



US00D398754S

# United States Patent [19] McCourt

[11] **Patent Number: Des. 398,754**

[45] **Date of Patent: \*\*Sep. 29, 1998**

[54] **PORTION OF A SHOE UPPER**

5,555,650 9/1996 Longbottom et al. .... 36/114  
5,678,329 10/1997 Griffin et al. .... 36/50.1

[75] Inventor: **Robert McCourt**, Newberg, Oreg.

### OTHER PUBLICATIONS

[73] Assignee: **Nike, Inc.**, Beaverton, Oreg.

Nike Footwear Catalog, Late Spring 1988, p. 53. Published Sep. 1997.

[\*\*] Term: **14 Years**

Nike Footwear Catalog, Spring 1998, p. 115. published Jun. 1997.

[21] Appl. No.: **78,078**

Nike Footwear Catalog, Fall 1997, p. 167. published Dec. 1996.

[22] Filed: **Oct. 16, 1997**

Nike Footwear Catalog, Fall 1995, pp. 25, 26. Published Nov. 1994.

[51] **LOC (6) Cl.** ..... **02-99**

[52] **U.S. Cl.** ..... **D2/972**

Nike Footwear Catalog, Fall 1989, pp. 22, 58. Published Dec. 1988.

[58] **Field of Search** ..... D2/896, 902, 906,  
D2/907, 972, 973, 978; 36/83, 113, 114,  
45, 48, 50.1, 126, 127-129

*Primary Examiner*—Dominic Simone  
*Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

### [56] **References Cited**

### [57] **CLAIM**

#### U.S. PATENT DOCUMENTS

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

- D. 98,509 2/1936 Goldberg .
- D. 292,945 12/1987 Selbiger et al. .
- D. 295,577 5/1988 Selbiger .
- D. 310,293 9/1990 Serna et al. .
- D. 311,092 10/1990 Hatfield .
- D. 331,145 11/1992 Cheng .
- D. 337,873 8/1993 Backus .
- D. 342,821 1/1994 Avar .
- D. 344,396 2/1994 Hoefl et al. .
- D. 369,897 5/1996 Worthington .
- D. 382,100 8/1997 Tresser .
- D. 382,699 8/1997 Avar .
- D. 382,993 9/1997 Clegg et al. .... D2/972
- D. 383,301 9/1997 Teague ..... D2/972
- D. 385,997 11/1997 Tresser .
- 4,670,998 6/1987 Pasternack ..... 36/114

### DESCRIPTION

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

FIG. 2 is a side elevational view thereof;

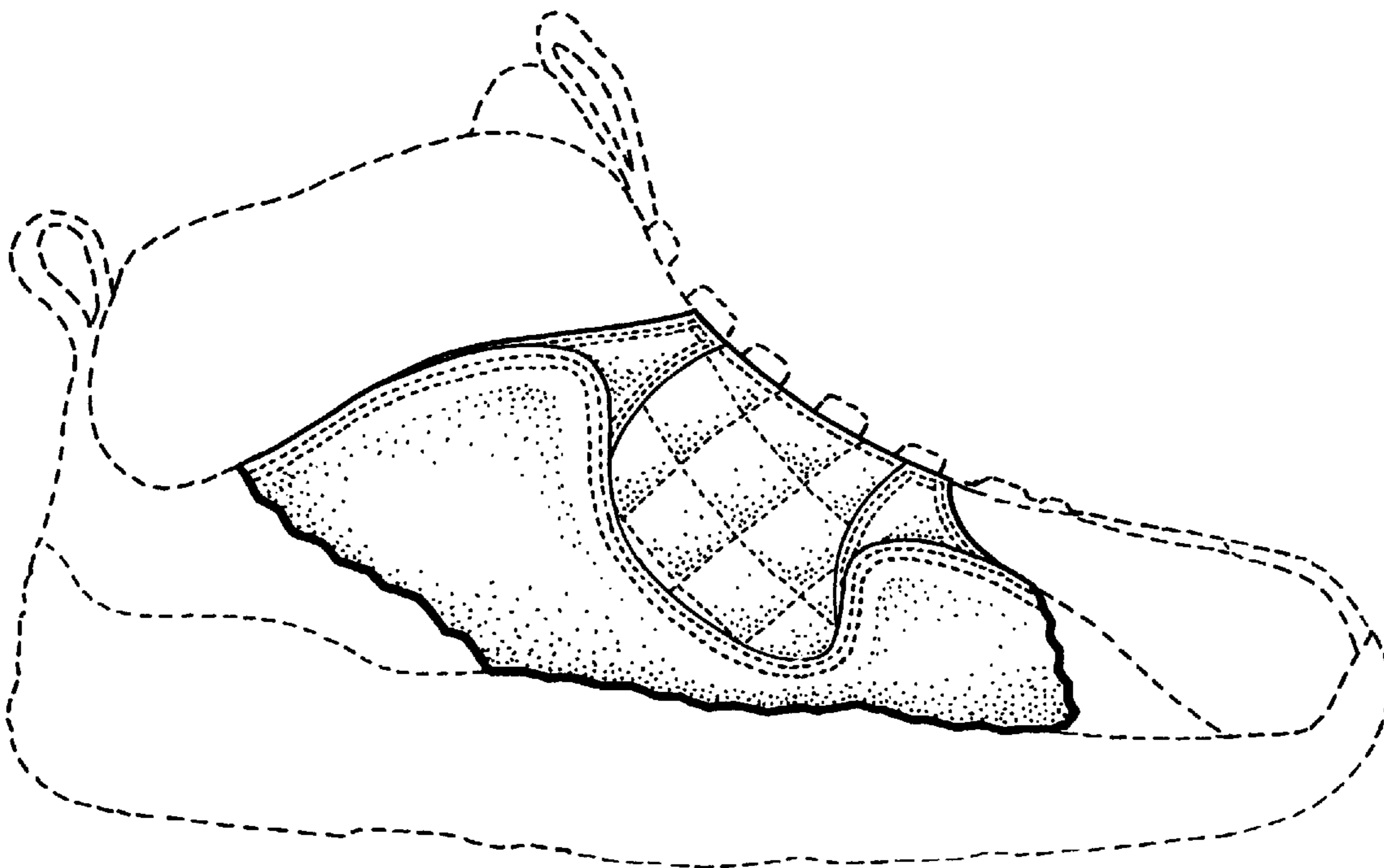
FIG. 3 is a front elevational view thereof;

FIG. 4 is a rear elevational view thereof; and,

FIG. 5 is a top plan view thereof.

The broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



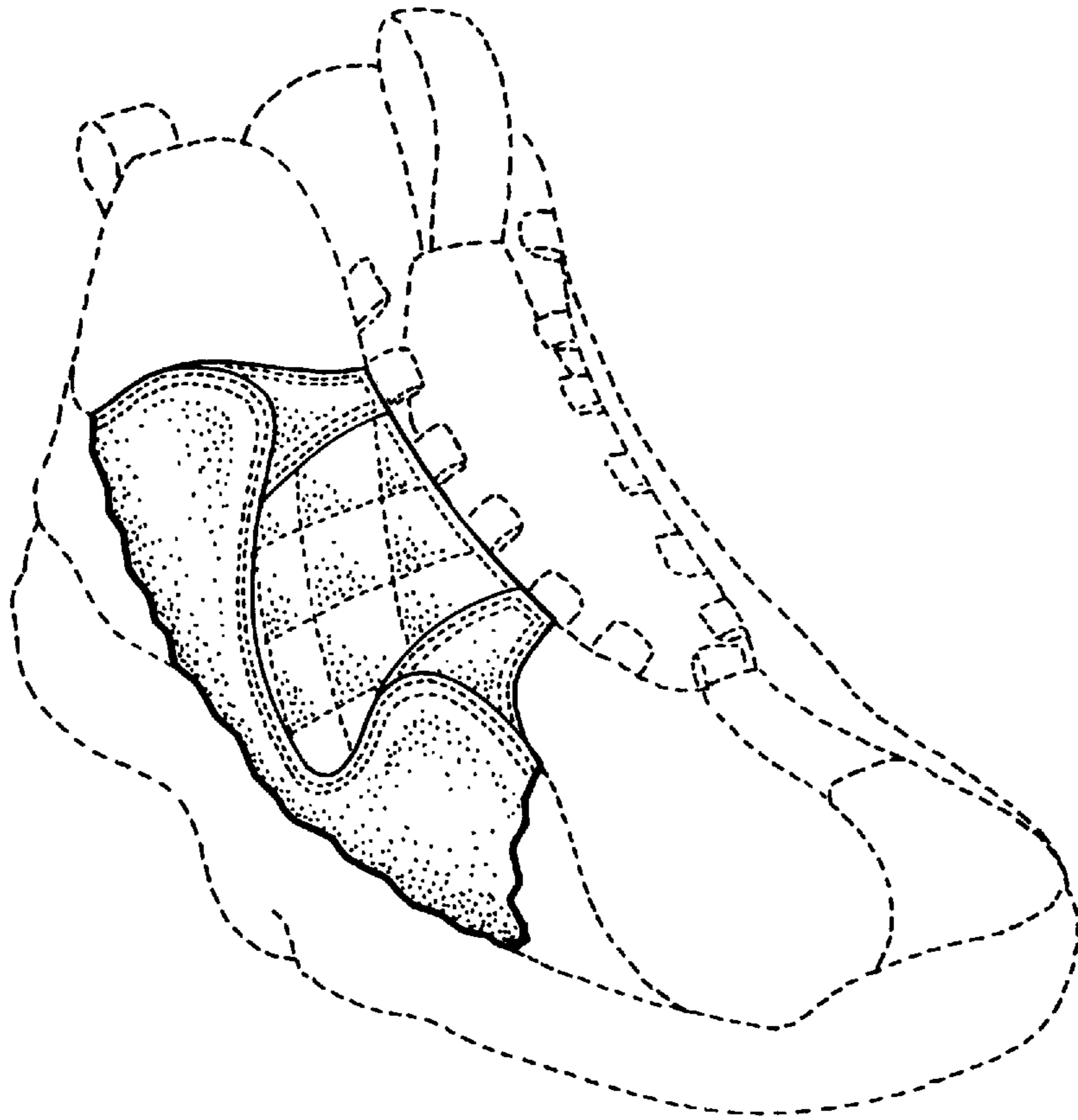


FIG. 1

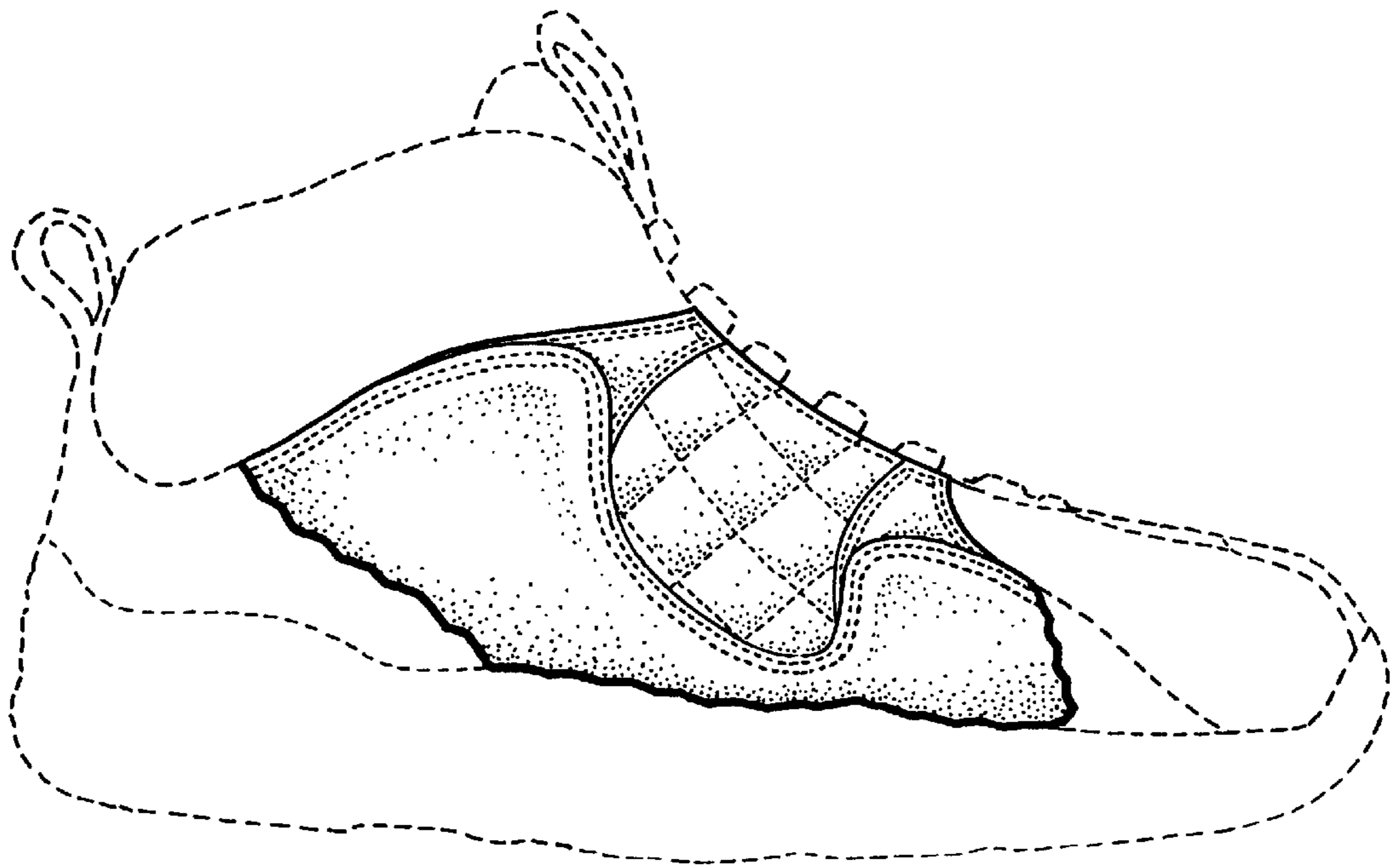


FIG. 2

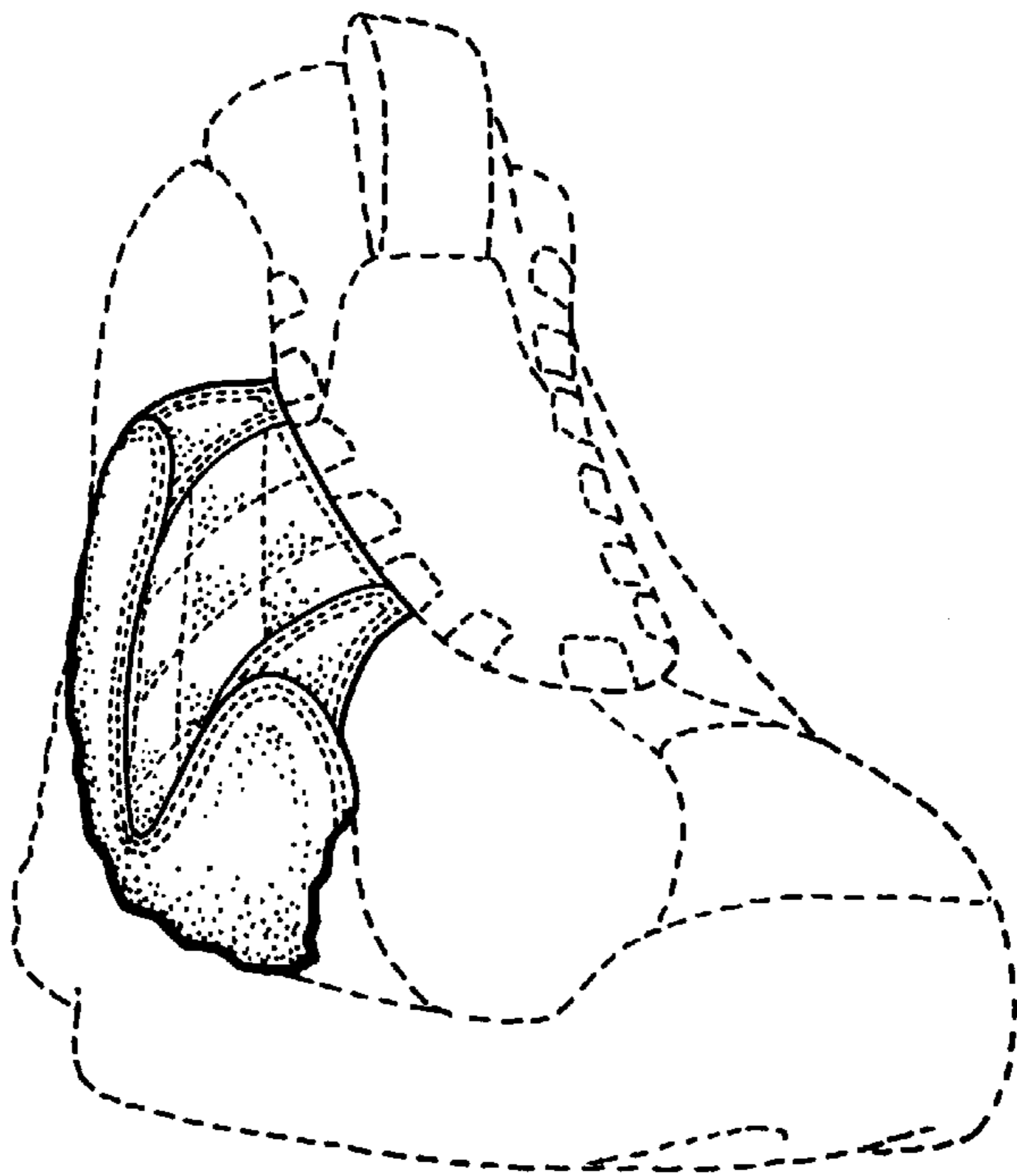


FIG. 3

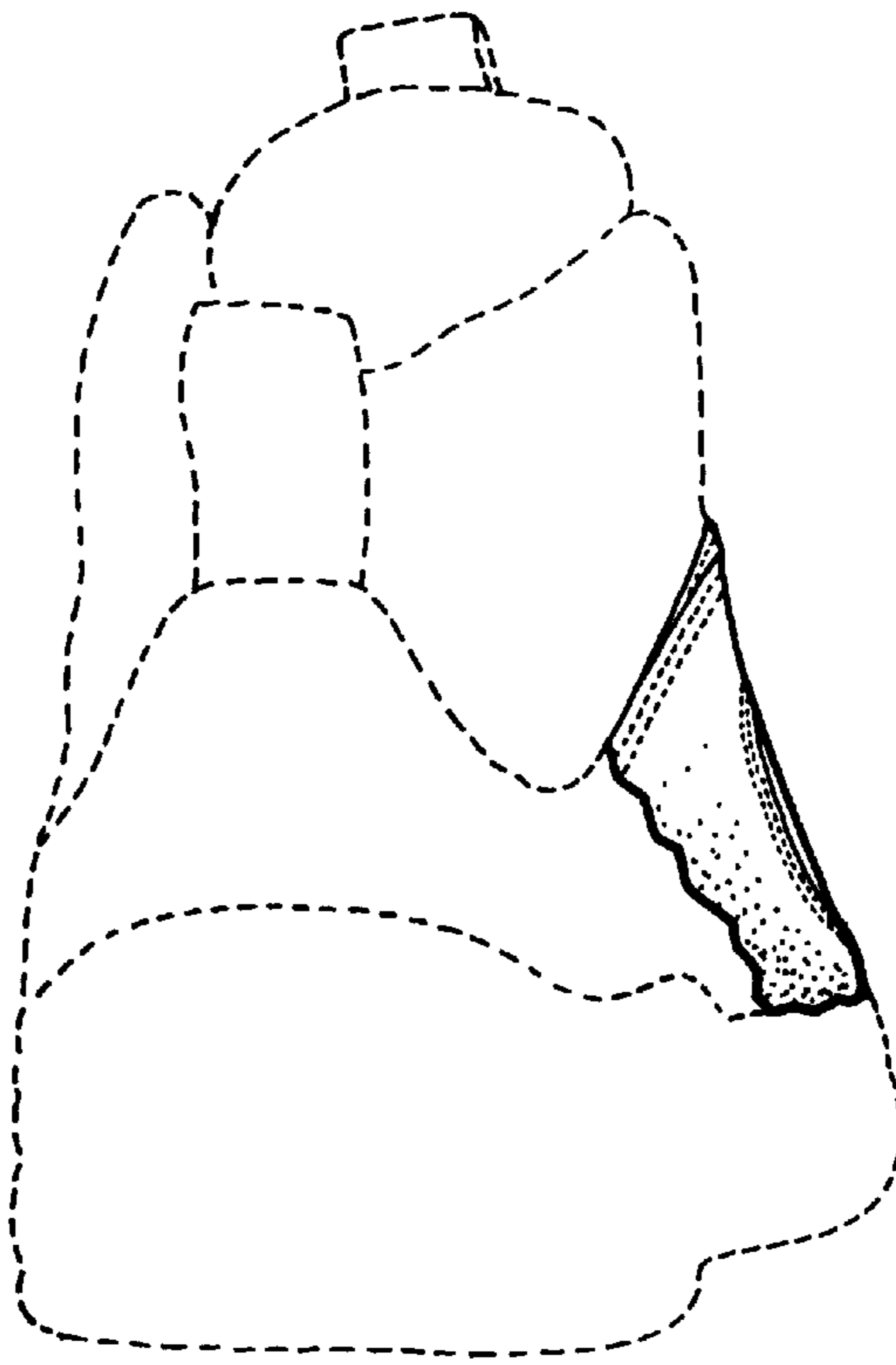


FIG. 4

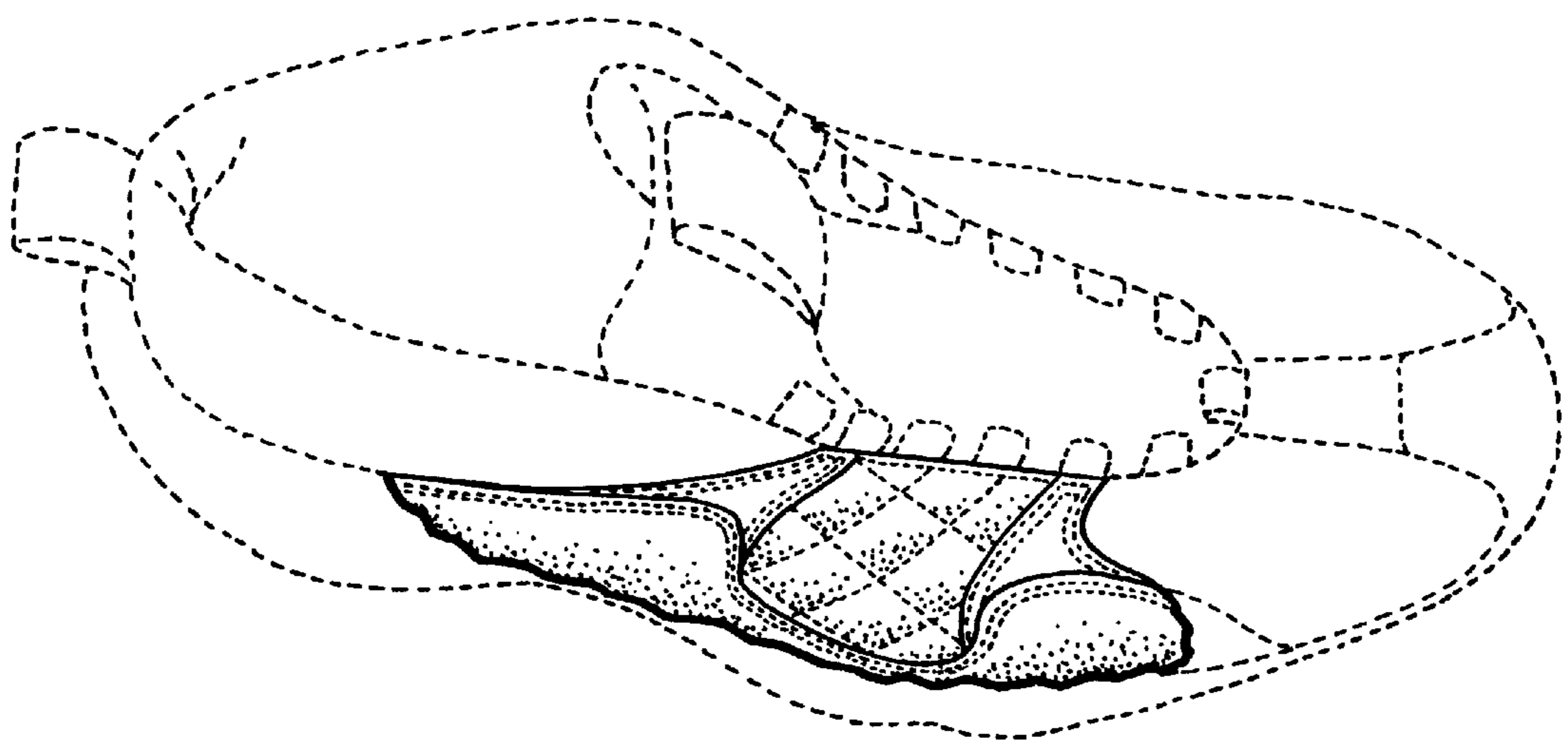


FIG. 5