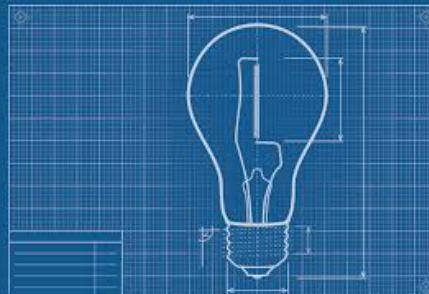


From: **FDRA** apolk@fdra.org  
Subject: Footwear IP Digest November 2014  
Date: January 12, 2015 at 2:20 PM  
To: knygren@fdra.org

AP

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**FDRA**  
FOOTWEAR DISTRIBUTORS AND RETAILERS OF AMERICA  
**Intellectual Property  
Digest**



**November 2014**

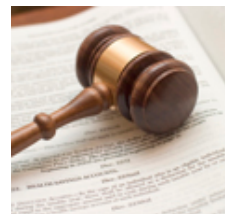
### August IP Information

We looked at our files and saw we did not issue August 2014 information. [You can find Aug. 2014 IP information here.](#)

The rest of this digest contains updated information. Thank you.

### Legislation

There was no new legislation introduced.



### Litigation

There were no footwear IP federal court decisions or Patent Trial and Appeal Board decisions in October.



### USPTO

*Utility patents issued in the month of October:*

Pat. No.	Title	Assignee
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<a href="#">8,869,435</a>	<a href="#">Golf Shoe w/ Natural Motion Structures</a>	NIKE, Inc.
<a href="#">8,869,434</a>	<a href="#">Boot for Sporting Activities</a>	La Rocca di Rosato L. & C.
<a href="#">8,869,433</a>	<a href="#">Footwear w/ Vacuum Chamber</a>	NIKE, Inc.
<a href="#">8,869,432</a>	<a href="#">Shoe w/ Elastic Tongue-Securing Straps</a>	Dynasty Footwear, Ltd.
<a href="#">8,869,431</a>	<a href="#">Sandal w/ Pneumatic Support</a>	None
<a href="#">8,869,430</a>	<a href="#">Method of Manufacturing Fluid Chamber</a>	NIKE, Inc.
<a href="#">8,869,429</a>	<a href="#">Heated Insole w/ Rechargeable Battery</a>	Schawbel Technologies LLC
<a href="#">8,869,428</a>	<a href="#">Heated Insole w/ Rechargeable Battery</a>	Schawbel Technologies LLC
<a href="#">8,863,412</a>	<a href="#">Outsole w/ Grooves Forming Discrete Lugs</a>	NIKE, Inc.
<a href="#">8,863,411</a>	<a href="#">Footwear w/ Detachable Wrap</a>	NIKE, Inc.
<a href="#">8,863,410</a>	<a href="#">Cleat, Sole, and Shoe</a>	Puma SE
<a href="#">8,863,409</a>	<a href="#">Shoe Having an Air Cushioning Bed</a>	Sears Brands, L.L.C.
<a href="#">8,863,408</a>	<a href="#">Footwear w/ Sole Structure Fluid Chamber</a>	NIKE, Inc.
<a href="#">8,863,407</a>	<a href="#">Shoe Sole w/ High Running Efficiency</a>	Asics Corp.
<a href="#">8,863,406</a>	<a href="#">Two-Piece Transformable Boot</a>	None
<a href="#">8,858,482</a>	<a href="#">Orthopedic Devices w/ Rotary Tensioning</a>	Ossur HF
<a href="#">8,858,200</a>	<a href="#">Pump and Valve for Footwear w/ Bladder</a>	Reebok International Ltd.
<a href="#">8,857,078</a>	<a href="#">Athletic Performance Sensing Systems</a>	NIKE, Inc.
<a href="#">8,857,077</a>	<a href="#">Footwear w/ Internal Harness</a>	NIKE, Inc.
<a href="#">8,857,076</a>	<a href="#">Footwear w/ Adaptive Fluid System</a>	NIKE, Inc.
<a href="#">8,850,723</a>	<a href="#">Footwear Having Upper w/ Matrix Layer</a>	NIKE, Inc.
<a href="#">8,850,722</a>	<a href="#">Footwear w/ Removable Heel Member</a>	NIKE, Inc.
<a href="#">8,850,721</a>	<a href="#">Article of Footwear w/ Arch Member</a>	NIKE, Inc.
<a href="#">8,850,720</a>	<a href="#">Sports Boot</a>	Salomon S.A.S.
<a href="#">8,850,719</a>	<a href="#">Thermoplastic Non-Woven Textile</a>	NIKE, Inc.
<a href="#">8,850,718</a>	<a href="#">Shoe w/ Support System</a>	Shoes for Crews, LLC
<a href="#">8,850,717</a>	<a href="#">Essence-Replaceable, Ventilative Shoe</a>	None
<a href="#">8,850,716</a>	<a href="#">Heated Insole Remote Control Systems</a>	Schawbel Technologies LLC

*Patent applications published in the month of October:*

Pub. App. No.	Title	Applicant
<a href="#">20140324396</a>	<a href="#">Methods for Designing a Foot Orthotic</a>	Tensegrity Technologies, Inc.
<a href="#">20140317965</a>	<a href="#">Sandals w/ Integrated Toe Tethers</a>	Alexander Orcutt
<a href="#">20140317964</a>	<a href="#">Shoe Sleeved Structure</a>	Yu Chun Chou
<a href="#">20140317963</a>	<a href="#">Footwear w/ Power Kick Plate</a>	NIKE, Inc.
<a href="#">20140317962</a>	<a href="#">Upper w/ Selectively Located Padding</a>	NIKE, Inc.
<a href="#">20140317961</a>	<a href="#">Shoe w/ Removable Magnetic Toe Cap</a>	ShaTona M. Mathis
<a href="#">20140317960</a>	<a href="#">Footwear w/ Separable Upper and Sole</a>	NIKE, Inc.
<a href="#">20140317959</a>	<a href="#">Proprioceptive/Kinesthetic Apparatus</a>	Apos Med. & Sports Tech. Ltd.
<a href="#">20140317958</a>	<a href="#">Footwear w/ Silicon Rubber Insole</a>	Hongguang Yang
<a href="#">20140317957</a>	<a href="#">Footwear w/ Silicon Rubber Sole Body</a>	Hongguang Yang
<a href="#">20140317956</a>	<a href="#">Bicycle Cleat Positioning Kit</a>	Shimano Inc.
<a href="#">20140317955</a>	<a href="#">Foot Cushion</a>	Suzanne Levine
<a href="#">20140310996</a>	<a href="#">Hunting Boot w/ Pocket for Scent Wick</a>	Jimmy Lee Waters
<a href="#">20140310995</a>	<a href="#">Sports Shoe, Particularly for Soccer</a>	Enrico Campari
<a href="#">20140310994</a>	<a href="#">Footwear Cleat Particularly for Soccer</a>	Jared C. Ballman
<a href="#">20140310993</a>	<a href="#">Orthopedic Walking Boot w/ Heel Cushion</a>	Ovation Medical
<a href="#">20140310992</a>	<a href="#">Foldable Footwear</a>	Stand Alone Ltd.
<a href="#">20140310991</a>	<a href="#">Removable Outsole Elements for Footwear</a>	NIKE, Inc.
<a href="#">20140310990</a>	<a href="#">Footwear</a>	Johnson Su
<a href="#">20140310989</a>	<a href="#">Article of Footwear and Related Methods</a>	Chow Chi Lap
<a href="#">20140310988</a>	<a href="#">Footwear for Use in Specialized Activities</a>	Equipower Sports Ltd.
<a href="#">20140310987</a>	<a href="#">Footwear w/ Flat Knit Upper Construction</a>	NIKE, Inc.
<a href="#">20140310986</a>	<a href="#">Shoe</a>	Adidas AG
<a href="#">20140310985</a>	<a href="#">Shoe Adapted to Shape of Foot</a>	Adidas AG
<a href="#">20140310984</a>	<a href="#">Upper</a>	Adidas AG
<a href="#">20140310983</a>	<a href="#">Upper</a>	Adidas AG
<a href="#">20140310982</a>	<a href="#">Shoe Sole and Shoe Fitted w/ Sole</a>	Decathlon
<a href="#">20140310981</a>	<a href="#">Sole w/ Bio Stability and Nerve Feedback</a>	Newton Running Co., Inc.
<a href="#">20140305009</a>	<a href="#">Breathing Shoe</a>	Torng-Haur Yeh
<a href="#">20140305008</a>	<a href="#">Shoe Sole and Footwear</a>	Anta (China) Co., Ltd.
<a href="#">20140305007</a>	<a href="#">Modular Footwear System</a>	Linda Shogee

<a href="#">20140305007</a>	<a href="#">Modular Footwear System</a>	Linna Skaggs
<a href="#">20140305006</a>	<a href="#">Topless Shoe</a>	Yehuda Azoulay
<a href="#">20140305005</a>	<a href="#">Structure of Heel Counter</a>	Torng-Haur Yeh
<a href="#">20140305004</a>	<a href="#">Removable Footwear Insert</a>	Timothy Thomas O'Dowd
<a href="#">20140305003</a>	<a href="#">Footwear w/ Lightweight Sole Assembly</a>	NIKE, Inc.
<a href="#">20140305002</a>	<a href="#">Sandal Savers</a>	Benny Murietta
<a href="#">20140298689</a>	<a href="#">Interchangeable Shoe Tip Device System</a>	Lewis & Darby
<a href="#">20140298688</a>	<a href="#">Ski Boot and Binding System</a>	Salewa Sport AG
<a href="#">20140298687</a>	<a href="#">Shoe w/ Pivoting Sole</a>	Albert Adriaan Flinterman
<a href="#">20140298686</a>	<a href="#">Footwear Design Personalizing</a>	Asher Baum
<a href="#">20140298685</a>	<a href="#">Sole w/ Detachable Heels of Various Height</a>	Brad Alan
<a href="#">20140298684</a>	<a href="#">Reversible Footwear</a>	ACI International
<a href="#">20140298683</a>	<a href="#">Attachable Shoe Sole Protector</a>	Anson Lee
<a href="#">20140298682</a>	<a href="#">Footwear System w/ Composite Orthosis</a>	U. of Delaware Diapedia LLC
<a href="#">20140298681</a>	<a href="#">Orthotic Shell</a>	David Epstein
<a href="#">20140298680</a>	<a href="#">Footwear w/ Metatarsal Offloading</a>	Joan Oloff
<a href="#">20140298679</a>	<a href="#">Apparatus for Enhanced Locomotion</a>	Riccardo Brun del Re
<a href="#">20140295140</a>	<a href="#">Friction Surface</a>	Charles Edmund King
<a href="#">20140290100</a>	<a href="#">Improved Safety Women's High Heel Shoe</a>	Claire Flowers LLC
<a href="#">20140290099</a>	<a href="#">Sliding-Shoe Sole</a>	Robert Corbett
<a href="#">20140290098</a>	<a href="#">Sole Assembly for Article of Footwear</a>	Wolverine World Wide, Inc.
<a href="#">20140290097</a>	<a href="#">Item of Footwear</a>	Name Drop SARM
<a href="#">20140290096</a>	<a href="#">Method of Bonding Pebax Plastic</a>	NIKE, Inc.
<a href="#">20140290095</a>	<a href="#">Lacing Closure System for an Object</a>	NIKE, Inc.
<a href="#">20140290094</a>	<a href="#">Sole w/ Fluid Filled Member w/Slots</a>	NIKE, Inc.

*Design patents issued in the month of October:*

Pat. No.	Title	Assignee
<a href="#">D716.039</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D716.038</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D716.037</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D716.036</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D716.035</a>	<a href="#">Portion of a Shoe Upper</a>	Olukai, LLC
<a href="#">D716.034</a>	<a href="#">Shoe</a>	None
<a href="#">D716.033</a>	<a href="#">Shoe</a>	None
<a href="#">D716.032</a>	<a href="#">Shoe</a>	None
<a href="#">D716.031</a>	<a href="#">Heel of a Shoe</a>	None
<a href="#">D716.030</a>	<a href="#">Shoe</a>	None
<a href="#">D716.029</a>	<a href="#">Heel</a>	None
<a href="#">D716.028</a>	<a href="#">Sole for Footwear</a>	Vibram S.p.A
<a href="#">D716.027</a>	<a href="#">Shoe Outsole</a>	NIKE, Inc.
<a href="#">D716.026</a>	<a href="#">Outsole for Footwear</a>	None
<a href="#">D716.025</a>	<a href="#">Shoe Sole</a>	Jione FRS Corp.
<a href="#">D716.024</a>	<a href="#">Sole for Footwear</a>	Vibram S.p.A.
<a href="#">D716.023</a>	<a href="#">Shoe</a>	Alpargatas S.A.
<a href="#">D715.533</a>	<a href="#">Ski Boot Spreader</a>	None
<a href="#">D715.532</a>	<a href="#">Decorative Shoe Flap</a>	None
<a href="#">D715.531</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D715.530</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D715.529</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D715.528</a>	<a href="#">Decorative Features for a Shoe</a>	General Electric Co.
<a href="#">D715.527</a>	<a href="#">Portion of a Shoe Upper</a>	New Balance Athletic Shoe Inc.
<a href="#">D715.526</a>	<a href="#">Sports Shoe Sole Bottom w/ Cleats</a>	None
<a href="#">D715.525</a>	<a href="#">Shoe w/ Decorative Sole</a>	LSIL & Co., Inc.
<a href="#">D715.524</a>	<a href="#">Shoe w/ Decorative Sole</a>	LSIL & Co., Inc.
<a href="#">D715.523</a>	<a href="#">Sole for Footwear for Unstable Surfaces</a>	None
<a href="#">D715.522</a>	<a href="#">Shoe Sole</a>	DashAmerica, Inc.
<a href="#">D715.521</a>	<a href="#">Shoe w/ Decorative Sole</a>	LSIL & Co., Inc.
<a href="#">D715.520</a>	<a href="#">Low Friction Extended Boot Eyelet</a>	None
<a href="#">D715.040</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D715.039</a>	<a href="#">Shoe Upper</a>	NIKE, Inc.
<a href="#">D715.038</a>	<a href="#">Shoe</a>	NIKE, Inc.

[D715.037](#) [Pair of Boots](#)  
[D715.036](#) [Shoe Outsole](#)  
[D715.035](#) [Sole for Footwear](#)  
[D715.034](#) [Footwear](#)  
[D714.536](#) [Shoe Upper w/ Tongue Region](#)  
[D714.535](#) [Shoe Upper](#)  
[D714.534](#) [Footwear](#)  
[D714.533](#) [Shoe Sole](#)  
[D714.532](#) [Shoe Midsole](#)  
[D714.531](#) [Eyelet Cover](#)  
[D714.530](#) [Protective Shoe Cover](#)

Roda  
NIKE, Inc.  
Vibram S.p.A.  
None  
NIKE, Inc.  
Under Armour, Inc.  
Sorel Corp.  
Jione FRS Corp.  
NIKE, Inc.  
Crowns XL, LLC  
None

*Trademarks published in the month of October:*

[TRULY ZAC POSEN](#)  
[TURN DOWN FOR SQUAT](#)  
[KIMINI](#)  
[REDFISH ADDICTION](#)  
[JOW](#)  
[SWIMBAIT ADDICTION](#)  
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[STREETCORE. ST.PAULI QUALITY PRODUCTS NON EST. SINCE 1910](#)  
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PUNCHLINE

PSYCHO PETS

SARA ALINA

VIDA BUENA

FURNACE

A BATHING APE

ROGER GARCIAS

W WEST COAST

EVOLUTION OF A PRODIGY

T.T. BLUES JEANS

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[FD FACTORY DRIVE](#)

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[DUPPY](#)  
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[NO QUOTES](#)  
[DEMONS INSIDE](#)  
[R](#)  
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CLEAN DENIM

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BEHAVE LIKE AN AMERICAN

LMTD SOCIETY

CULTURECALL

FEELS GOOD TO FEEL GOOD

MIANZI

NONAGON

PAPARINO DENIM IN THE BOX

PET RESCUE

TI:ME

LOGGER +

VINTAGE BY WALK-OVER

UNFAILING GOODS

MARSHAL A.R.T.

MARSHAL A.R.T. AMERICAN RENEGADE TRACKER

SO CUTE!

SALT LIFE

THE CHRISTIAN ARMY

NXTBIGTHING

SWEENEY

SPLASHY

TAGPAD

TURFGRABBERS

FIANT

C-DUB

WEATHER SMART

ARISTOON

SPEED IS POWER

KUHOPLUS

BEYBLADE

ECOVITA

ECOVA

MARULLO

EXTREME REPTILES ONLINE AUCTION SOLD

HOOF LIFE

EXIST INSIDE OUT

HIND

EFUM

BORROWED LIFE BORROWED LIFE

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## General News

**Sold Out - GTX. Corp.'s Initial Q1 2015 SmartSoles Delivery Spoken For**  
**Satnews Daily**  
**October 31, 2014**



GTX Corp. (OTCBB: GTXO) has officially entered the volume production cycle for its GPS SmartSoles, with the expected first delivery to occur in late December.

The GPS SmartSoles are being manufactured in partnership with Atlantic Footcare, Inc., a leading designer and manufacturer of orthotic insoles for over 20 years and strategic partner of the Company.

"We have hit a true tipping point with this initial production run of our patented GPS SmartSoles," said GTX Corp. CEO Patrick Bertagna. "All of the units in the first delivery are already spoken for with our current backlog and demand, from high profile pilot programs to actual orders we have received in the recent months. Shipping these units in the field starts to build upon our channel partner pipeline and recurring revenue base of installed units, and more importantly allows us to start shipping production units to our potential large accounts transitioning out of their pilots into a commercial status. We have put into production a four-month rolling forecast expecting delivery of the first units to arrive and be deployed by late Q4

month rolling forecast expecting delivery of the first units to arrive and be deployed by late Q4 2014 throughout Q1 2015."

"We have been extremely pleased from the high quality standards implemented by our manufacturing partners, which use the highest quality and most advanced GPS and Cellular electronics, designed and assembled in Germany, before being manufactured into insoles in Rhode island," said GTX Director and Head of Product and Business Development Andrew Duncan. "Our decade plus experience in the wearable GPS market and close ties and heritage to the technology and footwear industry have allowed us to develop, patent, manufacture and bring to market a state of the art product, garnering worldwide attention, in a short period of time."

The GPS SmartSole features a miniaturized GPS and cellular tracking chip embedded in a comfortable, cut to fit, water resistant insole, providing the ability to track persons of interest remotely from any computer, tablet or smartphone. The GPS SmartSole is powered by an inductive charging rechargeable battery that lasts three to five days on a single charge.

"The interest and demand for our GPS and BLE SmartSole products increases every week," said Bertagna. "From the media buzz to assisted living facilities, police departments, security agencies and caregivers of those afflicted with Alzheimer's, Autism and TBI are stepping up to be the first users of the SmartSoles. The recent current events have also sparked interest from the UN to track health workers in West Africa along with support staff and journalists in the Middle East."

**Would You Recognise the Vans Shoes Logo? Neither Would Euro Trademark Bods  
The Register  
November 3, 2014  
By Jennifer Baker**

Next Thursday trendy trainer firm Vans will try to persuade the European Court of Justice that it absolutely is a distinctive brand.

Vans will ask the European Court of Justice to overturn the decision of the OHIM (Office for Harmonisation in the Internal Market) not to grant it a trademark for its squiggly line logo. The OHIM refused the trademark on the grounds that the symbol "was devoid of any distinctive character".

Vans claims its "symbol" is already in widespread use and recognised by consumers throughout the EU.

However the OHIM thinks differently, claiming most people would be incapable of associating the symbol with the company.

In the court documents, the "distinctive symbol" is described as a "figurative mark representing a line which slants and curves".

On 25 October 2012, the ECJ issued a preliminary ruling on the "genuine use" of a trademark. To prove genuine use, the ECJ confirmed that the trademark holder can rely on the use of a form of the trademark that differs slightly from the registered form.

The ECJ interprets EU law to make sure it is applied in the same way in all EU countries, and settles legal disputes between EU governments and EU institutions. ®

**ITC To Investigate Alleged Knockoff Chuck Taylor Imports**  
**Law360**  
**November 13, 2014**  
**By Zachary Zagger**

The U.S. International Trade Commission is investigating alleged trademark infringement of Converse Inc.'s iconic Chuck Taylor sneakers by at least 31 companies including huge retailers like Wal-Mart Stores Inc. and shoe rivals such as Sketchers USA Inc., the agency said Wednesday.

The USITC said it has voted to open the investigation based on a complaint from Converse, a subsidiary of shoe giant Nike Inc., filed last month under Section 337 of the Tariff Act of 1930, which allows the agency to issue exclusion orders barring all imports of intellectual property-infringing goods.

As part of the investigation, the agency will schedule an evidentiary hearing and make a determination as to whether there is a violation of Section 337. The USITC will set a target date to complete the investigation within the next 45 days, it said.

The complaint is part of a widespread offensive by Converse to protect its shoe trademarks with a flood of parallel trademark litigation in the federal courts against the 31 companies.

Converse alleges that the companies are infringing its trademark rights by copying the core design features of the Chuck Taylor - a design Converse described in court documents as "probably the most widely recognized ... in the history of footwear."

"We welcome fair competition, but we do not believe companies have a right to copy the Chuck's trademarked look," Jim Calhoun, president and CEO of Converse, said in a statement released last month when the complaints were filed.

A representative for Converse could not immediately be reached for comment Thursday.

The ITC petition and separate federal court complaints also named K-Mart Corp., H&M Hennes & Mauritz LP, Fila, Ralph Lauren Corp. and numerous others.

Converse says that knockoff Chuck Taylors - originally known as the All-Star when they were launched in 1917 - were relatively rare until recently, but since 2008 the company has been forced to send more than 180 cease and desist letters over similar-looking shoes.

The Massachusetts-based shoemaker claims trademark rights in three key features of the Chuck: a rubber "bumper" running around the front of the shoe, a "toe cap" on the top of the shoe above the bumper and lines running around the sides. The design is registered under several federal trademarks.

The USITC is a relatively unpopular venue for trademark infringement cases compared to the number of patent cases, despite the success of other trademark holders. In 2012, Louis Vuitton

Malletier SA won a general exclusion order blocking imports of counterfeit handbags and luggage bearing the designer's well-known monogram trademark.

--Additional reporting by Bill Donahue. Editing by Kelly Duncan.

## **Adidas Wins Key Victory in Knitted Shoe Wrangle** **Knitting Trade Journal** **November 20, 2014**

Adidas has secured a crucial victory in its ongoing patent battle with rival Nike over the specific knitting techniques used in the latter's Flyknit construction and Adidas's Primeknit knitted footwear.

The Federal Patent Court in Munich has now ruled that Nike's European patent on the technology is obsolete and is to be removed from the German register of patents.

In 2012, Nike tried to prevent Adidas from marketing its own version of knitted footwear while Adidas has argued that the knitting technique already existed and was not patent protected.

The uppers of the Flyknit shoe and the Primeknit shoe are both made from one piece of fused yarn, with both the knitted sections produced on Stoll flat knitting machines.

Adidas launched its shoe at the London Olympics in July 2012 with a limited run of 2,012 pairs costing US\$350 each.

Adidas said it had filed for cancellation of the Nike patent, arguing the technology involved in making the shoe's upper from fused yarn has been around since the 1940s.

Barnes & Thornburg LLP. If you have questions regarding any article, would like further information, or have suggestions about future articles, please contact David Spooner at david.spooner@btlaw.com

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