

EXHIBIT N

**TO DECLARATION AND LOCAL RULE 7-5 CERTIFICATION OF ERIK
S. MAURER IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER, SEIZURE ORDER, AND
PRELIMINARY INJUNCTION**



US00D547541S

(12) **United States Design Patent**
Schindler et al.

(10) **Patent No.:** **US D547,541 S**

(45) **Date of Patent:** **** Jul. 31, 2007**

(54) **PORTION OF A SHOE MIDSOLE**

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(**) Term: **14 Years**

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(51) **LOC (8) CL.** **02-99**

(52) **U.S. CL.** **D2/977**

(58) **Field of Classification Search** D2/902,
D2/906-908, 943, 944, 964, 977, 972-974;
36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114,
36/126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D291,146 S *	8/1987	Selbiger	.....	D2/955
D321,585 S	11/1991	Rogers	.....
D321,776 S *	11/1991	Hatfield	.....	D2/977
D322,506 S *	12/1991	Rogers	.....	D2/977
D322,711 S *	12/1991	Hatfield	.....	D2/977
D323,418 S *	1/1992	Hatfield	.....	D2/977
D328,385 S *	8/1992	Hatfield	.....	D2/977
D328,968 S *	9/1992	Tinker	.....	D2/953
D329,739 S *	9/1992	Hatfield	.....	D2/977
D329,938 S *	10/1992	Lucas	.....	D2/977
D330,111 S *	10/1992	Hatfield et al.	.....	D2/977
D330,970 S *	11/1992	Hatfield et al.	.....	D2/977
D331,143 S *	11/1992	McDonald	.....	D2/977
D334,280 S *	3/1993	Teague	.....	D2/977
D334,650 S *	4/1993	Teague	.....	D2/977
D339,222 S *	9/1993	Hatfield et al.	.....	D2/977
D341,700 S *	11/1993	Avar	.....	D2/977
D350,016 S	8/1994	Passke et al.	.....

D366,756 S *	2/1996	Forland et al.	.....	D2/977
D375,619 S	11/1996	Backus et al.	.....
D376,902 S *	12/1996	Avar	.....	D2/977
5,625,964 A	5/1997	Lyden et al.	.....
D385,103 S	10/1997	Teague	.....
D386,589 S	11/1997	Cass	.....
D386,590 S	11/1997	Cass	.....
D393,339 S	4/1998	Fogg	.....
D395,337 S	6/1998	Greene	.....
D395,338 S *	6/1998	Teague	.....	D2/947

(Continued)

OTHER PUBLICATIONS

NIKE Footwear Catalog, Holiday 1995, pp. 14 and 25, published Mar. 1995.

(Continued)

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(57) **CLAIM**

The ornamental design for a portion of a shoe midsole, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a portion of a shoe midsole showing our new design;

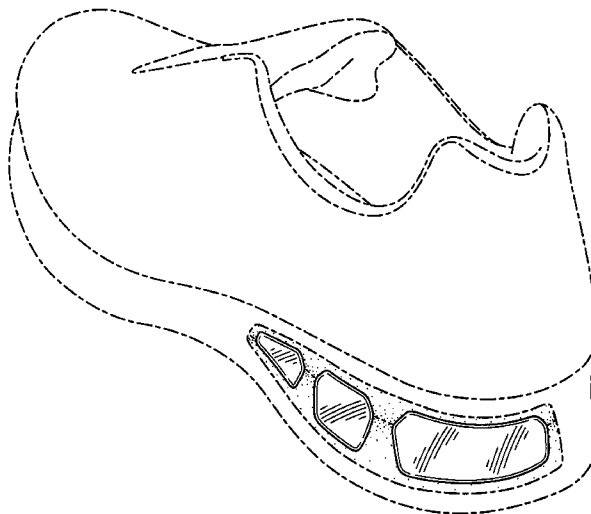
FIG. 2 is a rear perspective view thereof;

FIG. 3 is a side view thereof; and,

FIG. 4 is a rear view thereof.

The uneven broken line segments extending from the polygonal elements within the shaded area form no part of the claimed design. The uneven broken line immediately adjacent to the shaded area represents an unclaimed boundary of the design. The uneven broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

D408,618	S	4/1999	Wilborn et al.	
D410,964	S	6/1999	Wilborn et al.	
D467,725	S	12/2002	McDowell	
D485,673	S	1/2004	Smith	
D496,152	S	9/2004	Doxey	
D499,541	S *	12/2004	Dolan	D2/977
D511,618	S	11/2005	McDowell et al.	
D515,297	S *	2/2006	Acheson	D2/964
D516,785	S *	3/2006	Lacorazza	D2/964
D522,231	S	6/2006	Dojan et al.	
D522,739	S *	6/2006	Dojan et al.	D2/977
D522,740	S *	6/2006	Dojan et al.	D2/977
D523,233	S *	6/2006	Dojan et al.	D2/977
D524,033	S *	7/2006	Morris	D2/977
D532,599	S	11/2006	Dojan et al.	
D532,600	S	11/2006	Dojan et al.	
D534,345	S *	1/2007	Dojan et al.	D2/977
D534,346	S *	1/2007	Dojan et al.	D2/977

OTHER PUBLICATIONS

NIKE Footwear Catalog, Late Spring 1996, p. 23, published Aug. 1995.

NIKE Footwear Catalog, Spring 1998, p. 162, published Jun. 1997.
 NIKE Footwear Catalog, Holiday 1999, p. W112, published Mar. 1999.
 NIKE Footwear Catalog, Holiday 2000, p. W106, published Mar. 2000.
 NIKE Footwear Catalog, Holiday 2001, p. 10, published Feb. 2001.
 NIKE Footwear Catalog, Late Spring 2002, p. 74, published Sep. 2001.
 NIKE Footwear Catalog, Holiday 2003, pp. 7 and 23, published Mar. 2003.
 NIKE Footwear Catalog, Late Spring 2003, p. 10, published Sep. 2002.
 NIKE Footwear Catalog, Holiday 2004, p. 52, published Mar. 2004.
 NIKE Footwear Catalog, Spring 2004, p. M9, published Jun. 2003.
 NIKE Footwear Catalog, Fall 2005, p. 9, published Nov. 2004.
 NIKE Footwear Catalog, Holiday 1998, p. 6, published Feb. 1998.
 NIKE Footwear Catalog, Late Spring 2006, p. 38, published Sep. 2005.
 NIKE Footwear Catalog, Fall 2007, pp. 54, 70, 143, 167, 224, 240 and 244, published Nov. 2006.
 NIKE Footwear Catalog, Summer 2007, p. 155, published Sep. 2006.

* cited by examiner

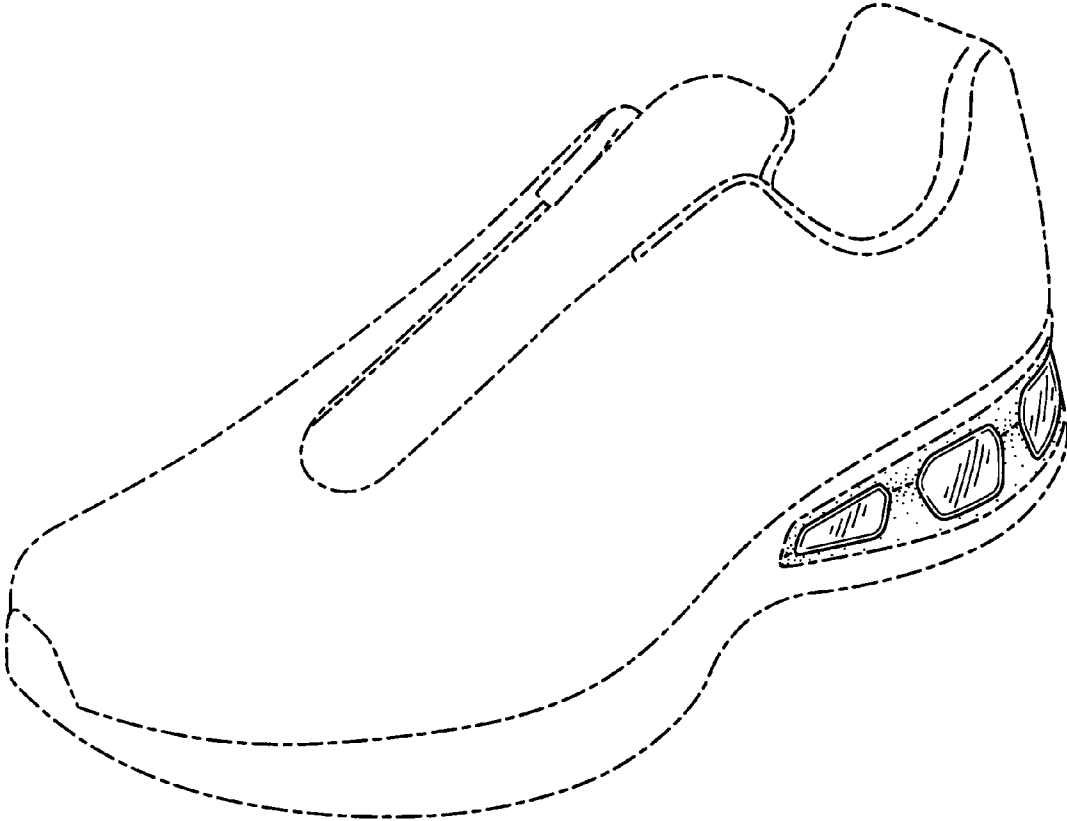


FIG. 1

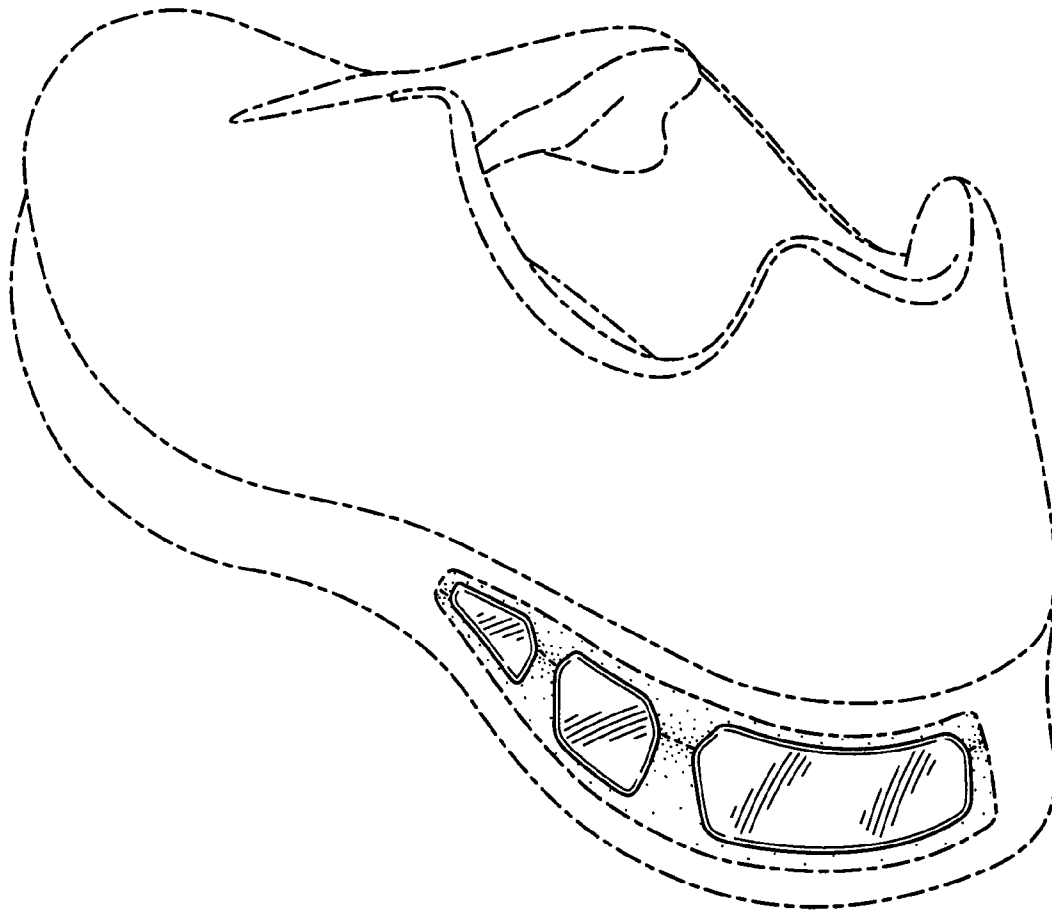


FIG. 2

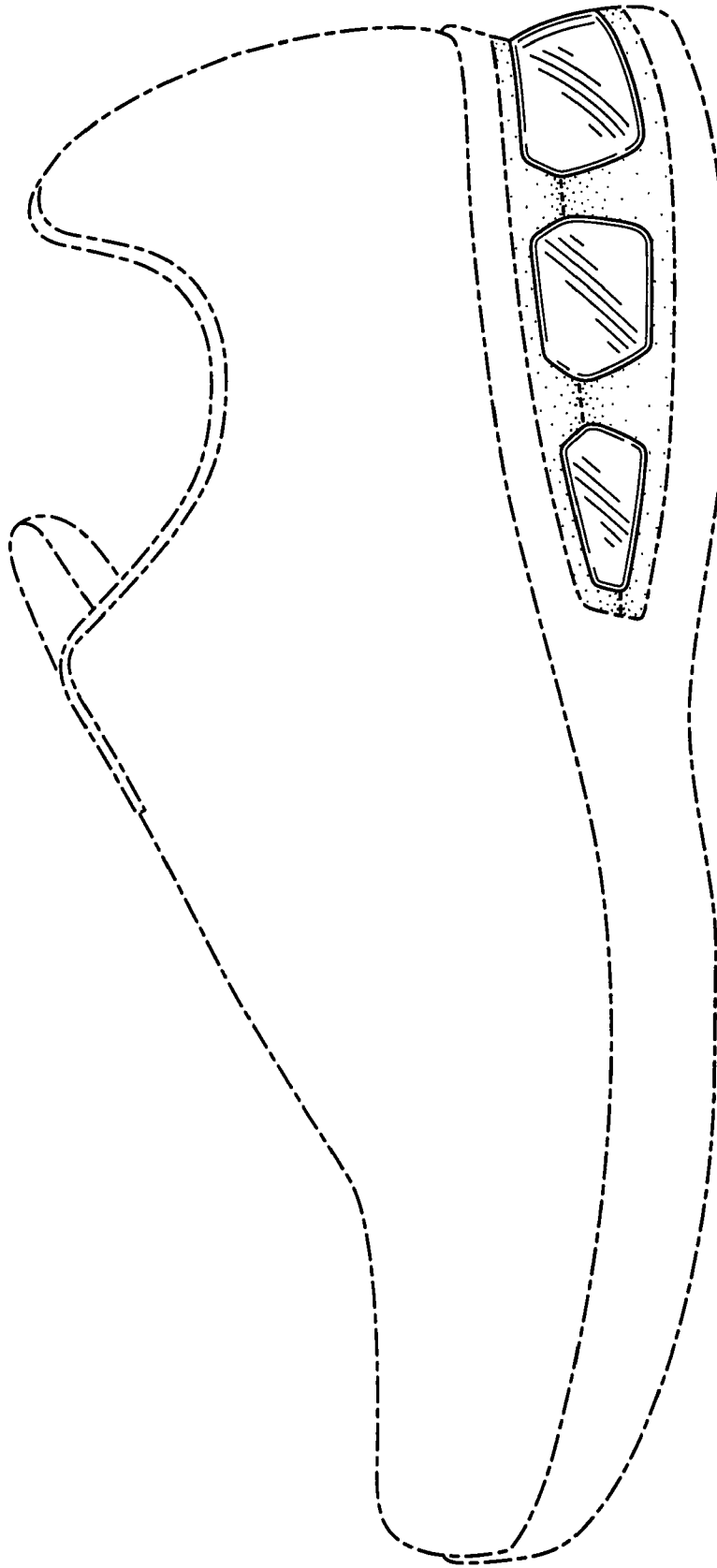


FIG. 3

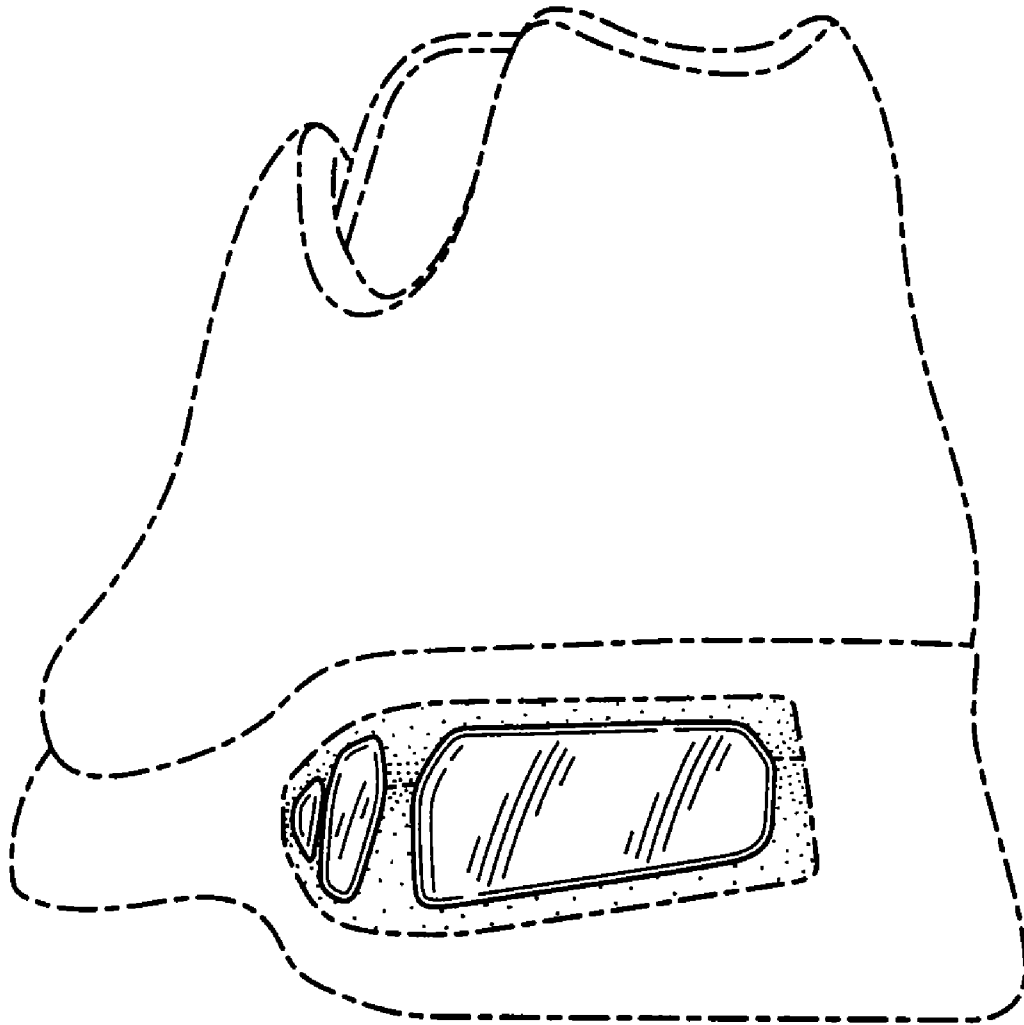


FIG. 4