

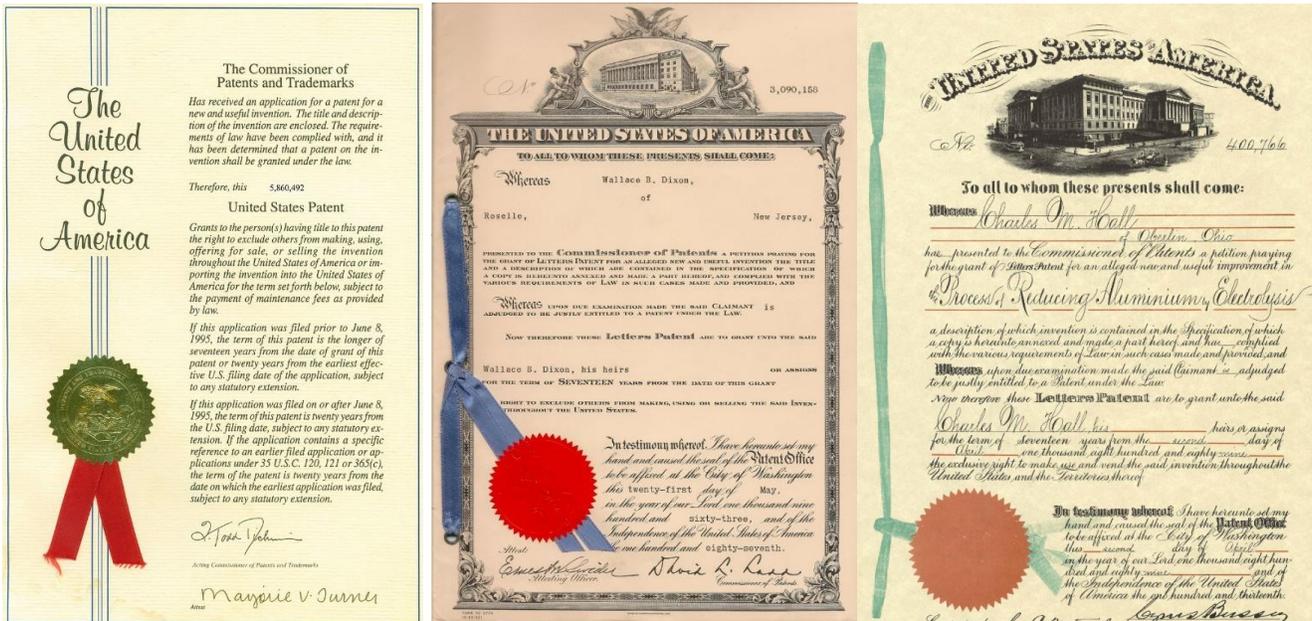
Footwear Intellectual Property & Innovation

Innovation and Intellectual Property rights are at the forefront of so many conversations as well as controversies today within the footwear industry. Design innovation is a topic I discuss with my footwear design students at [California College of the Arts](#) during their coursework. It seems that weekly we hear of brands filing lawsuits or making powerful statements to protect their Intellectual Property rights across many industries. There have been between four to six thousand IP cases filed annually in United States District Court (USDC) from 2012 through 2018 according to the Bio Loquitur, a life sciences patent blog.

A few examples specific to footwear are [Nike](#) and their recent patent infringement complaint filed against [Skechers](#) in October 2019 relating to the Max 270 and VaporMax designs and [New Balance suing Nautica](#) for use of the "N" in August 2019. Earlier in 2019, [Tieks by Gavrieli](#) went up against Soto Massini in Delaware Federal Court as did [Deckers Outdoor \(UGG\)](#) against Australian Leather Limited in Chicago Federal Court. The list continues, although 95% of Intellectual Property cases settle with only 5% ever making it to trial.

An estimated 9.5 or 10 million United States patents have been issued in the past 230 years. That number astounds me! When considering patent origins, our first US patent was registered in 1790 [to Samuel Hopkins who invented a new process for making an ingredient in fertilizer](#). An original inventor could be granted property rights to their idea. The result was intended to foster an environment that inspires and encourages innovative thinking. Who doesn't love that?!

Jump ahead 230 years to current day. An inventor, or a company with a named inventor, is able to apply for and be granted a patent from the United States Patent and Trademark Office (USPTO) if the invention is considered valid and no prior art exists in the market. Currently the cover document arrives carrying a wonderful gold seal like the ones shown below (left). This, along with a unique [patent](#) identifying number is issued, marking the reward achieved and provides the owner a legal right to protect their patent for a limited number of years.



(example of patent cover document 1995, 1963 & 1889)

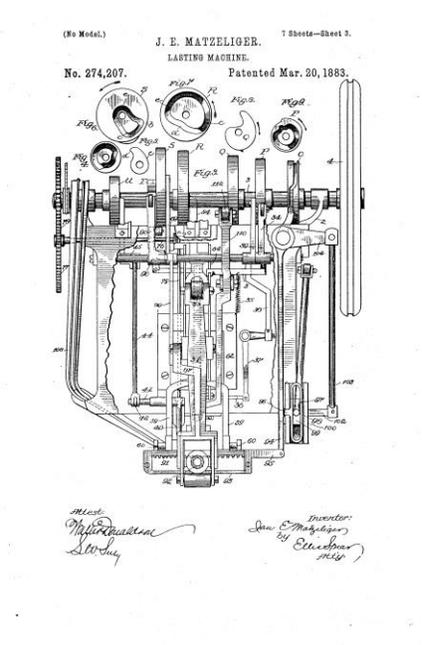
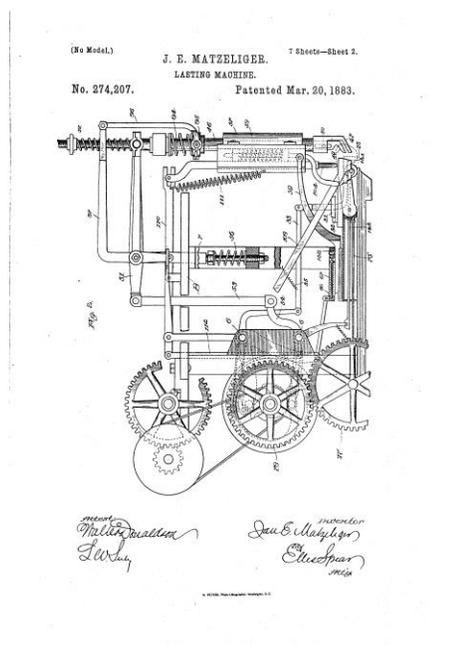
Designing patentable products involves creating novelty and taking risk directly linked to developing revolutionary products and technologies. These inventions create new markets and methods of manufacture. I recently attended the 2019 [Fast Company](#) Innovation Festival and fascinating panels where presenters from [Carbon](#) and [Riddell](#) discussed the revolutionary [Diamond Technology](#) partnership and [Frog Design](#) where President Andy Zimmerman discussed elevating designers to be part of the entire process from start to finish versus risking product vision being lost throughout a project. Matthew Putman, CEO of [Nanotronics](#) seeks to revolutionize the future of manufacturing stating that “Artificial Intelligence will improve opportunity and efficiency”. Humans are creating the ideas AI will produce an opportunity to execute. Needless to say, I left the Innovation Festival extremely inspired and more determined than ever in my belief that intellectual property, revolutionary design and innovation are critical to the patent process and integrity in design.

Fortunately, I have been provided a unique opportunity to work firsthand as a footwear industry expert on Intellectual Property cases over the past several years, providing multiple detailed footwear expert reports and providing testimony at footwear patent trials and deposition. I have a passion for digging in to research the entire patent process in an industry that has offered me an incredible career.

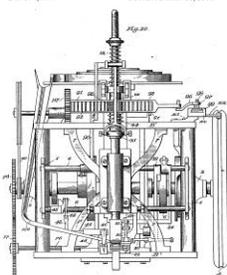
Looking to our footwear industry roots, there are truly innovative patents that changed how we manufacture shoes today. Automated lasting and sewing machinery we take for granted today are two I consider revolutionary.

The shoe lasting machine revolutionized footwear manufacturing. Automation like this, in 1883, finally made it possible for over 500 pairs per day to be made versus the hand method that is said to have allowed for 50 or so pairs to be manufactured daily. According to EDN network, a young man named Jan Earnst Matzeliger worked sewing footwear by day and studied engineering at night to learn what he needed to make his innovation come to life in [patent number 274,207](#). As shown below, this invention was a machine that could hold a stitched shoe on a last, grip and pull the leather down around the heel and finally, set the upper in place with nails. Thank you Mr. Matzeliger!

<https://www.edn.com/electronics-blogs/edn-moments/4410339/Shoe-lasting-machine-is-patented--March-20--1883>

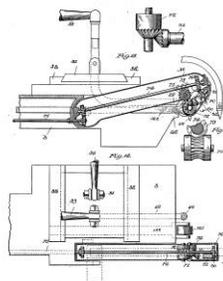


(No. Model.) J. E. MATZELOER. 7 Sheets—Sheet 4.
LASTING MACHINES.
No. 274,207. Patented Mar. 20, 1883.



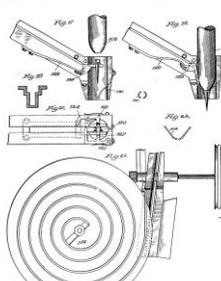
Witness
My commission
S. W. Day
Inventor
J. E. Matzeloer
By
Charles H. Clark
Attorney

(No. Model.) J. E. MATZELOER. 7 Sheets—Sheet 5.
LASTING MACHINES.
No. 274,207. Patented Mar. 20, 1883.



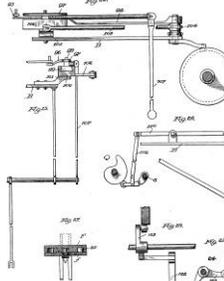
Witness
My commission
S. W. Day
Inventor
J. E. Matzeloer
By
Charles H. Clark
Attorney

(No. Model.) J. E. MATZELOER. 7 Sheets—Sheet 6.
LASTING MACHINES.
No. 274,207. Patented Mar. 20, 1883.



Witness
My commission
S. W. Day
Inventor
J. E. Matzeloer
By
Charles H. Clark
Attorney

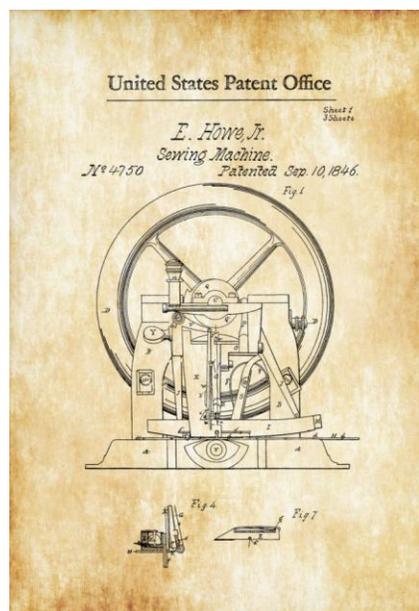
(No. Model.) J. E. MATZELOER. 7 Sheets—Sheet 7.
LASTING MACHINES.
No. 274,207. Patented Mar. 20, 1883.



Witness
My commission
S. W. Day
Inventor
J. E. Matzeloer
By
Charles H. Clark
Attorney

(U.S. Patent 247,207 – Shoe lasting machine 1883.)

[Cambridge History](#) states “Few inventions have changed everyday life as radically as the sewing machine. Although there is a bit of controversy, Elias Howe is ultimately considered the inventor of the sewing machine in 1846 with [patent number 4750](#). Imagine going from 7 stitches to 175 per inch when sewing leather? This machine changed the face of manufacturing for numerous industries worldwide.



(U.S. Patent 4750, sewing machine)

This holiday season, I'd like to express my gratitude and say “**thank you**” to these amazingly talented inventors who took risk and innovated to create patents that revolutionized how footwear is made and am excited to look to the future of innovation and originality in design. As IP continues to evolve, I look forward to seeing what the future has in store.



[Caroline de Baere](#) is a 30-year footwear industry veteran with expertise and testifying experience in Intellectual Property cases. She is a footwear design Professor at [California College of the Arts](#) in San Francisco. Caroline recently co-founded the [BENDY](#) by Ashbury Skies, an ethically manufactured footwear brand producing shoes in California.