

In the Matter of

# CERTAIN FLEXIBLE FOAM SANDALS

Investigation No. 837-1A-47

REG. NO. 947

FOAM SANDALS

U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, D.C. 20535

# UNITED STATES INTERNATIONAL TRADE COMMISSION

## COMMISSIONERS

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Kenneth R. Mason, Secretary to the Commission

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Address all communications to  
Office of the Secretary  
United States International Trade Commission  
Washington, D.C. 20437



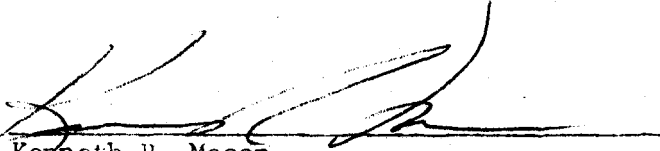
in violation of section 337.

Accordingly, THE COMMISSION grants motion No. 47-1 AND ORDERS that Graham-Brown be and hereby is terminated as a party respondent to the instant investigation.

Opinion

The joint motion of April 17, 1978, was accompanied by a brief filed on behalf of the complainant, the Commission's Investigative Attorney, and Graham-Brown, which affirmed that Graham-Brown had not imported the complained-of merchandise and also contained assurances that Graham-Brown would not import such merchandise in the future. In view of these facts and because both the complainant and the Commission's Investigative Attorney support the termination of Graham-Brown as a party respondent, the Commission has determined that Graham-Brown is not in violation of section 337 and has granted the joint motion.

By order of the Commission:



Kenneth R. Mason  
Secretary

Issued: June 20, 1978

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

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In the Matter of: :  
: :  
CERTAIN FLEXIBLE FOAM SANDALS : Investigation No. 337-TA-47  
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NOTICE OF INVESTIGATION

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 18, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Tiddies, Inc., 711 1/2 E. Houston, Pasadena, Texas. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain sandals into the United States, or in their sale, by reason of the alleged coverage of such articles by claims 1-4, 6-9, 11 and 16-22 of U.S. Letters Patent No. 3,978,596, which patent is owned by Tiddies, Inc. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the United States International Trade Commission, on February 14, 1978, ORDERED --

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there are

violations or there is reason to believe there are violations of subsection (a) of this section in the unauthorized importation of certain sandals into the United States, or in the sale thereof, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged violations of subsection (a) of this section consist of allegations that such imported articles infringe claims 1-4, 6-9, 11 and 16-22 of U.S. Letters Patent No. 3,978,596, which patent is wholly owned by Tiddies, Inc.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such article into the United States, or in their sale, are hereby named as the respondents upon which the complaint and this notice are to be served:

Importers

Young Californian Shoes, Inc.  
4901 Morena Boulevard  
Suite 1101  
San Diego, California 92117

Graham-Brown Shoe Co.  
1715 N. Industrial Boulevard  
Dallas, Texas 75207

Foreign Exporter

American Footwear Manufacturing Company, Inc.  
P. O. Box 388  
Taichung, Taiwan

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, Chief Administrative Law Judge, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby appointed as presiding officer, and

(4) That, for the purpose of the investigation so instituted, Charles F. Schill, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby named Commission investigative attorney.

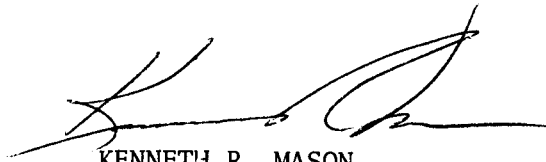
Responses must be submitted by the named respondent in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extension of time for submitting a response will not be granted unless good and sufficient cause therefore is shown.

Failure of the respondents to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street,

N.W., Washington, D.C. 20436, and in the New York City Office of the Commission, 6 World Trade Center.

By order of the Commission:

A handwritten signature in black ink, appearing to read 'K. R. Mason', written over a horizontal line.

KENNETH R. MASON  
Secretary

Issued: February 14, 1978



UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of  
CERTAIN FLEXIBLE FOAM SANDALS

Investigation No. 337-TA-47

NOTICE OF COMMISSION ORDER FOR WRITTEN COMMENTS AND INFORMATION  
CONCERNING PRESIDING OFFICER'S RECOMMENDATION, RELIEF,  
BONDING, AND THE PUBLIC INTEREST

Recommendation of "violation" issued.--In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain flexible foam sandals in the United States, the presiding officer recommended on October 23, 1978, that the Commission determine that there is a violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommendation may be obtained by interested persons by contacting the office of the Secretary to the Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523-0161.

Commission considerations.--Should the Commission adopt the recommendation of the presiding officer, it must make determinations concerning the appropriate relief and bonding, if any, and it must consider the public interest. These issues are described below.

Relief.--In the event that the Commission were to find a violation of section 337, it would issue (1) an order which could result in the exclusion from entry of certain flexible foam sandals into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of these sandals. Accordingly, the Commission is interested in what relief should be ordered, if any.

Bonding.--In the event that the Commission were to find a violation of section 337 and order some form of relief, that relief would not become final for a 60-day period during which the President would consider the Commission's determination. During this period, the certain flexible foam sandals would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

The public interest.--In the event that the Commission were to find a violation of section 337 and order some form of relief, the Commission must consider the effect of that relief upon the public interest. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Written comments and information concerning relief, bonding, and the public interest invited.--Parties to the Commission's investigation, interested agencies, public interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, bonding, and the public interest. These written submissions will be very useful to the Commission in the event it determines that there is a violation of section 337 and that relief should be granted.

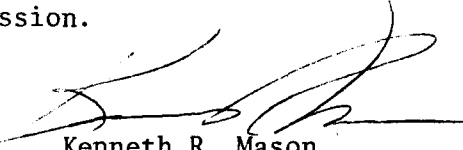
Written comments and information concerning relief, bonding, and the public interest shall be submitted in this order. First, complainant shall file and serve on all parties of record a detailed proposed Commission action, including a proposed determination of bonding, a proposed remedy, and a discussion of the effect of its proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, with the Secretary to the Commission by no later than the close of business on Friday, December 15, 1978. Second, the Commission's investigative staff shall file and serve on all parties of record a formal report reflecting its investigation of the public interest factors to be considered by the Commission with the staff's recommendations and conclusions no later than the close of business on Friday, December 22, 1978. Third, any other party, interested agency or department, public interest group, or other member of the public wishing to file written comments and information concerning the action which complainant has proposed, any available alternatives, and the advisability of any Commission action in

light of the public interest considerations listed above by no later than the close of business on Friday, December 22, 1978.

Requests for oral argument and oral presentation.--At present, no oral argument is planned with respect to the recommended determination of the presiding officer concerning whether there is a violation of section 337 of the Tariff Act of 1930 in this matter. Similarly, no oral presentation is planned with respect to the relief, bonding, and the public-interest factors set forth in section 337(d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that relief should be granted. However, the Commission will consider requests for an oral argument or an oral presentation if they are received by the Secretary to the Commission not later than 30 days after publication of this notice in the Federal Register.

Notice of the Commission's institution of the investigation was published in the Federal Register of February 17, 1978 (43 F.R. 7060).

By order of the Commission.



Kenneth R. Mason  
Secretary

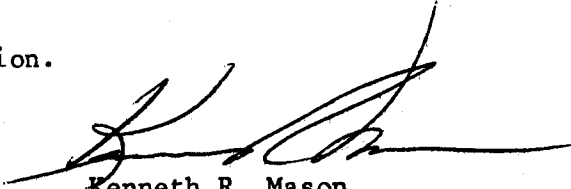
Issued: December 4, 1979



This Commission order is effective on the date of its publication in the Federal Register. Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Petitions must be in accord with section 210.56 of the Commission rules (19 CFR 210.56). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission's determination, order, and memorandum opinion (USITC Publication No. 947, February 1979) are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the Federal Register of February 17, 1978 (43 F.R. 7060).

By order of the Commission.



Kenneth R. Mason  
Secretary

Issued: February 21, 1979



## Commission Determination

Having reviewed the record in this matter including the submissions of the parties and the recommended determination of the presiding officer, the Commission on February 5, 1979, unanimously determined--

1. With respect to the remaining respondents in investigation No. 337-TA-47, 1/ that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States of articles that meet claims 1-4, 6-9, 11, and 16-22 of complainant's U.S. Letters Patent 3,978,596, and in their sale by the owner, importer, consignee or their agents, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

2. That the appropriate remedy for such violation is to direct that certain flexible foam sandals made in accordance with claims 1-4, 6-9, 11, and 16-22 of U.S. Letters Patent 3,978,596 be excluded from entry into the United States for the term of said patent, except under license of the patent owner;

3. That after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such articles should be excluded from entry; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)(3)) be in the amount of 250 percent of the value of the articles concerned, f.o.b. foreign port.

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1/ Young Californian Shoes, Inc., of San Diego, Calif. and the American Footwear Manufacturing Company, Inc., of Taichung, Taiwan.



## Commission Order

Accordingly, it is ordered that--

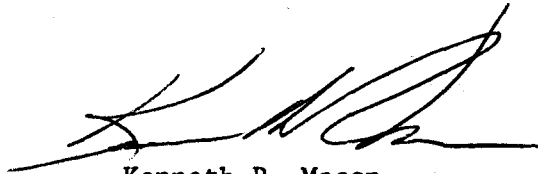
1. Certain flexible foam sandals made in accordance with claims 1-4, 6-9, 11, and 16-22 of U.S. Letters Patent 3,978,596 are excluded from entry into the United States for the term of said patent except (1) as provided in paragraph 2 of this order, below, or (2) as such importation is licensed by the owner of U.S. Letters Patent 3,978,596;

2. That the articles ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of 250 percent of the value of the articles, f.o.b. foreign port, from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves this action or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt;

3. Notice and order of the termination of the investigation will be published in the Federal Register, and a copy of this order will be served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

4. That the United States International Trade Commission may amend this order at any time.

By order of the Commission.



Kenneth R. Mason  
Secretary

Issued: February 21, 1979.

## Commission Memorandum Opinion

Procedural history of the investigation

On January 18, 1978, Tiddies, Inc., of Pasadena, Tex. filed a complaint with the Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), alleging that certain respondents violated section 337 in the unlicensed importation and sale in the United States of certain flexible foam sandals covered by claims 1-4, 6-9, 11, and 16-22 of U.S. Letters Patent 3,978,596, the effect or tendency of which is to destroy or substantially injure a domestic industry, efficiently and economically operated, in the United States. The Commission deemed the complaint properly filed within the meaning of section 210.20 of its Rules of Practice and Procedure (19 CFR 210.20) and instituted this investigation on February 14, 1978.

A public notice of the Commission's investigation was issued on February 14, 1978, and was published in the February 17, 1978, issue of the Federal Register (43 F.R. 7060). Copies of the notice of investigation and the complaint were served on respondents identified by the complainant.

The complainant named as respondents two domestic importers, Young Californian Shoes, Inc., of San Diego, Calif. and Graham-Brown Shoe Company, of Dallas, Tex., both alleged importers of infringing articles. In addition, the complainant named as a respondent the American Footwear Manufacturing Company, Inc., of Taichung, Taiwan, allegedly a foreign exporter of infringing articles.

Only Graham-Brown Shoe Company answered the complaint and notice. Insasmuch as that company had not imported the subject articles, it was terminated as a party respondent by the Commission's order of June 20, 1978. Young Californian Shoes, Inc., replied informally, but neither answered the complaint and the notice of investigation nor responded to interrogatories served by complainant nor answered a subpoena issued by the presiding officer. American Footwear Company, Inc., has had no contact with the Commission's investigation.

On August 15, 1978, the presiding officer issued a notice of a prehearing conference and hearing. The prehearing conference was scheduled for August 31, 1978, and the hearing was scheduled to begin on September 6, 1978. A notice cancelling the prehearing conference and hearing was issued by the presiding officer on August 30, 1978. That notice stated--

No respondent has complied with the Prehearing Statement Order nor otherwise indicated an intention to appear and contest the allegations of the complaint. Moreover, Complainant, in lieu of an appearance, intends to file by September 16, 1978, a motion for default judgment as to the remaining respondents that will permit the Presiding Officer to make a ruling disposition of this investigation. Accordingly, the prehearing conference and hearing will not be reset.

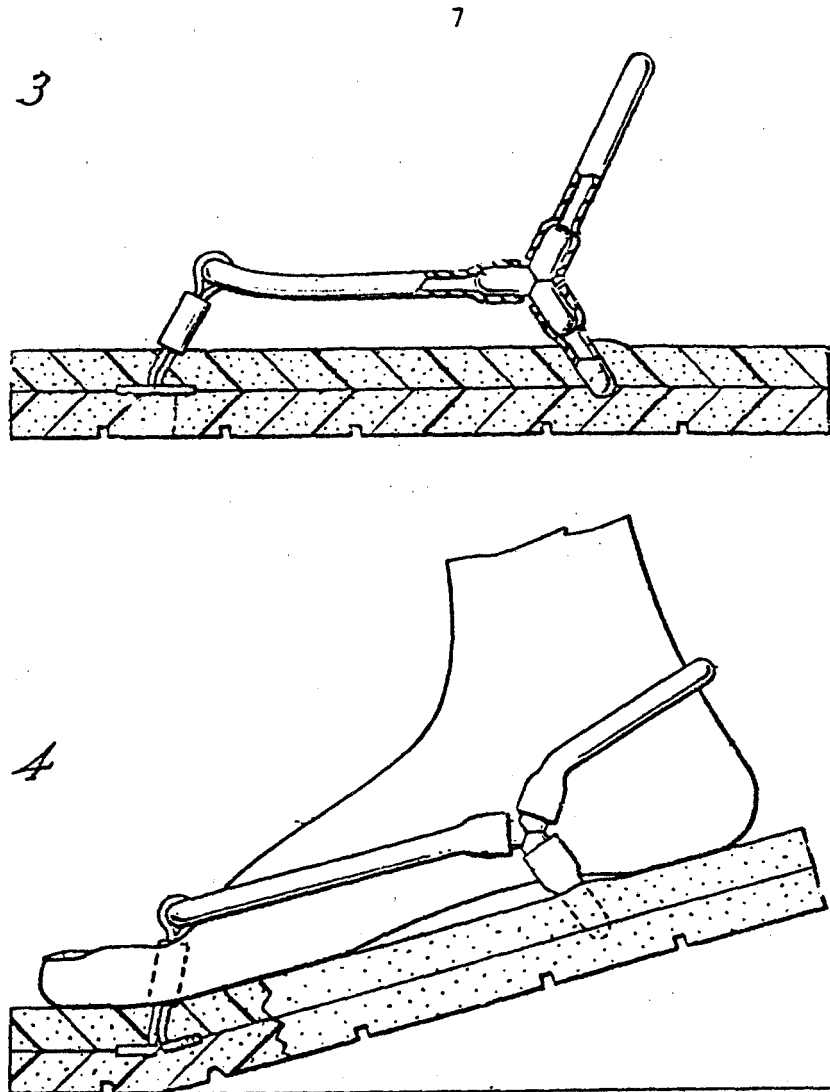
On September 13, 1978, complainant filed a motion for default judgment. The motion was accompanied by a memorandum in support of the motion, accompanying exhibits, and proposed findings of fact and conclusions of law. The Commission's investigative attorney responded to the motion in a document filed on September 26, 1978. The Commission's investigative attorney supported complainant's motion for default. Neither Young Californian Shoes, Inc., nor American Footwear Manufacturing Company, Inc., responded to the motion.

The presiding officer granted the motion for a default and, as authorized by rule 210.21(d), filed the recommended determination, which he then certified to the Commission. No exceptions to the recommended determination were filed.

On December 4, 1978, the Commission issued a public notice and order providing interested persons and government agencies an opportunity to request oral argument with respect to the recommended determination of the presiding officer concerning whether there is a violation of section 337 in this case. Interested persons and government agencies were also invited to request the opportunity to make oral presentations before the Commission concerning relief, bonding, and the statutory public-interest factors. No requests for either an oral argument or an oral presentation were received. The only written comments received were those required by the Commission of the complainant (December 15, 1978) and of the Commission's investigative attorney (December 21, 1978). No advice or information was received from other government agencies in response to the Commission's December 4, 1978, notice. No other written comments or other information was received.

#### Description of the subject articles

The patented articles are sandals manufactured in accordance with claims 1-6, 6-9, 11, and 16-22 of U.S. Letters Patent 3,978,596. Such sandals are constructed by mounting flexible straps, such as surgical tubing, into a flexible, multilayered foam sole to secure the sole to the foot of the wearer. (Figures 3 and 4 of U.S. Patent 3,978,596 are reproduced below, with reference numbers omitted.)



Consideration of the issues presented

Having reviewed the recommended determination of the presiding officer and having considered all relevant submissions, the Commission, in substance, approves and adopts the findings of fact recommended by the presiding officer and, accordingly, adopts the recommended conclusions of law of the presiding officer.

Pursuant to section 337, the Commission must consider--

- (1) whether there is a violation of section 337, and, if so,
- (2) what remedy should be afforded for such violation, and

- (3) whether the remedy chosen should be withheld in light of public interest considerations set forth in subsections (d) and (f) of section 337, 1/ and
- (4) should an order imposing relief issue, what amount of bond should be established for the entry of the subject articles until the order becomes final.

#### Determination and order of the Commission

In adopting the conclusions of law recommended by the presiding officer, we have found violations of section 337 proven on the record of this case in the unlicensed importation into the United States of certain flexible foam sandals by reason of their having been made in accordance with claims 1-4, 6-9, 11, and 16-22 of U.S. Patent 3,978,596 and in their unlicensed sale by the owner, importer, consignee, or agent of either, the tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States.

#### Remedy

We have also directed the exclusion of the subject imports from entry into the United States for the term of the patent, and have determined the amount of the bond required by subsection (g)(3) of section 337 to be 250 percent of the value, f.o.b. foreign port, of the articles. In determining to exclude these articles from entry into the United States, we have considered

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1/ If the Commission determines that there is a violation of sec. 337, it may order the appropriate statutory relief to remedy the violation unless, after considering the effect of such remedy upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, it finds that relief should not be ordered.

the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States and U.S. consumers, and find no reason why these articles should not be excluded. An order directing exclusion in accordance with this opinion is attached, and the same has issued on the date of this opinion.

Section 337 provides, in effect, that in the event that the Commission determines there has been a violation of said provision, the Commission shall apply the remedy of either exclusion of the offending article from entry into the United States or, in lieu of this action, order the persons violating the law to cease and desist their unlawful methods and acts. In the Commission notice of December 4, 1978, we solicited comment on the choice of remedy in the event that a violation was found in this case. Both the complainant and the Commission investigative staff argued that an order of exclusion is the proper remedy. No other comments were received.

The record developed by the presiding officer indicates that persons other than respondents have imported the subject article. This creates the possibility that any in personam cease and desist orders issued by the Commission might be avoided through shifts in sourcing to any of a number of other potential importers. Therefore, the Commission has determined that an exclusion order is the appropriate remedy in the circumstances of this case.

#### Public interest factors

No evidence which would show an adverse effect on the relevant public-interest factors by the exclusion of infringing sandals from entry into the United States was submitted to the Commission by the parties to the

investigation, by the Government agency and departments contacted by the Commission, or by any other person. There is no shortage of competitive sandals either made in the United States or imported and sold in the United States which do not infringe complainant's patent. The effect of the exclusion order on competitive conditions in the United States and upon U.S. consumers is not such that the order should not issue. The production of like or directly competitive articles in the United States will not be affected except as prescribed by the patent laws of this country.

#### Bonding

We have determined that the bond provided for in section 337(g)(3) is to be prescribed by the Secretary of the Treasury in the amount of 250 percent of the value of the articles concerned, f.o.b. foreign port. Since the infringing sandals undersell the domestic product by substantial amounts, this bond amount should offset the effect of any competitive advantages resulting from the unfair acts in the importation or sale of the infringing articles. The amount was based upon an analysis of wholesale prices of the domestic low-cost product and the value of the imported product when entered under item 700.58 of the Tariff Schedules of the United States. It is also the lower of the amounts recommended by complainant and the Commission's investigative attorney. In our view, the record establishes a quality difference between the domestic patented product and the infringing imports which justifies choosing the lower amount.



APPENDIX

U.S. Letters Patent 3,978,596

[54] SANDALS AND METHOD OF MAKING  
SAME

[76] Inventors: **Dwight C. Brown; Kevin B. Brown,**  
both of 711 1/2 E. Houston,  
Pasadena, Tex. 77502

[22] Filed: **Nov. 24, 1975**

2,761,224 9/1956 Gardiner..... 36/11.5  
3,052,045 9/1962 Grimaldi..... 36/11.5  
3,121,962 2/1964 Gullo..... 36/11.5  
3,352,033 11/1967 Colley..... 36/11.5  
3,404,469 10/1968 Prenoritz..... 36/11.5  
3,553,754 1/1971 Mendelsohn..... 36/11.5  
D147,308 8/1947 Steel..... 36/11.5

[21] Appl. No.: **634,407**

Primary Examiner—Patrick D. Lawson  
Attorney, Agent, or Firm—Pravel & Wilson

**Related U.S. Application Data**

[63] Continuation-in-part of Ser. No. 526,466, Nov. 25,  
1974, Pat. No. 3,928,927.

[52] U.S. Cl. .... 36/11.5; 12/142 S  
[51] Int. Cl.<sup>2</sup> ..... A43B 3/12; A43D 9/00  
[58] Field of Search ..... 36/11.5, 44; 12/142 R,  
12/142 S

[57] **ABSTRACT**

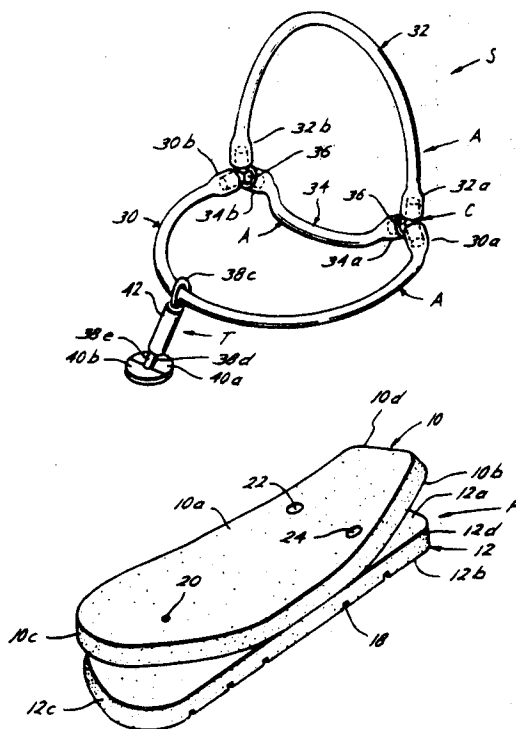
A foot sandal and method for making same, the sandal having a laminated platform having an upper and a lower layer, stirrup strapping members mounted with the platform for securing the platform to the foot with the stirrup strapping members including a loop extending through the upper layer of the laminated platform and a toe securing member adapted to be positioned adjacent toes of the foot for securing the stirrup strapping members adjacent the toe end of the laminated platform to the foot.

[56] **References Cited**

**UNITED STATES PATENTS**

736,194 8/1903 Bassett..... 36/11.5  
1,784,035 12/1930 Wilmsky..... 36/11.5  
1,959,382 5/1934 Newton..... 36/4  
2,669,036 2/1954 Israel..... 36/11.5

**22 Claims, 9 Drawing Figures**







## SANDALS AND METHOD OF MAKING SAME

### CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of Ser. No. 526,466, filed Nov. 25, 1974, now Pat. No. 3,928,927.

### BACKGROUND OF THE INVENTION

The field of this invention is footwear, particularly of the type relating to sandals and methods for making same.

Prior art sandals include those such as disclosed in U.S. Pat. Nos. 3,404,469; 3,352,033; 2,761,224; 2,669,036 and 2,239,471.

Some of the difficulties encountered in sandals generally include straps that may become easily detached from the sole of the shoe because of inadequate securing members, sandals that are not resistant to water, and straps that may potentially cause chafing and/or binding against the foot.

### SUMMARY OF THE INVENTION

The present invention provides a new and improved sandal, and method for making same, the sandal having a laminated platform conforming substantially to the shape of the sole of the foot and formed of at least two layers, stirrup strap means mounted with the laminated platform for securing the laminated platform to the foot with the stirrup strap means having a loop extending through the upper layer of the laminated platform and toe securing means mounted adjacent the toe end of the laminated platform with the stirrup strap means and adapted to be positioned between adjacent toes of the foot for securing the stirrup strap means adjacent the toe end of the laminated platform to the foot.

### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an oblique view of the sandals of the present invention as completely assembled;

FIG. 2 is an exploded, isometric view of the sandal of the present invention;

FIG. 3 is a side view, partially in section, of the sandal of the present invention;

FIG. 4 is a side view of the sandal of the present invention, partially in section, and completely assembled, as fitted to the foot and showing flexing of the toe securing means;

FIG. 5A is a front view of the connector means of the sandal of the present invention;

FIG. 5B is a side view of the connector means of the sandal of the present invention;

FIG. 6A is a side view of the toe securing means of the sandal of the present invention;

FIG. 6B is a front view of the toe securing means of the sandal of the present invention; and,

FIG. 6C is a side view of the toe securing means of the sandal of the present invention in its overlapped position.

### DESCRIPTION OF THE PREFERRED EMBODIMENT

In the drawings, the letter S designates the sandal of the present invention. The sandal S includes a laminated platform P having stirrup strap means A mounted with the platform P and toe securing means T for securing the stirrup strap means A with the platform P.

The sandal S includes a laminated platform P having an upper layer 10 and a lower layer 12. Preferably, the upper layer 10 is of a vinyl foam such as that marketed under the name "Rubatex" vinyl foam R-326-V, however, other materials, such as polyethylene or rubber foams, may be used. Preferably, the lower layer 12 is of a neoprene foam, however, other materials may be used. It is preferred that the lower layer 12 be of a more durable higher durometer material than the upper layer 10 to provide a wear-resistant sandal sole to prolong the life of the sandal S of the present invention. Further, it is preferred that the upper layer 10 be of a vinyl foam inasmuch as typically, such vinyl foams are softer, of a lower durometer, and more resilient than the more durable, high durometer, long lasting neoprene foam. The vinyl foam of the upper layer 10 is a comfortable, soft material to be fitted adjacent the foot F of a wearer of the sandals S.

Preferably, the laminated platform P is of an approximate thickness of one inch, but it is intended that the platform P not be limited only to thickness of one inch but also to include thickness both greater and lesser than such thickness. Still further, the laminated platform P may include further intermediate layers between the upper layer 10 and the lower layer 12 to increase the overall thickness of the sandal S and/or softness of the sandal S. For example, by forming the laminated platform P having a third layer (not shown) therebetween upper layer 10 and lower layer 12 of a vinyl foam having a density less than that of the upper layer 10, a typically very soft, light-weight material is sandwiched between the upper layer 10 and lower layer 12. The results in the laminated platform P of the sandal S being of a greater thickness but also of greater softness to the foot F of the wearer. Typically, such soft intermediate layers are subject to high rates of deterioration should such soft material be used as an upper layer 10 or a lower layer 12. However, by sandwiching such soft intermediate layers between layers 10, 12, such soft materials are protected from excessive wear while providing comfort for the foot F of the wearer.

The platform P is formed to conform substantially with the shape of the sole of the foot F as is upper layer 10 and lower layer 12. The upper layer 10 has an upper surface 10a and a lower surface 10b and further includes a toe end 10c adjacent the toes 14 of the foot F and a heel end 10d adjacent the heel 16 of the foot F. Similarly, the lower layer 12 has an upper surface 12a and a lower surface 12b and a toe end 12c adjacent the toes 14 of the foot F and a heel end 12d adjacent the heel 16 of the foot F. Preferably, a plurality of slits 18 are formed in the lower surface 12b of the lower layer 12. The slits 18 preferably are formed substantially perpendicular to the longitudinal axis 26 (FIG. 1) of the platform P and extend across the entire width of the second layer 12 but, may be formed in any other desired direction and/or crossing pattern. The slits 18 help prevent slippage upon wet, slick surface and further promote flexible bending of the sandal S as described more fully hereinbelow. Further, the slits 18 help prevent formation of a vacuum therebetween the lower surface 12b of the lower layer 12 and the surface which is being walked upon.

A toe opening 20 is formed in the upper layer 10 adjacent the toe end 10c extending therebetween upper surface 10a and lower surface 10b of the upper layer 10. Heel openings 22, 24 are formed adjacent the heel end 10d of the upper layer 10 and extend between the

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upper surface 10a and lower surface 1b of the upper layer 10. Preferably, the heel openings 22, 24 are substantially an equal distance from the longitudinal axis 26 (FIG. 1) of the platform P and substantially transverse thereto. Furthermore, the heel openings 22, 24 are preferably located in the upper layer 10 adjacent to where the arch 28 and heel 16 of the foot F join (FIG. 4).

The laminated platform P of the sandal S of the present invention is secured to the foot F by stirrup strap means A and toe securing means T therewith. The stirrup strap means A includes instep strap means 30, heel strap means 32, and loop or arch strap means 34. Each of such strap means 30, 32, 34 have respectively a first end 30a, 32a, 34a and a second end 30b, 32b, 34b. Preferably, the stirrup strap means A is formed of a protective, cushioned covering or tubing that is soft and preferably waterproof and preferably of a latex, surgical tubing, however, other materials may be used if so desired.

Connector means C is mounted with and is for joining together the instep strap means 30, heel strap means 32 and arch strap means 34. The connector means C includes connector 36 (FIGS. 5A, 5B). Preferably, the connector 36 is formed of a flexible polyethylene co-polymer, but suitable other materials may be used, and is of a three-pronged configuration having an instep prong 36a, a heel prong 36b and an arch prong 36c. The connector 36 may be of a substantially Y-configuration as shown in FIG. 5A or of a T-configuration (not shown) or of any other suitable, desired configuration. Preferably, the prongs 36a, 36b, 36c have a slightly greater diameter than that of the inside diameter of strap means A such that the appropriate end portion of such instep, heel, and arch strap means 30, 32, 34 may be forced or stretched onto the appropriate prongs 36a, 36b, 36c of the connector 36 for a tight, frictional engagement therebetween as discussed more fully hereinbelow.

The toe securing means T of the present invention includes an elongate portion 38 (FIGS. 6A, 6B, 6C) formed of legs 38a, 38b joined by an overlapped portion 38c. Each of the legs 38a, 38b has an end portion 38d, 38e, respectively. Securing portion 40 including portions 40a, 40b are preferably formed adjacent end portions 38d, 38e, in preferably a semi-circular configuration, however, any other suitable configuration may alternatively be used. Toe securing means T is preferably formed of a flexible, polyethylene copolymer and capable of being injection molded, however, may be formed of and by any other suitable material or method. It is preferred that the toe securing means T is of a single-piece construction with the elongate portion 38 and securing portion 40 being formed simultaneously. A toe cushioning 42 may be mounted with legs 38a, 38b of the elongate portion 38 for preventing chafing between toes 14 adjacent thereto. Preferably, the toe cushioning 42 is of a flexible, soft, waterproof material such as latex surgical tubing.

In practicing the method of this invention, the upper layer 10 is formed conforming to the shape of the sole of the foot F with toe opening 20 and heel openings 22, 24 formed therebetween the upper surface 10a and lower surface 10b of the upper layer 10. The toe securing means T is mounted with the upper layer 10 by overlapping the elongate portion 38 at overlapped portion 38c and inserting the overlapped portion 38c into toe opening 20 from the lower surface 10b of the first

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layer 10 and extending therethrough the toe opening 20 and therefrom the upper surface 10a of the upper layer 10 such that the legs 38a, 38b and the overlapped portion 38c extend above the upper surface 10a of the upper layer 10. Thereafter, toe cushioning 42 is inserted over the overlapped portion 38c and positioned upon the adjacent legs 38a, 38b as shown in FIGS. 2, 3 and 4.

The loop or arch strap means 34 is mounted with the first layer 10 by inserting first end 34a through heel opening 24 and second end 34b through heel opening 22 from the lower surface 10b, therethrough openings 24, 22, respectively, and extending therefrom upper surface 10a of the upper layer 10. It will be appreciated that the order in which the toe securing means T and arch strap means 34 is mounted with the upper layer 10 is of no consequence. Thus, the order of assembly may be alternated such that the arch strap means 34 may be mounted with the upper layer 10 prior to mounting the toe securing means T with the upper layer 10, or vice versa. However, it is important that the toe cushioning 42 be positioned about the toe securing means T after the toe securing means T is appropriately mounted within toe opening 20.

At this point, the instep strap means 30 is mounted with the toe securing means T by inserting one end, such as end 30a of the instep strap means 30 through the opening 38f (FIG. 6) formed by the overlapped portion 38c of the elongate portion 38 and approximately centering the toe securing means T on the instep strap means 30. Thereafter, interconnection of the stirrup strap means A is effectuated by connecting means C. More specifically, connector 36 is used to join the instep strap means 30 and arch strap means 34 and mount heel strap means 32 therewith. The order in which the respective instep, heel and arch strap means 30, 32, 34 are mounted with the connector prongs 36a, 36b, 36c, respectively, is immaterial. Thus, the end portions 30a, 32a, 34a of the instep strap means 30, heel strap means 32, arch strap means 34, respectively, are forced onto the connector prongs 36a, 36b, 36c, respectively. Inasmuch as the connector prongs 36a, 36b, 36c are of a slightly greater diameter than the inside diameter of the stirrup strap means A, the connector 36 frictionally engages such stirrup strap means A and permits minor adjustment of the relative lengths of the stirrup strap means A by means of movement of the ends of such stirrup strap means A along the prongs of the connector 36. More significant adjustments are accomplished by merely cutting off a portion of the appropriate stirrup strap means A with scissors or the like.

Thereafter, the lower layer 12, being formed to conform with the sole of the foot F in similar fashion as upper layer 10, is affixed to the upper layer 10 to finish the sandal. It will be appreciated that if it is desired that the laminated platform P of the sandal S of the present invention be of more than two layers, more layers may be added therebetween upper layer 10 and lower layer 12. The layers 10, 12 or any intermediate thereof may be bonded together by use of an appropriate adhesive substance, glue, or the like. Thereafter, the final sandal S may be refined by suitable finishing the laminated platform P by any machining process such as use of a belt and/or dish sander. Furthermore, the slits 18 may at this point be formed with the lower surface 12b of the lower layer 12.

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In the use or operation of the sandal S of the present invention, it should be noted that most of the exposed components are easily replaceable without destroying the utility of the sandal S of the present invention. For example, the instep strap means 30 and heel strap means 32 are easily replaceable as is the toe cushioning 42, upon removal of the instep strap means 30. Furthermore, the loop or arch strap means 34 is removable even after the sandal S is in its fully assembled state without requiring the ungluing of the upper layer 10 and lower layer 12 of the laminated platform P. The removal of the loop or arch strap means 34 is accomplished by removing the connector 36 from ends 34a, 34b. Thereafter, a replacement arch strap means 34 (not shown) is forced into the existing arch strap means 34 as far as is possible. This is typically one-third to one-half of the overall length of the replacement arch strap means 34. Due to frictional resistance between the replacement arch strap means and the existing arch strap means 34, the existing arch strap means 34 may be pulled from the opposite-non-inserted end with a resultant new arch strap means being appropriately pulled into place and threaded into the old, worn arch strap means' previous position, without necessitating disassembly of the upper layer 10 and lower layer 12. Thereafter, the old, worn arch strap means is removed from the replacement arch strap means 34 and the new arch strap ends 34a, 34b are reconnected to the connector 36.

It should be noted that the loop or arch strap means 34, due to its particular positioning and location on the platform P, provides an arch for the foot to help facilitate proper arch support of the foot F.

As shown in FIG. 4, a further important feature of the toe securing means T is its flexible nature. The flexibility of the toe securing means T, particularly adjacent the end portions 38d, 38e and securing portions 40a, 40b, respectively, is significant to the durability of the sandal S. During normal wear of the sandal S of the present invention, typically such sandal S flexes about the toe end of the platform P upon the wearer taking a step with his foot F. The flex of the sandal S adjacent the toe end is accommodated by movement of the toe securing means T by the securing portions 40 flexing about an axis substantially perpendicular to the longitudinal axis 26 of the laminated platform P for preventing undue stress concentrations adjacent the toe end of the laminated platform P. Thus, when a step is taken, securing portions 40a and 40b can move angularly and laterally with respect to one another to accommodate such flexure in the sandal S, as do slits 18, thus preventing undue wear adjacent this portion of the sandal S due to the securing portion 40.

Inasmuch as the sandal S of the present invention is preferably constructed of vinyl foam, neoprene foam, polyethylene polymers, and latex surgical tubing, the sandal S of the present invention results in an extremely light-weight, waterproof sandal S. Furthermore, although the upper layer 10 of the platform P is initially of a substantially flat configuration of the upper surface 10a thereof, after a short period of use, the upper surface 10a of the upper layer 10 of the laminated platform P tends to compress in the areas adjacent the heel 16 and ball 44 of the foot F since the bulk of the weight of an individual is carried on these key points of the foot F. Thus, the upper surface 10a conforms to the elevational configuration of the sole of the foot F after a short period of use resulting in an extremely comfort-

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able sandal S having a footprint-shaped compression set in the vinyl foam conforming substantially to the sole of the foot F. Still further, the stirrup strap means A being of the latex tubing prevents chafing of the foot F in any areas adjacent thereto when wearing the sandal S of the present invention.

The foregoing disclosure and description of the invention are illustrative and explanatory thereof, and various changes in the size, shape and materials as well as in the details of the illustrated construction may be made without departing from the spirit of the invention.

We claim:

1. A sandal adapted to be worn on the foot, comprising:
  - a laminated platform conforming substantially to the shape of the sole of the foot and including a toe end and a heel end, said laminated platform having an upper layer and a lower layer;
  - stirrup strap means mounted with said laminated platform for securing said platform to the foot, said stirrup strap means including:
    - instep strap means for extending over the instep of the foot;
    - heel strap means for extending around the heel of the foot; and
    - arch strap means for extending beneath the arch of the foot;
  - three pronged connector means for adjustably joining said arch strap means, instep strap means and said heel strap means together; and
  - toe securing means for connecting said toe end of said laminated platform with said instep strap means, said toe securing means adapted to be positioned between adjacent toes of the foot.
2. The sandal of claim 1, wherein:
  - said stirrup strap means is formed of a flexible surgical tubing.
3. The sandal of claim 2, wherein:
  - said tubing frictionally engages said connector.
4. The sandal of claim 1, wherein:
  - said connector is of a substantially Y-configuration.
5. The sandal of claim 1, wherein:
  - said connector is of a substantially T-configuration.
6. The sandal of claim 1, wherein:
  - said arch strap means provides an arch support to enhance proper support for the foot.
7. The sandal of claim 1, further including:
  - toe cushioning mounted with said toe securing means to prevent chafing between toes adjacent thereto, said toe cushioning being of a flexible tubing.
8. A sandal adapted to be worn on the foot, comprising:
  - a laminated platform conforming substantially to the shape of the sole of the foot and including a toe end and a heel end, said laminated platform having an upper layer and a lower layer;
  - stirrup strap means mounted with said laminated platform for securing said platform to the foot; and,
  - toe securing means for connecting said toe end of said laminated platform with said stirrup strap means, said toe securing means comprising:
    - an elongate portion extending through said upper layer and having an overlapped midportion being overlapped about said stirrup strap means; and,
    - end securing portions formed at opposite ends of said elongate portion and transverse thereto and adapted to be disposed between said upper layer

and said lower layer of said platform to secure said elongate portion to said laminated platform.

9. The sandal of claim 8, wherein: said toe securing means is flexible.

10. The sandal of claim 9, wherein: said securing portions are disposed on opposite sides of an axis substantially perpendicular to the longitudinal axis of said laminated platform to thereby facilitate flexing of said toe securing means with said laminated platform along said transverse axis.

11. The sandal of claim 8, further including: toe cushioning mounted with said elongate portion to prevent chafing between toes adjacent thereto, said toe cushioning being of a flexible tubing.

12. A method for making sandals, comprising the steps of:

forming an upper layer of a laminated platform to conform to the shape of the sole of the foot;

inserting an overlapped portion of a toe securing means adjacent the toe end of the laminated platform from the lower surface of the upper layer through the upper layer to mount the toe securing means with the upper layer of the laminated platform;

placing a toe cushioning over the toe securing means extending from the upper surface of the upper layer;

mounting stirrup strap means having an arch strap loop extending through the upper layer wherein said mounting of the stirrup strap means includes the steps of:

inserting the ends of the arch strap loop adjacent the heel end of the laminated platform from the lower surface of the upper layer through the upper layer;

threading the instep strap means between the toe cushioning and the overlapped portion of the toe securing means; and,

connecting each end of the instep strap means, a heel strap means, and the arch strap loop together with a connector;

forming a lower layer of the laminated platform to conform to the shape of the foot; and,

affixing the upper layer with the lower layer of the laminated platform to finish the sandal.

13. The method of claim 12, wherein said connecting further includes the steps of:

inserting one end of the instep strap means onto the connector;

inserting one end of the heel strap means onto the connector; and,

inserting one end of the arch strap loop onto the connector for providing an adjustable, frictionally engaging connection therebetween the instep strap means, heel strap means and arch strap loop.

14. The method of claim 12, further including the step of:

replacing the arch strap loop after the upper layer and lower layer have been affixed together.

15. The method of claim 14, wherein said replacing includes the steps of:

removing the connector from each end of the existing arch strap loop;

inserting a replacement arch strap loop partially into one end of the existing arch strap loop;

pulling the other end of the existing arch strap loop to withdraw the same while pulling the replacement arch strap loop into position:

removing the existing arch strap loop from the replacement arch strap loop; and connecting the ends of the replacement arch strap loop to each connector.

16. A sandal adapted to be worn on the foot, comprising:

a laminated platform conforming substantially to the shape of the foot and including a toe end and a heel end, said laminated platform having an upper layer and a lower layer;

an arch strap loop mounted between said upper layer and said lower layer of said platform and extending upwardly through said upper layer of said laminated platform adjacent said heel end for extending beneath the arch of the foot;

heel strap means for extending around the heel of the foot;

instep strap means for extending over the instep of the foot;

a pair of three-pronged connectors wherein each of said connectors is adjustably connected one end of each of said arch strap loop, and heel strap means and said instep strap means; and,

toe securing means mounted adjacent said toe end of said upper layer of said laminated platform, said toe securing means including:

a securing portion disposed between said upper layer and said lower layer of said laminated platform;

a flexible loop having one end extending upwardly through said upper layer of said laminated platform adjacent said toe end overlapping said instep strap means with the other end of said loop mounted with said securing portion; and,

toe cushioning means surrounding said loop between the upper layer of said laminated platform and said instep strap means for preventing chafing between the toes.

17. The sandal of claim 16, wherein:

said strap means and said toe cushioning means are formed of surgical tubing.

18. A sandal adapted to be worn on the foot, comprising:

a laminated platform conforming substantially to the shape of the sole of the foot and including a toe end and a heel end, said laminated platform having an upper layer and a lower layer, with said upper layer having a pair of spaced openings formed therein;

stirrup strap means for securing said platform to the foot, said stirrup strap means having a continuous arch loop disposed between said upper layer and lower layer of said laminated platform, with said arch loop extending through said spaced openings; and,

toe securing means for connecting said toe end of said laminated platform with said stirrup strap means, said toe securing means adapted to be positioned between adjacent toes of the foot.

19. The sandal of claim 18, wherein said stirrup strap means includes:

instep strap means for extending over the instep of the foot and mounted with said toe securing means adjacent said toe end of said laminated platform;

heel strap means for extending around the heel of the foot; and,

connector means for connecting said arch loop, instep strap means and said heel strap means together.



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20. The sandal of claim 19, wherein said connector means includes:

at least one three-pronged connector adapted to adjustably connect said arch loop, said instep strap means and said heel strap means together.

21. The sandal of claim 20, wherein: said stirrup strap means is formed of a flexible surgical tubing; and,

said tubing frictionally engages said connector.

22. A sandal adapted to be worn on a person's foot comprising:

a laminated platform conforming substantially to the shape of the sole of a person's foot and including a toe end and a heel end, said laminated platform having an upper layer and a lower layer secured together.

flexible tubular means for securing said laminated platform to a person's foot including:

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a first strap adapted to extend over the upper side of the foot;

a second strap adapted to extend behind the heel of the foot; and,

a third strap adapted to extend beneath the arch of the foot and through a pair of spaced openings in the upper layer of said laminated platform;

a pair of three-pronged connecting members adapted to be inserted into the open ends of each of said tubular straps for adjustably securing adjacent ends of each of said first, second and third straps together on opposite side of the foot; and,

means adapted to extend between the toes of the foot for connecting said first strap to the forward toe portion of said laminated platform intermediate the ends of said first strap.

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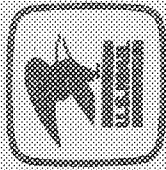
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