge places.

With this tissue the layer places; the perfect uniform and smooth Upper the flat tissue i and/or. the finished shoe. To Stiffener tissues of the strip III and/or. the layer 8 of the Fabric strip I are in the tissue Reinforcement threads g. introduced, the z. B. for those En steifung the Hinterkappe in most Cases to be sufficient might. This Verstei fungsfäden are more.entweder from hard Material prepared, like z. B:. those so called Sirius RTI ID= " 0002,0239 " WI= " 10 " HE= " 3 " LX= " 1218 " LY= " 1835 "> threads. It can also with Cellulose in prägniert and later curable its. It roughened, also, if a stiffener of this Strip desired becomes, in the strips II Reinforcement threads introduced become.

Exist those Reinforcement threads out post träglich curable Materials, then can these into one so large number into the Ge woven introduced become, that with the Här tung, - both in Fabric and with finished shoe made become: can, beside that Reinforcement threads located Textile threads along-impregnated and thereby along are reinforced, so that one dense zusam menhängende Fabric layer develops. Can do also only certain threads of the Shoe fabric z. B. out Hard yarn prepared or later more curable its. Up this Manner leave themselves all parts of the shoe in desired in each case Rigidity manufacture.

Those Mounting of the shoe soles i o (Fig. 4.) made after the prior art methods, and it become also tying holes i i, C) sen etc. in more known Manner at the shoes ange broke. Those single shoe upper sections become with the drawn Embodiment at the Hinterkappe together-sewn.

The distribution that : single cuts 2 to 5 on the web i arranges itself depending upon the size of the shoes which can be manufactured, on which already with the structure of the tissue regard taken becomes. Corresponding one can the sample print for those Shoes in whole piece made become, like it also possible are, simultaneous with out punch corresponding cap or Side divide with punched Zieröffnungen to see.

planar, athletic shoes leave themselves also different N< B> N< /B> Pieces of footwear, like z. B. Sandalen, Lower jaws, Covering shoes etc., with those particular locations to be reinforced are, manufacture in the described manner. Out Fig. q. the arrangement of the fabric strips is I, II and III apparent.

CLAIMS: i. Method to the preparation of shoes also Fabric upper section, thereby ge marks that the shoe upper section out one Tissue prepared is, .in away current sequence out in thickness and Rigidity for those Formation that front one cap, the sheet, that Side portions and that Heel cap suitable, continuous prepared Fabric strip exists. 2. Process according to claim i, thereby characterized that for the Herstel lung that various, continuous prepared Fabric strip desired strength and Rigidity through more schichtige formation of the tissue it is enough is. 3. Process according to claim i and 2, thereby characterized that into that sammenhängende Tissue on certain Locations hard or curable Reinforcement threads introduced are. q. Process according to claim i to 3, characterised in that the zusam menhängende tissue z. B. to to Formation of the caps certain parts as hollow fabrics formed is. 5. Process according to claim i to g 1, there through characterized that certain Ge weave-hurries or the finished shoe to steifung a post treatment to be submitted, those that Material or the type of the reinforcement threads, the desired Rigidity of the Tissue, that Material of pushed in Inserts o. such. ent speaks.

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
BANNER & WITCOFF, LTD.
Attn. Kuzara, Byron S.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
UNITED STATES OF AMERICA

005745.00439
DOCKETED
MAY 27 2005

ARTICLE 19 AMEND DUE 7/19/05
DEMAND/RESPONSE TO WRITTEN OPINION DUE 1/3/06

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 005745.00439	Date of mailing *(day/month/year)* 19/05/2005 **FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US2005/004776	International filing date *(day/month/year)* 16/02/2005
Applicant NIKE, INC.	

1. [x] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 740.14.35

   For more detailed instructions, see the notes on the accompanying sheet.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   [ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Louis Kainde

Form PCT/ISA/220 (January 2004) *(See notes on accompanying sheet)*

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international pbulication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

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The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped),whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

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PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
005745.00439		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2005/004776	16/02/2005	03/03/2004
Applicant		
NIKE, INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language,** the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
      [ ] The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
   b. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. [ ] **Certain claims were found unsearchable** (See Box II).

3. [ ] **Unity of invention is lacking** (see Box III).

4. With regard to the **title,**
   [X] the text is approved as submitted by the applicant.
   [ ] the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   [X] the text is approved as submitted by the applicant.
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings,**
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      [X] as suggested by the applicant.
      [ ] as selected by this Authority, because the applicant failed to suggest a figure.
      [ ] as selected by this Authority, because this figure better characterizes the invention.
   b. [ ] none of the figures is to be published with the abstract.

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A43B1/04 A43B9/02 A43B23/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A43B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5 345 638 A (NISHIDA ET AL) 13 September 1994 (1994-09-13) column 3, line 6 - column 5, line 62; figures ----- -/--	1-7, 11-17, 19,20, 24-30, 32-37, 39,41, 44-49, 58,62-67

[X] Further documents are listed in the continuation of box C.

[X] Patent family members are listed in annex.

° Special categories of cited documents :

'A' document defining the general state of the art which is not considered to be of particular relevance

'E' earlier document but published on or after the international filing date

'L' document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

'O' document referring to an oral disclosure, use, exhibition or other means

'P' document published prior to the international filing date but later than the priority date claimed

'T' later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

'X' document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

'Y' document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

'&' document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
11 May 2005	19/05/2005

Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Cianci, S

1

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Skechers v Nike

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 90/03744 A (RBFPT, INC) 19 April 1990 (1990-04-19) page 6, line 30 - page 8, line 25 page 9, line 26 - page 10, line 31 page 16, line 5 - line 16 figures 3,8,9	1-7, 11-17, 19,20, 24-30, 32-37, 39,41, 44-49, 58,62-67
P,A	EP 1 437 057 A (MIZUNO CORPORATION) 14 July 2004 (2004-07-14) the whole document	1,7-10, 20,21, 40,41, 43,47
A	GB 1 539 886 A (ASHWORTHS LTD) 7 February 1979 (1979-02-07) the whole document	1,20,28, 41

1

Skechers EX1013-p.208
Skechers v Nike

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5345638 A	13-09-1994	AU 1977192 A	12-01-1993
		CN 1067566 A	06-01-1993
		WO 9222223 A1	23-12-1992
WO 9003744 A	19-04-1990	AU 4425889 A	01-05-1990
		CA 2000090 A1	03-04-1990
		EP 0436659 A1	17-07-1991
		JP 4505107 T	10-09-1992
		WO 9003744 A1	19-04-1990
EP 1437057 A	14-07-2004	JP 2004230151 A	19-08-2004
		CN 1518910 A	11-08-2004
		EP 1437057 A1	14-07-2004
		US 2005081402 A1	21-04-2005
GB 1539886 A	07-02-1979	NONE	

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

22910 7590 11/09/2011
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER	
PATTERSON, MARIE D	
ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
11/09/2011	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.	Applicant(s)	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

-- 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 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 _____.

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) 1-22 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) _____ is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-21, drawn to a method of making a footwear element, classified in class 12, subclass 146C.

II. Claim 22, drawn to an article of footwear, classified in class 36, subclass 9R.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the footwear could be made from a textile made by a weaving maching, by hand, or any other method instead of the method claimed requiring a circular knitting machine.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply: while the searches may overlap the search would be burdensome and longer because the examiner would need to search for each distinct inventions or variations. Furthermore, the search is only part of the examination process, the MPEP 803 states "If the search and examination of all the claims in an application can be made without serious burden". The examination of the application would be burdensome because the examiner would be required to apply art

and rejections to the additional claims directed towards each distinct and different invention.. It is noted that in claim 22 the phrase "simultaneously knitted with a surrounding textile structure...." is considered a recitation of product by process and a comparison of the recited process with the prior art processes does NOT serve to resolve the issue concerning patentability of the product. In re Fessman, 489 F2d 742, 180 U.S.P.Q. 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 U.S.P.Q. 161 (CCPA 1964). In an ex parte case, product-by-process claims are not construed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15, see footnote 3 (CCPA 1976).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

1. 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). Other useful information can be obtained at the PTO Home Page at www.uspto.gov.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at *(571)273-8300* **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3765 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

/Marie Patterson/
Primary Examiner
Art Unit 3765

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	
Bhupesh DUA, et al.	Examiner: Marie D. Patterson
Appln. No. 13/236,742	Group Art Unit: 3765
Filed: September 20, 2011	Confirmation No.: 5214
For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	Attorney Docket No.: 005127.01675

RESPONSE TO RESTRICTION REQUIREMENT

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

Sir:

In response to the Restriction Requirement mailed November 9, 2011, Applicant submits the following:

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

AMENDMENTS TO THE CLAIMS

Please replace all previous listings of the claims with the following:

1. (Original) A method of manufacturing an article of footwear, the method comprising:

simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;

removing the knitted textile element from the surrounding knitted textile structure;

incorporating the knitted textile element into the article of footwear.

2. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes simultaneously knitting a plurality of textile elements.

3. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile includes knitting an outline of the knitted textile element.

4. (Original) The method of claim 3, wherein the outline has the shape and proportion of the knitted textile element.

5. (Original) The method of claim 1, wherein the knitted textile element has a substantially planar configuration upon removal from the surrounding knitted textile structure.

6. (Original) The method of claim 1, wherein the knitted textile element includes longitudinal edges formed when the knitted textile element is removed from the surrounding knitted textile structure.

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7. (Original) The method of claim 6, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

8. (Original) The method of claim 1, wherein the knitted textile element has a plurality of different knitted textures formed by varying at least one of the stitch type and the yarn type.

9. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a wide-tube circular knitting machine.

10. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

11. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes forming the knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the knitted textile element.

12. (Original) The method of claim 1, wherein incorporating the knitted textile element into the article of footwear includes securing edges of the knitted textile element to form a seam that extends along a lower region of an upper and securing the upper to a sole structure.

13. A method of manufacturing an article of footwear, the method comprising:

knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first

portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure,

varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions;

removing the first and second knitted textile elements from the knitted textile structure;

incorporating at least one of the first and second knitted textile elements into the article of footwear.

14. (Original) The method of claim 13, wherein knitting a first textile knitted element simultaneously with a surrounding knitted textile structure includes knitting an outline of the first knitted textile element.

15. (Original) The method of claim 13, wherein the first and second textile knitted elements have substantially planar configurations upon removal from the surrounding knitted textile structure.

16. (Original) The method of claim 13, wherein the first knitted textile element includes longitudinal edges formed when the first knitted textile element is removed from the surrounding knitted textile structure.

17. (Original) The method of claim 16, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

18. (Original) The method of claim 16, wherein incorporating the first knitted textile element into the article of footwear includes securing the longitudinal edges of the first knitted textile element to form a seam that extends along a lower region of an upper.

19. (Original) The method of claim 13, wherein knitting the first and second knitted textile elements simultaneously with a surrounding knitted textile structure includes utilizing a wide-tube circular knitting machine.

20. (Original) The method of claim 13, wherein knitting the first and second textile knitted elements simultaneously with a surrounding knitted textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

21. (Original) The method of claim 13, wherein knitting the first knitted textile element simultaneously with a surrounding knitted textile structure includes forming the first knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the first knitted textile element.

22. (Withdrawn) An article of footwear comprising:

an upper including a textile element simultaneously knitted with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure, the knitted textile element being removed from the surrounding knitted textile structure; and

the upper secured to a sole structure.

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REMARKS

Status of the Claims:

Claims 1-22 are pending and subject to a restriction requirement. Claim 22 has been withdrawn from consideration.

Restriction Requirement:

In the Office Action, dated November 9, 2011, the Examiner presented a restriction requirement. Specifically, restriction to one of the following inventions was required under 35 USC 121:

Group I: claims 1-21, drawn to a method of making a footwear element, classified in class 12;

Group II: claim 22, drawn to an article of footwear, classified in class 36.

Applicant elects Group I: claims 1-21.

Applicant's elections are without prejudice or admission with respect to the Applicant's rights to re-file the withdrawn claims in a continuing or divisional application.

Applicant believes that these elections are fully responsive to the Office Action. If, however, further information is needed, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: November 16, 2011

By: / Jeanne M. Tanner/
Jeanne M. Tanner
Reg. No. 45,156

28 State St., Suite 1800
Boston, MA 02109-1701
617-720-9600

Electronic Acknowledgement Receipt

EFS ID:	11418128
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	16-NOV-2011
Filing Date:	20-SEP-2011
Time Stamp:	13:22:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		005127-01675_Response-to-Restriction.pdf	92408 737064581cfb7e72f578ae906f74de8d35cddb65	yes	6

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response to Election / Restriction Filed	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	6
Warnings:			
Information:			
	Total Files Size (in bytes):	92408	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/236,742	Filing Date 09/20/2011	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	22 minus 20 =	* 2	X $ =		OR	X $52 =	104
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	* 0	X $ =			X $220 =	0
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 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			TOTAL	104

APPLICATION AS AMENDED – PART II

AMENDMENT		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	11/16/2011	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 22	Minus	** 22	= 0	X $ =		OR	X $60=	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $ =		OR	X $250=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	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.

Legal Instrument Examiner:
/YUVANNA CHAPHIV/

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.

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22910 e 2011-11-21

BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

Paper No.

Application No.:	**13/236,742**	**Date Mailed:**	**2011-11-21**
First Named Inventor:	Dua, Bhupesh,	Examiner:	PATTERSON, MARIE D
Attorney Docket No.:	005127.01675	Art Unit:	3765
Confirmation No.:	5214	Filing Date:	2011-09-20

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

Commissioner for Patents

PTO-90c (Rev.08-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 13/236,742	Applicant(s) DUA ET AL.
		Art Unit 3600

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

The amendment document filed on *16 November, 2011* is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: *Claim13 is missing a status identifier*.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period if the non-compliant amendment is an** after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /YUVANNA CHAPHIV/ Telephone No: (571)272-9428

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	
Bhupesh DUA, et al.	Examiner: Marie D. Patterson
Appln. No. 13/236,742	Group Art Unit: 3765
Filed: September 20, 2011	Confirmation No.: 5214
For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	Attorney Docket No.: 005127.01675

RESPONSE TO RESTRICTION REQUIREMENT

and

NOTICE OF NON-COMPLIANT AMENDMENT

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

Sir:

In response to the Restriction Requirement mailed November 9, 2011 and the Notice of Non-Compliant Amendment mailed November 21, 2011, Applicant submits the following:

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

In response to the Notice of Non-Compliant Amendment, Applicants have added a proper status identifier to claim 13.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

AMENDMENTS TO THE CLAIMS

Please replace all previous listings of the claims with the following:

1. (Original) A method of manufacturing an article of footwear, the method comprising:

simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;

removing the knitted textile element from the surrounding knitted textile structure;

incorporating the knitted textile element into the article of footwear.

2. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes simultaneously knitting a plurality of textile elements.

3. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile includes knitting an outline of the knitted textile element.

4. (Original) The method of claim 3, wherein the outline has the shape and proportion of the knitted textile element.

5. (Original) The method of claim 1, wherein the knitted textile element has a substantially planar configuration upon removal from the surrounding knitted textile structure.

6. (Original) The method of claim 1, wherein the knitted textile element includes longitudinal edges formed when the knitted textile element is removed from the surrounding knitted textile structure.

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Skechers v Nike

7. (Original) The method of claim 6, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

8. (Original) The method of claim 1, wherein the knitted textile element has a plurality of different knitted textures formed by varying at least one of the stitch type and the yarn type.

9. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a wide-tube circular knitting machine.

10. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

11. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes forming the knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the knitted textile element.

12. (Original) The method of claim 1, wherein incorporating the knitted textile element into the article of footwear includes securing edges of the knitted textile element to form a seam that extends along a lower region of an upper and securing the upper to a sole structure.

13. (Original) A method of manufacturing an article of footwear, the method comprising:

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Skechers v Nike

knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure,

varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions;

removing the first and second knitted textile elements from the knitted textile structure;

incorporating at least one of the first and second knitted textile elements into the article of footwear.

14. (Original) The method of claim 13, wherein knitting a first textile knitted element simultaneously with a surrounding knitted textile structure includes knitting an outline of the first knitted textile element.

15. (Original) The method of claim 13, wherein the first and second textile knitted elements have substantially planar configurations upon removal from the surrounding knitted textile structure.

16. (Original) The method of claim 13, wherein the first knitted textile element includes longitudinal edges formed when the first knitted textile element is removed from the surrounding knitted textile structure.

17. (Original) The method of claim 16, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

18. (Original) The method of claim 16, wherein incorporating the first knitted textile element into the article of footwear includes securing the longitudinal edges of the first knitted textile element to form a seam that extends along a lower region of an upper.

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Skechers v Nike

19. (Original) The method of claim 13, wherein knitting the first and second knitted textile elements simultaneously with a surrounding knitted textile structure includes utilizing a wide-tube circular knitting machine.

20. (Original) The method of claim 13, wherein knitting the first and second textile knitted elements simultaneously with a surrounding knitted textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

21. (Original) The method of claim 13, wherein knitting the first knitted textile element simultaneously with a surrounding knitted textile structure includes forming the first knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the first knitted textile element.

22. (Withdrawn) An article of footwear comprising:

an upper including a textile element simultaneously knitted with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure, the knitted textile element being removed from the surrounding knitted textile structure; and

the upper secured to a sole structure.

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Skechers v Nike

REMARKS

Status of the Claims:

Claims 1-22 are pending and subject to a restriction requirement. Claim 22 has been withdrawn from consideration.

Restriction Requirement:

In the Office Action, dated November 9, 2011, the Examiner presented a restriction requirement. Specifically, restriction to one of the following inventions was required under 35 USC 121:

Group I: claims 1-21, drawn to a method of making a footwear element, classified in class 12;

Group II: claim 22, drawn to an article of footwear, classified in class 36.

Applicant elects Group I: claims 1-21.

Applicant's elections are without prejudice or admission with respect to the Applicant's rights to re-file the withdrawn claims in a continuing or divisional application.

Applicant believes that these elections are fully responsive to the Office Action. If, however, further information is needed, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: November 28, 2011

By: / Jeanne M. Tanner/
Jeanne M. Tanner
Reg. No. 45,156

28 State St., Suite 1800
Boston, MA 02109-1701
617-720-9600

Skechers EX1013-p.231
Skechers v Nike

Electronic Acknowledgement Receipt

EFS ID:	11485627
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	28-NOV-2011
Filing Date:	20-SEP-2011
Time Stamp:	14:43:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		005127-01675_Response-to-Notice-of-Non-Compliant-Amendment.pdf	93033 47dc58e1522c466d9ebac7f1aa95b0d4c36aa1db	yes	6

	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	6
Warnings:			
Information:			
	Total Files Size (in bytes):	93033	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/236,742	Filing Date 09/20/2011	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	11/28/2011	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 22	Minus	** 22	= 0	X $ =		OR	X $60=	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $ =		OR	X $250=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	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.

Legal Instrument Examiner:
/LASHAWN MARKS/

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
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

22910 7590 12/12/2011
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER	
PATTERSON, MARIE D	
ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
12/12/2011	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.	Applicant(s)	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *28 November 2011*.

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) *1-22* is/are pending in the application.

5a) Of the above claim(s) *22* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/19/11*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election of Group I in the reply filed on 11/28/11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/28/11.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 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.

4. Claims 1-8, 11-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishida (5345638).

Nishida shows a process for producing a shoe comprising simultaneously knitting a textile element (3) with a surrounding textile structure (1 and 4), the elements are removed from the surrounding textile and the longitudinal edges that are joined together (7 and 8) and a sole attached thereto (see figure 3) as claimed. In reference to different textures, yarns, stitches, Nishids teaches such for example in column 3 lines 15-25.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-21 are rejected on the ground of nonstatutory double patenting over claims 1-14 of U. S. Patent No. 7814598 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: both claim a method of knitting a textile, removing an element from the textile, the element having different textures, and incorporating such into footwear.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See MPEP § 804.

Allowable Subject Matter

7. Claims 9, 10, 19, and 20 would be allowed, subject to the filing of a proper Terminal Disclaimer.

1. 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). Other useful information can be obtained at the PTO Home Page at www.uspto.gov.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at *(571)273-8300* **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3765 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

/Marie Patterson/
Primary Examiner
Art Unit 3765

Notice of References Cited	Application/Control No. 13/236,742	Applicant(s)/Patent Under Reexamination DUA ET AL.	
	Examiner MARIE PATTERSON	Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,467,237 A	04-1949	SHERMAN ROY E et al.	12/142G
	B	US-			
	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	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.

Search Notes	Application/Control No.	Applicant(s)/Patent under Reexamination	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

SEARCHED			
Class	Subclass	Date	Examiner
012	146C, 142G	12/7/2011	/MP/
036	45, 10,	12/7/2011	/MP/
036	55,3A	12/7/2011	/MP/

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Consulted Parent Applications	12/7/2011	/MP/

PTO/SB/08a (01-10)
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	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

U.S.PATENTS						Remove
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	2147197	A	1936-11-25	Glidden	
	2	4211806	A	1980-07-08	Civardi et al.	
	3	4255949	A	1981-03-17	Thorneburg	
	4	4373361	A	1983-02-15	Thorneburg	
	5	4447967	A	1984-05-15	Zaino	
	6	4607439	A	1986-08-26	Harada	
	7	4785558	A	1988-11-22	Shiomura	
	8	4813158	A	1989-03-21	Brown	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	9	5345638	A	1994-09-13	Nishida	
	10	1888172	A	1932-06-06	Joha	
	11	1902780	A	1933-03-21	Holden, et al.	
	12	1910251	A	1933-05-23	Joha	
	13	2001293	A	1935-05-14	Wallace	
	14	2400692	A	1946-05-21	Herbert	
	15	2641004	A	1953-06-09	Ronyan, et al.	
	16	3694940	A	1972-10-03	Stohr	
	17	6558784	B1	2003-05-06	Norton, et al.	
	18	6910288	B2	2004-06-28	Dua	
	19	6931762	B1	2005-08-23	Dua	

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	20	1597934	A	1926-08-31	Stimpson	
	21	2330199	A	1943-09-28	Basch	
	22	2586045	A	1952-02-19	Hoza	
	23	2675631	A	1954-04-20	Doughty	
	24	4317292	A	1982-03-02	Melton	
	25	5461884	A	1995-10-31	McCartney, et al.	
	26	5511323	A	1996-04-30	Dahlgren	
	27	5746013	A	1998-05-05	Fay, Sr.	
	28	7051460	B2	2006-05-30	Orei, et al.	
	29	2047724	A	1936-07-14	Zuckerman	
	30	5095720	A	1992-03-17	Tibbals, Jr.	

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	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	31	5353524	A	1994-10-11	Brier	
	32	5735145	A	1998-04-07	Pernick	
	33	6308438	B1	2001-10-30	Throneburg, et al.	
	34	7016867	B2	2006-03-21	Lyden	
	35	7107235	B2	2006-09-12	Lyden	
	36	2701458	A	1955-02-08	Ducharme	
	37	7347011	B2	2008-03-25	Dua et al.	
	38	7814598	B2	2010-10-19	Dua et al.	
	39	2314098	A	1943-03-16	McDonald	
	40	2538673	A	1951-01-16	Donahue	
	41	4276671	A	1981-07-07	Melton	

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	Examiner Name	TBA
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	42	4852272	A	1989-08-01	Chilewich et al.	
	43	5323627	A	1994-06-28	Lonati et al.	
	44	7207196	B2	2007-04-24	Lonati et al.	

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U.S.PATENT APPLICATION PUBLICATIONS Remove

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
	1	20040118018	A1	2004-06-24	Dua	
	2	20020078599	A1	2002-06-27	Delgorgue, et al.	
	3	20030126762	A1	2003-07-10	Tseng	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	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	90/03744	WO		1990-04-19	RBFPT, Inc.		☐

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	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	2	1437057	EP		2004-07-14	Mizuno Corp.		☐
	3	1539886	GB		1979-02-07	Ashworths Ltd.		☐
	4	1067566	CN		1993-01-06	Puma AG		☒
	5	1411762	CN		2003-04-23	Taiwan Baihe Industry Co., Ltd.		☒
	6	1429512	CN		2003-07-16	Taiwan Baihe Industry Co., Ltd.		☒
	7	627878	DE		1936-03-12	Gunther GmbH	Machine Translation Only	☒

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NON-PATENT LITERATURE DOCUMENTS Remove

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	Santoni S.p.A. publication: Knitting Wear, SM8 Top 1 (2 pages)	☐
	2	International Search Report and Written Opinion mailed on May 19, 2005 in related PCT Application No.: PCT/US2005/004776	☐
	3	Page 1 of Lyden Letter of April 21, 2010 - Redacted.	☐

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	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	4	Office Action issued July 27, 2007 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒
	5	Office Action issued February 15, 2008 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒
	6	Office Action issued June 13, 2008 in corresponding Chinese Patent Application No.: 2005800066703, and English translation thereof.	☒

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EXAMINER SIGNATURE

Examiner Signature	/Marie Patterson/	Date Considered	12/08/2011

*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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	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

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	/Jeanne M. Tanner/	Date (YYYY-MM-DD)	2011-10-19
Name/Print	Jeanne M. Tanner	Registration Number	45156

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.**

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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).

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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 inspections 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.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/236,742	09/20/2011	Bhupesh Dua	005127.01675

CONFIRMATION NO. 5214

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

PUBLICATION NOTICE



Title:ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

Publication No.US-2012-0005922-A1
Publication Date:01/12/2012

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

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Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	
Bhupesh DUA, et al.	Examiner: Marie D. Patterson
Appln. No. 13/236,742	Group Art Unit: 3765
Filed: September 20, 2011	Confirmation No.: 5214
For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	Attorney Docket No.: 005127.01675

RESPONSE TO OFFICE ACTION

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

Sir:

In response to the Office Action mailed December 12, 2011, Applicants submit the following:

A Listing of the Claims begins on page 2. No amendments have been made.

Remarks begin on page 6.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

LISTING OF THE CLAIMS

1. (Original) A method of manufacturing an article of footwear, the method comprising:

simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;

removing the knitted textile element from the surrounding knitted textile structure;

incorporating the knitted textile element into the article of footwear.

2. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes simultaneously knitting a plurality of textile elements.

3. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile includes knitting an outline of the knitted textile element.

4. (Original) The method of claim 3, wherein the outline has the shape and proportion of the knitted textile element.

5. (Original) The method of claim 1, wherein the knitted textile element has a substantially planar configuration upon removal from the surrounding knitted textile structure.

6. (Original) The method of claim 1, wherein the knitted textile element includes longitudinal edges formed when the knitted textile element is removed from the surrounding knitted textile structure.

7. (Original) The method of claim 6, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

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8. (Original) The method of claim 1, wherein the knitted textile element has a plurality of different knitted textures formed by varying at least one of the stitch type and the yarn type.

9. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a wide-tube circular knitting machine.

10. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

11. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes forming the knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the knitted textile element.

12. (Original) The method of claim 1, wherein incorporating the knitted textile element into the article of footwear includes securing edges of the knitted textile element to form a seam that extends along a lower region of an upper and securing the upper to a sole structure.

13. (Original) A method of manufacturing an article of footwear, the method comprising:

knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first

portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure,

varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions;

removing the first and second knitted textile elements from the knitted textile structure;

incorporating at least one of the first and second knitted textile elements into the article of footwear.

14. (Original) The method of claim 13, wherein knitting a first textile knitted element simultaneously with a surrounding knitted textile structure includes knitting an outline of the first knitted textile element.

15. (Original) The method of claim 13, wherein the first and second textile knitted elements have substantially planar configurations upon removal from the surrounding knitted textile structure.

16. (Original) The method of claim 13, wherein the first knitted textile element includes longitudinal edges formed when the first knitted textile element is removed from the surrounding knitted textile structure.

17. (Original) The method of claim 16, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

18. (Original) The method of claim 16, wherein incorporating the first knitted textile element into the article of footwear includes securing the longitudinal edges of the first knitted textile element to form a seam that extends along a lower region of an upper.

19. (Original) The method of claim 13, wherein knitting the first and second knitted textile elements simultaneously with a surrounding knitted textile structure includes utilizing a wide-tube circular knitting machine.

20. (Original) The method of claim 13, wherein knitting the first and second textile knitted elements simultaneously with a surrounding knitted textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

21. (Original) The method of claim 13, wherein knitting the first knitted textile element simultaneously with a surrounding knitted textile structure includes forming the first knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the first knitted textile element.

22. (Withdrawn) An article of footwear comprising:

an upper including a textile element simultaneously knitted with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure, the knitted textile element being removed from the surrounding knitted textile structure; and

the upper secured to a sole structure.

REMARKS

Status of the Claims

Claims 1-22 are pending. Claim 22 was withdrawn from consideration due to an earlier restriction requirement.

In the Office Action, the Examiner:

- rejected claims 1-8, 11-18 and 21 under 35 USC § 102(b) as being anticipated by Nishida (5,345,638);
- rejected claims 1-21 on the ground of nonstatutory double patenting over claims 1-14 of US 7,814,598; and
- indicated that claims 9, 10, 19 and 20 would be allowed (if rewritten as independent claims) and subject to the filing of a proper Terminal Disclaimer.

Applicants acknowledge the Examiner's indication that claims 9, 10, 19 and 20 contain allowable subject matter.

Rejections under 35 USC § 102(b)

Claims 1-8, 11-18 and 21 stand rejected under 35 USC § 102(b) as being anticipated by Nishida. Applicants traverse this rejection. Claims 1 and 13 are independent claims.

Claim 1, which is directed to a method of manufacturing an article of footwear, recites:

> "simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure."

Claim 13 recites:

> "knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure."

The claims generally recite that a knitted textile element is simultaneously formed with a surrounding knitted textile structure. Referring for example to FIG. 9 of the instant

application, the knitted textile element corresponds to item 40 and the knitted textile structure corresponds to item 60. As the textile structure 60 is knitted, the knitted textile element 40 is also knitted. In other words, the textile structure 60 and the textile element 40 are knit at the same time during a single knitting process—they are "simultaneously formed." As disclosed at col. 7, lines 41-48 of the instant application, as the textile structure 60 is knitted the types of stitches are varied so that a pattern is formed with the outline and/or with the shape and proportions of the textile element 40.

In contrast, Nishida fails to disclose a knitted textile element *simultaneously* formed with a knitted textile structure during a knitting process. Nishida discloses that layouts 2 are printed, embroidered, woven, or knitted onto a *pre-existing* backing material 4. Specifically, Nishida discloses that layouts 2 are produced by "a fabric printing process ... on the web of material and/or by a textile production process inside the web of material." (Col. 2, lines 50-56.) Because Nishida teaches that layouts 2 may be produced by a "fabric printing process ... on the web of material," Nishida necessarily teaches that the backing material for the web of material must be formed prior to the production of the layouts. In other words, the formation of Nishida's backing material must precede the printing of the layouts thereupon.

With respect to the backing material, Nishida further discloses that "the web of material has a backing 4 that can be a conventionally used material ..." (col. 3, lines 13-15), and that "the web of material 1 is produced so that its surface areas 1.1, in which no layout(s) 2 or tongue(s) 40 are provided, consist of a lightweight material quality that is a simple and economical as possible. For example, these surface areas 1.1 can be produced like a gauze or with low to very low warp and/or filling gauge and/or, for example, by being thin-spun or the like" (col. 5, lines 45-52). In essence, Nishida discloses that the backing material 4, which includes the surface area 1.1 outside the layouts, is formed separately from the layouts 2 themselves.

Additionally, Nishida's disclosure that layouts 2 may be produced "by a textile production process *inside* the web of material," is not a disclosure that the layouts and the area surrounding the layouts are simultaneously formed. In fact, for example, embroidery, which could be considered a prime example of a "textile production process inside the web of material," is specifically listed by Nishida as a process for forming a layout (see col. 5, lines

27-31). Embroidery is produced as a subsequent operation onto an existing backing material. In other words, the disclosure of a "textile production process inside the web of material" is not a disclosure that the layouts are simultaneously formed with the backing material 4 or the surrounding surface areas 1.1.

Thus, Nishida fails to disclose that the layouts are *simultaneously formed* with the backing material or the surrounding surface areas. Even further, Nishida fails to disclose that the layouts are *simultaneously* ***knitted*** with the backing material. Although, Nishida discloses that the backing material can be "a knitted fabric" (col. 3, lines 13-15), and that the layouts may be "knitted," Nishida fails to disclose that these two processes occur simultaneously. Applicants note that processes that involve "knitting through" or "stitching through" a backing material, such as disclosed in US 4,144,727 to Duhl et al., titled "Knitted Malimo Type Fabric," were known at the time of Nishida's application. Thus, it is entirely in keeping with Nishida's disclosure for a layout (knitted or otherwise) to be subsequently produced on an existing backing material (knitted or otherwise) using a Malimo-type process.

Thus, Nishida teaches that the layouts 2 are formed on the backing material of the web of material after the backing material has been formed, i.e., that the layouts are formed as a separate, subsequent, process to the formation of the backing material.

Nishida fails to disclose "simultaneously knitting a textile element with a surrounding textile structure," as recited in claim 1, and Nishida fails to disclose "knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure," as recited in claim 13.

Thus, as Nishida fails to disclose or suggest each and every element of claims 1 and 13, Applicants respectfully submit that claims 1-8, 11-18 and 21 are patentable over the cited reference and request that this rejection be withdrawn.

Double Patenting

Claims 1-21 were rejected on the ground of nonstatutory double patenting over claims 1-14 of US 7,814,598. Applicants submit a Terminal Disclaimer herewith, thereby obviating this rejection.

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Conclusion

Applicants believe that this application is in condition for allowance and respectfully request action to that effect. Should further information be needed, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: January 13, 2012

By: /Jeanne M. Tanner/
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Boston, MA 02109-1701
617-720-9600

Skechers EX1013-p.261
Skechers v Nike

PTO/SB/26 (08-11)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 005127.01675

In re Application of: Bhupesh Dua et al.

Application No.: 13/236,742

Filed: September 20, 2011

For: An Article of Footwear Having a Textile Upper

The owner*, NIKE, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 7,814,598 as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 45,156

/Jeanne M. Tanner/ — Signature
January 13, 2012 — Date

Jeanne M. Tanner — Typed or printed name

617-720-9600 — Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

Electronic Patent Application Fee Transmittal

Application Number:	13236742
Filing Date:	20-Sep-2011
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Attorney Docket Number:	005127.01675

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

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:				
Statutory or terminal disclaimer	1814	1	160	160
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		**160**

Electronic Acknowledgement Receipt

EFS ID:	11834576
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Cassandra Meyer
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	13-JAN-2012
Filing Date:	20-SEP-2011
Time Stamp:	15:55:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$160
RAM confirmation Number	2775
Deposit Account	190733
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		005127-01675_Response-to-OA.pdf	144127 1db5a4ba7b80f145a57ac80cc1ab74720e130878	yes	9

	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	Terminal Disclaimer Filed	005127-01675_Terminal-Disclaimer.pdf	374601 3b61226c11d35574cba32479976d5a1444d8e918	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30473 844139b87450bb262599d77ad00ee50df902d5ef	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	549201		

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/236,742	Filing Date 09/20/2011	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 01/13/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 22	Minus	** 22	= 0	X $ =		OR	X $60=	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $ =		OR	X $250=	0
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	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.

Legal Instrument Examiner:
/DENISE LILES/

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.

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	13/236,742	DUA ET AL.	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 1/13/12	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Felicia D. Roberts

7,814,598

U.S. Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

22910 7590 02/01/2012
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER	
PATTERSON, MARIE D	
ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
02/01/2012	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.	Applicant(s)	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 *13 January 2012*.

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) *1-22* is/are pending in the application.

5a) Of the above claim(s) *22* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

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).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election of Group I in the reply filed on 11/28/11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/28/11.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 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.

4. Claims 1-8, 11-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishida (5345638).

Nishida shows a process for producing a shoe comprising simultaneously knitting a textile element (3) with a surrounding textile structure (1 and 4), the elements are removed from the surrounding textile and the longitudinal edges that are joined together (7 and 8) and a sole attached thereto (see figure 3) as claimed. In reference to different textures, yarns, stitches, Nishids teaches such for example in column 3 lines 15-25.

Allowable Subject Matter

5. Claims 9, 10, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Terminal Disclaimer

6. The terminal disclaimer filed on 1/13/12 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 7,814,598 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

7. Applicant's arguments filed 1/13/12 have been fully considered but they are not persuasive.

In response to applicants' arguments directed towards Nishida, the claims require "simultaneously knitting a textile element with a surrounding textile structure" which Nishida does disclose as the web material (1 and/or 4) which includes the textile element (2) and surrounding structure (area of 1 around 2) is produced by knitting (column 3 lines 5-15 and column 5 line 63- column 6 line 2) and therefore since element 1or 4 is a single knitted element it is inherently simultaneously knitted because it is a singel element. In reference to the limitation of "the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure", see Nishida column 4 lines 31-38 states "In the production of web material....layout(s) 2 can be provided with an embroidery...." and in column 5 line 63-

column 6 line 2 which states "the webs of material being used can be produced by program-controlled web material production devices....with changes of the type of weave or knit of individual areas or controus, the type of fiber, or yarn and/or the color". In reference to the limitation of "removing the knitted textile element from the surrounding knitted textile structure...." see column 4 lines 39-45 of Nishida.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. 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). Other useful information can be obtained at the PTO Home Page at www.uspto.gov.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at *(571)273-8300* **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3765 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

/Marie Patterson/
Primary Examiner
Art Unit 3765

Search Notes	Application/Control No.	Applicant(s)/Patent under Reexamination	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

SEARCHED			
Class	Subclass	Date	Examiner
012	146C, 142G		
036	45, 10		
036	55, 3A		
Above	Updated	1/30/2012	/MP/

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Consulted Parent Applications	1/30/2012	/MP/

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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.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

22910 7590 04/13/2012
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER	
PATTERSON, MARIE D	
ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
04/13/2012	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.

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MARIE PATTERSON*. (3)_____.

(2) *Jeanne Tanner*. (4)_____.

Date of Interview: *10 April 2012*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☒102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Nishida 5345638*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

After further consideration and arguments it was clarified that Nishida may disclose a web of material having different textures, but there is no clear disclosure of the textures differing such that the textile element has a texture which is different that the texture of the surrounding textile structure and that the textile element and the surround structure are simultaneously knitted. Applicants' representative will clarify this in a request for reconsideration and the Examiner agrees that Nishida does not provide any clear disclosure of where the differing textures are located..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

	/Marie Patterson/ Primary 3765 4/10/12

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. 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.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	
Bhupesh DUA, et al.	Examiner: Marie D. Patterson
Appln. No. 13/236,742	Group Art Unit: 3765
Filed: September 20, 2011	Confirmation No.: 5214
For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	Attorney Docket No.: 005127.01675

RESPONSE TO FINAL OFFICE ACTION

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

Sir:

In response to the Final Office Action mailed February 1, 2012, Applicants submit the following:

A Listing of the Claims begins on page 2. No amendments have been made.

Remarks begin on page 6.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

LISTING OF THE CLAIMS

1. (Original) A method of manufacturing an article of footwear, the method comprising:

simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;

removing the knitted textile element from the surrounding knitted textile structure;

incorporating the knitted textile element into the article of footwear.

2. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes simultaneously knitting a plurality of textile elements.

3. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile includes knitting an outline of the knitted textile element.

4. (Original) The method of claim 3, wherein the outline has the shape and proportion of the knitted textile element.

5. (Original) The method of claim 1, wherein the knitted textile element has a substantially planar configuration upon removal from the surrounding knitted textile structure.

6. (Original) The method of claim 1, wherein the knitted textile element includes longitudinal edges formed when the knitted textile element is removed from the surrounding knitted textile structure.

7. (Original) The method of claim 6, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

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8. (Original) The method of claim 1, wherein the knitted textile element has a plurality of different knitted textures formed by varying at least one of the stitch type and the yarn type.

9. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a wide-tube circular knitting machine.

10. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

11. (Original) The method of claim 1, wherein simultaneously knitting a textile element with a surrounding textile structure includes forming the knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the knitted textile element.

12. (Original) The method of claim 1, wherein incorporating the knitted textile element into the article of footwear includes securing edges of the knitted textile element to form a seam that extends along a lower region of an upper and securing the upper to a sole structure.

13. (Original) A method of manufacturing an article of footwear, the method comprising:

knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first

portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure,

varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions;

removing the first and second knitted textile elements from the knitted textile structure;

incorporating at least one of the first and second knitted textile elements into the article of footwear.

14. (Original) The method of claim 13, wherein knitting a first textile knitted element simultaneously with a surrounding knitted textile structure includes knitting an outline of the first knitted textile element.

15. (Original) The method of claim 13, wherein the first and second textile knitted elements have substantially planar configurations upon removal from the surrounding knitted textile structure.

16. (Original) The method of claim 13, wherein the first knitted textile element includes longitudinal edges formed when the first knitted textile element is removed from the surrounding knitted textile structure.

17. (Original) The method of claim 16, wherein the longitudinal edges are joined together to define at least a portion of a void for receiving a foot.

18. (Original) The method of claim 16, wherein incorporating the first knitted textile element into the article of footwear includes securing the longitudinal edges of the first knitted textile element to form a seam that extends along a lower region of an upper.

19. (Original) The method of claim 13, wherein knitting the first and second knitted textile elements simultaneously with a surrounding knitted textile structure includes utilizing a wide-tube circular knitting machine.

20. (Original) The method of claim 13, wherein knitting the first and second textile knitted elements simultaneously with a surrounding knitted textile structure includes utilizing a jacquard double needle-bar raschel knitting machine.

21. (Original) The method of claim 13, wherein knitting the first knitted textile element simultaneously with a surrounding knitted textile structure includes forming the first knitted textile element to include a first area and a second area with a unitary construction, the first area being formed of a first stitch configuration, and the second area being formed of a second stitch configuration that is different from the first stitch configuration to impart varying textures to a surface of the first knitted textile element.

22. (Withdrawn) An article of footwear comprising:

an upper including a textile element simultaneously knitted with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure, the knitted textile element being removed from the surrounding knitted textile structure; and

the upper secured to a sole structure.

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REMARKS

Status of the Claims

Claims 1-22 are pending. Claim 22 stands withdrawn from consideration due to an earlier restriction requirement.

In the Office Action, the Examiner:

- rejected claims 1-8, 11-18 and 21 under 35 USC § 102(b) as being anticipated by Nishida (5,345,638);
- indicated that claims 9, 10, 19 and 20 would be allowed if rewritten in independent form; and
- indicated that the Terminal Disclaimer filed January 13, 2012 was proper.

Applicants acknowledge the Examiner's indication that claims 9, 10, 19 and 20 contain allowable subject matter.

Summary of Interview with Examiner

Applicants very sincerely thank Examiner Marie D. Patterson for the many courtesies extended to Applicants' representative, Jeanne M. Tanner, during the telephonic interview of April 10, 2012. Nishida's disclosure and claim 1 were discussed. Applicants believe that the following remarks are in keeping with the understanding of Nishida's disclosure achieved during the interview.

Rejections under 35 USC § 102(b)

Claims 1-8, 11-18 and 21 stand rejected under 35 USC § 102(b) as being anticipated by Nishida. Applicants traverse this rejection. Claims 1 and 13 are independent claims.

Claim 1, which is directed to a method of manufacturing an article of footwear, recites:

> "simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure."

Claim 13 recites:

> "knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure, the first knitted textile element located within a first portion of the knitted textile structure, the second knitted textile element located within a second portion of the knitted textile structure"; and
> "varying at least one of the types of stitches or the types of yarns in the knitted textile structure to impart a texture to the first and second knitted textile elements different from a texture of the knitted textile structure extending between the first and second portions."

The claims generally recite that a knitted textile element is simultaneously formed with a surrounding knitted textile structure and that the knitted textile element has a texture that differs from the texture of the simultaneously knitted surrounding structure.

As an initial matter, Applicants maintain their previously presented arguments that Nishida discloses that the backing 4 for the web of material 1 must be formed prior to the production of the layouts, and thus, that Nishida fails to disclose a knitted textile element *simultaneously* formed with a knitted textile structure, having a differing texture, during a knitting process.

In the Final Office Action, the Examiner has cited to Nishida's disclosure at column 5, line 63 – column 6, line 2. Applicants submit that Nishida's disclosure therein as to "changes of the type of weave or knit of individual areas" (even if, *arguendo*, this disclosure were to refer to the backing of Nishida) fails to disclose that the type of weave or knit is associated with any specificity to any particular area of Nishida's backing. In other words, Nishida simply fails to disclose that its backing material has a first texture in an area associated with a textile element and a differing texture in an area surrounding the textile element. Thus, Nishida fails to disclose differing textures of any simultaneously knitted textile element and its simultaneously knitted surrounding textile structure.

As Nishida fails to disclose each and every element of claims 1 and 13, Applicants respectfully submit that claims 1-8, 11-18 and 21 are patentable over the cited reference and request that this rejection be withdrawn.

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Conclusion

Applicants believe that this application is in condition for allowance and respectfully request action to that effect. Should further information be needed, the Examiner is invited to contact the undersigned attorney by telephone.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: April 17, 2012

By: /Jeanne M. Tanner/
Jeanne M. Tanner
Reg. No. 45,156

28 State St., Suite 1800
Boston, MA 02109-1701
617-720-9600

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Electronic Acknowledgement Receipt

EFS ID:	12563889
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Michelle DeFalco
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	17-APR-2012
Filing Date:	20-SEP-2011
Time Stamp:	17:54:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_To_Final_Office_Action.pdf	139661 a40e7eeb80b7ae11d5eed95154564cc2fe080bfa	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	8
Warnings:			
Information:			
	Total Files Size (in bytes):	139661	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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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 13/236,742	Filing Date 09/20/2011	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			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 $250 ($125 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			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 04/17/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 22	Minus	** 22	= 0	X $ =		OR	X $60=	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $ =		OR	X $250=	0
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	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.

Legal Instrument Examiner:
/ANTJUAN RIVERA/

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.

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NOTICE OF ALLOWANCE AND FEE(S) DUE

22910 7590 05/21/2012

BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER
PATTERSON, MARIE D

ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 05/21/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

TITLE OF INVENTION: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1740	$300	$0	$2040	08/21/2012

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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.

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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)

22910 7590 05/21/2012
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

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.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

TITLE OF INVENTION: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1740	$300	$0	$2040	08/21/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATTERSON, MARIE D	3765	012-14600C

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 _____

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 credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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.

Skechers EX1013-p.292
Skechers v Nike

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

22910 7590 05/21/2012

BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

EXAMINER	
PATTERSON, MARIE D	
ART UNIT	PAPER NUMBER
3765	

DATE MAILED: 05/21/2012

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Skechers EX1013-p.293
Skechers v Nike

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.	Applicant(s)	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

-- 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 *request for reconsideration filed 4/17/12*.
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 *1-21*.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   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. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ 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).
7. ☐ 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)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Marie Patterson/
Primary Examiner
Art Unit: 3765

1. This application is in condition for allowance except for the presence of claim 22 directed to an invention non-elected without traverse. Accordingly, claim 22 has been cancelled.

1. 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). Other useful information can be obtained at the PTO Home Page at www.uspto.gov.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at *(571)273-8300* **(FORMAL FAXES ONLY)**. Please identify Examiner Marie Patterson of Art Unit 3765 at the top of your cover sheet.

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Marie Patterson whose telephone number is (571) 272-4559. The examiner can normally be reached from 6AM - 4PM Mon-Wed.

/Marie Patterson/
Primary Examiner
Art Unit 3765

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 5214

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/236,742	09/20/2011	012	3765	005127.01675

APPLICANTS

Bhupesh Dua, Portland, OR;
Edward Nathaniel Thomas, Portland, OR;

**** CONTINUING DATA ***************************

This application is a CON of 12/879,517 09/10/2010 PAT 8,042,288
which is a CON of 12/032,995 02/18/2008 PAT 7,814,598
which is a DIV of 10/791,289 03/03/2004 PAT 7,347,011

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

09/29/2011

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /MARIE D PATTERSON/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		OR	12	22	3

ADDRESS

BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701
UNITED STATES

TITLE

ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

FILING FEE RECEIVED		
1194	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

OK TO ENTER: /M.P./ 05/02/2012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	
Bhupesh DUA, et al.	Examiner: Marie D. Patterson
Appln. No. 13/236,742	Group Art Unit: 3765
Filed: September 20, 2011	Confirmation No.: 5214
For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER	Attorney Docket No.: 005127.01675

RESPONSE TO FINAL OFFICE ACTION

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

Sir:

In response to the Final Office Action mailed February 1, 2012, Applicants submit the following:

A Listing of the Claims begins on page 2. No amendments have been made.

Remarks begin on page 6.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

EAST Search History

EAST Search History (Prior Art)

<This search history is empty>

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	275	((12/142G) or (12/146C) or (33/45) or (36/10) or (36/55) or (36/3A)).CCLS.	US-PGPUB	OR	OFF	2012/04/19 09:31

4/ 19/ 2012 9:32:09 AM

Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
13/236,742	DUA ET AL.	
Examiner	**Art Unit**	
MARIE PATTERSON	3765	

SEARCHED			
Class	Subclass	Date	Examiner
012	146C, 142G		
036	45, 10,		
036	55, 3A		
Above	Updated	4/19/2012	/MP/

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner
East Update Aboved		4/19/2012	/MP/

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Consulted parent applications	1/30/2012	/MP/

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	13/236,742	DUA ET AL.	
	Examiner	Art Unit	
	MARIE PATTERSON	3765	

ISSUE CLASSIFICATION

ORIGINAL			CROSS REFERENCE(S)						
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
012	146C	036	45						
INTERNATIONAL CLASSIFICATION									
A 4 3 D 8/00									
/									
/									
/									
/									

---------- (Assistant Examiner) (Date)	/Marie Patterson/ 4/19/12 (Primary Examiner) (Date)	Total Claims Allowed: 21
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s): 1 / O.G. Print Fig.: 9

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		31		61		91		121		151		181
2	2		32		62		92		122		152		182
3	3		33		63		93		123		153		183
4	4		34		64		94		124		154		184
5	5		35		65		95		125		155		185
6	6		36		66		96		126		156		186
7	7		37		67		97		127		157		187
8	8		38		68		98		128		158		188
9	9		39		69		99		129		159		189
10	10		40		70		100		130		160		190
11	11		41		71		101		131		161		191
12	12		42		72		102		132		162		192
13	13		43		73		103		133		163		193
14	14		44		74		104		134		164		194
15	15		45		75		105		135		165		195
16	16		46		76		106		136		166		196
17	17		47		77		107		137		167		197
18	18		48		78		108		138		168		198
19	19		49		79		109		139		169		199
20	20		50		80		110		140		170		200
21	21		51		81		111		141		171		201
	22		52		82		112		142		172		202
	23		53		83		113		143		173		203
	24		54		84		114		144		174		204
	25		55		85		115		145		175		205
	26		56		86		116		146		176		206
	27		57		87		117		147		177		207
	28		58		88		118		148		178		208
	29		59		89		119		149		179		209
	30		60		90		120		150		180		210

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)

22910 7590 05/21/2012
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

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.
13/236,742	09/20/2011	Bhupesh Dua	005127.01675	5214

TITLE OF INVENTION: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1740	$300	$0	$2040	08/21/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATTERSON, MARIE D	3765	012-14600C

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 Banner & Witcoff, Ltd.
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: Nike, Inc.
(B) RESIDENCE: (CITY and STATE OR COUNTRY): Beaverton, Oregon

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 credit any overpayment, to Deposit Account Number 19-0733 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Jeanne M. Tanner/ Date August 15, 2012

Typed or printed name Jeanne M. Tanner Registration No. 45,156

This collection of information 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.

Skechers EX1013-p.302
Skechers v Nike

Electronic Patent Application Fee Transmittal

Application Number:	13236742
Filing Date:	20-Sep-2011
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Filer:	Jeanne Marian Tanner/Tanya Koller
Attorney Docket Number:	005127.01675

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

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	1740	1740
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**2040**

Electronic Acknowledgement Receipt	
EFS ID:	13503378
Application Number:	13236742
International Application Number:	
Confirmation Number:	5214
Title of Invention:	ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER
First Named Inventor/Applicant Name:	Bhupesh Dua
Customer Number:	22910
Filer:	Jeanne Marian Tanner/Tanya Koller
Filer Authorized By:	Jeanne Marian Tanner
Attorney Docket Number:	005127.01675
Receipt Date:	15-AUG-2012
Filing Date:	20-SEP-2011
Time Stamp:	14:57:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$2040
RAM confirmation Number	1333
Deposit Account	190733
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

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)	5127_1675_Issue_Fee_Transmittal.pdf	1192001 beef1f2b3283ef02a096e6a9c51c444aa9791dc3	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32039 38f42bce98080274d8c28542edc62f7a5d81cc2c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1224040		

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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	13236742
	Filing Date	2011-09-20
	First Named Inventor	Bhupesh Dua
	Art Unit	3711
	Examiner Name	TBA
	Attorney Docket Number	005127.01675

	9	5345638	A	1994-09-13	Nishida	
	10	1888172	A	1932-06-06	Joha	
	11	1902780	A	1933-03-21	Holden, et al.	
	12	1910251	A	1933-05-23	Joha	
	13	2001293	A	1935-05-14	Wallace	
	14	2400692	A	1946-05-21	Herbert	
	15	2641004	A	1953-06-09	Ronyan, et al.	
	16	3694940	A	1972-10-03	Stohr	
	17	6558784	B1	2003-05-06	Norton, et al.	
	18	6910288	B2	~~2004-06-28~~	Dua	06/2005
Change(s) applied to document, /M.F.O./ 7/13/2012	19	6931762	B1	2005-08-23	Dua	

EFS Web 2.1.17

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.P./

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/236,742	09/18/2012	8266749	005127.01675	5214

22910 7590 08/29/2012

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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 0 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):

Bhupesh Dua, Portland, OR;
Edward Nathaniel Thomas, Portland, OR;

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
13/236,742	8266749	3765	9200

OC000000087232537

Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 115726 on 03/18/2014

- **Correspondence Address**

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