

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket No. 015127.02485**

In re Application of	Group Art Unit:	2914
Mark C. Miner	Examiner:	Thornton C. Nelson
App. No.: 29/492,575	Confirmation No.:	7330
Filed: May 31, 2014		
For: SHOE SOLE		

**MISCELLANEOUS SUBMISSION**

Via EFS-Web

Sir:

The present applicant ultimately claims priority back to U.S. patent application no. 29/414,576, filed February 29, 2012. While the parent application discloses multiple embodiments of designs for shoes, the currently claimed design is directed to a single embodiment. Inventorship in the present application has been designated to reflect to the inventor of the currently claimed design.

The claimed design in the present application substantially corresponds to an embodiment made commercial by the assignee more than one year prior to the actual filing date of the present application. The claimed design would not be valid if the effective filing date of the currently claimed design is determined not to be February 29, 2012 (i.e., the filing date of the parent application). Accordingly, applicant respectfully requests that the priority claim to the parent application be granted.

The claimed design in the present application is generally directed to a design for a sole portion of a shoe. The claim is fully disclosed in the parent application. Further, it is evident to

one of ordinary skill in the art that the inventor objectively had possession of the claimed design at the time of the filing of the parent at least because the subset of elements forming the newly identified design claim is a self-contained design and/or share an operational and/or visual connection. Therefore, priority should be granted under the principals outlined in the binding case law as set forth by the Court of Appeals for the Federal Circuit in *Racing Strollers, Inc. v. TRI Indus., Inc.*, 878 F.2d 1418, 11 USPQ2d 1300 (Fed. Cir. 1989) and *In re Daniels*, 144 F.3d 1452, 46 USPQ2d 1788 (Fed. Cir. 1998).

Additionally, to expedite the examination process, applicant is filing simultaneously herewith: a Rocket Docket expedited prosecution request (with supplemental materials) and a Rule 131 Declaration showing evidence of an earlier date of invention should intervening art be found to be material.

While we believe no other fees are due, please charge any fees associated with this submission to Deposit Account number 19-0733.

Respectfully submitted,

Date: December 10, 2014

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