

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip 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. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

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

Inventor Information:

Inventor 1		Remove	
Legal Name			
Prefix	Given Name	Middle Name	Family Name
	Jack		Boys
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service			
City	New York	State/Province	NY
Country of Residence	US		
Mailing Address of Inventor:			
Address 1	45 West 18th Street		
Address 2	Third Floor		
City	New York	State/Province	NY
Postal Code	10011	Country	US
Inventor 2		Remove	
Legal Name			
Prefix	Given Name	Middle Name	Family Name
	Ann		Bono
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service			
City	New York	State/Province	NY
Country of Residence	US		
Mailing Address of Inventor:			
Address 1	45 West 18th Street		
Address 2	Third Floor		
City	New York	State/Province	NY
Postal Code	10011	Country	US
Inventor 3		Remove	
Legal Name			
Prefix	Given Name	Middle Name	Family Name
	Aubert		Shepherd
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service			

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

City	Greenland	State/Province	NH	Country of Residence	US
------	-----------	----------------	----	----------------------	----

Mailing Address of Inventor:

Address 1	150 Ocean Road				
Address 2					
City	Greenland	State/Province	NH		
Postal Code	03840	Country	US		
Inventor	4				Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Mattias		Verfl	

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service

City	Brooklyn	State/Province	NY	Country of Residence	US
------	----------	----------------	----	----------------------	----

Mailing Address of Inventor:

Address 1	45 West 18th Street				
Address 2	Third Floor				
City	New York	State/Province	NY		
Postal Code	10011	Country	US		

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button.**Correspondence Information:**Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).☐ An Address is being provided for the correspondence Information of this application.

Customer Number	21888		
Email Address	ipdocket@thompsoncoburn.com	Add Email	Remove Email
Email Address	anorman@thompsoncoburn.com	Add Email	Remove Email

Application Information:

Title of the Invention	Shoe Having Knit Wingtip Upper		
Attorney Docket Number	56503-155018	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	6	Suggested Figure for Publication (if any)	

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	21888		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim 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.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status		Remove
Application Number	Continuity Type	Prior Application Number
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.		Add

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

Foreign Priority Information:

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

Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)	Remove

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

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

- ☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
- NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.			
Applicant	1		Remove
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.			
		Clear	
Assignee	Legal Representative under 35 U.S.C. 117		Joint Inventor
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest	
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:			
Name of the Deceased or Legally Incapacitated Inventor:			
If the Applicant is an Organization check here. ☒			
Organization Name	Cole Haan LLC		
Mailing Address Information For Applicant:			
Address 1	45 West 18th Street		
Address 2	Third Floor		
City	New York	State/Province	NY
Country	US	Postal Code	10011
Phone Number		Fax Number	
Email Address			
Additional Applicant Data may be generated within this form by selecting the Add button. Add			

Assignee Information including Non-Applicant Assignee Information:

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

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

Assignee 1				
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
				Remove
If the Assignee or Non-Applicant Assignee is an Organization check here.				☐
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				Add

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is **not** checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/alan h. norman/		Date (YYYY-MM-DD)	2016-07-08
First Name	Alan	Last Name	Norman	Registration Number
				32,285
Additional Signature may be generated within this form by selecting the Add button.				Add

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	56503-155018
		Application Number	
Title of Invention	Shoe Having Knit Wingtip Upper		

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.**

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 the Freedom of Information Act requires disclosure of these records.
- 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 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.

SHOE HAVING KNIT WINGTIP UPPER

Cross-Reference to Related Applications

[0001] Not Applicable.

Statement Regarding Federally Sponsored Research or Development

[0002] Not Applicable.

Appendix

[0003] Not Applicable.

Background of the Invention

Field of the Invention

[0004] This invention pertains to shoes having knit uppers.

SUMMARY

[0005] One aspect of the invention is a shoe comprising a knit upper and a sole secured to the upper. The knit upper has a knitted element. The knitted element is formed of a unitary one-piece construction during a knitting process on a knitting machine. The knitted element comprises a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a

knitted upper medial ball region, and a knitted upper toe region. The upper metatarsal region includes a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region. The upper has a knitted upper lateral side region and a knitted upper medial side region. The upper lateral side region includes the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region. The upper medial side region includes the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region. The upper toe region is seamlessly knitted with the upper medial and lateral ball regions during the knitting process. The upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region during the knitting process. The upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process. The knitted element includes a wingtip pattern. The wingtip pattern comprises portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions. The upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively are knitted with the wingtip pattern during the knitting process.

[0006] Another aspect of the invention is a shoe comprising a knit upper and a sole secured to the upper. The knit upper has a knitted element formed of a unitary one-piece construction during a knitting process on a knitting machine. The knitted element comprises a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region. The upper metatarsal region includes a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region. The upper has a knitted upper lateral side region and a knitted upper medial side region. The upper lateral side region

includes the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region. The upper medial side region includes the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region. The upper toe region is seamlessly knitted with the upper medial and lateral ball regions during the knitting process. The upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region during the knitting process. The upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process. The knitted element includes a line of broguing. The upper toe region is knitted with the line of broguing during the knitting process. The line of broguing comprises a line of holes. The knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure. The second type of knit structure is different from the first type of knit structure. The first area is at least in the upper toe region. The second area is at least in the upper lateral and medial metatarsal regions. The line of broguing being adjacent a rear boundary of the first area. The line of broguing being adjacent a forward boundary of the second area.

[0007] Another aspect of the invention is a method of manufacturing an upper for an article of footwear. The method comprises knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region. The upper metatarsal region includes an upper lateral metatarsal region and an upper medial metatarsal region. The knitted element has an upper lateral side region and an upper medial side region. The upper lateral side region includes the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral

ball region. The upper medial side region includes the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region. The knitted element includes a line of broguing. The line of broguing comprises a line of holes. The knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure. The second type of knit structure is different from the first type of knit structure. The first area is at least in the upper toe region. The second area is at least in the upper lateral and medial metatarsal regions. The line of broguing being adjacent a rear boundary of the first area. The line of broguing being adjacent a forward boundary of the second area. The upper toe region is seamlessly knitted with the upper medial and lateral ball regions during the knitting step. The upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region during the knitting step. The upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step. The upper toe region is knitted with the line of broguing during the knitting step. The first and second areas are knitted during the knitting step.

[0008] Another aspect of the invention is a method of manufacturing an article of footwear having a knitted upper and a sole. The method comprises knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region. The upper metatarsal region includes an upper lateral metatarsal region and an upper medial metatarsal region. The knitted element has an upper lateral side region and an upper medial side region. The upper lateral side region includes the upper lateral midfoot region, the upper lateral

metatarsal region and the upper lateral ball region. The upper medial side region includes the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region. The knitted element comprises a first area of a jersey stitch knit and a second area of a pointelle stitch knit. The first area is at least in the upper toe region. The second area is at least in the upper lateral and medial metatarsal regions. The method further comprises attaching the sole to the upper. The upper toe region is seamlessly knitted with the upper medial and lateral ball regions during the knitting step. The upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region during the knitting step. The upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step. The first and second areas are knitted during the knitting step.

[0009] Further features and advantages, as well as the operation, are described in detail below with reference to the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

[0010] Figure 1 is a perspective view of an exemplary embodiment of a shoe of the present disclosure.

[0011] Figure 2 is a top plan view of the shoe of Figure 1.

[0012] Figure 3 is a medial side view of the shoe of Figure 1.

[0013] Figure 4 is a lateral side view of the shoe of Figure 1.

[0014] Figure 5 is a plan view of a knitted element to be formed into a part of an upper of the shoe of Figure 1.

[0015] Figure 6 is a flow diagram of a method of making the shoe of Figure 1 according to an exemplary embodiment of the present disclosure.

[0016] Reference numerals in the written specification and in the figures indicate corresponding items.

DETAILED DESCRIPTION

[0017] An embodiment of a shoe in accordance with the present invention is indicated by reference numeral 10 in Figures 1-4. The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14. The shoe 10 extends forward from a heel end 18 to a toe end 19. The knit upper 14 has a knitted element 20 and a tongue 22 secured to the knitted element. The knitted element 20 is shown alone in Figure 5 and shown as part of the assembled shoe in Figures 1-5.

[0018] The knitted element 20 is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted upper heel region 24, a knitted upper lateral midfoot region 26a, a knitted upper medial midfoot region 26b, a knitted upper metatarsal region 28, a knitted upper lateral ball region 30a, a knitted upper medial ball region 30b, and a knitted upper toe region 32. The upper heel region 24 includes a knitted upper lateral heel region 24a and a knitted upper medial heel region 24b. The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b. The knitted upper toe region 32 includes a knitted upper lateral toe region 32a and a knitted upper medial toe region 32b. The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b. The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper

lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a. The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper medial ball region 30b, and the upper medial toe region 32b. The upper toe region 32 is seamlessly knitted with the upper lateral and medial ball regions 30a, 30b during the knitting process. The upper lateral and medial ball regions 30a, 30b are seamlessly knitted with the upper lateral and medial metatarsal regions 28a, 28b during the knitting process. The upper lateral and medial metatarsal regions 28a, 28b are seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting process.

[0019] The knitted element includes a first wingtip pattern, generally indicated at 36, and a second wingtip pattern, generally indicated at 38. Each of the first and second wingtip patterns 36, 38 comprises portions of at least the upper toe region 32, the upper lateral and medial ball regions 30a, 30b, and the upper lateral and medial metatarsal regions 28a, 28b. The upper toe region 32, the upper lateral and medial ball regions 30a, 30b, and the upper lateral and medial metatarsal regions 28a, 28b collectively are knitted with the first and second wingtip patterns 36, 38 during the knitting process.

[0020] The first wingtip pattern 36 comprises a line of broguing 40 comprising a lateral line of broguing 40a and a medial line of broguing 40b. The upper toe region 32, the upper lateral and medial ball regions 30a, 30b, and the upper lateral and medial metatarsal regions 28a, 28b collectively are knitted with the lateral and medial lines of broguing 40a, 40b. The lateral line of broguing 40a comprises a wing-shaped curved line of holes 42a. The lateral line of broguing 40a comprises a lateral side broguing portion 44a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central broguing portion 46a extending

rearward from the upper toe region 32. The lateral side broguing portion 44a and the central broguing portion 46a are each comprised of some of the holes 42a of the lateral line of broguing 40a. The medial line of broguing 40b comprises a wing-shaped curved line of holes 42b. The medial line of broguing 40b comprises a medial side broguing portion 44b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central broguing portion 46b extending rearward from the upper toe region 32. The medial side broguing portion 44b and the central broguing portion 46b are each comprised of some of the holes 42b of the medial line of broguing 40b. The central broguing portions 46a, 46b converge rearwardly toward each other, and meet to constitute a rearwardly pointing apex 48. The upper 14 further comprises a throat 50. The apex 48 points rearwardly toward the throat 50 of the upper 14. Preferably, the holes 42a, 42b of the lateral and medial lines of broguing 40a, 40b are in the knitting element via the knitting process as opposed to being formed by removal of material such as by cutting or punching.

[0021] The knitted element 20 comprises a first area, generally indicated at 52, of a first type of knit structure and a second area, generally indicated at 54, of a second type of knit structure. The second type of knit structure is different from the first type of knit structure. The first area 52 is generally forward of the second area 54. The first area 52 has a rear boundary 56 and the second area 54 has a forward boundary 58. The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54. The second wingtip pattern 38 comprises the boundary line 60. The first wingtip pattern 36 is forward of and adjacent the second wingtip pattern 38. Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the

rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54. The boundary line 60 has a lateral boundary line 60a and a medial boundary line 60b. The lateral boundary line 60a comprises a wing-shaped curved line having a lateral side portion 62a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central portion 64a extending rearward from the upper toe region 32. The medial boundary line 60b comprises a wing-shaped curved line having a medial side portion 62b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central portion 64b extending rearward from the upper toe region 32. The central portions 64a, 64b of the lateral and medial boundary lines 60a, 60b converge rearwardly toward each other, and meet to constitute a rearwardly pointing apex 66. The apex 66 points rearwardly toward the throat 50 of the upper 14.

[0022] The first type of knit structure (that is, the knit structure of the first area 52) may be more tightly knit than the second type of knit structure (that is, the knit structure of the second area 54). In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. The knitted element 20 may be knitted with one or more yarns, such as polyester yarns, nylon yarns, cotton yarns, and spandex yarns. In one embodiment, the knitted element 20 is knitted of polyester covered spandex yarn and hot melt yarn, such that of the finished knitted element, the polyester covered spandex yarn constitutes at least 50% by mass (and more preferably at least 60% by mass), and the hot melt yarn constitutes at least 15% by mass (and more preferably at least 20% by mass but not more than 30% by mass). The hot melt yarn is knitted with the polyester covered spandex yarn during the knitting process. Preferably, the polyester covered spandex yarn has a linear density of between about 120 denier and about 180 denier, and the hot melt yarn has a linear density of between about 80

denier and about 120 denier. In addition to the polyester covered spandex yarn and the hot melt yarn, the knitted element 20 may be knitted with stretch yarn, with the stretch yarn preferably constituting at least 5% by mass of the knitted upper. If stretch yarn is included, it is preferably limited (but need not be limited) to the topline area of the knitted element 20 to provide a stretch function primarily in the ankle region of the upper 14 of the shoe 10. Preferably, the polyester covered spandex yarn includes a double layer of polyester. Also preferably, the stretch yarn is spandex yarn. In another embodiment, the knitted element 20 is formed by knitting hot melt yarn with polyester yarn during the knitting process such that polyester yarn constitutes at least 50% by mass of the knitted element and the hot melt yarn constitutes at least 15% by mass of the knitted element.

[0023] Figure 6 is a flow diagram of a method of making the shoe 20 of Figures 1-5. In step 100, the knitted element 20 is formed via a knitting machine, such as a CNC knitting machine, as a unitary one-piece construction. During the knitting step 100, the upper lateral and medial heel regions 24a, 24b are knitted, the upper lateral and medial midfoot regions 26a, 26b are knitted, the upper lateral and medial metatarsal regions 28a, 28b are knitted, the upper lateral and medial ball regions 30a, 30b are knitted, and the upper lateral and medial toe regions 32a, 32b are knitted. By being knitted as a unitary one-piece construction, it is to be understood these various regions of the knitted element are formed together via the knitting process, as opposed to the regions being formed separately and then sewn or bonded together. As such, the upper toe region 32 is seamlessly knitted with the upper medial and lateral ball regions 30a, 30b during the knitting step, the upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region 28 during the knitting step, the upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting step, and the upper

lateral and medial midfoot regions are seamlessly knitted with the upper lateral and medial heel regions 24a, 24b during the knitting step.

[0024] The knitted element 20 is also knitted with a multiple of different types of knit structures during the knitting step. As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit). Also, the holes 42a, 42b of the lateral and medial lines of broguing 40a, 40b are formed via the knitting step, as opposed to being formed via removal of material (e.g., punching, cutting, etc.) after the knitting step. As shown in Figure 5, the knitted element 20 also includes lateral and medial heel areas 70a, 70b of the second type of knit structure (e.g., pointelle stitch knit), lateral and medial midfoot areas 72a, 72b of the second type of knit structure (e.g., pointelle stitch knit), and lateral and medial eyestay areas 74a, 74b of the second type of knit structure (e.g., pointelle stitch knit). Broguing holes forming lines of broguing (the same or similar in form and construction to the lateral and medial lines of broguing 40a, 40b) are between the lateral heel area 70a and the lateral midfoot area 72a, between the lateral midfoot area and the lateral eyestay area 74a, between the lateral midfoot region and the second area 52, between the lateral eyestay area and the second area, between the medial heel area 70b and the medial midfoot area 72b, between the medial midfoot area and the medial eyestay area 74b, between the medial midfoot region and the second area, and between the medial eyestay area and the second area.

[0025] After the knitted element 20 is knitted via the knitting step 100, the knitted element is pressed with a hot press during a pressing step, indicated at reference number 102 in Figure 6.

[0026] During step 104, the upper 14 is formed by attaching a strobil board 80 (see Figure 2)) to the knitted element 20, attaching the tongue 22 to the knitted element, and attaching the upper

lateral heel region 24a to the upper medial heel region 24b. A heel counter 82 (see Figure 1) may also be attached to the inner surface of the upper lateral and medial heel regions 24a, 24b. The upper 14 is then placed around a last at step 106. Adhesive is applied to the underside of the strobil board 80, and the upper 14 is passed via a conveyer through an oven (or heat tunnel). The oven heats the adhesive and also heats the hot melt yarn of the knitted element 20. The heating and subsequent cooling of the hot melt yarn causes the hot melt yarn to affix to the other yarns (e.g., to the polyester yarn or polyester covered spandex yarn) so that the upper 14 conforms to the shape of the last. The sole 12 and welt 16 are bonded via the adhesive to the strobil board 80 and bottom periphery of the knitted element at step 108.

[0027] An inner surface of the knitted element 20 (i.e., the surface facing the inside of the shoe 10) may be lined or unlined. In an unlined configuration, the inner surface of the knitted element 20 is devoid of a lining (other than the heel counter 82 or eyelet reinforcement adjacent the throat) and such inner surface of the knitted element defines at least a majority of a foot receiving cavity of the shoe. In a completely lined configuration, a lining is between the inner surface of the knitted element and the foot receiving cavity of the shoe such that the foot receiving cavity of the shoe is in part defined by the lining (instead of by the inner surface of the knitted element).

[0028] In view of the foregoing, it should be appreciated that the invention has several advantages over the prior art.

[0029] As various modifications could be made in the constructions and methods herein described and illustrated without departing from the scope of the invention, it is intended that all matter contained in the foregoing description or shown in the accompanying drawings shall be interpreted as illustrative rather than limiting. For example, the wedge shoe may be any type of

wedge shoe, such as a wedge sandal, a wedge pump, an open-toe wedge, a platform wedge, etc. Thus, the breadth and scope of the present invention should not be limited by any of the above-described exemplary embodiments, but should be defined only in accordance with the following claims appended hereto and their equivalents

[0030] It should also be understood that when introducing elements of the present invention in the claims or in the above description of exemplary embodiments of the invention, the terms “comprising,” “including,” and “having” are intended to be open-ended and mean that there may be additional elements other than the listed elements. Additionally, the term “portion” should be construed as meaning some or all of the item or element that it qualifies. Moreover, use of identifiers such as first, second, and third should not be construed in a manner imposing any relative position or time sequence between limitations.

What is claimed is:

1. A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine, the knitted element comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a wingtip pattern, the wingtip pattern being portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions;

the upper toe region, the upper lateral and medial ball regions, and the upper lateral and

medial metatarsal regions collectively being knitted with the wingtip pattern during the knitting process.

2. A shoe as set forth in claim 1 wherein the wingtip pattern comprises a medial line of broguing and a lateral line of broguing, the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the medial and lateral lines of broguing, the medial line of broguing comprising a wing-shaped curved line of holes having a medial side broguing portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the lateral line of broguing comprising a wing-shaped curved line of holes having a lateral side broguing portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of the lateral line of broguing.

3. A shoe as set forth in claim 2 wherein the central broguing portions of the medial and lateral lines of broguing meet at a rearwardly pointing apex.

4. A shoe as set forth in claim 3 wherein the upper further comprises a throat, and wherein the apex points toward the throat.

5. A shoe as set forth in claim 2 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the medial and lateral lines of

broguing being adjacent a rear boundary of the first area, the medial and lateral lines of broguing being adjacent a forward boundary of the second area.

6. A shoe as set forth in claim 5 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

7. A shoe as set forth in claim 5 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

8. A shoe as set forth in claim 1 wherein the knitted element comprises covered spandex yarn and hot melt yarn, the hot melt yarn being knitted with the covered spandex yarn during the knitting process.

9. A shoe as set forth in claim 8 wherein the hot melt yarns constitute at least 15% by mass of the knitted element.

10. A shoe as set forth in claim 9 wherein the covered spandex yarn constitute at least 50% by mass of the knitted element.

11. A shoe as set forth in claim 10 wherein the covered spandex yarn comprises polyester covered spandex yarn.

12. A shoe as set forth in claim 11 wherein the knitted element further comprises stretch yarn, the stretch yarn constituting at least 5% by mass of the knitted element.

13. A shoe as set forth in claim 1 wherein the knitted element comprises polyester yarn and hot melt yarn, the hot melt yarn being knitted with the polyester yarn during the knitting process.

14. A shoe as set forth in claim 8 wherein the covered spandex yarn has a linear density of between about 120 denier and about 180 denier, and wherein the hot melt yarn has a linear density of between about 80 denier and about 120 denier.

15. A shoe as set forth in claim 1 wherein the knitted element comprises hot melt yarn, the hot melt yarn constituting at least 15% by mass of the knitted element.

16. A shoe as set forth in claim 1 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas, the wingtip pattern comprising the boundary line, the boundary line having a medial boundary line and a lateral boundary line, the medial boundary line comprising a wing-shaped curved line having a medial side portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the lateral boundary line comprising a wing-shaped curved line having a lateral side portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the rearwardly extending central portion of the medial boundary line converging toward the rearwardly extending central portion of the lateral boundary line.

17. A shoe as set forth in claim 16 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

18. A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine, the knitted element comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a line of broguing, the upper toe region being knitted with the line of broguing during the knitting process, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral

and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area.

19. A shoe as set forth in claim 18 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

20. A shoe as set forth in claim 19 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

21. A method of manufacturing an upper for an article of footwear, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element including a line of broguing, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line

of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the upper toe region being knitted with the line of broguing during the knitting step;

the first and second areas being knitted during the knitting step.

22. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the

second area being at least in the upper lateral and medial metatarsal regions;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

23. A method as set forth in claim 22 wherein the upper is knitted during the knitting step with at least first and second yarns, the first yarn being of a hot melt yarn, the second yarn being of a yarn other than a hot melt yarn.

24. A method as set forth in claim 23 further comprising:

placing the upper around a last;

applying heat to the upper while the upper is around the last to cause the hot melt yarn to affix to the second yarn.

ABSTRACT

A shoe includes a knit upper and a sole secured to the upper. The knit upper has a wingtip pattern knit into the knit upper.

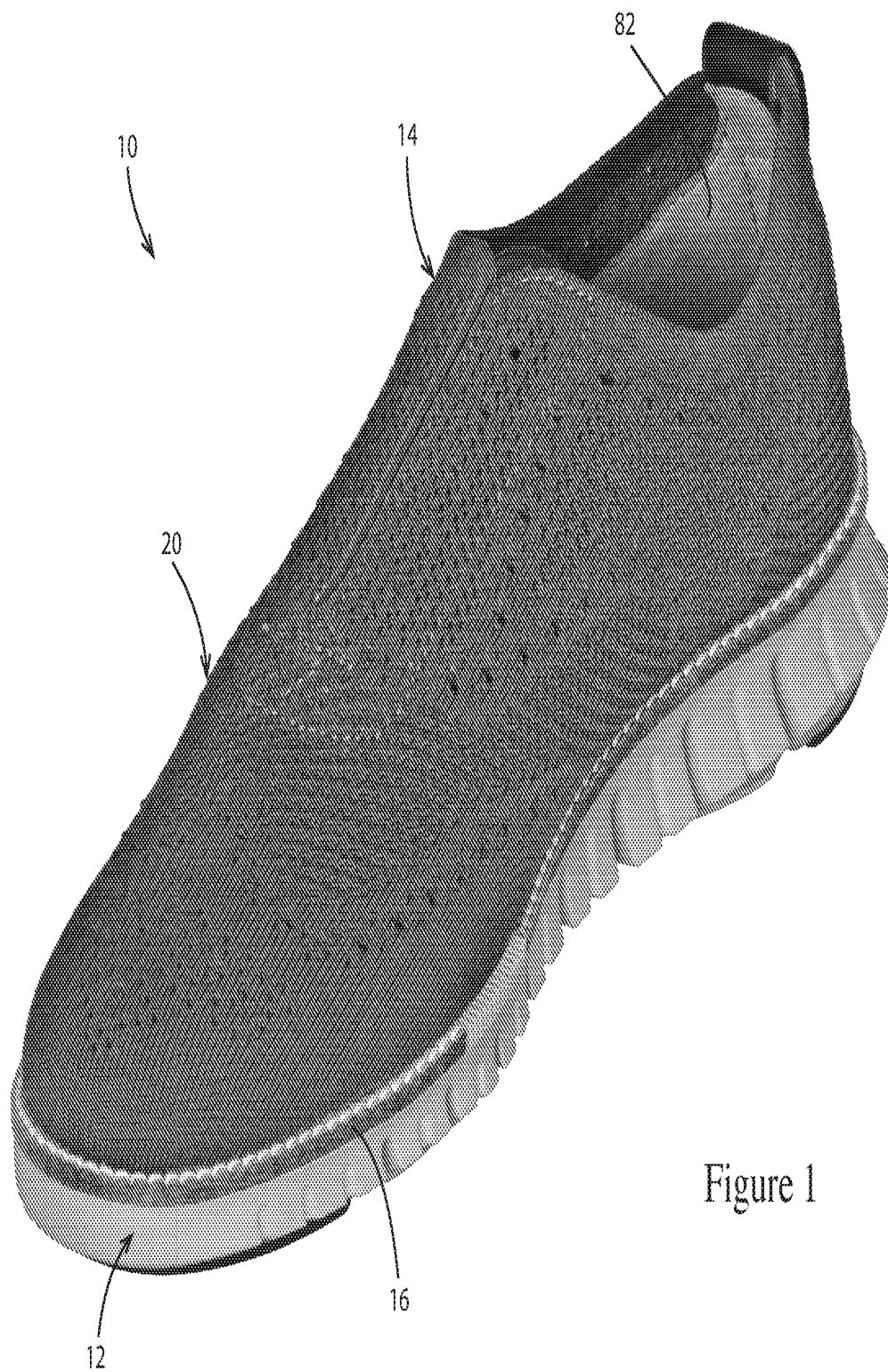


Figure 1

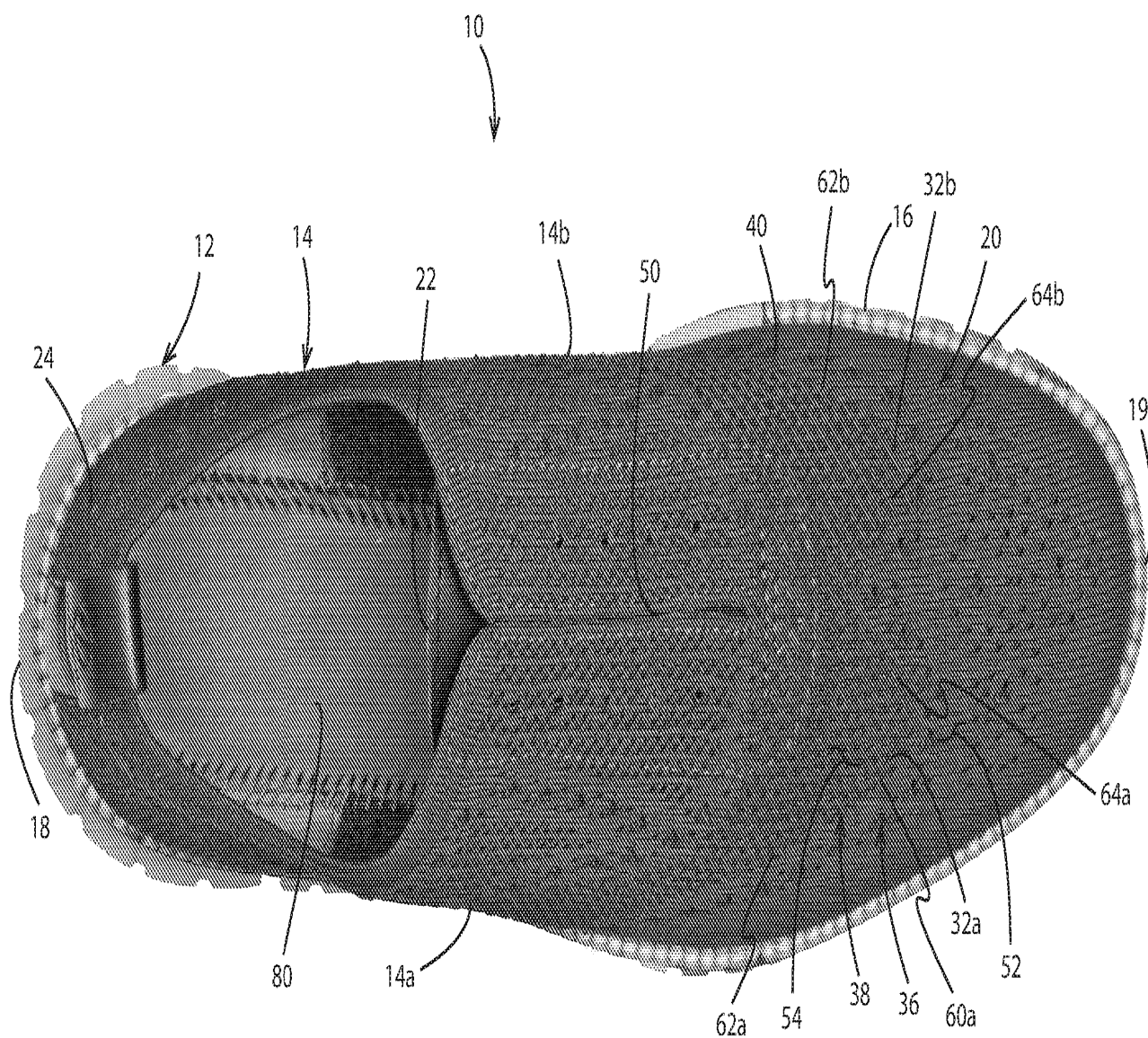


Figure 2

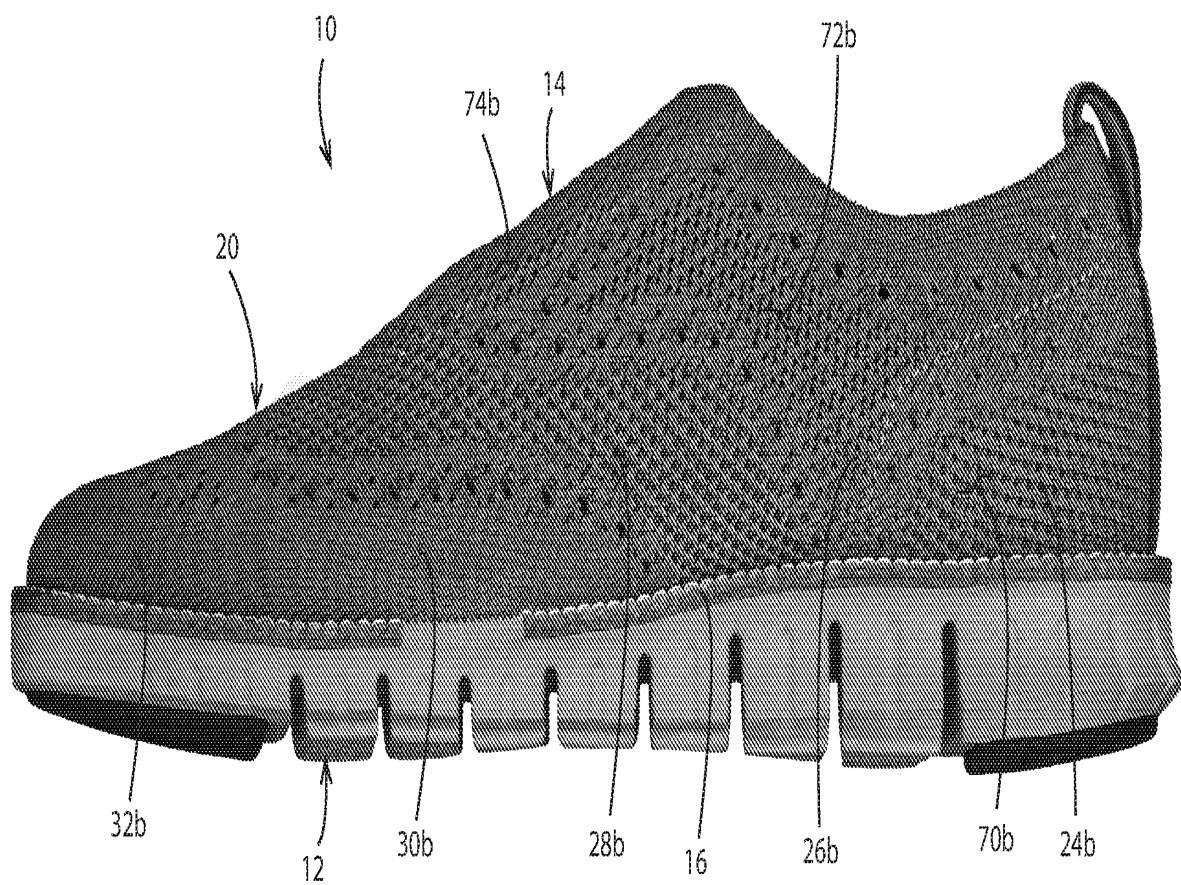


Figure 3

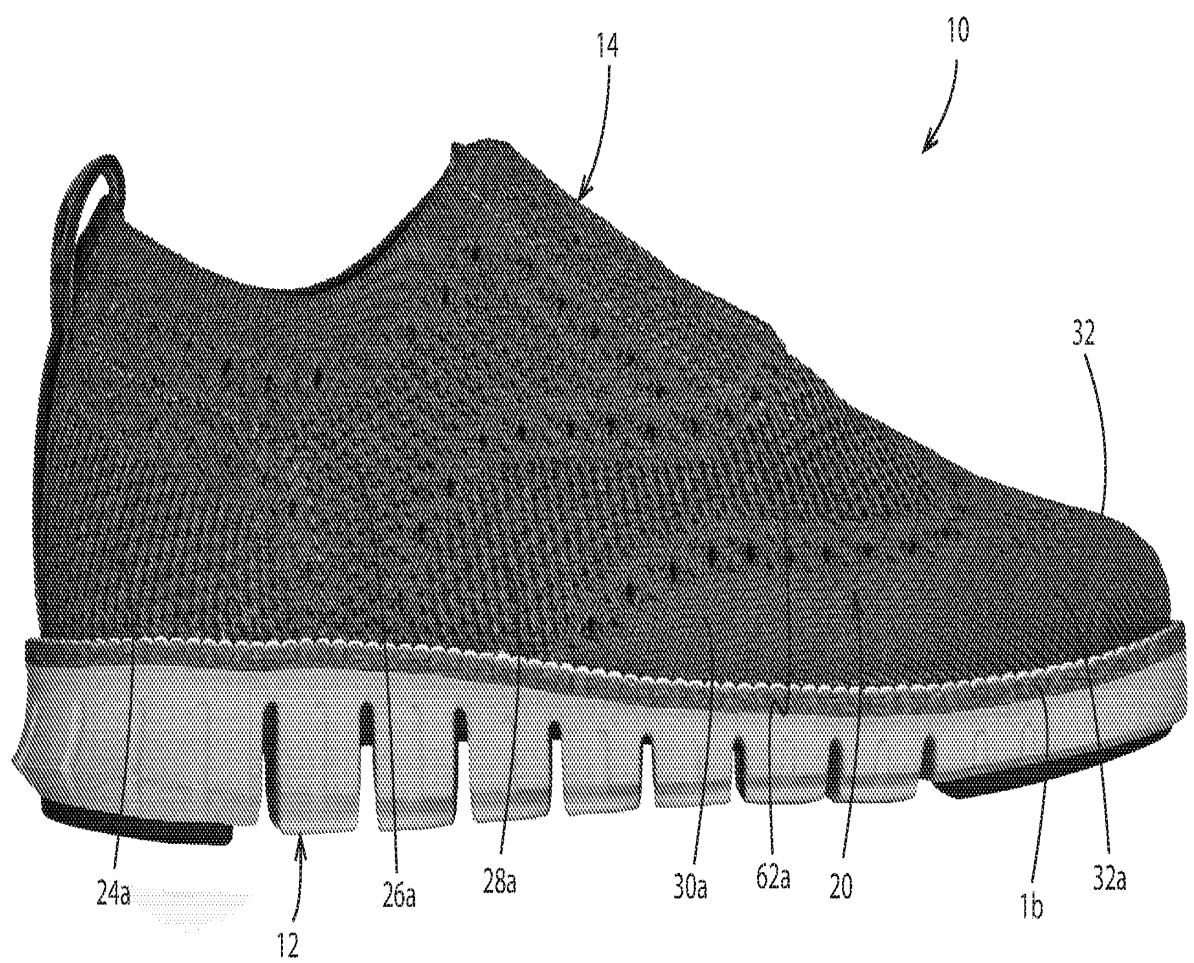


Figure 4

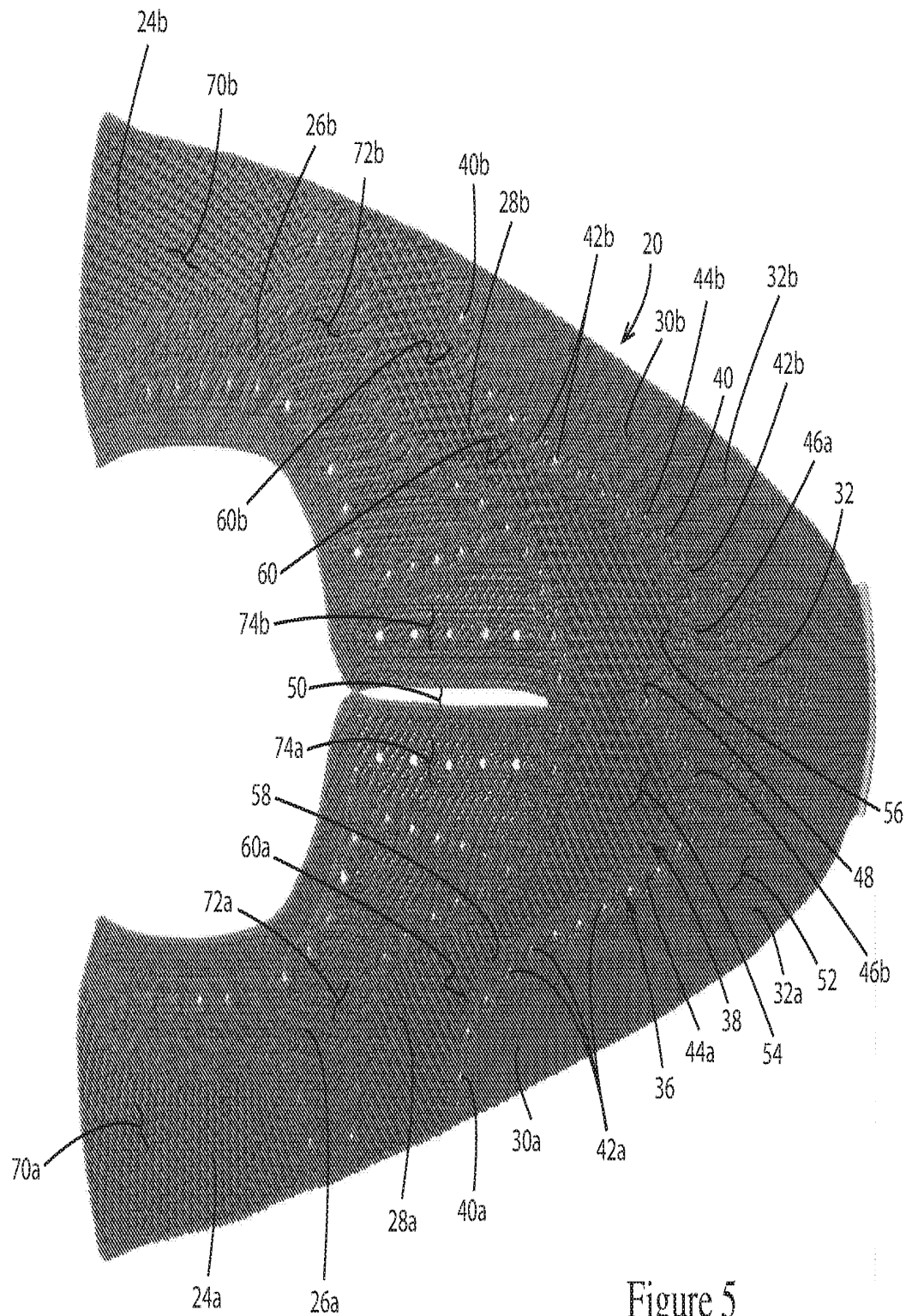


Figure 5

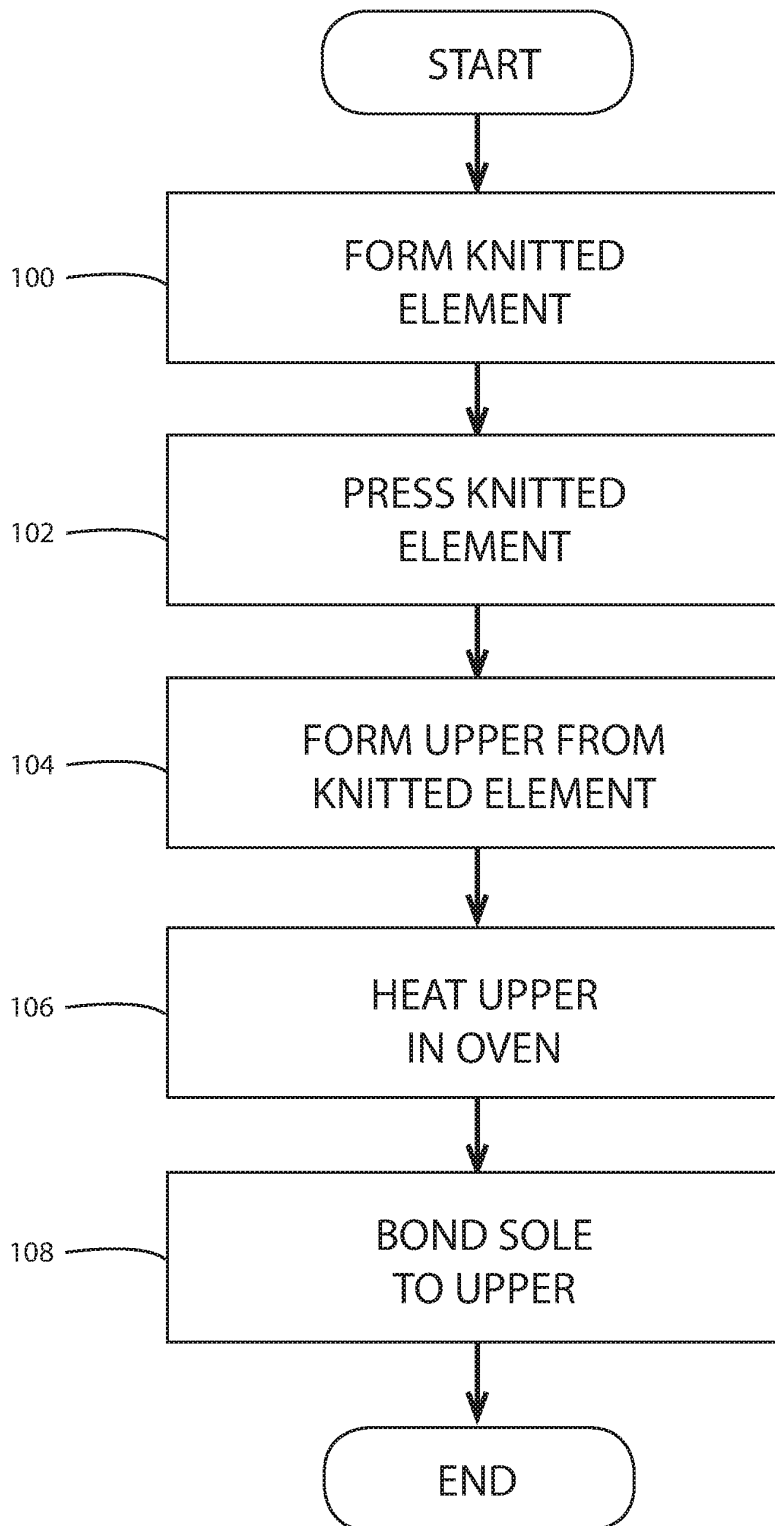


Figure 6

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Shoe Having Knit Wingtip Upper		
First Named Inventor/Applicant Name:		Jack Boys		
Filer:		Alan Norman/Kristen Godar		
Attorney Docket Number:		56503-155018		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	280	280
Utility Search Fee	1111	1	600	600
Utility Examination Fee	1311	1	720	720
Pages:				
Claims:				
Claims in Excess of 20	1202	4	80	320
Independent claims in excess of 3	1201	1	420	420
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Late Filing Fee for Oath or Declaration	1051	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2480

Electronic Acknowledgement Receipt	
EFS ID:	26298562
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman/Kristen Godar
Filer Authorized By:	Alan Norman
Attorney Docket Number:	56503-155018
Receipt Date:	08-JUL-2016
Filing Date:	
Time Stamp:	15:52:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2480
RAM confirmation Number	2370
Deposit Account	200823
Authorized User	NORMAN, ALAN H
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 CFR 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 CFR 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	Application Data Sheet	ADS_155018.pdf	1822956	no	9
			00935093150a2504858b94ce93b28e60f7946e4e		
Warnings:					
Information:					
2		Application.pdf	134763	yes	22
			36e8ad1b44d9f412a645d9cc003b1a29800fba9c		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	13	
	Claims		14	21	
	Abstract		22	22	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	Patent_Figures.pdf	12935703	no	6
			08cf458a5cbdf74bd8d78f214cc47b4cd4975e40		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	39927	no	2
			8446fb6875d44951f98f5fd94d5f8ea9339694ea		
Warnings:					
Information:					
Total Files Size (in bytes):			14933349		

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.

SCORE Placeholder Sheet for IFW Content

Application Number: 15205672

Document Date: 07/08/2016

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions below.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://Score.uspto.gov/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 15/205,672			
APPLICATION AS FILED - PART I									
(Column 1)		(Column 2)		SMALL ENTITY		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	280		
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	600		
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720		
TOTAL CLAIMS (37 CFR 1.16(i))	24	minus 20 = *	4			x 80 =	320		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4	minus 3 = *	1			x 420 =	420		
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	2340		
APPLICATION AS AMENDED - PART II									
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	x	=
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
TOTAL ADD'L FEE								TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)	RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	x	=
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
TOTAL ADD'L FEE								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 found in the appropriate box in column 1.									



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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
15/205,672	07/08/2016	3765	2480	56503-155018	24	4

CONFIRMATION NO. 1373

FILING RECEIPT



0000000084578889

21888
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

Date Mailed: 07/26/2016

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**

Inventor(s)

Jack Boys, New York, NY;
Ann Bono, New York, NY;
Aubert Shepherd, Greenland, NH;
Mattias Verfl, Brooklyn, NY;

Applicant(s)

Cole Haan LLC, New York, NY

Power of Attorney: None

Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/22/2016

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/205,672**

Projected Publication Date: 01/11/2018

Non-Publication Request: No

Early Publication Request: No
Title

Shoe Having Knit Wingtip Upper

Preliminary Class

036

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/205,672	07/08/2016	Jack Boys	56503-155018

CONFIRMATION NO. 1373

INFORMAL NOTICE



21888
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

Date Mailed: 07/26/2016

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):

Jack Boys
Ann Bono
Aubert Shepherd
Mattias Verfl

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/nhassani/

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence has been electronically filed with the U.S. Patent and Trademark Office via the EFS Web on August 12, 2016

/Alan H. Norman/
Alan H. Norman
Reg. No. 32,285

In re application of: Boys et al.	:	Examiner: Not Yet Assigned
	:	
Serial No.: 15/205,672	:	Confirmation No: 1373
	:	
Filed: July 8, 2016	:	Group Art Unit: 3765
	:	
For: Shoe Having Knit Wingtip Upper	:	

TRANSMITTAL OF FORMAL DRAWINGS

Enclosed herewith are the formal drawings (which are marked Replacement Sheet) for the above-referenced patent application. No new matter has been added.

Remarks:

Please replace original-filed Figures 1 through 6 with the Replacement Sheets of Figures 1 through 6. No new matter has been added and, in fact, the figures are identical to the figures originally filed by Applicant. Applicant submits these Replacement Sheets only because the USPTO file upload system distorted the original figures during the filing process.

Should the Examiner need any additional information, Applicant invites the Examiner to contact the undersigned at the number below.

Respectfully submitted,

Thompson Coburn LLP

By: /Alan H. Norman/
Alan H. Norman
Reg. No. 32,285
One US Bank Plaza
St. Louis, MO 63101-1693
(314) 552-6284

REPLACEMENT SHEET

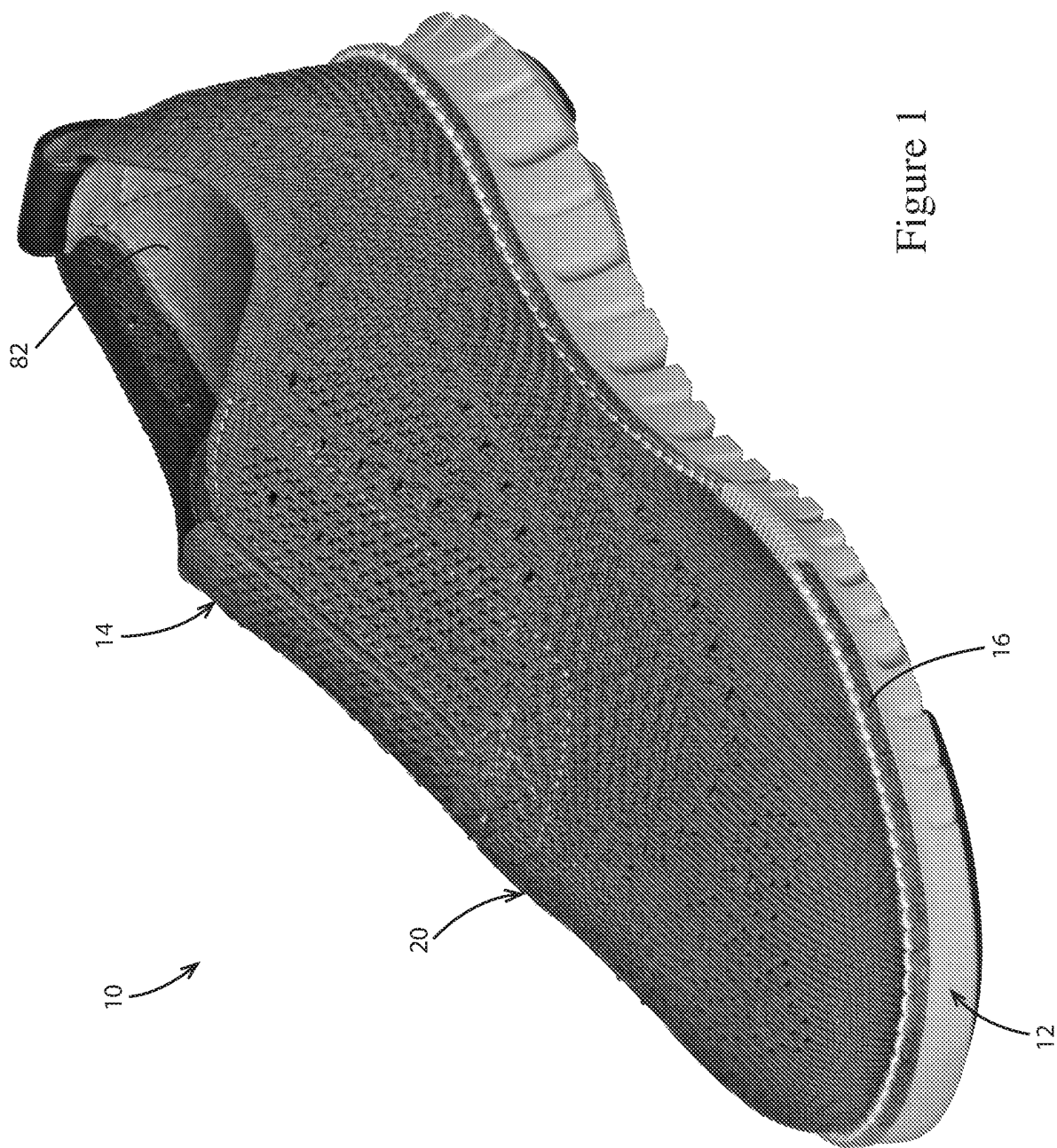


Figure 1

REPLACEMENT SHEET

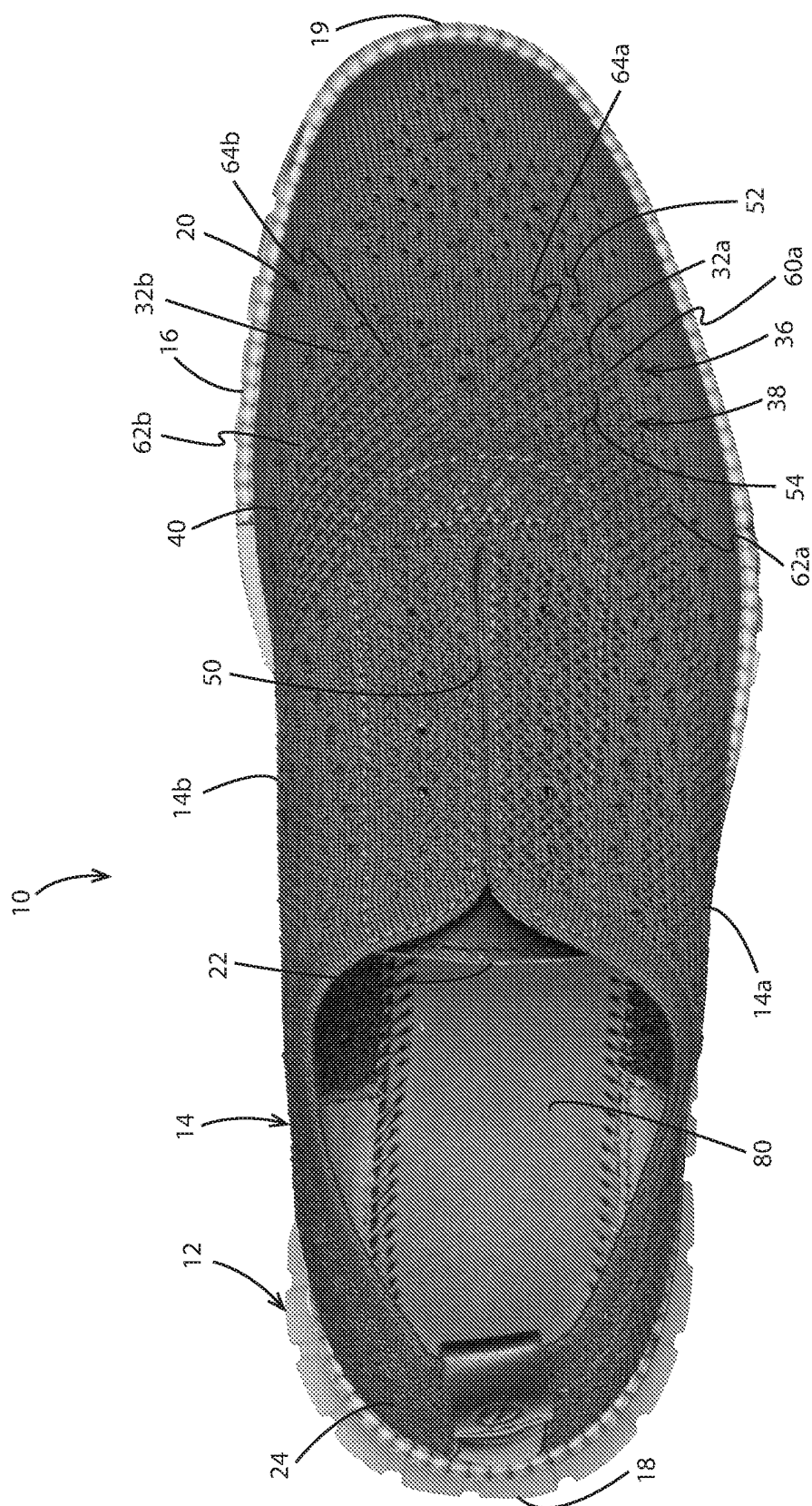


Figure 2

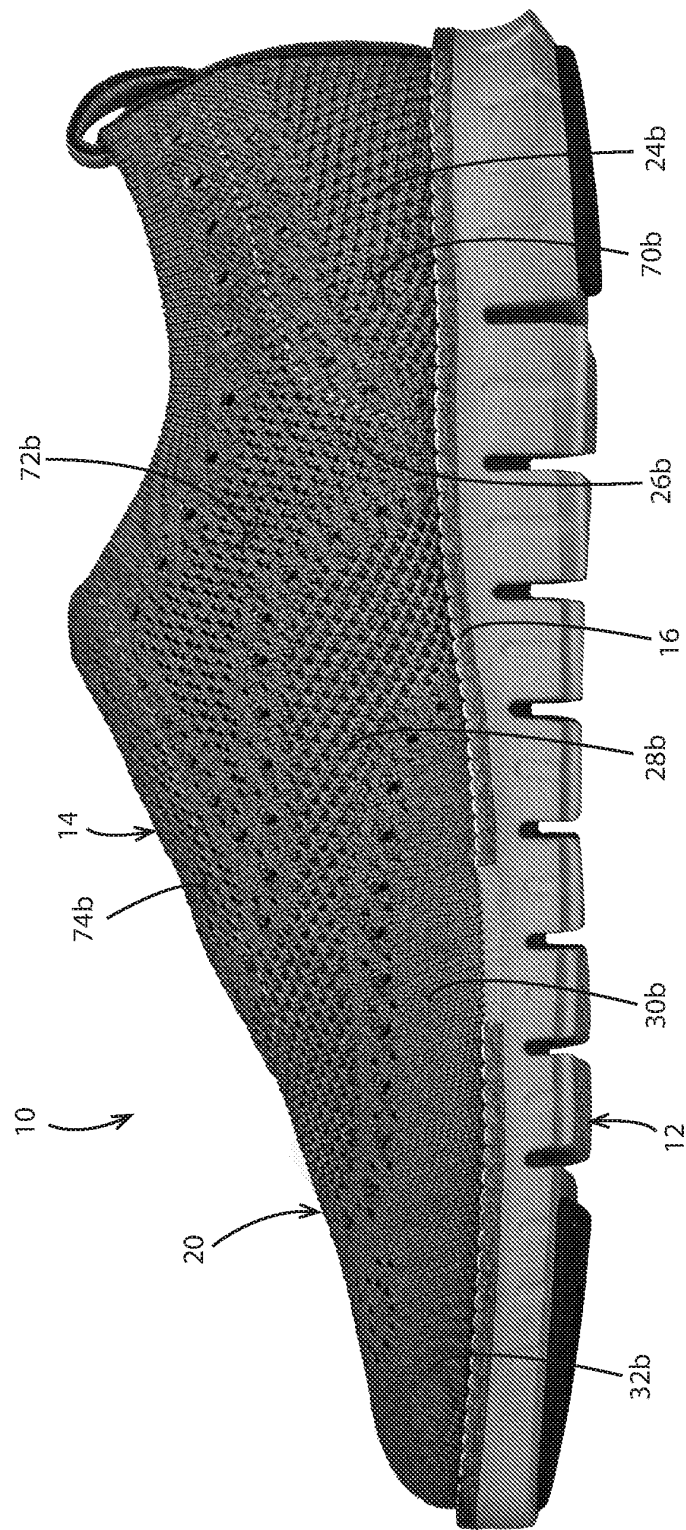
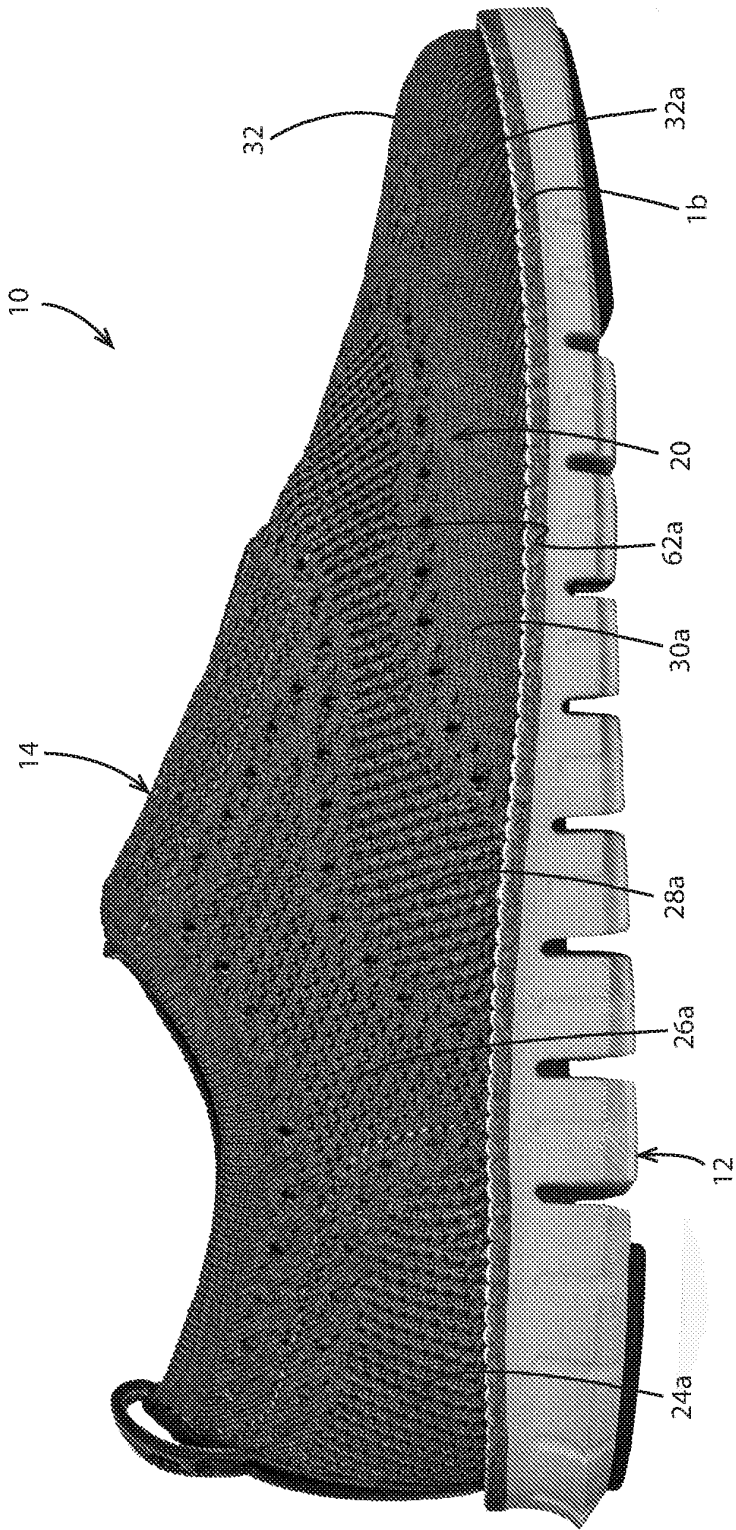


Figure 3

REPLACEMENT SHEET



4000

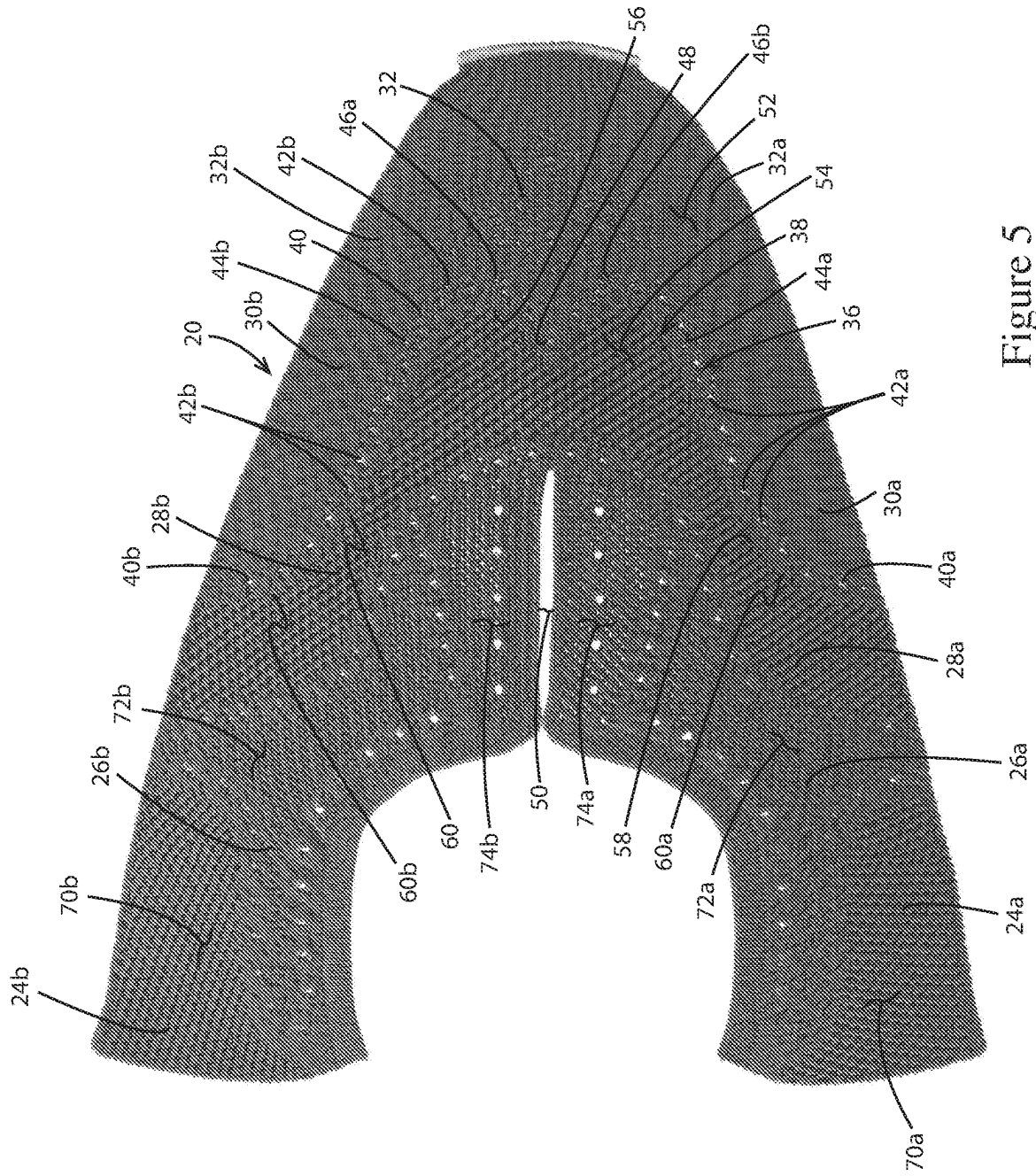


Figure 5

REPLACEMENT SHEET

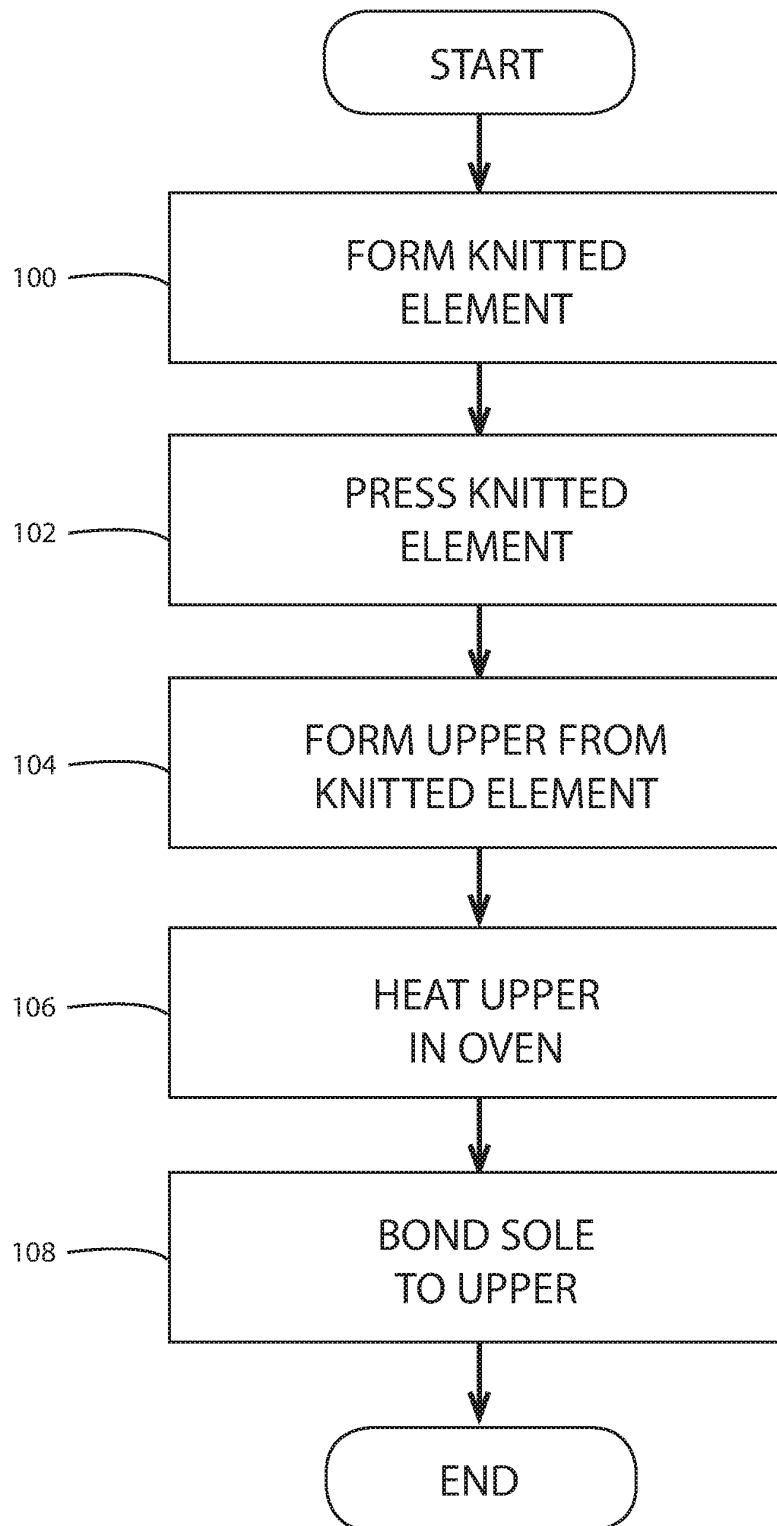


Figure 6

Electronic Acknowledgement Receipt	
EFS ID:	26630917
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman
Filer Authorized By:	
Attorney Docket Number:	56503-155018
Receipt Date:	12-AUG-2016
Filing Date:	08-JUL-2016
Time Stamp:	16:26:00
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	Transmittal Letter	155018_Amendment.pdf	180261	no	2
			5464b745dacctf081b5d62e511596af6faa0de5e		
Warnings:					

Information:					
2	Drawings-only black and white line drawings	155018_Replacement_Sheets.pdf	13012338	no	6
			165d52216551345569fcb1018a5f01cac9dae20d		
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
Total Files Size (in bytes):				13192599	
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.					

SCORE Placeholder Sheet for IFW Content

Application Number: 15205672

Document Date: 08/12/2016

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions below.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://Score.uspto.gov/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/205,672
Filing Date	July 8, 2016
First Named Inventor	Jack Boys
Title	Shoe Having Knit Wingtip Upper
Art Unit	not yet assigned
Examiner Name	not yet assigned
Attorney Docket Number	56503-155018

SIGNATURE of Applicant or Patent Practitioner			
Signature	/alan h. norman/	Date (Optional)	
Name	Alan H. Norman	Registration Number	32,285
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.			
☐ *Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. 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 3 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.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date
15/205,672	July 8, 2016

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- ☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:
- OR
- ☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- ☒ The address associated with the above-mentioned Customer Number
- OR
- ☐ The address associated with Customer Number:
- OR

Firm or Individual Name				
Address				
City		State		Zip
Country				
Telephone		Email		

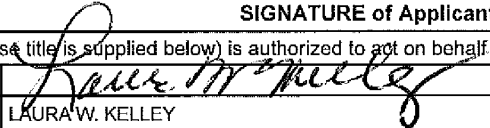
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Cole Haan LLC

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	
Name	LAURA W. KELLEY		
Title	VP LEGAL, HR AND GENERAL COUNSEL		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. 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 3 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.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of
Invention

Shoe Having Knit Wingtip Upper

As the below named inventor, I hereby declare that:

This declaration
is directed to:

☐

The attached application, or

☒

United States application or PCT international application number 15/205,672

filed on July 8, 2016

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

I have reviewed and understand the subject matter of the above-identified application, including the claims.

I am aware of and acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Jack Boys

Date (Optional): _____

Signature: 

THIS IS A MODIFIED VERSION OF U.S.P.T.O. FORM PTO/AIA/01.

6394460.1

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of
Invention

Shoe Having Knit Wingtip Upper

As the below named inventor, I hereby declare that:

This declaration ☐ The attached application, or
is directed to:

☒ United States application or PCT international application number 15/205,672

filed on July 8, 2016

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

I have reviewed and understand the subject matter of the above-identified application, including the claims.

I am aware of and acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

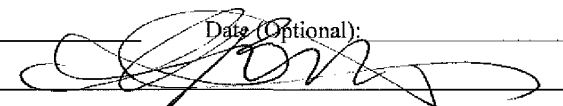
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Ann Bono

Date (Optional): _____

Signature: _____



THIS IS A MODIFIED VERSION OF U.S.P.T.O. FORM PTO/AIA/01.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	Shoe Having Knit Wingtip Upper
As the below named inventor, I hereby declare that: This declaration is directed to: ☐ The attached application, or ☒ United States application or PCT international application number <u>15/205,672</u> filed on <u>July 8, 2016</u> The above-identified application was made or authorized to be made by me. I believe that I am the original inventor or an original joint inventor of a claimed invention in the application. I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both. I have reviewed and understand the subject matter of the above-identified application, including the claims. I am aware of and acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application. WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.	
LEGAL NAME OF INVENTOR Inventor: <u>Mattias Verfl</u> Date (Optional): _____ Signature: <u></u>	

THIS IS A MODIFIED VERSION OF U.S.P.T.O. FORM PTO/AIA/01.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of
Invention

Shoe Having Knit Wingtip Upper

As the below named inventor, I hereby declare that:

This declaration ☐ The attached application, or
is directed to:

☒ United States application or PCT international application number 15/205,672

filed on July 8, 2016

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

I have reviewed and understand the subject matter of the above-identified application, including the claims.

I am aware of and acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: Aubert Shepherd

Date (Optional): _____

Signature: _____

THIS IS A MODIFIED VERSION OF U.S.P.T.O. FORM PTO/AIA/01.

Electronic Acknowledgement Receipt	
EFS ID:	26736857
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman/Kristen Godar
Filer Authorized By:	Alan Norman
Attorney Docket Number:	56503-155018
Receipt Date:	24-AUG-2016
Filing Date:	08-JUL-2016
Time Stamp:	15:41:28
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	Power of Attorney	POA.pdf	182517	no	2
			e82e4e068b0ee306becefb421ca94fb34f841eef		
Warnings:					

Information:					
2	Oath or Declaration filed	Dec_Boys.pdf	71243	no	1
			eb1738d4e05d8b87f57485d697165683a2bd6996		
Warnings:					
Information:					
3	Oath or Declaration filed	Bono_Dec.pdf	44490	no	1
			c5fbd2695536731da6b57c4a2b7d44e1f8112c06		
Warnings:					
Information:					
4	Oath or Declaration filed	Verfl_Dec.pdf	44238	no	1
			f807f4d4624062f0623333a1920bca2a8a161cc5		
Warnings:					
Information:					
5	Oath or Declaration filed	Shepherd_Dec.pdf	44508	no	1
			b349ff664314508c233201de237031e213c147d3		
Warnings:					
Information:					
Total Files Size (in bytes):			386996		
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.					



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/205,672	07/08/2016	Jack Boys	56503-155018

21888
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

CONFIRMATION NO. 1373
POA ACCEPTANCE LETTER



Date Mailed: 09/02/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/24/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ltaba/



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/205,672	07/08/2016	Jack Boys	56503-155018

CONFIRMATION NO. 1373

PUBLICATION NOTICE



21888
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

Title:Shoe Having Knit Wingtip Upper

Publication No.US-2018-0008006-A1

Publication Date:01/11/2018

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 Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <https://portal.uspto.gov/pair/PublicPair>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373

21888 7590 03/26/2018
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

WORRELL JR, LARRY D

ART UNIT	PAPER NUMBER
----------	--------------

3765

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/26/2018

ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-20, drawn to a knit shoe, classified in 36/45.

II. Claims 21-24, drawn to method of knitting shoe, classified in 66/177.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and 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 another 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 product as claim can be made by a materially different process such as warp knitting.

Restriction for examination purposes as indicated is proper because all the 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 one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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 or pre-AIA 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be corrected in compliance with 37 CFR 1.48(a) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. A request to correct inventorship under 37 CFR 1.48(a) must be accompanied by an application data sheet in accordance with 37 CFR 1.76 that identifies each inventor by his or her legal name and by the processing fee required under 37 CFR 1.17(i).

The examiner has required restriction between product or apparatus claims and process claims. Where applicant elects claims directed to the product/apparatus, and all product/apparatus claims are subsequently found allowable, withdrawn process claims that include all the limitations of the allowable product/apparatus claims should be considered for rejoinder. All claims directed to a nonelected process invention must include all the limitations of an allowable product/apparatus claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product/apparatus claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product/apparatus are found allowable, an otherwise proper restriction requirement between product/apparatus claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product/apparatus claim will not be rejoined. See MPEP § 821.04. Additionally, in

Art Unit: 3765

order for rejoinder to occur, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product/apparatus claims. **Failure to do so may result in no rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

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

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

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

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

/DANNY WORRELL/
Primary Examiner, Art Unit 3765

ldw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF E-FILING

I hereby certify that this correspondence has been e-filed with the U.S. Patent and Trademark Office via the EFS Web on July 26, 2018.

/alan h. norman/
Alan H. Norman
Reg. No. 32,285

In re application of: Boys	:	
	:	
Serial No.: 15/205,672	:	Examiner: Worrell Jr., Larry D,
	:	
Filed: July 8, 2016	:	Group Art Unit: 3765
	:	
For: SHOE HAVING KNIT WINGTIP	:	
UPPER	:	

ELECTION WITH TRAVERSE

In response to the outstanding Election Requirement, Applicant hereby elects, with traverse, Invention I (claims 1-20) for prosecution. Applicant requests reconsideration of the requirement.

A listing of the claims begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

Electronic Patent Application Fee Transmittal				
Application Number:		15205672		
Filing Date:		08-Jul-2016		
Title of Invention:		Shoe Having Knit Wingtip Upper		
First Named Inventor/Applicant Name:		Jack Boys		
Filer:		Alan Norman/Greg Drennen		
Attorney Docket Number:		56503-155018		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	1252	1	600	600
Miscellaneous:				
Total in USD (\$)				600

Electronic Acknowledgement Receipt	
EFS ID:	33296853
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman/Greg Drennen
Filer Authorized By:	Alan Norman
Attorney Docket Number:	56503-155018
Receipt Date:	26-JUL-2018
Filing Date:	08-JUL-2016
Time Stamp:	17:31:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 600
RAM confirmation Number	072718INTEFSW00004156200823
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Information_Disclosure_State ment_Fillable_PDF.pdf	1034293	no	4
			e980c519ef561d5c544bb123991b818e6d9b7fe5		
Warnings:					
Information:					
2	Foreign Reference	KR101367445B1.pdf	558724	no	7
			45d6daf6bee7e920bc36e71183e64650d8627e1d		
Warnings:					
Information:					
3		Election_with_Traverse-155018.pdf	133650	yes	11
			aa9cceeb0c5c1f3513f66d684e97742704a712521		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		10	11	
	Claims		2	9	
	Response to Election / Restriction Filed		1	1	
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30504	no	2
			c1d6158526684d510d089e55665dbf5c94742ad6		
Warnings:					
Information:					
Total Files Size (in bytes):			1757171		

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.

Doc code: IDS

PTO/SB/08a (02-18)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 11/30/2020. 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	15205672
	Filing Date	2016-07-08
	First Named Inventor	Jack Boys
	Art Unit	3765
	Examiner Name	L. D. Worrell, Jr.
	Attorney Docket Number	56503-155018

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							
If you wish to add additional U.S. Patent citation information please click the Add button.							Add	
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	20120255201	A1	2012-10-11	Little			
	2	20140310985	A1	2014-10-23	Tran et al.			
	3	20150342285	A1	2015-12-03	Huffman et al.			
If you wish to add additional U.S. Published Application citation information please click the Add button.							Add	
FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	10-1367445	KR	B1	2014-02-25	Song, Su Bok		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15205672
	Filing Date		2016-07-08
	First Named Inventor	Jack Boys	
	Art Unit	3765	
	Examiner Name	L. D. Worrell, Jr.	
	Attorney Docket Number	56503-155018	

If you wish to add additional Foreign Patent Document citation information please click the Add button				Add
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.	T ⁵	
	1			
If you wish to add additional non-patent literature document citation information please click the Add button				Add
EXAMINER SIGNATURE				
Examiner Signature			Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				
¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.				

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		15205672
	Filing Date		2016-07-08
	First Named Inventor	Jack Boys	
	Art Unit	3765	
	Examiner Name	L. D. Worrell, Jr.	
	Attorney Docket Number	56503-155018	

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	/Alan H. Norman/	Date (YYYY-MM-DD)	2018-07-26
Name/Print	Alan H. Norman	Registration Number	32,285

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.**

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 the Freedom of Information Act requires disclosure of these records.
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 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.



(19) 대한민국특허청(KR)

(12) 등록특허공보(B1)

(45) 공고일자 2014년02월25일

(11) 등록번호 10-1367445

(24) 등록일자 2014년02월19일

(51) 국제특허분류(Int. Cl.)

D03D 11/00 (2006.01) D03D 1/00 (2006.01)

A43B 23/02 (2006.01) A43B 23/24 (2006.01)

(21) 출원번호 10-2013-0080719

(22) 출원일자 2013년07월10일

심사청구일자 2013년07월10일

(56) 선행기술조사문헌

JP07034949 Y2

JP01148830 A

JP10219544 A

JP2009041160 A

전체 청구항 수 : 총 1 항

심사관 : 이명선

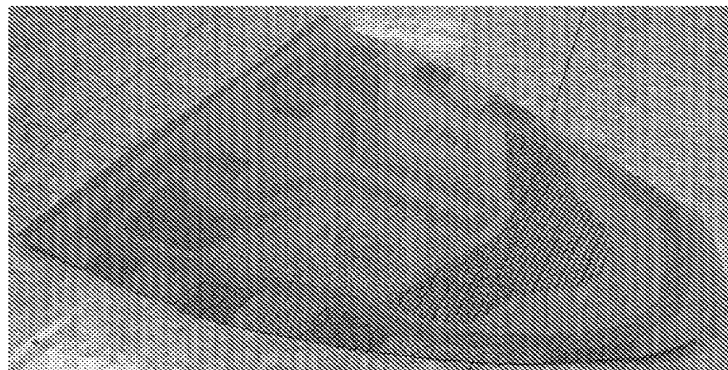
(54) 발명의 명칭 일체형 상하 분리 조직을 가진 신발 갑피

(57) 요약

본 발명은 신발 갑피에 관한 것으로, 갑피를 제작하여 형성시킬 때 디자인에 따른 일정 부분은 상하 두 겹으로 동시에 형성됨과 동시에 상층은 투명층으로 형성되어 하부층의 디자인 요소가 외부로 표출될 수 있도록 한, 일체형 상하 분리 조직을 가진 신발 갑피에 관한 것이다.

본 발명에 따르면, 다수 가닥의 투명사와 다수 가닥의 유색사의 조합으로 각각 경사와 위사가 구성되고, 상기 경사와 위사가 제작되어 형성된 갑피에 있어서, 상기 갑피는 모든 투명사와 모든 유색사의 제작으로 형성된 바탕 부분과; 유색사를 포함하여 제작된 상판 조직과, 상판 조직의 하부에 제작된 하판 조직으로 상하 분리형으로 동시에 제작되어 형성된 유색 부분과; 투명사만의 제작으로 상판 조직이 형성되고, 상판 조직의 하부에 로고가 형성되게 제작된 하판 조직으로 상하 분리형으로 동시에 제작되어 형성된 로고 부분;으로 구성된 일체형 상하 분리 조직을 가진 신발 갑피가 제공된다.

대표도



특허청의 결정

청구항 1

경사와 위사는 각각 다수 가닥의 투명사(1)와 다수 가닥의 유색사(2)의 조합으로 구성되고, 상기 경사와 위사가 제직되어 형성된 캄피에 있어서, 상기 캄피는 경사의 모든 투명사(1)와 모든 유색사(2), 위사의 모든 투명사(1)와 모든 유색사(2)가 제직되어 형성된 바탕 부분(10)과; 경사의 유색사(2)와 위사의 유색사(2)의 제직 또는 경사의 유색사(2)와 위사의 투명사(1)의 제직 또는 경사의 투명사(1)와 위사의 유색사(2)의 제직으로 이루어진 경사와 위사의 제직으로 형성된 하판 조적(3)과, 상판 조적(3)의 하부에 나머지 가닥의 경사와 위사의 제직으로 형성된 하판 조적(4)으로 상하 판 조적(3)이 형성되고, 상판 조적(3)의 하부에 경사의 유색사(2)와 위사의 유색사(2)로 포고가 형성되게 제직된 하판 조적(4)으로 상하 판조를 이루는 동시에 제직되어 형성된 유색 부분(20)과; 경사의 투명사(1)와 위사의 투명사(1)만의 제직으로 상판 조적(3)이 형성되고, 상판 조적(3)의 하부에 경사의 유색사(2)와 위사의 유색사(2)로 포고가 형성되게 제직된 하판 조적(4)으로 상하 판조를 이루는 동시에 제직되어 형성된 투명 부분(30);으로 구성됨을 특징으로 하는 원체형 상하 판조 캄피.

발명 배경

기술 분야

[0001] 본 발명은 신발 캄피에 관한 것으로, 캄피를 제작하여 형성시킬 때 디자인에 따른 일정 부분은 상하 두 겹으로 동시에 형성됨과 동시에 상층은 투명층으로 형성되어 하부층의 디자인 요소가 외부로 표출될 수 있도록 한, 일체형 상하 판조 캄피를 가진 신발 캄피에 관한 것이다.

발명 내용

[0002] 신발은 겹창과 캄피로 크게 구성되고, 내부에 중창 안창 등이 설치된 구조이다. 겹창, 안창 및 중창은 발바닥을 보호함과 동시에 안락한 보행감을 부여하고, 캄피는 발등을 보호함과 함께 신발의 디자인적인 요소가 가미되어 신발의 상품성을 가장 높여 주는 중요한 부분이다.

[0003] 특히 캄피 부문에 형성되는 제조사의 명칭이나 브랜드 명칭은 디자인을 넘어 자사의 상품을 두드러지게 홍보하는 역할을 하게 된다. 따라서 캄피에는 앞부분의 선포, 측면의 옆줄 장식과 옆 보강과 다양한 띠 형상 및 제조사의 로고 또는 브랜드 명칭 등(이하 '포고'라 함)이 형성되어 있다.

[0004] 이와 같은 캄피에 형성된 다양한 형상은 신발의 기능성을 높일 뿐만 아니라 디자인적인 기능을 하게 되는데, 종래의 경우 PVC 등의 합성수지, 피혁, 인조섬유, 인조가죽, 천연 등 다양한 재질과 형상으로 별도로 제조하여 재단한 후 제형이나 접착제나 압착 등으로 캄피 원단에 부착하였다.

[0005] 특히 캄피는 신발의 무게를 줄이거나 기능성을 위하여 직물을 이용하여 제작을 많이 이용하게 되고, 디자인적인 측면과 통기성을 높이기 위하여 메시(mesh), 망사 조직) 부분이 형성되기도 한다. 이러한 메시 부분은 합성수지, 피혁, 인조섬유 또는 인조 가죽으로 만들어진 캄피를 관라내고, 관라낸 부분에 메시를 제복 또는 접착제 등으로 부착하여 메시 부분을 형성시켰다. 이러한 종래의 캄피들은 한국 특허공개 제10-2012-0103580호(2012.09.19)와 한국 특허공개 제10-2012-0091112호(2012.08.17) 등을 통해 개시되어 있다.

발명의 내용

해결하려는 과제

[0006] 상기와 같은 종래의 신발에 있어서 경량화와 통기성을 위해 메시 조직을 많이 이용하였다. 즉, 다양한 모양의 디자인으로 캄피의 다른 구성 요소를 만들고, 재단된 캄피 구성 요소 위에 포린트나 자수로 로고를 표현하며, 그 위에 투명한 메시 등의 다른 자재를 으려서 붙일하고 다시 그 가장자리를 재봉하여 요구 제품을 제조하였다. 이렇게 메시지를 덧대는 구조는 디자인적인 측면과 통기성 및 경량화를 위해 행해졌다.

[0007] 그리고 상기와 같이 메시가 몇대여진 감피의 구성 요소 하부에 다른 직물을 부착하는 합포 작업시에는 합포용 분드가 투명하고 생긴 조적의 메시 위로 편저 나하 물량의 요인이 되었다.

[0008] 이와 같이, 메시 조적을 이용한 신발 감피의 상기 문제점들을 해결하고, 간단하게 감피를 제조할 수 있도록 하 는 구조의 감피를 제공함에 본 발명의 목적이 있다.

본 발명의 해결 수단

[0009] 본 발명은 상기와 같은 목적을 달성하기 위하여, 메시지를 별도로 부착하지 않고 감피가 적조될 때 투명 또는 반 투명한 메시 부분이 형성되는 상판 조적과, 상판 조적을 잡아주고 상판 조적의 하부에 제지되며 포고가 형성되 는 하판 부분으로 형성된 포고 부분과, 유색의 상판 조적과 투명 조적의 하판 조적으로 형성된 유색 부분과, 상판 조 적과 하판 조적이 없이 하나의 단층 조적으로 된 바탕 부분으로 구성된 감피가 제공된다.

본 발명의 효과

[0010] 본 발명의 신발 감피 구조는 별도의 메시 부착 공정이 필요치 않다. 그리고, 포고 부분은 포고가 형성되는 하판 조적과, 포고가 은은하게 투과되도록 하는 투명 또는 반투명의 상판 조적이 동시에 제지되는 구조이므로, 다수 겹을 부착시키는 겹착 공정이 필요 없게 되므로 생산성이 향상된다. 또한 인간 등을 점착할 때 메시의 생긴 조 적으로 점착제가 유출되어 오염되는 문제점이 방지되고 이로 인한 품질 향상의 효과가 있다. 또한, 포다 가뻗고 통기가 잘되는 감피를 제공하고, 고름스러운 디자인과 심미적인 효과가 크다고 할 수 있다.

도면의 간단한 설명

[0011] 도 1은 본 발명의 한계 실시예의 감피

도 2는 본 발명에 의한 감피가 형성된 원단

도 3은 원단에서 감피가 제단된 전개도

도 4는 도 3의 "A"부분인 포고 부분으로서 투명한 상판 조적과 이를 지지하는 하판 조적의 단면도

도 5는 도 3의 "B"부분인 바탕 부분으로서 유색의 상판 조적과 이를 지지하는 하판 조적의 단면도

발명을 실시하기 위한 구체적인 내용

[0012] 본 발명에 의한 일체형 상하 분리 조적을 가진 신발 감피(100)는 다수 가닥의 투명사(1)와 다수 가닥의 유색사 (2)의 조합으로 각각 경사와 위사가 구성되고, 상기 경사와 위사가 제지되어 형성된다.

[0013] 상기 감피(100)는 모든 투명사(1)와 모든 유색사(2)의 제적으로 형성된 바탕 부분(10)과; 유색사(2)를 포함하여 제적된 상판 조적(3)과, 상판 조적(3)의 하부에 제지된 하판 조적(4)으로 상하 분리로 동시에 제지되어 형 성된 유색 부분(20)과; 투명사(1)만의 제적으로 상판 조적(3)이 형성되고, 상판 조적(3)의 하부에 포고가 형 성된 포고 부분(30)으로 상하 분리로 분리됨으로 동시에 제지되어 형성된 포고 부분(30)으로 구성된다.

[0014] 상기와 같은 구성을 가지는 감피(100)의 제조와 각각의 구성에 대하여 그 작용관계를 설명하면 다음과 같다.

[0015] 우선, 본 발명의 감피(100)는 한 편의 제적으로 바탕 부분(10), 유색 부분(20), 포고 부분(30)이 형성되고, 유 색 부분(20)과 포고 부분(30)은 상부와 하부의 구조를 가진 이중 층상 구조이다. 이러한 층상 구조는 한 편의 제 조로 동시에 형성됨에 특징이 있다. 물론 하나의 감피(100)에는 하나 이상의 바탕 부분(10)과, 하나 이상의 유 색 부분(20) 및 하나 이상의 포고 부분(30)이 형성된다.

[0016] 그리고, 감피(100)를 적조하는 경사와 위사는 투명 또는 반투명의 다수 가닥의 투명사(1)와, 다양한 색상을 가 지는 다수 가닥의 유색사(2)의 조합으로 이루어진다. 따라서 감피(100)의 디자인에 따라 투명사(1)와 유색사 (2)의 적절한 조합으로 바탕 부분(10), 유색 부분(20) 및 포고 부분(30)이 형성된다.

[0017] 우선, 바탕 부분(10)은 도 4와 도 5에 도시된 바와 같이, 위사와 경사를 구성하는 모든 투명사(1)와 유색사(2)

가 함께 직조되어 이루어진다. 따라서 바탕 부분(10)은 갑피(100)에서 가장 조밀하고 밀도가 높은 부분이 된다.

[0018] 그리고, 유색 부분(20)은 도 5에 도시된 바와 같이, 상판 조직(3)은 유색을 띠고, 하판 조직(4)은 어떠한 색상을 띠더라도 상관없으며, 이는 디자인적인 측면에서 고려되어 선택되는 문제이다.

[0019] 따라서 유색 부분(20)은 다양하게 실시될 수 있는데, 유색 부분(20)의 상판 조직(3)은 유색사(2) 끼리 직조되거나, 유색사(2)와 투명사(1)가 함께 혼합 직조되어 형성될 수 있다. 즉, 유색 부분(20)의 상판 조직(3)에는 반드시 유색사(2)가 포함되므로 유색을 띠게 된다. 그리고 유색 부분(20)의 하판 조직(4)은 유색사(2)만으로 직조되거나, 투명사(1)만으로 직조되거나, 유색사(2)와 투명사(1)의 혼합으로 직조될 수 있다. 따라서 하판 조직(4)은 어떠한 색상이라도 상관이 없다.

[0020] 상기와 같이 유색 부분(20)은 다양한 실시예로 이층의 구조를 가진다. 물론 상판 조직(3)과 하판 조직(4)은 동시에 직조되는데, 이는 자카드(jacquard) 직조와 같은 방법으로 직조하여 이층으로 분리된 독립된 구조를 가질 수 있다.

[0021] 이와 같이, 유색 부분(20)은 유색사(2)를 포함하여 직조된 상판 조직(3)이 상부에 위치한 구성으로, 갑피(100)의 디자인에 의해 색상이 결정되고, 또는 다양한 색상으로 하나의 갑피(100)에 다른 색상과 다른 모양으로 여러 곳에 형성될 수도 있다. 따라서 유색 부분(20)은 갑피(100)의 여러 곳에 디자인적인 측면에서 형성되어, 전체적인 심미성을 부여하게 된다.

[0022] 물론 유색 부분(20)의 하판 조직(4)은 이후 안감 등이 접착제로 덧대어질 때, 접착제가 상판 조직(3)으로 침투되지 못하게 하는 역할을 한다.

[0023] 또한, 본 발명의 갑피(100)는 신발의 좌측과 우측에 해당되는 부분에 로고 부분(30)이 형성된다. 로고 부분(30)은 도 4에 도시된 바와 같이, 상층부가 투명사(1)만으로 직조된 상판 조직(3)이고, 하층부가 유색사(2)만으로 직조되거나, 유색사(2)와 투명사(1)의 혼합으로 직조된 하판 조직(4)이다. 물론 상판 조직(3)과 하판 조직(4)은 자카드 기법 등과 같이 동시에 이층 층으로 직조된 것으로 접착에 의한 이층 층의 구조가 아니라 일체형으로 함께 직조된 구조이다.

[0024] 특히 로고 부분(30)의 하판 조직(4)에는 유색사(2)로 로고 등이 형성되고, 상판 조직(3)은 투명사(1)로 직조됨으로써, 로고 등이 외부에 은은하고 고급스럽게 표출되어, 디자인적인 측면에서 매우 높은 효과를 나타내게 된다.

[0025] 그리고 이후 안감 등의 직물이 하부에 접착제로 부착될 경우에, 접착제는 하판 조직(4)에 의해 차단되어 상판 조직(3)의 위로 빠져나오지 않아 외관이 깨끗하고 불량이 없게 된다.

부호의 설명

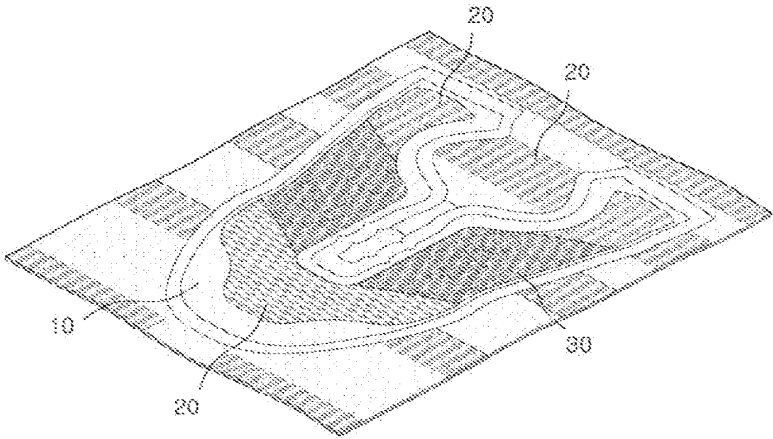
[0026]	1 : 투명사	2 : 유색사
	3 : 상판 조직	4 : 하판 조직
	10 : 바탕 부분	20 : 유색 부분
	30 : 로고 부분	100 : 갑피

도면

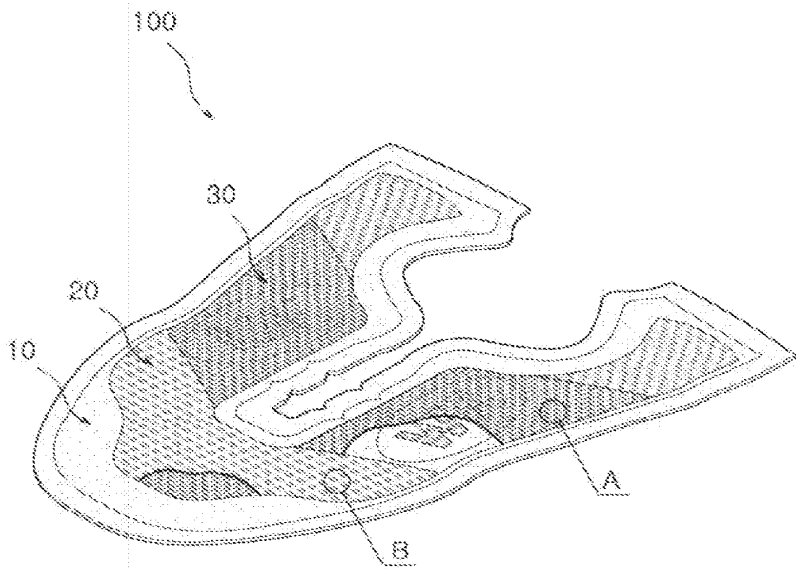
도면1



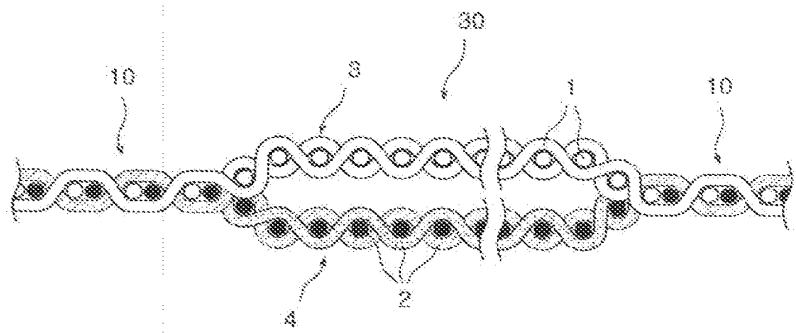
도면2



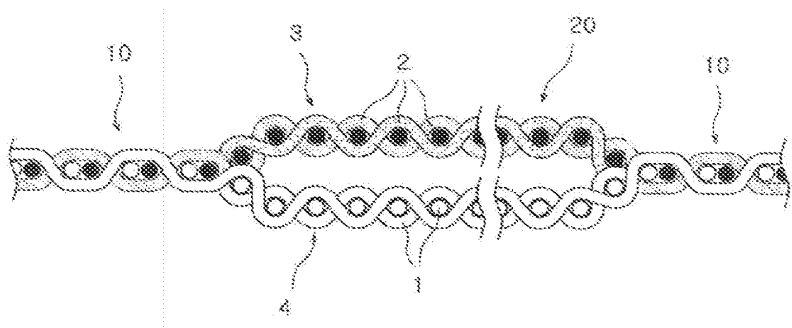
도면3



도면4



도면5



REMARKS

Claims 1-24 are pending.

In the Office Action, the examiner subjects claims 1-24 to a restriction requirement. The examiner groups the claims as follows: Group I " Claims 1-20, drawn to a knit shoe, classified in 36/45"; and Group II "Claims 21-24, drawn to method of knitting shoe, classified in 66/177."

Applicant elects Group I, claims 1-20, with traverse.

MPEP §803 sets forth two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) "there must be a serious burden on the examiner if restriction is not required." In the present case, restriction is not proper because the second criteria is not met.

As set forth in the restriction requirement, both groups are directed toward knit shoes having regions of varying stitching and methods of making the same. The claims are sufficiently related that there would be no serious burden without a restriction requirement. Search results for either group are likely to be equally applicable to the other group given the relatedness of the claims. It would be expected that the search would encompass both the shoe itself and the method of making the shoe and therefore additional searching beyond the necessary amount would not be required. Furthermore, even if there is an increased burden, the burden would not be serious given that the two groups are highly related and that there are only a total of two groups. Therefore, the restriction requirement should be withdrawn.

CONCLUSION

Applicant believes that a complete response to the present office action has been provided and that no issues raised remain outstanding. The Examiner is encouraged to contact

the undersigned via telephone at the number provided if it is determined that personal communication will expedite prosecution of this application.

Respectfully submitted,
Thompson Coburn LLP

By: /alan h. norman/
Alan H. Norman
Reg. No. 32,285
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
(314) 552-7000 (fax)

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listing, of claims in the application.

Listing of Claims:

1. (original) A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine, the knitted element comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a wingtip pattern, the wingtip pattern being portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions;

the upper toe region, the upper lateral and medial ball regions, and the upper lateral and

medial metatarsal regions collectively being knitted with the wingtip pattern during the knitting process.

2. (original) A shoe as set forth in claim 1 wherein the wingtip pattern comprises a medial line of broguing and a lateral line of broguing, the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the medial and lateral lines of broguing, the medial line of broguing comprising a wing-shaped curved line of holes having a medial side broguing portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the lateral line of broguing comprising a wing-shaped curved line of holes having a lateral side broguing portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of the lateral line of broguing.

3. (original) A shoe as set forth in claim 2 wherein the central broguing portions of the medial and lateral lines of broguing meet at a rearwardly pointing apex.

4. (original) A shoe as set forth in claim 3 wherein the upper further comprises a throat, and wherein the apex points toward the throat.

5. (original) A shoe as set forth in claim 2 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the medial and lateral lines of broguing being adjacent a rear boundary of the first area, the medial and lateral lines of broguing being adjacent a forward boundary of the second area.

6. (original) A shoe as set forth in claim 5 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

7. (original) A shoe as set forth in claim 5 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

8. (original) A shoe as set forth in claim 1 wherein the knitted element comprises covered spandex yarn and hot melt yarn, the hot melt yarn being knitted with the covered spandex yarn during the knitting process.

9. (original) A shoe as set forth in claim 8 wherein the hot melt yarns constitute at least 15% by mass of the knitted element.

10. (original) A shoe as set forth in claim 9 wherein the covered spandex yarn constitute at least 50% by mass of the knitted element.

11. (original) A shoe as set forth in claim 10 wherein the covered spandex yarn comprises polyester covered spandex yarn.

12. (original) A shoe as set forth in claim 11 wherein the knitted element further comprises stretch yarn, the stretch yarn constituting at least 5% by mass of the knitted element.

13. (original) A shoe as set forth in claim 1 wherein the knitted element comprises polyester yarn and hot melt yarn, the hot melt yarn being knitted with the polyester yarn during the knitting process.

14. (original) A shoe as set forth in claim 8 wherein the covered spandex yarn has a linear density of between about 120 denier and about 180 denier, and wherein the hot melt yarn has a linear density of between about 80 denier and about 120 denier.

15. (original) A shoe as set forth in claim 1 wherein the knitted element comprises hot melt yarn, the hot melt yarn constituting at least 15% by mass of the knitted element.

16. (original) A shoe as set forth in claim 1 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas, the wingtip pattern comprising the boundary line, the boundary line having a medial boundary line and a lateral boundary line, the medial boundary line comprising a wing-shaped curved line having a medial side portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the lateral boundary line comprising a wing-shaped curved line having a lateral side portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the rearwardly extending central portion of the medial boundary line converging toward the rearwardly extending central portion of the lateral boundary line.

17. (original) A shoe as set forth in claim 16 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

18. (original) A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine, the knitted element

comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a line of broguing, the upper toe region being knitted with the line of broguing during the knitting process, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area.

19. (original) A shoe as set forth in claim 18 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

20. (original) A shoe as set forth in claim 19 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

21. (original) A method of manufacturing an upper for an article of footwear, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element including a line of broguing, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the upper toe region being knitted with the line of broguing during the knitting step;

the first and second areas being knitted during the knitting step.

22. (original) A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

23. (original) A method as set forth in claim 22 wherein the upper is knitted during the knitting step with at least first and second yarns, the first yarn being of a hot melt yarn, the second yarn being of a yarn other than a hot melt yarn.

24. (original) A method as set forth in claim 23 further comprising:

placing the upper around a last;

applying heat to the upper while the upper is around the last to cause the hot melt yarn to affix to the second yarn.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 15/205,672		Filing Date 07/08/2016		☐ To be Mailed			
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO											
APPLICATION AS FILED - PART I											
		(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		x \$80 =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		x \$420 =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL					
APPLICATION AS AMENDED - PART II											
		(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	07/26/2018		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))		* 24	Minus	** 24	= 0			x \$100 =	0	
	Independent (37 CFR 1.16(h))		* 4	Minus	*** 4	= 0			x \$460 =	0	
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
								TOTAL ADD'L FEE		0	
		(Column 1)		(Column 2)		(Column 3)					
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))		*	Minus	**	=			x \$0 =		
	Independent (37 CFR 1.16(h))		*	Minus	***	=			x \$0 =		
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
								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".								Lisa Epps			
*** 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.											

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.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373

21888 7590 10/05/2018
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

WORRELL JR, LARRY D

ART UNIT	PAPER NUMBER
----------	--------------

3732

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/05/2018

ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

The phrase “wingtip design” has no clear and definite meaning as to the specific structure being claimed.

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 16-22 are rejected under 35 U.S.C. 103 as being unpatentable over Dua et al. (US 7,347,011), henceforth known as Dua in view of Crannell (US 2,312,078).

Re claim s 1 and 18, as seen at least in figures 1-11, Dua teaches the shoe (10) as claimed including a knit upper (30); a sole (20) secured to the upper; the knit upper having a knitted element (40), the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine. As seen at least in in the embodiment of filer 11, the knitted element (40'') comprises each of the regions as claimed including a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process. Furthermore, the knitted element (40'') includes a

knitted design pattern (46'', 47'', 48''), the design pattern being portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions; the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the pattern during the knitting process. However the specific design pattern is not set forth as being a *wingtip* design. Crannell shows a shoe upper with a typical *wingtip* design pattern. It would have been an obvious matter of design choice to one of ordinary skill in the art before the effective filing date of the claimed invention to choose from different design patterns including a *wingtip* design pattern as shown for example by Crannell in order to optimize the aesthetic appeal of the Dua's shoes. Regarding claims 2-4, Dua shows broguing (perforations, 48''). It would have been an obvious matter of design choice to one of ordinary skill in the art before the effective filing date of the claimed invention to choose to provide the broguing in wherein the pattern comprises a medial line of broguing and a lateral line of broguing, the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the medial and lateral lines of broguing, the medial line of broguing comprising a wing- shaped curved line of holes having a medial side broguing portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the lateral line of broguing comprising a wing- shaped curved line of holes having a lateral side broguing portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of

Art Unit: 3765

the lateral line of broguing in order to optimize the aesthetic appeal of the Dua's shoes.

Regarding claim 5, Dua's knitted element comprises a first area of a first type of knit structure (46'') and a second area of a second type of knit structure (47''), the second type of knit structure being different from the first type of knit structure, the medial and lateral lines of broguing being adjacent a rear boundary of the first area, the medial and lateral lines of broguing being adjacent a forward boundary of the second area. Regarding claims 6 and 20, the first type of knit structure is more tightly knit than the second type of knit structure. Regarding claims 7, 17 and 22, Dua does not set forth the different knit stitches as a jersey stitch knit and a pointelle stitch knit. However Dua indicates that various stitches may be used for different areas (46, 47, 48) of the knitted element. It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to choose from different knit stitches including jersey and pointelle in order to vary the texture, physical properties, or aesthetics of footwear within a single, unitary element of material as indicated by Dua at column 9, lines 60-64. Re claim 16, a *wingtip* design as shown by Crannell comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas, the wingtip pattern comprising the boundary line, the boundary line having a medial boundary line and a lateral boundary line, the medial boundary line comprising a wing-shaped curved line having a medial side portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central

Art Unit: 3765

portion extending rearward from the upper toe region, the lateral boundary line comprising a wing-shaped curved line having a lateral side portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the rearwardly extending central portion of the medial boundary line converging toward the rearwardly extending central portion of the lateral boundary line. Similarly Dua '011 teaches the methods of claims 20 and 21 including an upper (30) for an article of footwear, the method comprising: knitting with a knitting machine to form a knitted element (40) of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element including a line of broguing, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area; the upper toe

Art Unit: 3765

region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step; the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step; the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step; the upper toe region being knitted with the line of broguing during the knitting step; the first and second areas being knitted during the knitting step.

Claims 8-15, 23 and 24 are rejected under 35 U.S.C. 103 as being unpatentable over Dua'011 in view of Crannell and further in view of Dua (US 6,910,288), henceforth known as Dua '288.

Re claims 8 and 23, the combined teachings of Dua '011 and Crannell set forth the invention as claimed. Also Dua '011 teaches that the knitted element comprises covered spandex yarn (LYCRA, column 8, lines 41-43). However, they do not teach a hot melt yarn, the hot melt yarn being knitted with the covered spandex yarn during the knitting process. Dua'288 teaches covered spandex yarn and a hot melt yarn knitted together in a shoe upper (figure 1). It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to provide the upper of Dua '011 with a hot melt yarn knitted in a shoe upper (figure 1) in order to provide a greater stretch-resistance, stability, support, abrasion-resistance, durability, and stiffness without significantly increasing the weight of the footwear as indicated by Dua '288 in the abstract. Regarding claim 11, the combined teachings set forth nylon covered spandex instead of polyester covered spandex. It would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to choose different spandex covering

Art Unit: 3765

materials including polyester since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Concerning the mass % of yarns set forth in claims 9, 10, 12 and 15, it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to choose from different mass % of the individual yarns in order to optimize the stiffness, abrasion resistance, stretch etc of different areas of the shoe upper and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Concerning claim 14 and the specific yarn size, it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to choose from different yarn sizes including 120 denier and about 180 denier and between about 80 denier and about 120 denier in order to optimize the thickness of the shoe upper and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Concerning claim 24, Dua '288 sets forth the steps of placing the upper around a last and applying heat to cause the hot melt to affix to the second yarn as at column 10, line 11.

Conclusion

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

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

Further it is noted that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including:

- The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.
- A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.
- Moreover, The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims. Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06, MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANNY WORRELL whose telephone number is (571)272-4997. The examiner can normally be reached on MONDAY and WEDNESDAY-FRIDAY.

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

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

/DANNY WORRELL/
Primary Examiner
Art Unit 3765

ldw

Notice of References Cited	Application/Control No. 15/205,672		Applicant(s)/Patent Under Reexamination BOYS ET AL.	
	Examiner DANNY WORRELL		Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US- D97,783 S	12-1935	Peterson		D2/945
*	B	US-2,312,078 A	02-1943	CRANNELL JAMES J	A43B1/0027	36/45
*	C	US-D293,386 S	12-1987	Kelley; Brenda C.		D2/969
*	D	US-D394,739 S	06-1998	Carlson; Ragnar		D2/906
*	E	US-D401,398 S	11-1998	Carlson; Ragnar		D2/969
*	F	US-6,910,288 B2	06-2005	Dua; Bhupesh	A43B1/04	36/45
*	G	US-7,347,011 B2	03-2008	Dua; Bhupesh	A43B1/04	36/45
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Receipt date: 07/26/2018

15/205,672 - GAU: 3765

Doc code: IDS

PTO/SB/08a (02-18)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 11/30/2020. 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	15205672
	Filing Date	2016-07-08
	First Named Inventor	Jack Boys
	Art Unit	3765
	Examiner Name	L. D. Worrell, Jr.
	Attorney Docket Number	56503-155018

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						

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

Add

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	20120255201	A1	2012-10-11	Little		
	2	20140310985	A1	2014-10-23	Tran et al.		
	3	20150342285	A1	2015-12-03	Huffman et al.		

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

Add

FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²ⁱ	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	10-1367445	KR	B1	2014-02-25	Song, Su Bok		

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

Application Number	15205672
Filing Date	2016-07-08
First Named Inventor	Jack Boys
Art Unit	3765
Examiner Name	L. D. Worrell, Jr.
Attorney Docket Number	56503-155018

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/DANNY WORRELL/ (09/26/2018)	Date Considered	09/26/2018
--------------------	------------------------------	-----------------	------------

*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.

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

Application Number	15205672
Filing Date	2016-07-08
First Named Inventor	Jack Boys
Art Unit	3765
Examiner Name	L. D. Worrell, Jr.
Attorney Docket Number	56503-155018

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	/Alan H. Norman/	Date (YYYY-MM-DD)	2018-07-26
Name/Print	Alan H. Norman	Registration Number	32,285

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.**

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 the Freedom of Information Act requires disclosure of these records.
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 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.

<i>Index of Claims</i> 	Application/Control No. 15205672	Applicant(s)/Patent Under Reexamination BOYS ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant			☐ CPA			☐ T.D.			☐ R.1.47		
CLAIM		DATE									
Final	Original	09/26/2018									
	1	✓									
	2	✓									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	✓									
	12	✓									
	13	✓									
	14	✓									
	15	✓									
	16	✓									
	17	✓									
	18	✓									
	19	✓									
	20	✓									
	21	✓									
	22	✓									
	23	✓									
	24	✓									

Search Notes 	Application/Control No. 15205672	Applicant(s)/Patent Under Reexamination BOYS ET AL.
	Examiner LARRY WORRELL JR	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
D04B , 1/10, 1/104, 1/24	9/28/2018	/dw/
A43B 23/0245, 23/04, 23/042	9/28/2018	/dw/

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

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

--	--

Bibliographic Data

Application No: 15/205,672

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No

☐ Met After Allowance

Verified and Acknowledged: /DANNY WORRELL/

Examiner's Signature

Initials

Title:

Shoe Having Knit Wingtip Upper

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
07/08/2016	066	3765	56503-155018
RULE			

APPLICANTS

Cole Haan LLC, New York, NY, UNITED STATES

INVENTORS

Jack Boys New York, NY, UNITED STATES

Ann Bono New York, NY, UNITED STATES

Aubert Shepherd Greenland, NH, UNITED STATES

Mattias Verfl Brooklyn, NY, UNITED STATES

CONTINUING DATA

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

07/22/2016

STATE OR COUNTRY

UNITED STATES

ADDRESS

THOMPSON COBURN LLP

ONE US BANK PLAZA

SUITE 3500

ST LOUIS, MO 63101

UNITED STATES

FILING FEE RECEIVED

\$2,480

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF E-FILING

I hereby certify that this correspondence has been e-filed with the U.S. Patent and Trademark Office via the EFS Web on April 3, 2019.

/alan h. norman/
Alan H. Norman
Reg. No. 32,285

In re application of: Boys	:	
	:	
Serial No.: 15/205,672	:	Examiner: Worrell Jr., Larry D,
	:	
Filed: July 8, 2016	:	Group Art Unit: 3765
	:	
For: SHOE HAVING KNIT WINGTIP	:	
UPPER	:	

RESPONSE A

In response to the office action having a notification date of October 5, 2018, Applicant submits the following amendments and remarks.

Amendments to the claims begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listing, of claims in the application.

Listing of Claims:

1. (Cancelled)

2. (Currently Amended) A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine, the knitted element comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a wingtip pattern, the wingtip pattern being portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions;

the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the wingtip pattern during the knitting process. A shoe as set forth in claim 1 wherein the wingtip pattern comprising ~~comprises~~ a medial line of broguing and a lateral line of broguing, the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the medial and lateral lines of broguing, the medial line of broguing comprising a wing-shaped curved line of holes having a medial side broguing portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the lateral line of broguing comprising a wing-shaped curved line of holes having a lateral side broguing portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of the lateral line of broguing.

3. (Original) A shoe as set forth in claim 2 wherein the central broguing portions of the medial and lateral lines of broguing meet at a rearwardly pointing apex.

4. (Original) A shoe as set forth in claim 3 wherein the upper further comprises a throat, and wherein the apex points toward the throat.

5. (Original) A shoe as set forth in claim 2 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the medial and lateral lines of broguing being adjacent a rear boundary of the first area, the medial and lateral lines of broguing being adjacent a forward boundary of the second area.

6. (Original) A shoe as set forth in claim 5 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

7. (Original) A shoe as set forth in claim 5 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

8. (Currently Amended) A shoe as set forth in claim ~~[[1]]~~2 wherein the knitted element comprises covered spandex yarn and hot melt yarn, the hot melt yarn being knitted with the covered spandex yarn during the knitting process.

9. (Original) A shoe as set forth in claim 8 wherein the hot melt yarns constitute at least 15% by mass of the knitted element.

10. (Original) A shoe as set forth in claim 9 wherein the covered spandex yarn constitute at least 50% by mass of the knitted element.

11. (Original) A shoe as set forth in claim 10 wherein the covered spandex yarn comprises polyester covered spandex yarn.

12. (Original) A shoe as set forth in claim 11 wherein the knitted element further comprises stretch yarn, the stretch yarn constituting at least 5% by mass of the knitted element.

13. (Currently Amended) A shoe as set forth in claim ~~[[1]]~~2 wherein the knitted element comprises polyester yarn and hot melt yarn, the hot melt yarn being knitted with the polyester yarn during the knitting process.

14. (Original) A shoe as set forth in claim 8 wherein the covered spandex yarn has a linear density of between about 120 denier and about 180 denier, and wherein the hot melt yarn has a linear density of between about 80 denier and about 120 denier.

15. (Currently Amended) A shoe as set forth in claim [[1]]2 wherein the knitted element comprises hot melt yarn, the hot melt yarn constituting at least 15% by mass of the knitted element.

16. (Currently Amended) A shoe as set forth in claim [[1]]2 wherein the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas, the wingtip pattern comprising the boundary line, the boundary line having a medial boundary line and a lateral boundary line, the medial boundary line comprising a wing-shaped curved line having a medial side portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the lateral boundary line comprising a wing-shaped curved line having a lateral side portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the rearwardly extending central portion of the medial boundary line converging toward the rearwardly extending central portion of the lateral boundary line.

17. (Original) A shoe as set forth in claim 16 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

18. (Original) A shoe comprising:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary

one-piece construction during a knitting process on a knitting machine, the knitted element comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including a knitted upper lateral metatarsal region and a knitted upper medial metatarsal region, the upper having a knitted upper lateral side region and a knitted upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a line of broguing, the upper toe region being knitted with the line of broguing during the knitting process, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area.

19. (Original) A shoe as set forth in claim 18 wherein the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit.

20. (Original) A shoe as set forth in claim 19 wherein the first type of knit structure is more tightly knit than the second type of knit structure.

21. (Original) A method of manufacturing an upper for an article of footwear, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element including a line of broguing, the line of broguing comprising a line of holes, the knitted element comprising a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the line of broguing being adjacent a rear boundary of the first area, the line of broguing being adjacent a forward boundary of the second area;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the upper toe region being knitted with the line of broguing during the knitting step;

the first and second areas being knitted during the knitting step.

22. (Original) A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

23. (Original) A method as set forth in claim 22 wherein the upper is knitted during the knitting step with at least first and second yarns, the first yarn being of a hot melt yarn, the second yarn being of a yarn other than a hot melt yarn.

24. (Original) A method as set forth in claim 23 further comprising:

placing the upper around a last;

applying heat to the upper while the upper is around the last to cause the hot melt yarn to affix to the second yarn.

REMARKS

Claims 1-24 are pending. Claim 1 is cancelled. Claims 2, 8, 13, and 15-16 are amended. No new matter has been added.

Rejections Under 35 U.S.C. § 112

Claim 1 stands rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 1 has been cancelled rendering the rejection moot.

Rejections Under 35 U.S.C. § 103

Claims 1-7 and 16-22 stand rejected as being allegedly obvious in view of U.S. Pat. No. 7,347,011 (Dua) and U.S. Pat. No. 2,312,078 (Crannell). Claim 1 has been cancelled rendering the rejection of claim 1 moot. Claim 2 has been amended to incorporate subject matter of claim 1 and is now in independent form.

A. Independent Claim 2 - Dua and Crannell fail to disclose all of the limitations including lines of broguing extending through multiple shoe regions

Independent claim 2, as amended, recites in relevant part:

a knit upper;

a sole secured to the upper;

the knit upper having a knitted element, the knitted element being formed of a unitary one-piece construction during a knitting process on a knitting machine . . . the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting process, the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting process, the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting process, the knitted element including a wingtip pattern, the wingtip pattern being portions of at least the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions; . . . the wingtip pattern comprising a medial line of broguing and a lateral line of broguing, the upper toe region, the upper lateral and medial ball regions, and the upper lateral and medial metatarsal regions collectively being knitted with the medial and lateral lines of broguing, the medial

line of broguing comprising a wing-shaped curved line of holes having a medial side broguing portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the lateral line of broguing comprising a wing-shaped curved line of holes having a lateral side broguing portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of the lateral line of broguing.

The wingtip pattern is seamlessly knitted with the regions of the knit upper to form the claimed wingtip pattern which includes lines of broguing that extend throughout multiple regions of the shoe (e.g., the toe region and metatarsal region).

Dua fails to disclose such a wingtip pattern seamlessly knit with and into the upper. The knitted

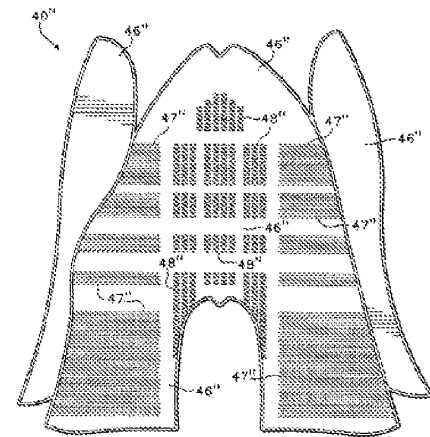


Figure 11

design patterns disclosed in Dua (46'', 47'', 48'') do not extend into **both** the toe region **and** the metatarsal region. The individual patterns of Dua are isolated and separated without extending into multiple regions. The pattern does not include a line extending in the toe region and the metatarsal region. *Compare* Figure 11 of Dua (reproduced above right) *with* Figure 5 of the specification (reproduced below right and annotated with a red line to highlight the lines of broguing). The

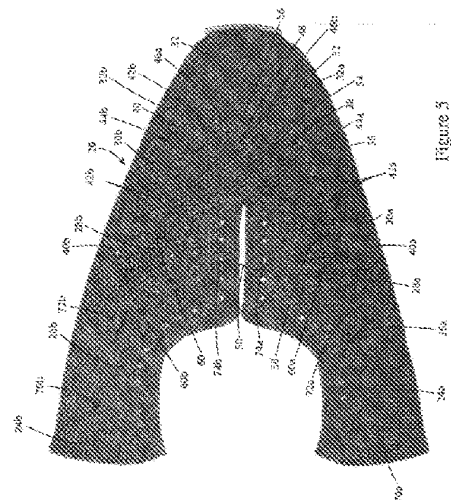


Figure 5

patterns of Dua are isolated and segmented rather than the lines of broguing of claim 2 which extend from the lateral metatarsal region into the toe region and into the medial metatarsal region. Therefore, Dua fails to disclose “a lateral side broguing portion extending forward from at

least the upper lateral metatarsal region to the upper toe region and a central broguing portion extending rearward from the upper toe region, the rearwardly extending central broguing portion of the medial line of broguing converging toward the rearwardly extending central broguing portion of the lateral line of broguing.”

Crannell does not remedy these deficiencies. Crannell does not disclose a knit upper but rather only discloses a leather upper treated by heat compression and perforation. Crannell at 1:2:20-35; 1:2:46-52. Crannell does not disclose a knitted line of broguing extending through multiple shoe regions. A person of skill in the art would also not modify Dua to have the claimed lines of broguing extending in multiple shoe regions. The broguing of Crannell is not formed seamlessly with the rest of the upper. Rather, the broguing of Crannell is formed in post processing steps including heat embossing and perforating done on separate machines. Crannell at 1:2:20-35; 1:2:46-52.

Dua does not disclose a knit line of broguing extending in multiple seamlessly knit shoe regions, and Crannell does not disclose shoe regions and lines of broguing seamlessly constructed. Therefore, the combination fails to disclose all the limitations of independent claim 2. At most, a modification of Dua based on Crannell would result in a shoe in which the broguing is not seamless with the rest of the upper but is rather added in post processing steps. As such, the combination, if made, still fails to disclose all the limitations of independent claim 2. The rejection should be withdrawn.

Claims 3-17 depend from independent claim 2 and are patentable for at least this reason. The rejections should be withdrawn.

B. Independent Claim 2 - a person of skill in the art would not combine Dua and Crannell

The combination of Dua and Crannell is improper. A person of skill in the art would not combine Dua and Crannell given the different methods of manufacturing used in producing the

two shoe uppers. Dua contemplates a knitting operation in which a design is incorporated as the upper is knit and is completed on a single machine. Dua at 7:29-40. In contrast, Carnell describes an upper that is formed using separate steps and separate machines. The upper in Carnell is formed by starting with a blank formed with one machine, heat embossing the blank using a second machine, and then cutting perforations using a third machine. Crannell at 1:2:20-35; 1:2:46-52. Given the difference in the two manufactures, a person of ordinary skill in the art would not rely on the combination of Dua and Crannell as the examiner has done. Therefore, the rejection should be withdrawn as the combination of references is improper.

Furthermore, a person of skill in the art would not look to Crannell to modify Dua because of the different material constructions of Crannell and Dua. Crannell only discloses a shoe upper that is knit and made using knitting machines. Dua only discloses a shoe upper made from leather. As explained above, the construction and process for making shoes that are knit and shoes that are leather vary to such an extent that the construction and processes of one are not applicable to the other. A person of skill in the art would therefore not look to Dua when modifying Crannell. As such, the combination is improper and the rejection should be withdrawn.

C. Independent Claim 2 - the provided rationale for combining Crannell and Dua is impermissible hindsight

The examiner's provided rationale for combining Crannell and Dua relies on impermissible hindsight. When considering a combination of references, "the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made." MPEP § 2142. In determining whether a person of skill in the art would combine references and how the references would be combined, "[k]nowledge of applicant's disclosure must be put aside in reaching this determination" *Id.* "The tendency to resort to 'hindsight' based upon

applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” *Id.* One way to avoid impermissible hindsight is to identify a “teaching, suggestion, or motivation” in the cited prior art to arrive at the proposed combination or modification. MPEP § 2143.01. While such a teaching, suggestion, or motivation is not required, it is evidence that impermissible hindsight has been avoided. MPEP § 2143. Regardless, “the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit.” *Id.* (Citing *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415-421 (2007)).

In this case, the examiner improperly relies on hindsight for the rationale to modify Dua with Crannell. The provided rationale for modifying the knit shoe of Dua with the leather wingtip pattern of Crannell is that “[i]t would have been an obvious matter of design choice to one of ordinary skill in the art before the effective filing date of the claimed invention to choose from different design patterns including a *wingtip* design pattern as shown for example by Crannell in order to optimize the aesthetic appeal of the Dua’s shoes.” Office Action at 4. The rationale to combine the two references is essentially because such a combination is desirable. However, this is impermissible hindsight. The specification of the instant application is the first to recognize the desirability of a knit upper with the claimed pattern. This is evidenced in part by the examiner’s reliance on Crannell and Dua which predate the instant application by over 70 years and over 10 years, respectively. If such a modification would have been obvious as it is desirable, a reference meeting the demand would have arisen within the 70 year time frame between the cited reference and the instant application.

The rejection must either rely on a reference that discloses the claimed features or must rely on a rationale for combining or modifying references that is other than the rationale set forth in the instant application. Because the rejection relies on impermissible hindsight, the rejections should be withdrawn.

D. Independent Claim 2 - aesthetic design choice is not a sufficient rationale for the modifications to Dua

To the extent that the examiner's rationale for modifying Dua rests on "aesthetic appeal" or aesthetic design changes, the rationale is insufficient and misapplied. The rationale of providing an aesthetic appeal, without more in support, is an insufficient explanation of motivation to establish a prima facie case of obviousness.

A prima facie case of obviousness requires an explanation as to the motivation to combine and/or alter references. MPEP § 2144. For example, reliance alone on legal principle or similar rationale such as "automating a manual activity, making portable," etc. is not enough. *Id.* These types of "rationales should not be treated as per se rules, but rather must be explained and shown to apply to the facts at hand." *Id.* The rejection in this case fails to meet this burden of explanation.

Furthermore, allegedly aesthetic design changes are insufficient to render claims obvious. MPEP § 2144.04 (contrasting claims directed toward the human form included on a bottle with structural differences between a chip and French fry which result in distinct products). This case is more similar to *Ex parte Hilton*, cited in MPEP § 2144.04, which found a design change that was alleged to be aesthetic did not render the claims obvious because "the shape (chips) is important because it results in a product which is distinct from the reference product (french fries)." *Id.* This is in contrast to cases in which "matters relating to ornamentation . . . have no mechanical function." Here, the claimed knit pattern inherently has mechanical function as it is incorporated in and forms a portion of the upper. Therefore, to the extent that the rejection relies on aesthetic design changes as the rationale to modify Dua, the rationale and the rejection are insufficient. The rejection should be withdrawn.

E. Independent Claim 2 – optimization is not a sufficient rationale for the modifications to Dua

To the extent the examiner's rationale for modifying Dua is "in order to optimize" anything about Dua, the rationale is insufficient and misapplied. In order to rely on this rationale, "a particular parameter must first be recognized as a result-effective variable." MPEP § 2144.05(II)(B). This variable must be something which is measurable in order to be optimized. See *Id.* Aesthetic appeal cannot be a result-effective variable given its subjective nature. Therefore, a person of skill in the art could not optimize the aesthetics of Dua and such a rationale for modifying Dua is improper. The rejection should be withdrawn.

F. Independent Claim 22 – Failure to satisfy the requirements of a prima facie case of obviousness

In making a rejection, the examiner must meet an initial burden to make a prima facie case of obviousness. A rejection must be supported with a "clear articulation of the reason(s) why the claimed invention would have been obvious." MPEP § 2142. Rejections must be more than conclusory statements. *Id.* In this case, claim 22 is rejected on the rationale that even though Dua does not disclose the claimed stitch types and areas "it would have been obvious to one of ordinary skill in the art . . . to choose from different knit stitches including jersey and pointelle in order to vary the texture, physical properties, or aesthetics of footwear . . . indicated by Dua at column 9, lines 60-64." Office Action at 5. This is a mere conclusory statement and fails to address the method steps of claim 22. Further, while the cited section of Dua contemplates variations stitches, Dua is silent as to the stitch types, characteristics, and locations as claimed. Nowhere in Dua are jersey stitches and pointelle stitches mentioned, let alone in the claimed configuration. The rejection's conclusory statement of obviousness is insufficient to make a prima facie case of obviousness. Therefore, the rejection is improper and should be withdrawn.

G. Claim 16 – Dua and Crannell fail to disclose the claimed boundary line which separates two different knit structures

Claim 16 stands rejected as allegedly being obvious in view of Dua and Crannell. As amended, claim 16 depends from independent claim 2 and is patentable over Dua and Crannell for at least the reasons explained above with respect to independent claim 2. Dua also fails to disclose the boundary lines of the wingtip pattern of claim 16 which requires “a medial boundary line and a lateral boundary line, the medial boundary line comprising a wing-shaped curved line having a medial side portion extending forward from at least the upper medial metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the lateral boundary line comprising a wing-shaped curved line having a lateral side portion extending forward from at least the upper lateral metatarsal region to the upper toe region and a central portion extending rearward from the upper toe region, the rearwardly extending central portion of the medial boundary line converging toward the rearwardly extending central portion of the lateral boundary line.” The examiner alleges that Crannell discloses these features. But, claim 16 further requires that “the knitted element comprises a first area of a first type of knit structure and a second area of a second type of knit structure, the second type of knit structure being different from the first type of knit structure, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas.”

Neither Dua nor Crannell disclose such a configuration. Dua discloses the possibility of different types of knit structures but nothing contemplating two patterns being coincident and coextensive separated by a boundary line of the claimed shape. Crannell does not remedy these deficiencies. Contrary to the assertions of the examiner, Crannell does not disclose “a first area of a first type of knit structure and a second area of a second type of knit structure.” Office Action at 5. Crannell is silent as to knit structures, and a person of skill in the art would not look

to modify Dua with Crannell to arrive at a shoe with two different knit structures. This is because the benefit of Crannell is the simplicity of the manufacture of the upper which uses a single material, leather. Crannell at 1:2:20-

52. The shoe of Crannell also has a uniform structure that is embellished to create the wingtip design depicted.

Id. at Figs. 4-5 (reproduced right).

Two different structures are not used.

Compare Crannell Figs. 4-5 with

Specification Fig. 5 (reproduced below

right and annotated). As depicted in the cross-section of

Crannell, a single structure of varying thickness is used.

This is in contrast to the claimed two different knit

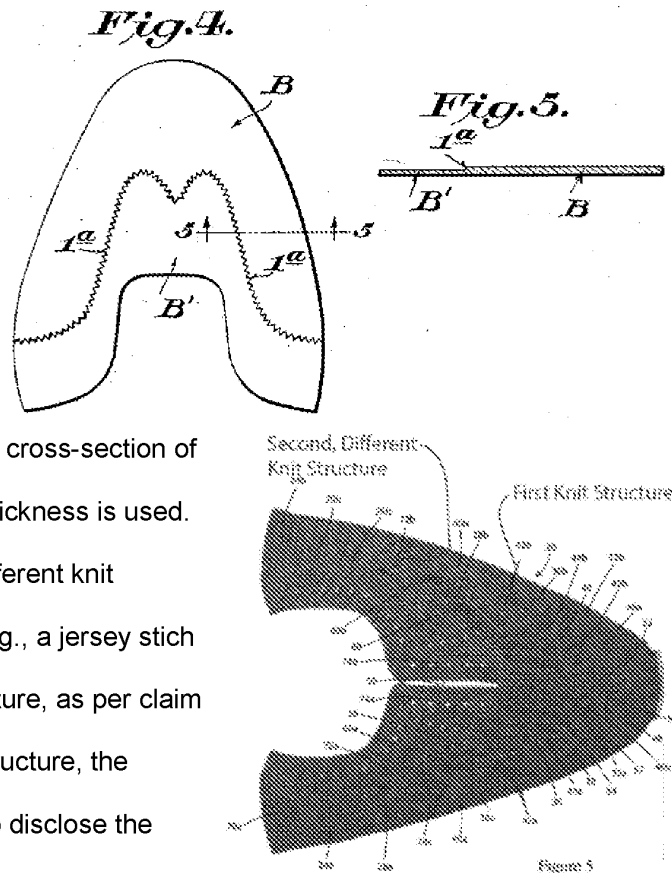
structures which use distinct stitches (e.g., a jersey stitch and a pointelle stitch which differ in sturture, as per claim

17). Because Crannell uses a single structure, the

combination of Dua and Crannell fails to disclose the

limitations of claim 16 and the rejection should be

withdrawn.



H. Claims 3-21 and 23-24

Claims 18 and 21 are independent claims and are patentable over the cited references for at least the reasons described above with respect to independent claim 2. Claims 3-7 and 16-20 depend variously from independent claims 2 and 18 and are patentable over the cited references for at least this reason.

Claims 8-15, 23, and 24 stand rejected as allegedly being obvious in view of Dua, Crannell and U.S. Pat. No. 6,910,288 (Dua '288). Claims 8-15, 23, and 24 depend variously from independent claims 2 and 21 and are patentable for at least this reason. Dua '288 does not remedy the deficiencies described above with respect to the independent claims. The rejections should be withdrawn.

CONCLUSION

Applicant believes that a complete response to the present office action has been provided and that no issues raised remain outstanding. The Examiner is encouraged to contact the undersigned via telephone at the number provided if it is determined that personal communication will expedite prosecution of this application.

Respectfully submitted,

Thompson Coburn LLP

By: /alan h. norman/
Alan H. Norman
Reg. No. 32,285
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6293
(314) 552-7000 (fax)

Electronic Patent Application Fee Transmittal				
Application Number:		15205672		
Filing Date:		08-Jul-2016		
Title of Invention:		Shoe Having Knit Wingtip Upper		
First Named Inventor/Applicant Name:		Jack Boys		
Filer:		Alan Norman/Gregory Drennen		
Attorney Docket Number:		56503-155018		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

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

Electronic Acknowledgement Receipt	
EFS ID:	35617936
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman/Gregory Drennen
Filer Authorized By:	Alan Norman
Attorney Docket Number:	56503-155018
Receipt Date:	03-APR-2019
Filing Date:	08-JUL-2016
Time Stamp:	15:33:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1400
RAM confirmation Number	040419INTEFSW00001905200823
Deposit Account	200823
Authorized User	Gregory Drennen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 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		Response-155018.pdf	674570	yes	19
			971f9b5e6d7cda62e24c91345bb564bf2b589501		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	9	
	Applicant Arguments/Remarks Made in an Amendment		10	19	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30521	no	2
			3f63926dd5e56558839a72771f7633e37cd0c826		
Warnings:					
Information:					
Total Files Size (in bytes):			705091		

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.



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

NOTICE OF ALLOWANCE AND FEE(S) DUE

21888 7590 04/23/2019
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

WORRELL JR, LARRY D

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 04/23/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373

TITLE OF INVENTION: Shoe Having Knit Wingtip Upper

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/23/2019

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (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)

21888 7590 04/23/2019
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373

TITLE OF INVENTION: Shoe Having Knit Wingtip Upper

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/23/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORRELL JR, LARRY D	3732	066-177000

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 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

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

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373
21888	7590	04/23/2019	EXAMINER	
THOMPSON COBURN LLP			WORRELL JR, LARRY D	
ONE US BANK PLAZA			ART UNIT	
SUITE 3500			PAPER NUMBER	
ST LOUIS, MO 63101			3732	

DATE MAILED: 04/23/2019

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 15/205,672	Applicant(s) Boys et al.	
	Examiner LARRY D WORRELL JR	Art Unit 3732	AIA (FITF) Status Yes

-- 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 the amendment filed 4/3/19.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

3. ☒ The allowed claim(s) is/are 2-24. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

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

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

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

Attachment(s)

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

/DANNY WORRELL/ Primary Examiner, Art Unit 3732	
--	--

<i>Search Notes</i> 	Application/Control No. 15/205,672	Applicant(s)/Patent Under Reexamination Boys et al.
	Examiner LARRY D WORRELL JR	Art Unit 3732

CPC - Searched*		
Symbol	Date	Examiner
D04B , 1/10, 1/104, 1/24	9/28/2018	/dw/
A43B 23/0245, 23/04, 23/042	9/28/2018	/dw/

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Inventor search	04/12/2019	/dw/
Assignee search	04/12/2019	/dw/
update	04/12/2019	/dw/

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
D04B	1/10, 1/104, 1/24	04/12/2019	/dw/
A43B	23/0245, 23/04, 23/042	04/12/2019	/dw/

--	--

<i>Index of Claims</i> 	Application/Control No. 15/205,672	Applicant(s)/Patent Under Reexamination Boys et al.
	Examiner LARRY D WORRELL JR	Art Unit 3732

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant					☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE								
Final	Original	09/26/2018	04/12/2019							
	1	✓	-							
	2	✓	=							
	3	✓	=							
	4	✓	=							
	5	✓	=							
	6	✓	=							
	7	✓	=							
	8	✓	=							
	9	✓	=							
	10	✓	=							
	11	✓	=							
	12	✓	=							
	13	✓	=							
	14	✓	=							
	15	✓	=							
	16	✓	=							
	17	✓	=							
	18	✓	=							
	19	✓	=							
	20	✓	=							
	21	✓	=							
	22	✓	=							
	23	✓	=							
	24	✓	=							

Issue Classification 	Application/Control No. 15/205,672	Applicant(s)/Patent Under Reexamination Boys et al.
	Examiner LARRY D WORRELL JR	Art Unit 3732

CPC						
Symbol					Type	Version
A43B	/	23	/	0245	F	2013-01-01
A43B	/	23	/	042	I	2013-01-01
A43B	/	23	/	0205	I	2013-01-01
D04B	/	1	/	22	I	2013-01-01
D04B	/	1	/	24	I	2013-01-01
A43B	/	1	/	04	I	2013-01-01
D04B	/	1	/	104	I	2013-01-01
D10B	/	2401	/	041	A	2013-01-01
D10B	/	2403	/	032	A	2013-01-01
D10B	/	2501	/	043	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	23	
/DANNY WORRELL/ Primary Examiner, Art Unit 3732 (Primary Examiner)	12 April 2019 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5

Issue Classification 	Application/Control No. 15/205,672	Applicant(s)/Patent Under Reexamination Boys et al.
	Examiner LARRY D WORRELL JR	Art Unit 3732

INTERNATIONAL CLASSIFICATION			
CLAIMED			
D04B		1	 10
NON-CLAIMED			
			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	23	
/DANNY WORRELL/ Primary Examiner, Art Unit 3732	12 April 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	5

<i>Issue Classification</i> 	Application/Control No. 15/205,672	Applicant(s)/Patent Under Reexamination Boys et al.
	Examiner LARRY D WORRELL JR	Art Unit 3732

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 23	
/DANNY WORRELL/ Primary Examiner, Art Unit 3732 (Primary Examiner) _____ (Date) _____		12 April 2019 (Date)	O.G. Print Claim(s) 1
			O.G. Print Figure 5

Bibliographic Data

Application No: 15/205,672

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No

☐ Met After Allowance

Verified and Acknowledged: /DANNY WORRELL/

Examiner's Signature

Initials

Title:

Shoe Having Knit Wingtip Upper

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
07/08/2016	066	3732	56503-155018
RULE			

APPLICANTS

Cole Haan LLC, New York, NY, UNITED STATES

INVENTORS

Jack Boys New York, NY, UNITED STATES

Ann Bono New York, NY, UNITED STATES

Aubert Shepherd Greenland, NH, UNITED STATES

Mattias Verfl Brooklyn, NY, UNITED STATES

CONTINUING DATA

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

07/22/2016

STATE OR COUNTRY

UNITED STATES

ADDRESS

THOMPSON COBURN LLP

ONE US BANK PLAZA

SUITE 3500

ST LOUIS, MO 63101

UNITED STATES

FILING FEE RECEIVED

\$2,480

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (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)

21888 7590 04/23/2019
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373

TITLE OF INVENTION: Shoe Having Knit Wingtip Upper

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/23/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
WORRELL JR, LARRY D	3732	066-177000

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 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 Thompson Coburn LLP

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

2

3

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

COLE HAAN LLC

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

New York, New York

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

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies

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

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 20-0823

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature /Alan H. Norman/

Date May 3, 2019

Typed or printed name Alan H. Norman

Registration No. 32,285

Electronic Patent Application Fee Transmittal				
Application Number:		15205672		
Filing Date:		08-Jul-2016		
Title of Invention:		Shoe Having Knit Wingtip Upper		
First Named Inventor/Applicant Name:		Jack Boys		
Filer:		Alan Norman/Andrew Lewis		
Attorney Docket Number:		56503-155018		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt	
EFS ID:	35915039
Application Number:	15205672
International Application Number:	
Confirmation Number:	1373
Title of Invention:	Shoe Having Knit Wingtip Upper
First Named Inventor/Applicant Name:	Jack Boys
Customer Number:	21888
Filer:	Alan Norman/Andrew Lewis
Filer Authorized By:	Alan Norman
Attorney Docket Number:	56503-155018
Receipt Date:	03-MAY-2019
Filing Date:	08-JUL-2016
Time Stamp:	15:53:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1000
RAM confirmation Number	050619INTEFSW00002647200823
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFee_TC155018.pdf	122222	no	1
			069b51f92ebe04bb946a12da8a6ff7f05f9d bd9e		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30124	no	2
			21e367f0357a2dd4a7b7836d55adb3e2956 d4b72		
Warnings:					
Information:					
Total Files Size (in bytes):			152346		
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.					



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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/205,672	06/25/2019	10327511	56503-155018	1373

21888 7590 06/05/2019

THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

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 83 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):

Jack Boys, New York, NY;
Cole Haan LLC, New York, NY
Ann Bono, New York, NY;
Aubert Shepherd, Greenland, NH;
Mattias Verfl, Brooklyn, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



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.
15/205,672	07/08/2016	Jack Boys	56503-155018	1373
21888	7590	09/03/2019		
THOMPSON COBURN LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101			EXAMINER WORRELL JR, LARRY D	
			ART UNIT	PAPER NUMBER
			3732	
			NOTIFICATION DATE	DELIVERY MODE
			09/03/2019	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
15/205,672	07/08/2016	Boys et al.	56503-155018

THOMPSON COBURN LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101		EXAMINER	
		LARRY D WORRELL JR	
		ART UNIT	PAPER
		3732	20190828

DATE MAILED: _____

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

Commissioner for Patents

The drawings filed 8/12/16 are accepted.

/DANNY WORRELL/
Primary Examiner, Art Unit 3732