



US00D401402S

United States Patent [19]
Clarke

[11] **Patent Number: Des. 401,402**
[45] **Date of Patent: **Nov. 24, 1998**

[54] **SIDE ELEMENT OF A SHOE UPPER**

[75] Inventor: **Richard D. Clarke**, Portland, Oreg.

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

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

[21] Appl. No.: **78,192**

[22] Filed: **Oct. 21, 1997**

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

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

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

[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 96,170 7/1935 Garside .
- D. 98,509 2/1936 Goldberg .
- D. 98,749 3/1936 Audino .
- D. 101,627 10/1936 Goldman .
- D. 102,335 12/1936 Samuels .
- D. 157,034 1/1950 Eldon .
- D. 173,699 12/1954 Hosker .
- D. 173,700 12/1954 Hosker .
- D. 236,560 9/1975 Senter .
- D. 237,426 11/1975 Thornberry .
- D. 237,427 11/1975 Thornberry .
- D. 238,626 2/1976 Senter .
- D. 239,887 5/1976 Senter .
- D. 243,421 2/1977 Cohen .
- D. 261,446 10/1981 Schmohl .
- D. 273,630 5/1984 Bidegain .
- D. 279,519 7/1985 Gamm .
- D. 290,783 7/1987 Selbiger et al. .
- D. 291,143 8/1987 Selbiger et al. .
- D. 291,144 8/1987 Tong et al. .
- D. 292,941 12/1987 Kelley .
- D. 292,945 12/1987 Selbiger et al. .
- D. 293,159 12/1987 Sacre D2/902
- D. 295,458 5/1988 Selbiger .
- D. 295,916 5/1988 Selbiger .
- D. 296,148 6/1988 Selbiger .
- D. 296,262 6/1988 Brown et al. D2/973

(List continued on next page.)

OTHER PUBLICATIONS

- “NIKE Footwear Catalog”, 1985, published Dec. 1, 1984 (pp. 9, 50 & 53).
- “NIKE Footwear Catalog”, Fall 1986, published Jan. 1, 1986 (pp. 22, 26, 86 & 104).
- “NIKE Footwear Catalog”, Fall 1987, published (pp. 4, 6, 8, 10, 24, 26, 28, 44, 46, 100, 102, 104 & 124).
- “NIKE Footwear Catalog”, Fall 1990, published Dec. 1, 1989 (pp. 4, 6, 10, 12, 50, 56, 124, 142 & 154).
- “NIKE Footwear Catalog”, Spring 1990, published Jun. 1, 1989 (pp. 4, 6, 62, 132 & 138).
- “NIKE Footwear Catalog”, Fall 1991, published Dec. 1, 1990 (pp. 10, 16, 52, 54, 56, 62, 68, 78, 82, 86, 130, 132, 136, 146 & 168).
- “NIKE Footwear Catalog”, Spring 1991, published Jun. 1, 1990 (pp. 8, 10, 58, 78, 80, 82 & 126).
- “NIKE Footwear Catalog”, Fall 1992, published Dec. 1, 1991 (pp. 8, 10, 1214, 18, 20, 24, 26, 28, 34, 38, 40, 58, 62, 78, 86, 88, 92, 100, 102, 108, 110, 114, 118, 126, 128, 130, 132, 134, 140 & 146).

(List continued on next page.)

Primary Examiner—Dominic Simone
Attorney, Agent, or Firm—Trask, Britt & Rossa

[57] **CLAIM**

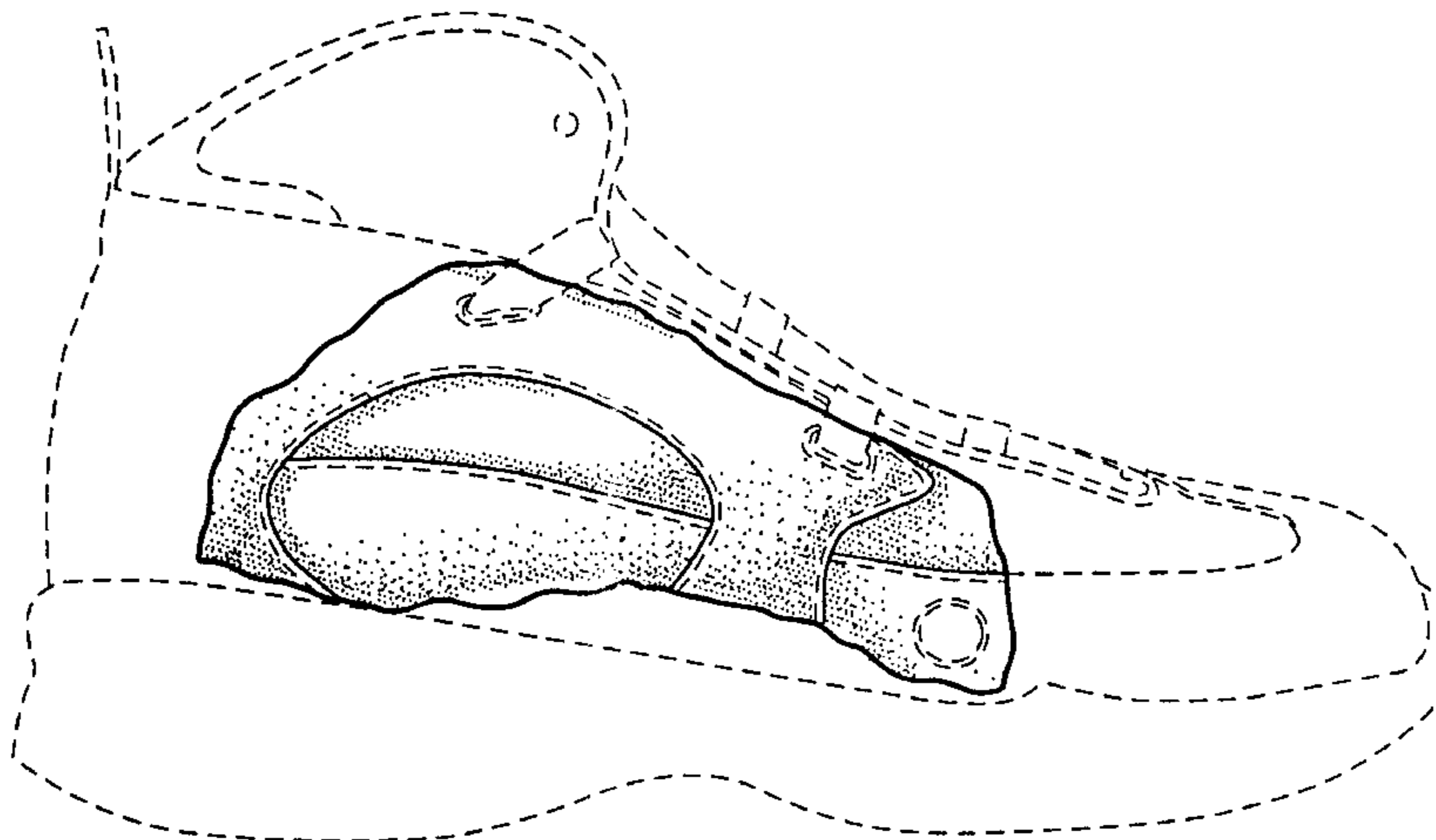
The ornamental design for a side element of a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a side element of a shoe upper showing my new design;
 FIG. 2 is a right side elevational view thereof;
 FIG. 3 is a left side elevational view thereof;
 FIG. 4 is a front elevational view thereof;
 FIG. 5 is a rear elevational view thereof; and,
 FIG. 6 is a top plan view thereof.

The broken line showing of a shoe sole and the remaining portion of the shoe upper shown in FIGS. 1-6 is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



U.S. PATENT DOCUMENTS

D. 306,371 3/1990 Feller et al. .
 D. 307,210 4/1990 Hatfield .
 D. 307,974 5/1990 McKinstry .
 D. 308,745 6/1990 Brown .
 D. 309,824 8/1990 Aveni et al. .
 D. 311,092 10/1990 Hatfield .
 D. 313,498 1/1991 Aveni .
 D. 317,524 6/1991 Earle .
 D. 317,825 7/1991 Rogers .
 D. 318,945 8/1991 Hatfield .
 D. 320,498 10/1991 Hatfield .
 D. 325,287 4/1992 Strauss .
 D. 325,665 4/1992 Kittle et al. .
 D. 325,810 5/1992 Morris et al. .
 D. 326,953 6/1992 Hatfield .
 D. 327,162 6/1992 Hatfield .
 D. 329,937 10/1992 Hatfield et al. .
 D. 332,002 12/1992 Hatfield et al. .
 D. 332,689 1/1993 Worthington .
 D. 334,088 3/1993 Teague .
 D. 334,089 3/1993 Teague .
 D. 334,277 3/1993 Teague .
 D. 336,148 6/1993 Adams .
 D. 336,974 7/1993 Hatfield .
 D. 337,423 7/1993 Bailey .
 D. 337,648 7/1993 Avar .
 D. 339,448 9/1993 Teague .
 D. 341,701 11/1993 McDonald .
 D. 341,925 12/1993 Dahlsten .
 D. 341,926 12/1993 Ryder et al. .
 D. 341,931 12/1993 Close et al. .
 D. 342,148 12/1993 Dahlsten .
 D. 342,370 12/1993 Keen .
 D. 342,371 12/1993 Morris et al. .
 D. 342,602 12/1993 Morris et al. .
 D. 343,502 1/1994 Cessor .
 D. 343,723 2/1994 Adams .
 D. 343,724 2/1994 Smith .
 D. 345,047 3/1994 DiSilvio .
 D. 345,248 3/1994 Teague .
 D. 345,458 3/1994 Lacoraza et al. .
 D. 346,061 4/1994 Teague .
 D. 346,486 5/1994 Morris et al. .
 D. 347,107 5/1994 Adams .
 D. 347,316 5/1994 Minkin .
 D. 349,187 8/1994 Close et al. .
 D. 351,721 10/1994 Kittle .
 D. 351,722 10/1994 Earle .
 D. 351,937 11/1994 Hewett .
 D. 351,940 11/1994 Morris .
 D. 355,524 2/1995 Hatfield .
 D. 355,977 3/1995 Teague .
 D. 356,435 3/1995 Vignola et al. .
 D. 356,663 3/1995 Ueda D2/902
 D. 357,574 4/1995 Morris .
 D. 357,575 4/1995 Dahlsten .
 D. 359,386 6/1995 Greene .
 D. 359,388 6/1995 Martin .
 D. 364,498 11/1995 Teague .
 D. 366,951 2/1996 Ho .
 D. 367,354 2/1996 Brooks et al. .
 D. 367,554 3/1996 James .
 D. 367,754 3/1996 James .
 D. 368,793 4/1996 Cook .
 D. 373,461 9/1996 Smith .
 D. 376,256 12/1996 Clegg D2/972
 D. 379,865 6/1997 Hewett .
 D. 380,599 7/1997 Brooks et al. .
 2,147,197 2/1939 Glidden .
 2,356,490 8/1944 Crotty .

4,817,304 4/1989 Parker et al. .
 5,097,607 3/1992 Fredericksen .
 5,191,727 3/1993 Barry et al. .
 5,343,638 9/1994 Legassie et al. .
 5,343,639 9/1994 Kilgore et al. .

OTHER PUBLICATIONS

“NIKE Footwear Catalog”, Spring 1993, published Jun. 1, 1992 (pp. 3, 8, 12, 14, 22, 26, 34, 36, 44, 46, 52, 60, 62, 66, 80, 84, 88, 94, 96, 102, 108, 124, 128 & 134).

“NIKE Footwear Catalog”, Fall 1993, published Dec. 1, 1992 (pp. 8, 10, 12, 14, 20, 36, 76, 96, 110 & 116).

“NIKE Footwear Catalog”, Holiday 1993, published Mar. 1, 1993 (pp. 10, 12 & 22).

“NIKE Footwear Catalog”, Spring 1994, published Jun. 1, 1993 (pp. 6, 8, 10, 14, 16, 20, 24, 28, 30, 38, 40, 42, 46, 48, 50, 54, 56, 58, 62, 64, 66, 68, 70, 72, 74, 84, 88, 90, 92, 100, 104, 106, 116, 120, 122, 132, 142, 154 & 162).

“NIKE Footwear Catalog”, Late Spring 1994, published Sep. 1, 1993 (pp. 4, 6, 8, 12, 14, 16, 18, 28, 30, 34, 36, 48, 54, 56, 60, 62).

“NIKE Footwear Catalog”, Fall 1994, published Nov. 1, 1993 (pp. 12, 14, 16, 18, 34, 36, 40, 92, 98, 126, 138 & 144).

“NIKE Footwear Catalog”, Spring 1995, published Jun. 1, 1994 (pp. 10, 11, 12, 15, 16, 18, 25, 28, 31, 32, 33, 40, 61, 62, 90, 106, 107, 108, 116 & 142).

“NIKE Footwear Catalog”, Fall 1994, published Nov. 1, 1993 (pp. 12, 13, 15, 33, 47, 52, 63, 85, 87, 91, 99, 115, 116 & 157).

“NIKE Footwear Catalog”, Holiday 1995, published Mar. 1, 1995 (pp. 16, 19, 26, 35, 68, 77, 79, 84, 88, 98 & 99).

“NIKE Footwear Catalog”, Spring 1996, published Jun. 1, 1995 (pp. 17, 18, 26, 77, 85, 89, 93, 103, 118, 140, 150, 151, 168, 175 & 176).

“NIKE Footwear Catalog”, Late Spring 1996, published Aug. 1, 1995 (pp. 2, 6, 7, 10, 14, 16, 18, 21, 81, 89, 128, 129, 150 & 173).

“NIKE Footwear Catalog”, Fall 1996, published Dec. 1, 1995 (pp. 9, 29, 71, 143 & 161).

“NIKE Footwear Catalog”, Holiday 1996, published Mar. 1, 1996 (pp. 7, 18, 28, 86, 100, 101, 102, 107, 109, 137, 156 & 157).

“NIKE Footwear Catalog”, Spring 1997, published Jun. 1, 1996 (pp. 7, 9, 11, 12, 75, 122 & 138).

“NIKE Footwear Catalog”, Late Spring 1997, published Sep. 1, 1996 (pp. 17, 55, 156, 169, 174, 175, 199 & 251).

“NIKE Footwear Catalog”, Fall 1997, published Dec. 1, 1996 (pp. 19, 49, 51, 135, 162, 172, 181, 189, 190, 218, 222 & 232).

“NIKE Footwear Catalog”, Holiday 1997, published Mar. 1, 1997 (pp. 20, 31, 54, 179 & 229).

“NIKE Footwear Catalog”, Spring 1998, published Jun. 1, 1997 (pp. 9, 16, 18, 24, 137, 140, 141, 147 & 178).

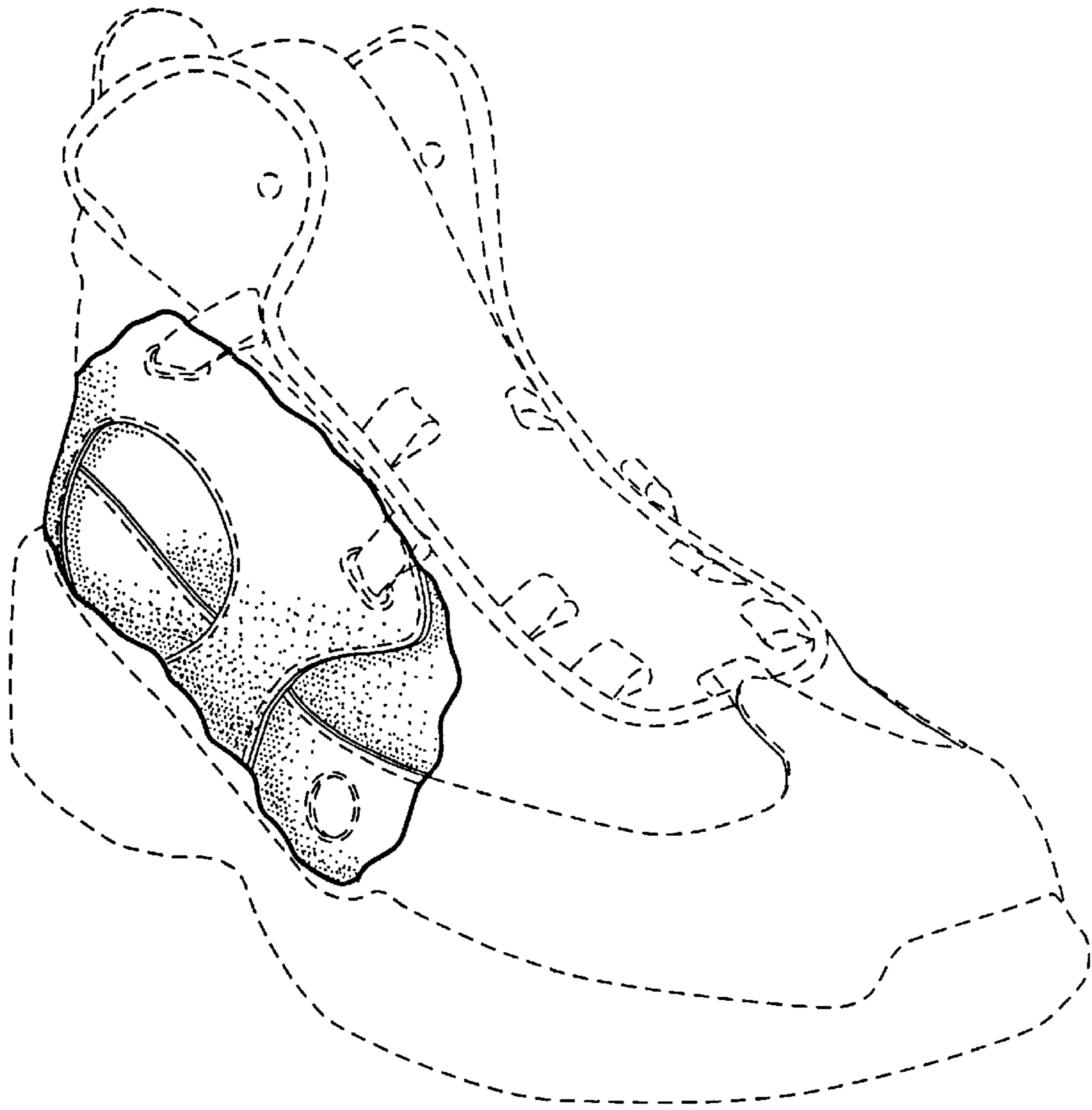


Fig. 1

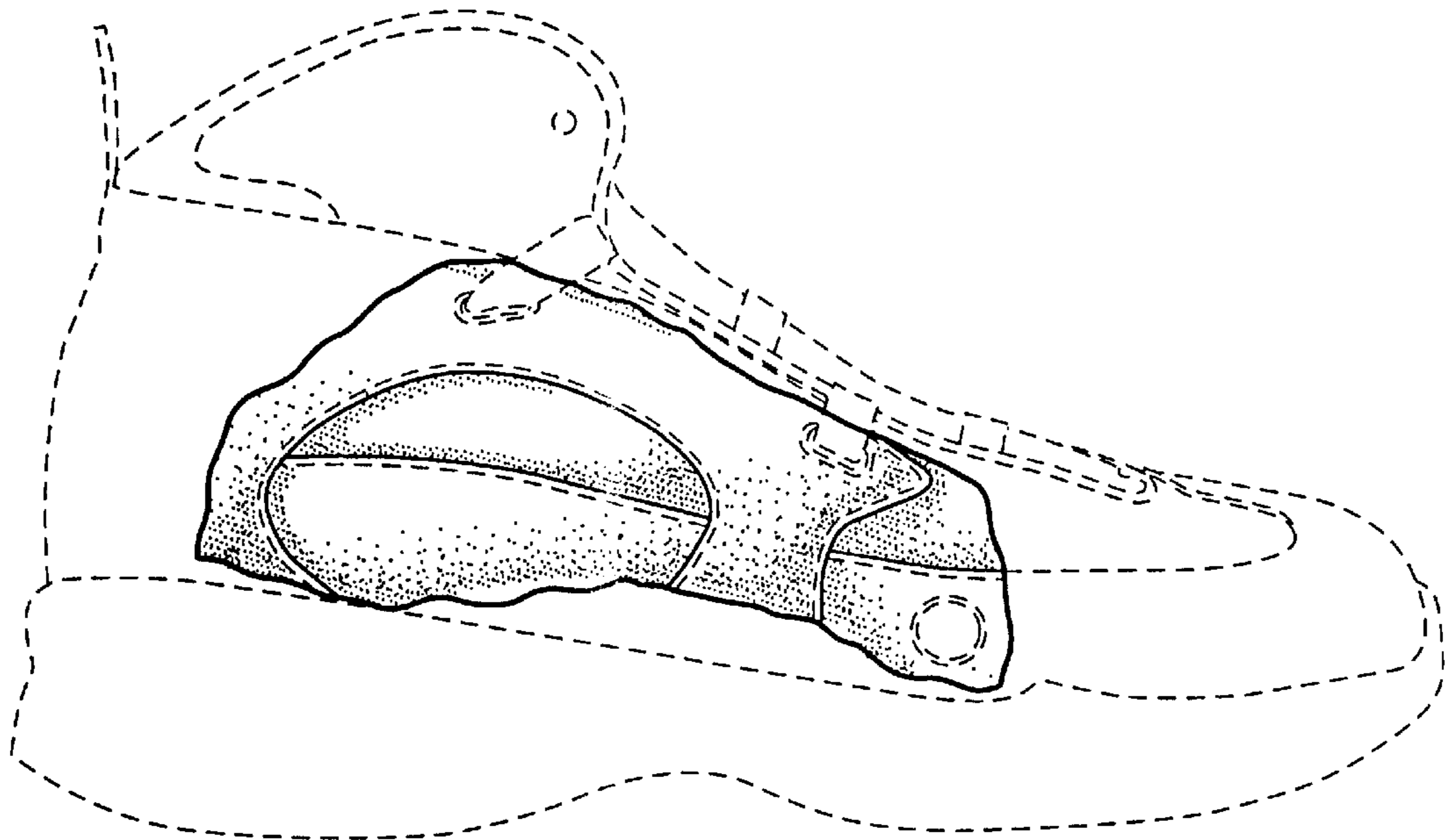


Fig. 2

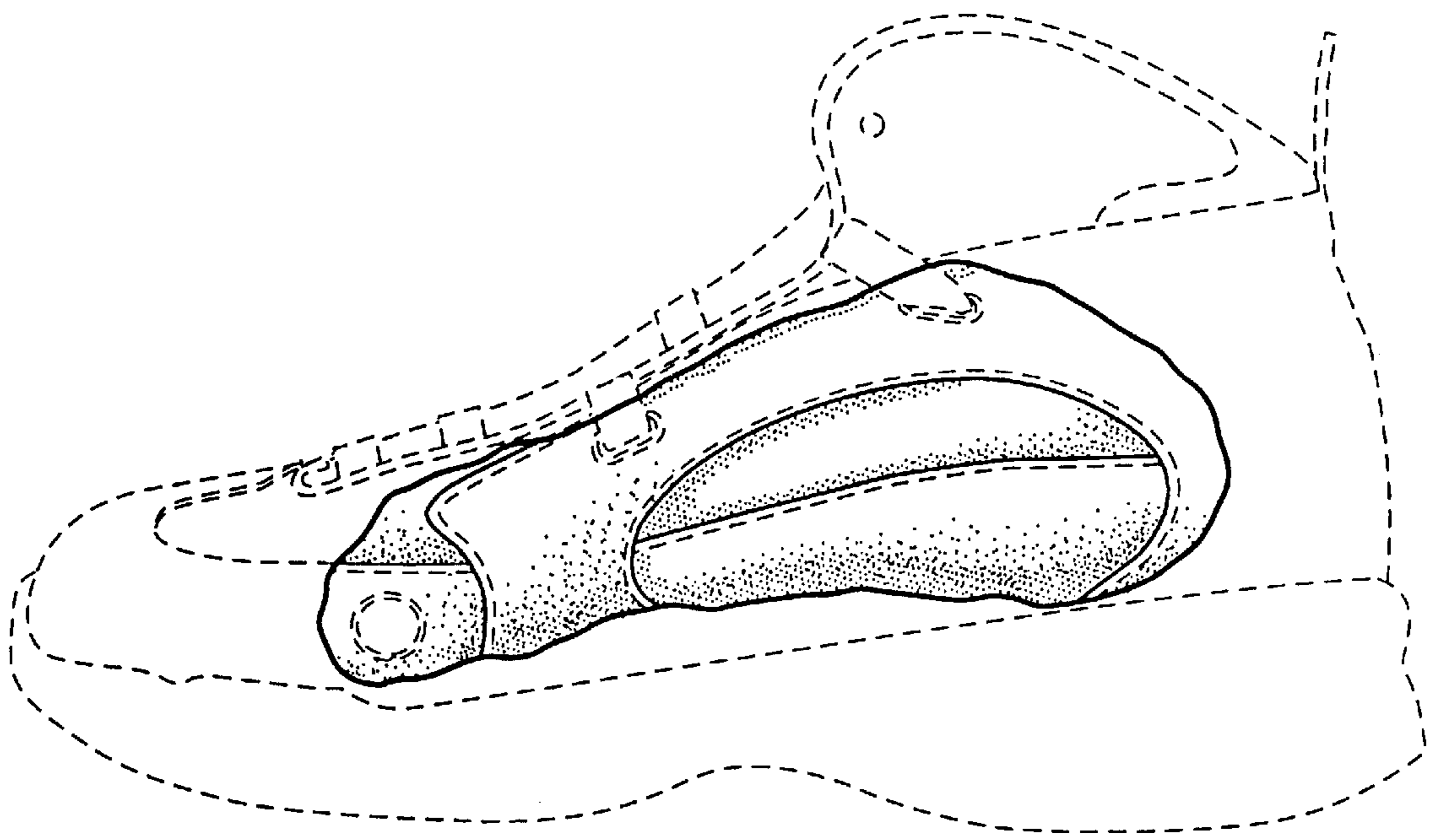


Fig. 3

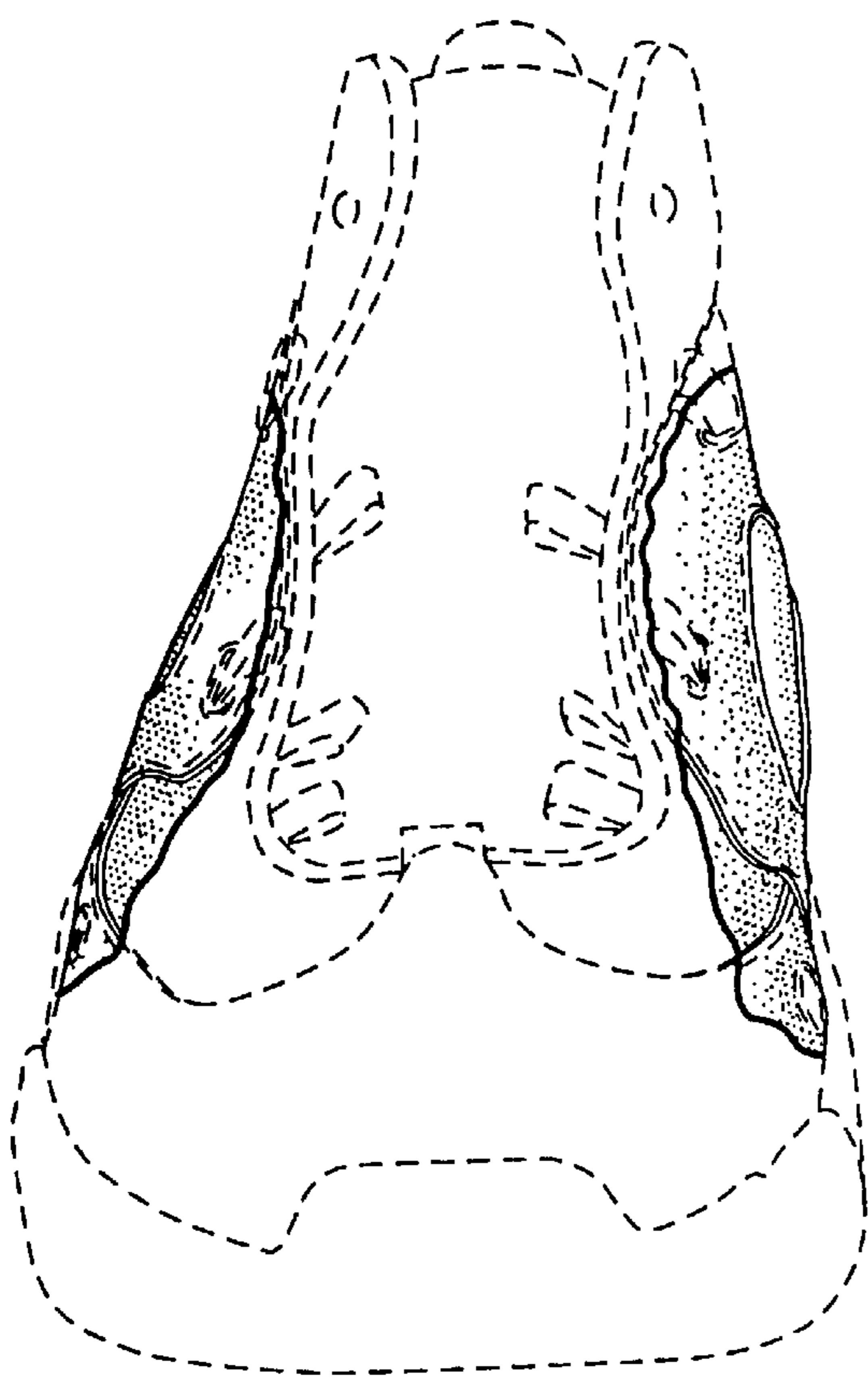


Fig. 4

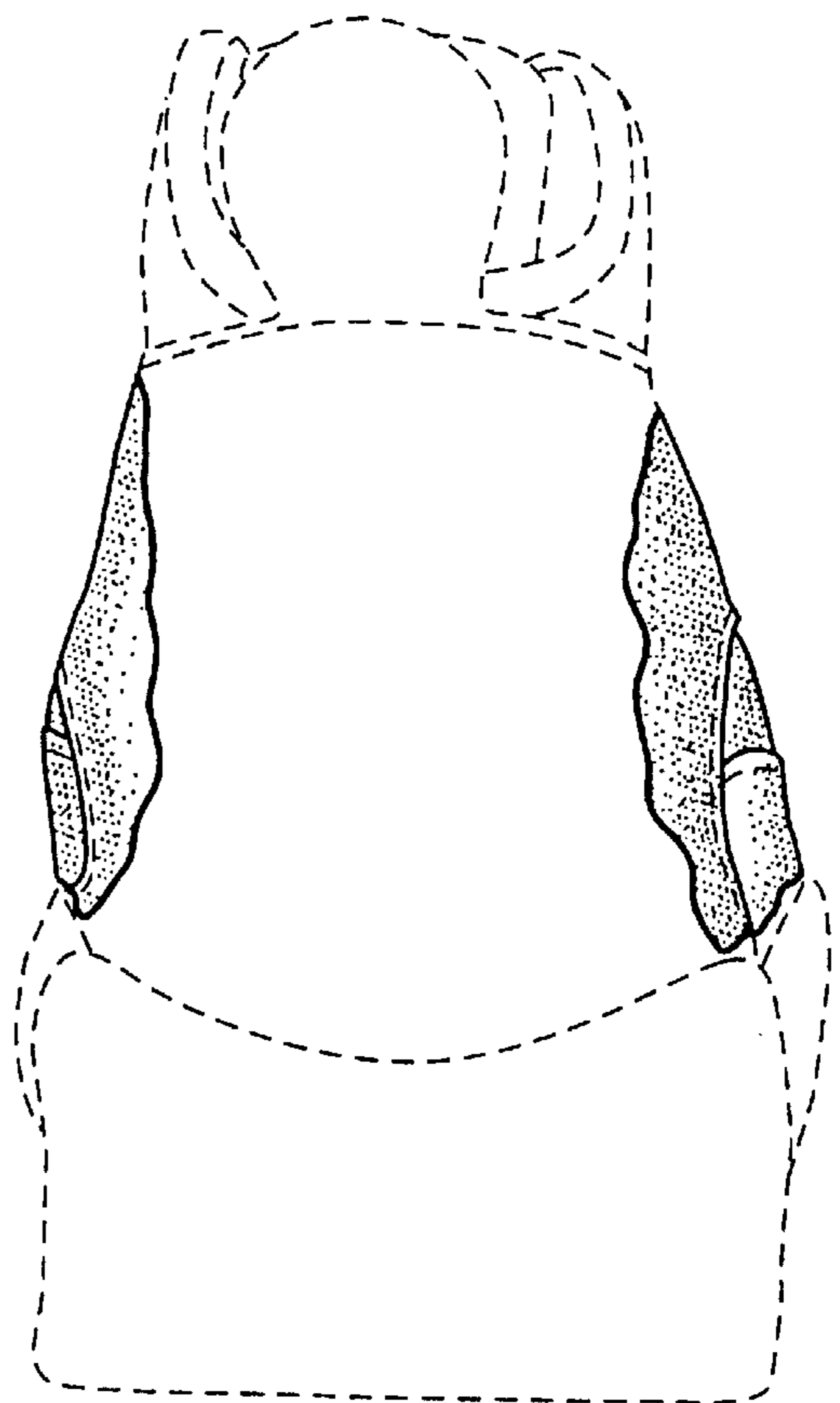


Fig. 5

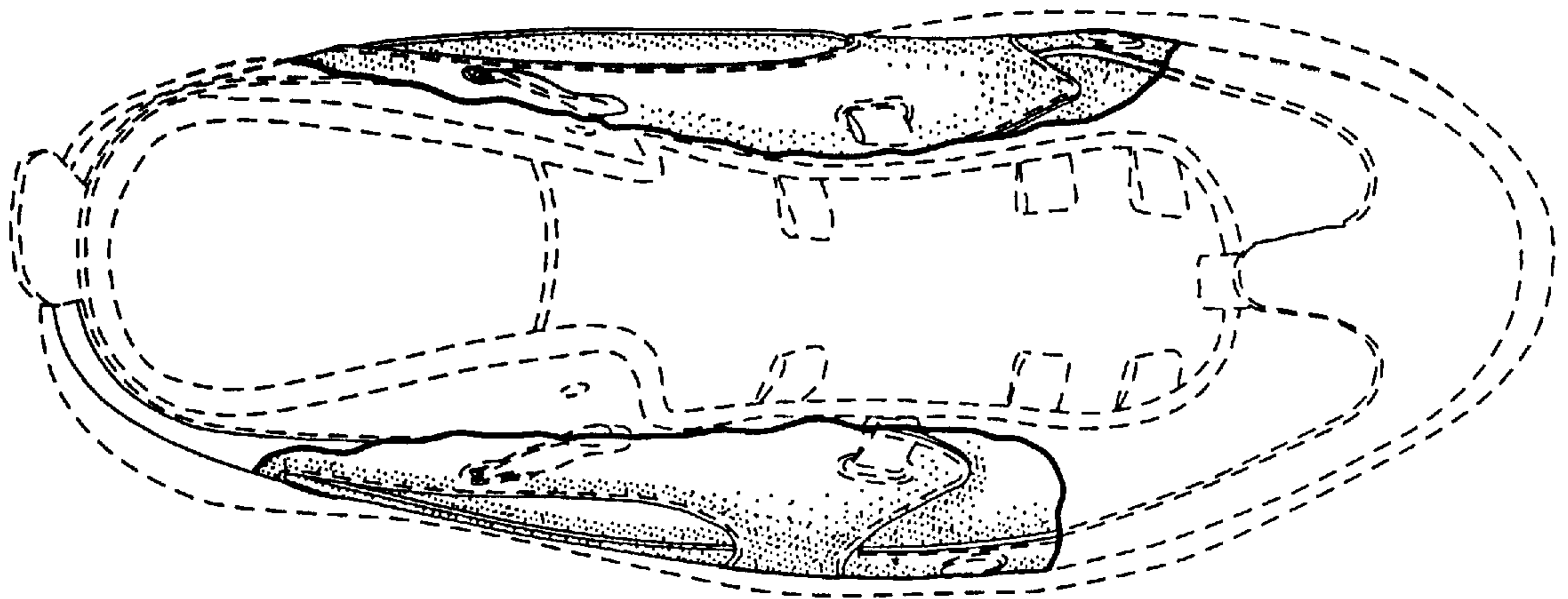


Fig. 6