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(12) **United States Design Patent**
Shaffer

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(54) **SHOE UPPER**

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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

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

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(51) **LOC (9) Cl.** **02-99**

(52) **U.S. Cl.** **D2/972**

(58) **Field of Classification Search** D2/896,
D2/902, 906-908, 923, 943-945, 969, 972-975;
36/45-49, 50.1, 54, 77 M, 77 R, 83, 88, 113,
36/114, 126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

601,192 A	3/1898	Woodside
1,215,198 A	2/1917	Rothstein
D54,215 S	11/1919	Johnson
D63,302 S	11/1923	Kukovec
1,597,934 A	8/1926	Stimpson
1,888,172 A	11/1932	Joha
1,902,780 A	3/1933	Holden et al.
1,910,251 A	5/1933	Joha
D90,233 S	7/1933	Daniels
D92,737 S	7/1934	Miller
2,001,293 A	5/1935	Wilson
2,047,724 A	7/1936	Zuckerman
2,147,197 A	2/1939	Glidden
2,330,199 A	9/1943	Basch
2,400,692 A	5/1946	Herbert
2,586,045 A	2/1952	Hoza
2,641,004 A	6/1953	Whiting et al.
2,675,631 A	4/1954	Doughty
3,694,940 A	10/1972	Stohr
3,704,474 A	12/1972	Winkler
3,766,566 A	10/1973	Tadokoro
3,778,856 A	12/1973	Christie et al.

3,952,427 A	4/1976	von den Benken et al.
3,972,086 A	8/1976	Belli et al.
4,027,402 A	6/1977	Liu et al.
4,031,586 A	6/1977	von den Benken et al.
4,211,806 A	7/1980	Civardi et al.
4,255,949 A	3/1981	Thorneburg
4,317,292 A	3/1982	Melton
4,373,361 A	2/1983	Thorneburg
4,447,967 A	5/1984	Zaino
4,465,448 A	8/1984	Aldridge
D278,186 S *	4/1985	Michaeli D2/969
D278,758 S *	5/1985	Michaeli D2/969
D278,850 S *	5/1985	Michaeli D2/969
D283,364 S	4/1986	Gamm

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Fall 1994, p. 96, published Nov. 1993, Nike, Inc., USA.

(Continued)

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(57) **CLAIM**

The ornamental design for a shoe upper, as shown and described.

DESCRIPTION

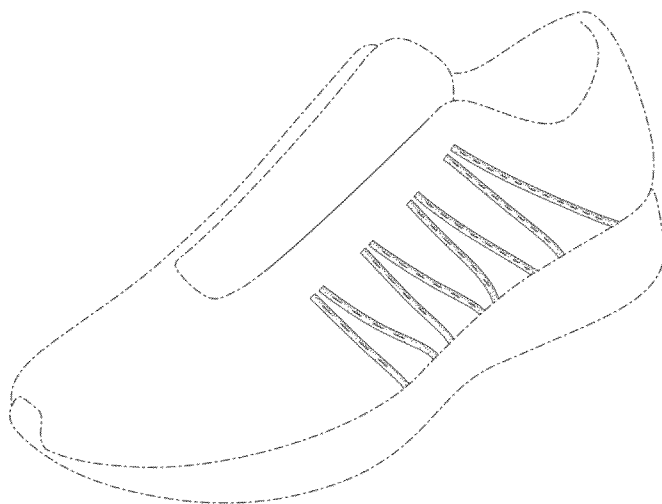
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a rear perspective view thereof.

The spaced line segments within the shaded area constitute part of the claimed design. The uneven-length broken lines immediately adjacent to the bottom of the shaded areas represent unclaimed boundaries of the design. The uneven-length broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets



U.S. PATENT DOCUMENTS

4,607,439	A	8/1986	Sogabe et al.	
4,737,396	A	4/1988	Kamat	
4,785,558	A	11/1988	Shiomura	
4,813,158	A	3/1989	Brown	
D312,919	S *	12/1990	Aveni	D2/973
D319,722	S	9/1991	Hatfield	
5,095,720	A	3/1992	Tibbals, Jr.	
5,152,025	A	10/1992	Hirmas	
5,192,601	A	3/1993	Neisler	
D348,765	S	7/1994	Lozano	
D348,976	S *	7/1994	Van Noy	D2/969
5,345,638	A	9/1994	Nishida	
5,353,524	A	10/1994	Brier	
5,461,884	A	10/1995	McCartney et al.	
5,511,323	A	4/1996	Dahlgren	
5,572,860	A	11/1996	Mitsumoto et al.	
5,575,090	A	11/1996	Condini	
D378,242	S *	3/1997	Smith	D2/972
D381,800	S *	8/1997	Greene	D2/972
D385,043	S *	10/1997	Worthington	D2/972
5,729,918	A	3/1998	Smets	
5,735,145	A	4/1998	Pernick	
5,746,013	A	5/1998	Fay, Sr.	
D398,771	S *	9/1998	Doxey	D2/972
D404,904	S *	2/1999	Greenberg	D2/969
D447,860	S *	9/2001	Matis et al.	D2/969
6,308,438	B1	10/2001	Throneburg et al.	
D467,714	S *	12/2002	Wilson	D2/969
6,558,784	B1	5/2003	Norton et al.	
6,588,237	B2	7/2003	Cole et al.	
D498,910	S *	11/2004	Link	D2/972
D503,524	S	4/2005	Belley et al.	
6,910,288	B2	6/2005	Dua	
6,931,762	B1	8/2005	Dua	
D513,858	S	1/2006	O'Connor	
D514,291	S	2/2006	Whiteman et al.	
D515,299	S	2/2006	Burg	
D516,796	S *	3/2006	Delgorgue et al.	D2/972
D517,300	S	3/2006	Carr et al.	
7,051,460	B2	5/2006	Orei et al.	
D522,732	S *	6/2006	Cooper	D2/972
D523,619	S *	6/2006	Mermet	D2/972
7,056,402	B2	6/2006	Koerwien et al.	
D524,028	S *	7/2006	Fullum	D2/972
D524,031	S *	7/2006	Shaffer	D2/972
D524,525	S	7/2006	Shin	
D524,526	S	7/2006	Chang et al.	
D527,885	S	9/2006	Young	
D528,771	S *	9/2006	Lupo	D2/972
D529,273	S *	10/2006	Lotti	D2/972
D529,707	S *	10/2006	Shaffer	D2/972
D532,592	S	11/2006	Chang	
D539,018	S	3/2007	Belley et al.	
D539,020	S	3/2007	Belley et al.	
D543,682	S	6/2007	Matis et al.	
D544,686	S	6/2007	Shin	
D544,696	S	6/2007	Huthmaker	
D544,697	S	6/2007	Huthmaker	
D548,940	S	8/2007	Hulbert	
D548,941	S	8/2007	Hulbert	
7,347,011	B2	3/2008	Dua et al.	
D570,581	S	6/2008	Polegato Moretti	
D572,440	S	7/2008	Polegato Moretti	
D572,441	S	7/2008	Moretti	
D572,442	S	7/2008	Polegato Moretti	
D574,590	S	8/2008	Maejima	
D574,592	S	8/2008	St-Louis et al.	
D575,492	S	8/2008	St-Louis et al.	
D575,494	S	8/2008	St-Louis	

D580,155	S *	11/2008	Banik	D2/969
D594,214	S	6/2009	Matis et al.	
D599,995	S	9/2009	Brambilla	
D600,899	S	9/2009	St-Louis et al.	
D605,388	S	12/2009	St-Louis et al.	
D612,144	S *	3/2010	Bosomworth	D2/972
7,682,219	B2	3/2010	Falla	
D623,841	S	9/2010	Maejima	
D632,882	S *	2/2011	O'Rorke	D2/969
D636,582	S	4/2011	Petrie	
D649,338	S	11/2011	Bradford	
D651,787	S	1/2012	Mahoney	
2002/0078599	A1	6/2002	Delgorgue et al.	
2003/0126762	A1	7/2003	Tseng	
2003/0191427	A1	10/2003	Jay et al.	
2004/0118018	A1	6/2004	Dua	
2005/0115284	A1	6/2005	Dua	
2005/0193592	A1	9/2005	Dua et al.	
2005/0284000	A1	12/2005	Kerns	
2007/0180730	A1	8/2007	Greene et al.	
2007/0294920	A1	12/2007	Baychar	
2008/0017294	A1	1/2008	Bailey et al.	
2008/0110048	A1	5/2008	Dua et al.	
2008/0189830	A1	8/2008	Eggesfield	
2008/0313939	A1	12/2008	Ardill	
2009/0068908	A1	3/2009	Hinchcliff	
2010/0051132	A1	3/2010	Glenn	
2010/0154256	A1	6/2010	Dua	
2010/0170651	A1	7/2010	Scherb et al.	
2011/0078921	A1	4/2011	Greene et al.	

OTHER PUBLICATIONS

Nike Footwear Catalog, Men's and Women's Footwear: Holiday 1999, p. W44, published Mar. 1999, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear (feet): Spring 2000, p. 11, published Jul. 1999, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear (red cover): Late Spring 2001, p. 18, published Sep. 2000, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Fall 2001, p. 20, published Nov. 2000, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Holiday 2005, p. 37, published Mar. 2005, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Holiday 2010, p. 20, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Sportswear: Spring 2011, p. 81, published May 2010, Nike, Inc., USA.

Nike Footwear Catalog, Women's Footwear: Performance: Summer 2011, p. 3, published Aug. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 26, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 35, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Spring 2012, p. 61, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Spring 2012, p. 4, published May 2011, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Spring 2012, p. W13, published May 2011, Nike, Inc., USA.

Zoom Victory XC by Nike, Inc., 1 page of full-color photographs, published 2010.

Various shoes by Salomon, 12 pages included, disclosure date unknown but prior to filing date of the instant application.

* cited by examiner

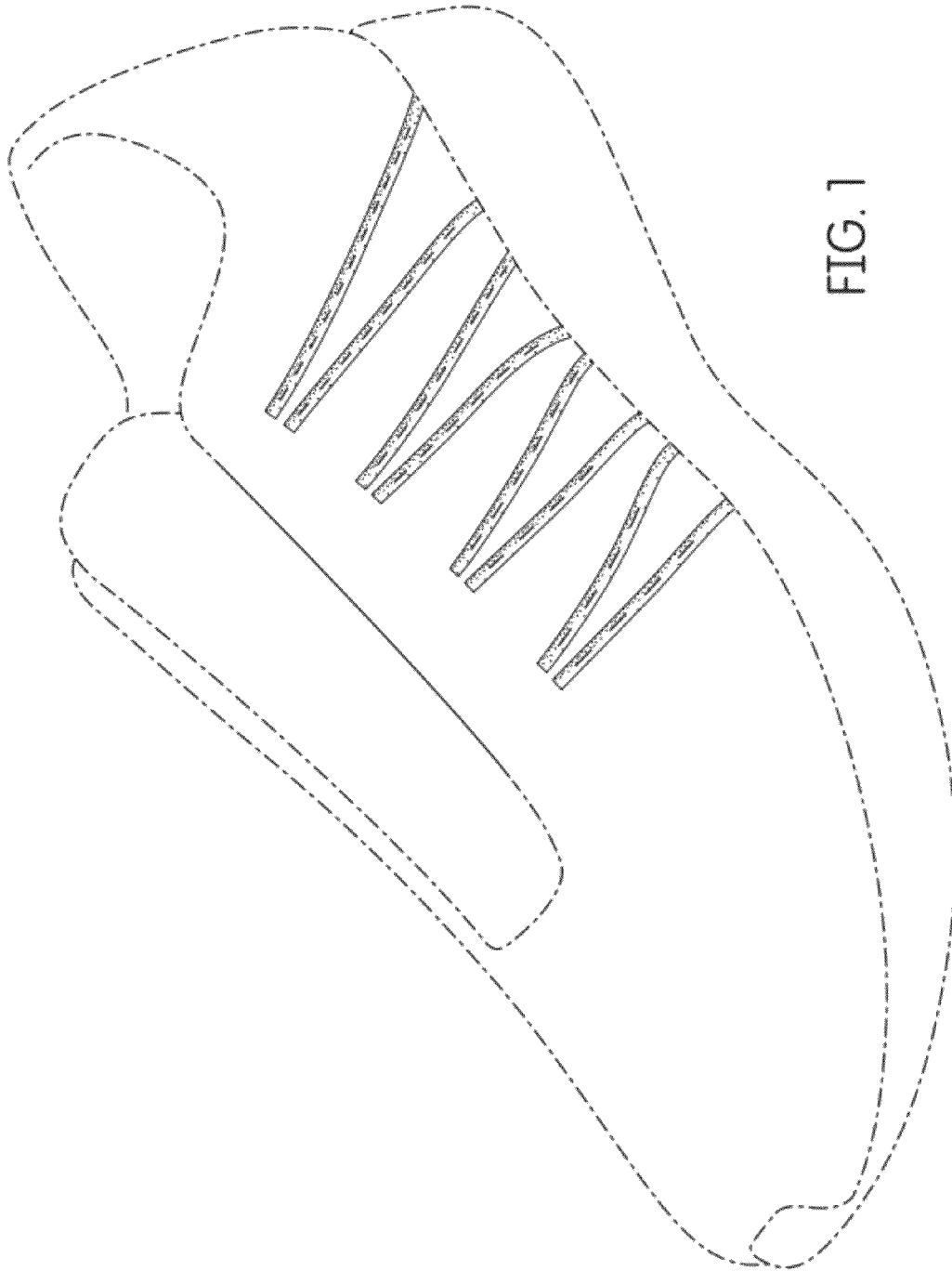


FIG. 1

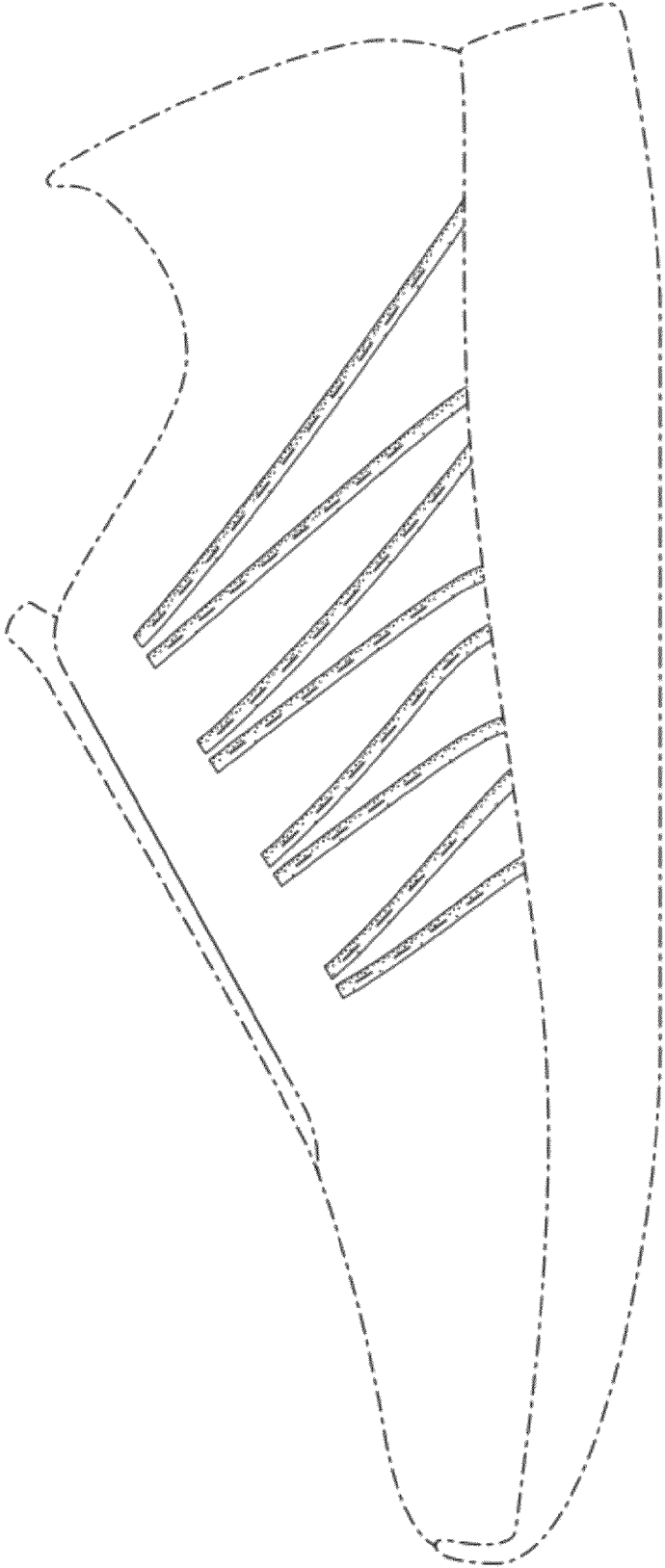


FIG. 2

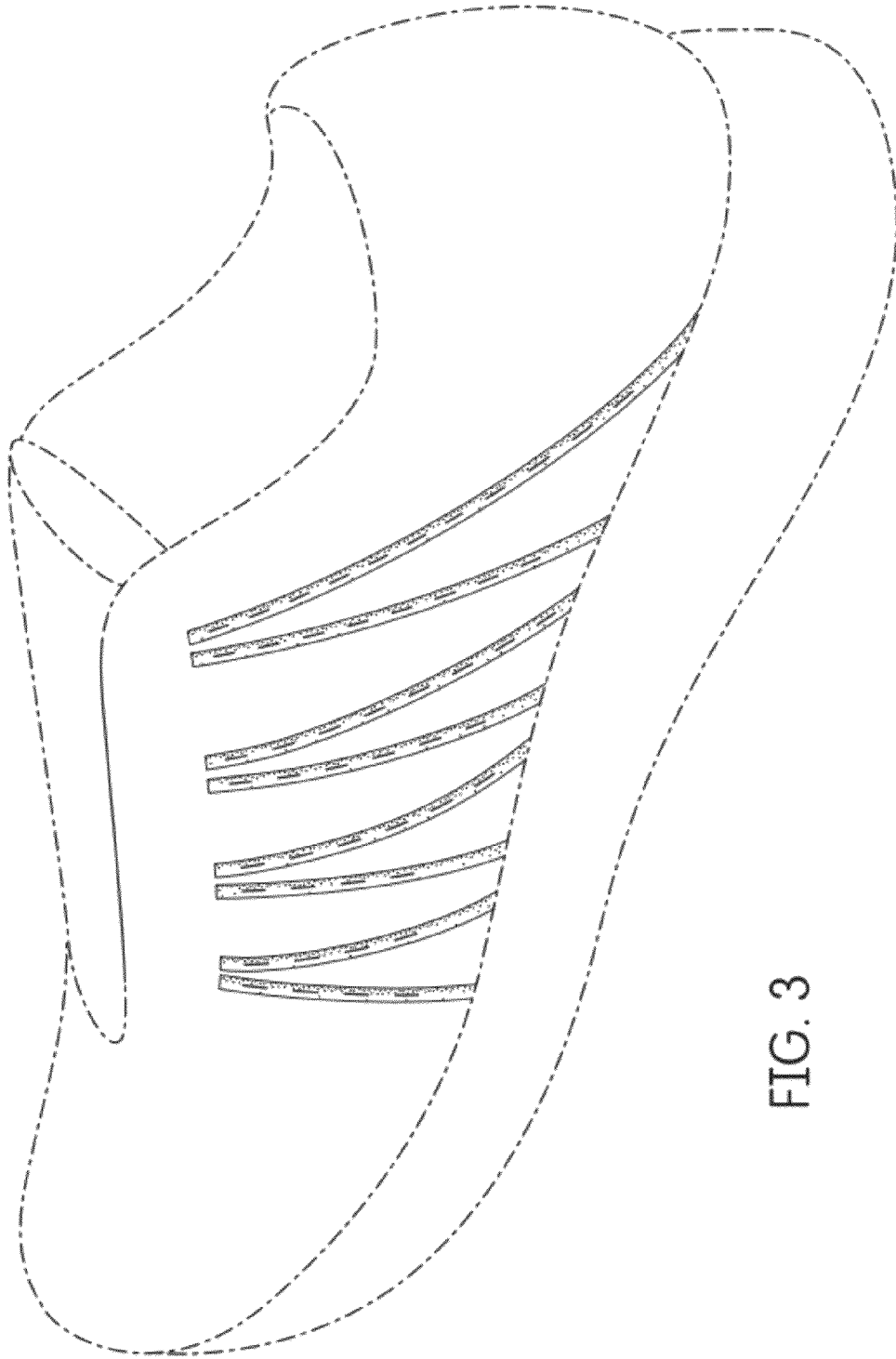


FIG. 3