



US00D401400S

# United States Patent [19]

Brooks et al.

[11] Patent Number: **Des. 401,400**

[45] Date of Patent: **\*\*Nov. 24, 1998**

[54] **SHOE UPPER**

D. 386,294 11/1997 Brooks et al. .... D2/970  
2,285,993 6/1942 Marsh et al. .... 36/50.1

[75] Inventors: **Mike Brooks**, Nelsonville; **Edgar H. Simpson**, Lancaster, both of Ohio;  
**Theodore A. Kastner**, Raymond, Me.;  
**Diana A. Wurfbain**, Athens, Ohio

### OTHER PUBLICATIONS

CABELA'S Fall Catalog, p. 102, "Gore-Tex Hunting Boot", Jul. 1991.  
CABELA'S Fall Catalog, p. 93, "6-Point Waterproof Hunting Boot", Jul. 1991.  
CABELA'S Fall Catalog, p. 87, "Mountain Hunter Boots", Jul. 1991.  
CABELA'S Fall Catalog, p. 89, "Chameleon Boot", Jul. 1991.

[73] Assignee: **Rocky Shoes & Boots, Inc.**,  
Nelsonville, Ohio

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

*Primary Examiner*—Louis S. Zarfes  
*Assistant Examiner*—G. Albert Andoll  
*Attorney, Agent, or Firm*—Porter, Wright, Morris & Arthur

[21] Appl. No.: **77,187**

[22] Filed: **Sep. 29, 1997**

[51] **LOC (6) Cl.** ..... **02-04**

[52] **U.S. Cl.** ..... **D2/970**

[58] **Field of Search** ..... D2/969, 970, 902,  
D2/907, 908, 910, 912, 944; 36/1.5, 83,  
89, 102-104, 107, 110, 113-116, 117.4,  
45, 50.1, 58.5

### [57] CLAIM

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

### [56] References Cited

#### U.S. PATENT DOCUMENTS

D. 204,658	5/1966	Wakeland	.....	D2/912
D. 347,108	5/1994	Foster et al.	.....	D2/970
D. 367,165	2/1996	Brooks et al.	.....	D2/970
D. 367,354	2/1996	Brooks et al.	.....	D2/970
D. 368,362	4/1996	Werman	.....	D2/970
D. 380,598	7/1997	Brooks et al.	.....	D2/970
D. 380,599	7/1997	Brooks et al.	.....	D2/970
D. 385,692	11/1997	Beliveau	.....	D2/970

### DESCRIPTION

FIG. 1 is a top right front perspective view of a shoe upper showing our new design;  
FIG. 2 is a left side elevational view thereof;  
FIG. 3 is a front elevational view thereof; and,  
FIG. 4 is a rear elevational view thereof.  
The broken line showing of a shoe sole and other features in the figures is for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



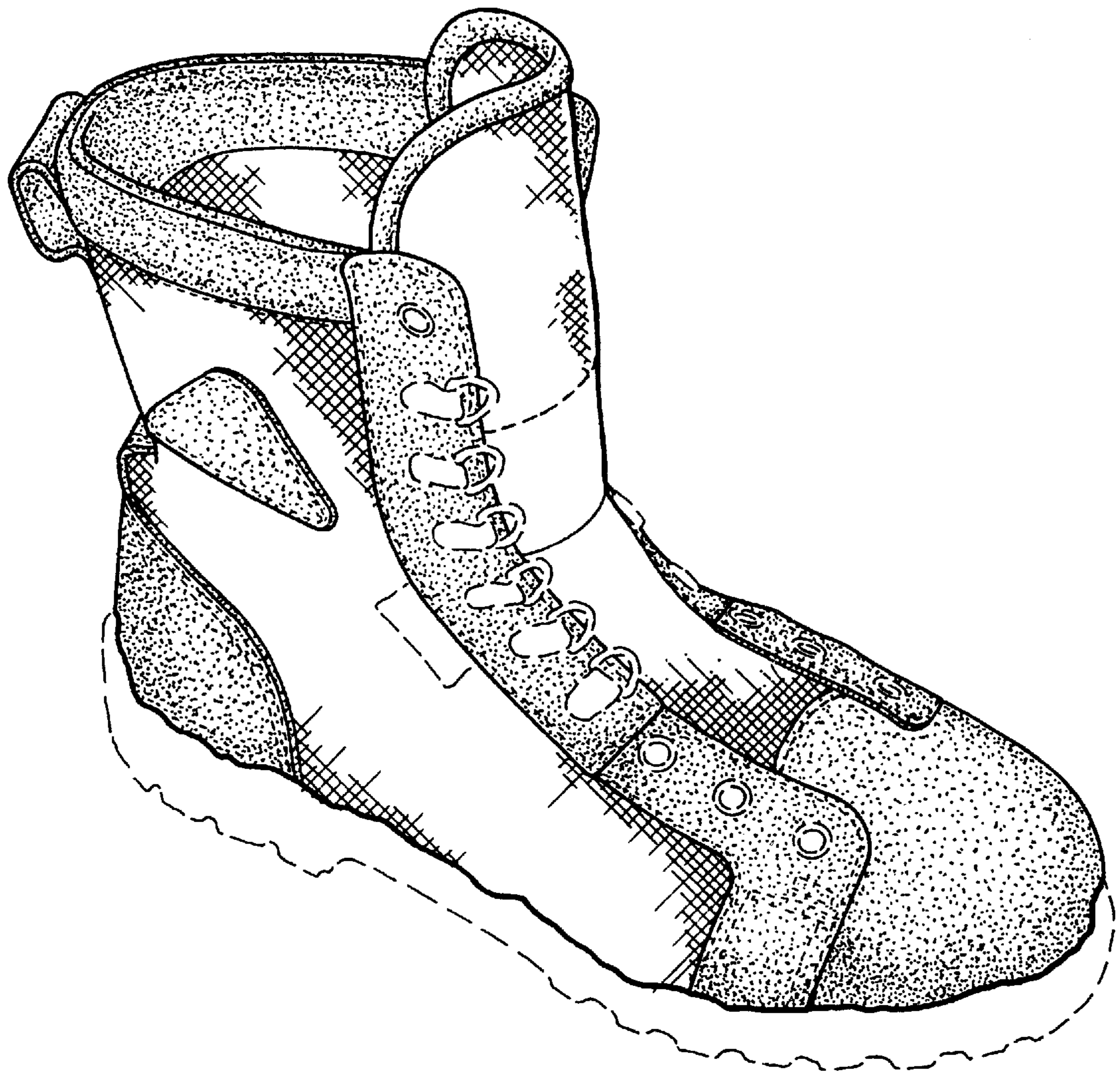


FIG. 1

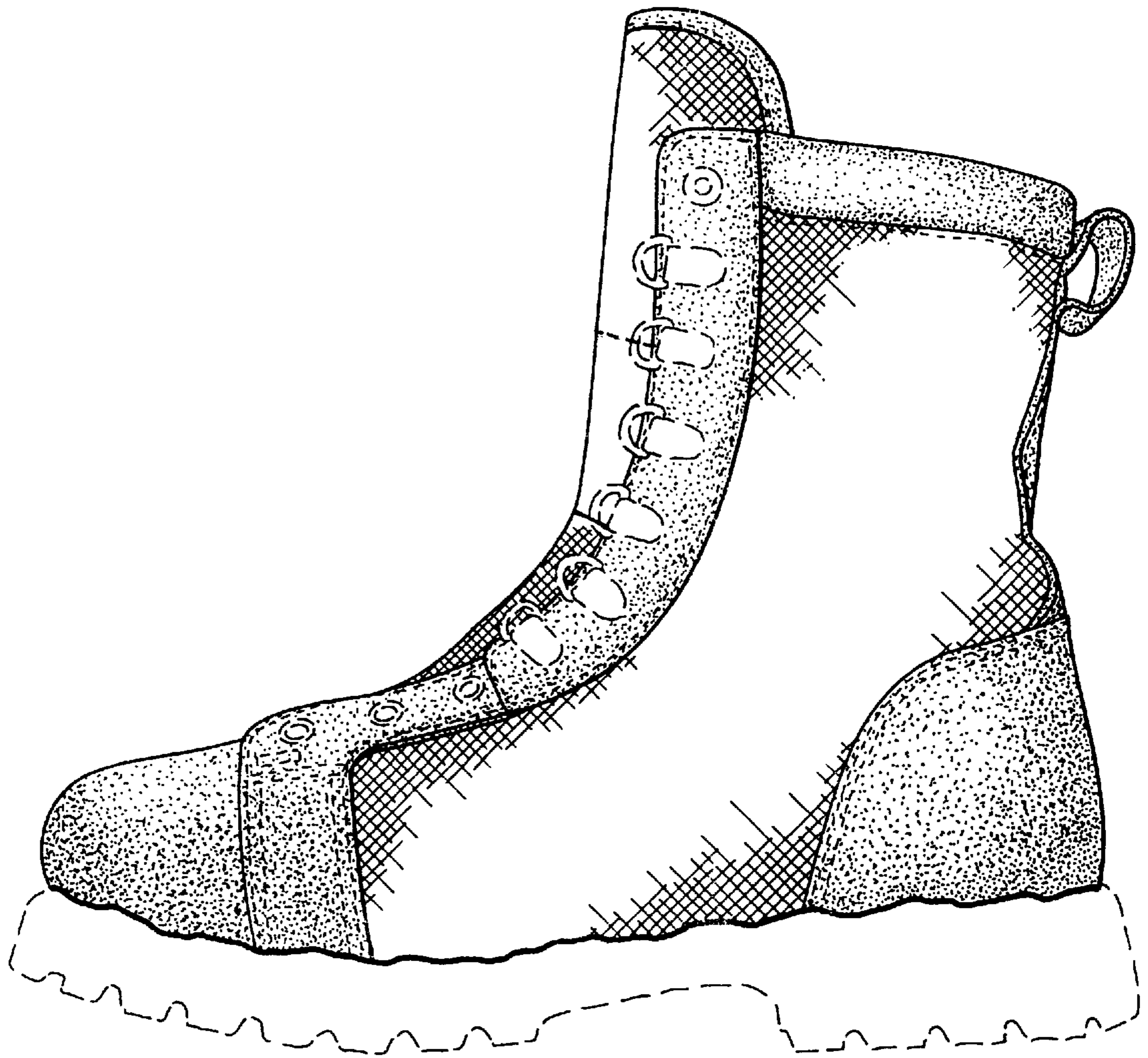


FIG. 2

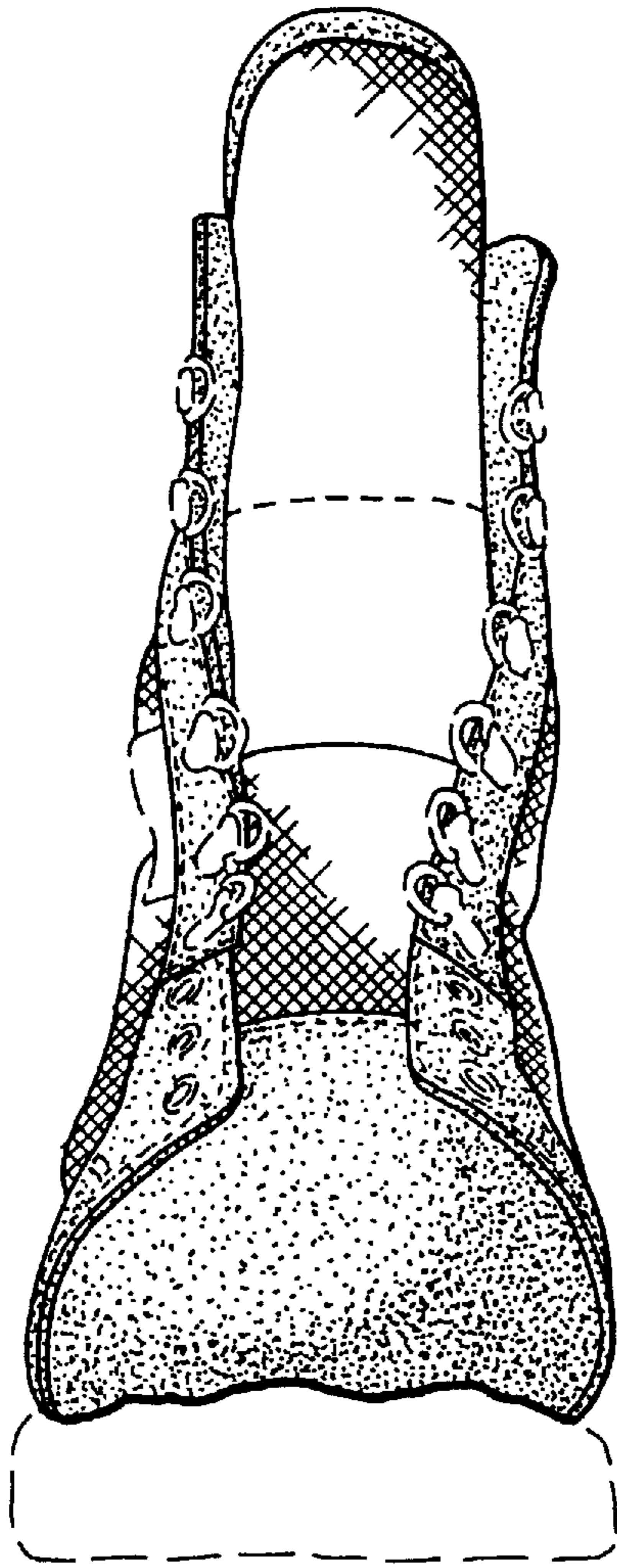


FIG. 3

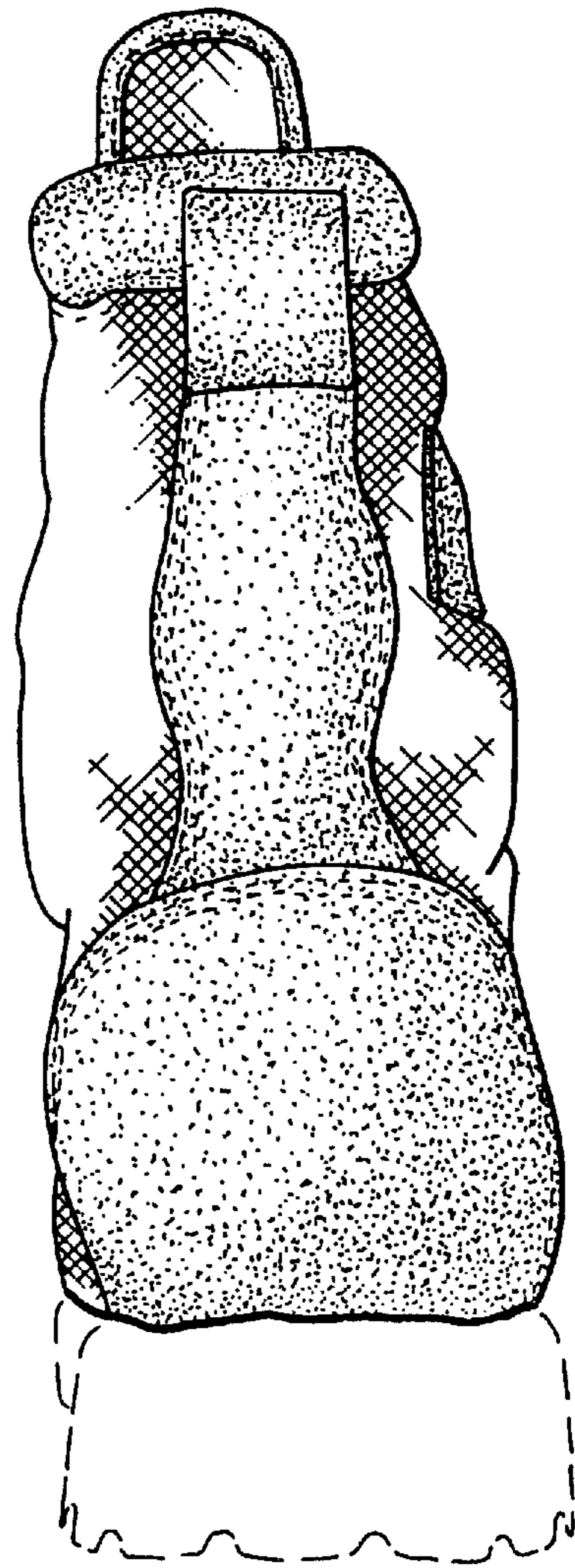


FIG. 4