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# United States Patent [19]

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**Lozano**

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## [54] SIDE ELEMENT OF A SHOE UPPER

## OTHER PUBLICATIONS

[75] Inventor: **Sergio G. Lozano**, Beaverton, Oreg.

“Nike Footwear Catalog”, Fall 1990, published Dec. 1, 1989 (pp. 12 & 134).

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

“Nike Footwear Catalog”, Late Spring 1994, published Sep. 1, 1993 (pp. 36).

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

“Nike Footwear Catalog”, Fall 1994, published Nov. 1, 1993 (pp. 40, 148 & 152).

[21] Appl. No.: **78,597**

“Nike Footwear Catalog”, Holiday 1994, published Mar. 1, 1994 (pp. 12,22 & 68).

[22] Filed: **Oct. 28, 1997**

“Nike Footwear Catalog”, Spring 1995, published Jun. 1, 1994 (pp. 25, 40, 52 & 126).

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

“Nike Footwear Catalog”, Fall 1995, published Nov. 1, 1994 (pp. 9, 33 & 112).

[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

“Nike Footwear Catalog”, Holiday 1995, published Mar. 1, 1995 (pp. 48, 92 & 110).

“Nike Footwear Catalog”, Spring 1996, published Jun. 1, 1995 (pp. 8, 10, 46,67, 131, 132, 138 & 164).

## [56] **References Cited**

“Nike Footwear Catalog”, Late Spring 1996, published Aug. 1, 1995 (pp. 89, 134, 140, 145, 147, 153 & 165).

“Nike Footwear Catalog”, Fall 1996, published Dec. 1, 1995 (pp. 26, 35, 38, 42, 44, 50, 67, 78, 89, 142, 143, 150, 153, 158, 162, 187 & 209).

### U.S. PATENT DOCUMENTS

- D. 14,341 10/1883 Lewis .
- D. 14,774 2/1884 Preston .
- D. 16,208 8/1885 Preston .
- D. 16,678 5/1886 Preston .
- D. 54,215 11/1919 Johnson .
- D. 64,080 2/1924 Posner .
- D. 72,791 6/1927 Davis .
- D. 87,020 5/1932 Packard .
- D. 89,615 4/1933 Grubs .
- D. 90,200 6/1933 Miller .
- D. 90,269 7/1933 Stock .
- D. 91,516 2/1934 Ellington .
- D. 91,955 4/1934 Miller .
- D. 92,201 5/1934 Perugia .
- D. 92,369 5/1934 Perugia .
- D. 92,737 7/1934 Miller .
- D. 92,747 7/1934 Miller .
- D. 92,923 7/1934 Pape .
- D. 93,220 9/1934 Grossman .
- D. 93,509 10/1934 Phifer .
- D. 93,514 10/1934 Phifer .
- D. 93,563 10/1934 Levin .
- D. 93,590 10/1934 Werthiem .
- D. 94,167 12/1934 Samuels .
- D. 94,267 1/1935 Goldberg .
- D. 94,271 1/1935 Hertzig .

(List continued on next page.)

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## [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 side elevational view thereof;

FIG. 3 is a front elevational view thereof;

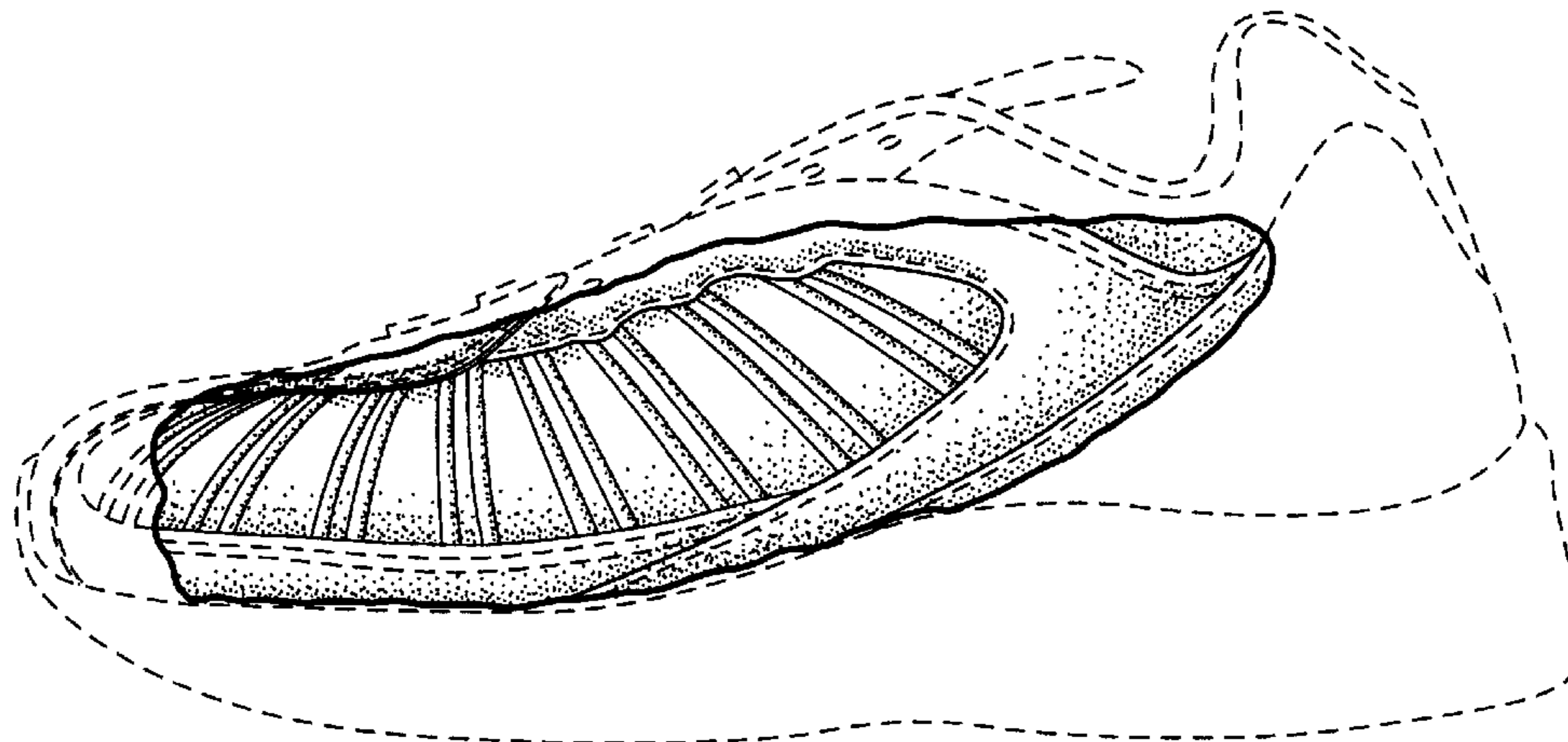
FIG. 4 is a rear elevational view thereof; and,

FIG. 5 is a top plan view thereof.

The broken line showing of a shoe sole and the remaining portion of the shoe upper shown in FIG. 1-5 is for illustrative purposes only and forms no part of the claimed design.

(List continued on next page.)

**1 Claim, 2 Drawing Sheets**



## U.S. PATENT DOCUMENTS

D. 94,274	1/1935	Levine .	
D. 94,284	1/1935	Saugues .	
D. 94,437	1/1935	Napier .	
D. 94,584	2/1935	Weinstein .	
D. 94,679	2/1935	Grossman .	
D. 94,832	3/1935	Grossman .	
D. 95,015	4/1935	Bushman .	
D. 95,373	4/1935	Marali .	
D. 95,379	4/1935	Morrison .	
D. 96,143	7/1935	Sofransky .	
D. 96,536	8/1935	Elkin .	
D. 96,567	8/1935	Wagman .	
D. 96,667	8/1935	Horn .	
D. 96,810	9/1935	Braun .	
D. 97,280	10/1935	Goldberg .	
D. 97,301	10/1935	Morgenstern .	
D. 97,613	11/1935	Mackey .	
D. 98,537	2/1936	MAscali .	
D. 98,954	3/1936	Morgan .	
D. 99,238	4/1936	Golden .	
D. 99,353	4/1936	Kyros .	
D. 99,384	4/1936	Walsh .	
D. 99,882	6/1936	Miller .	
D. 100,003	6/1936	Zuckrman .	
D. 100,581	7/1936	Runstein .	
D. 101,099	9/1936	Baldwin .	
D. 102,197	12/1936	Turiansky .	
D. 102,996	2/1937	Stock .	
D. 104,965	6/1937	Doucette .	
D. 104,975	6/1937	Turiansky .	
D. 105,289	7/1937	Livingston .	
D. 105,595	8/1937	Lipscomb .	
D. 107,798	1/1938	Sholtz .	
D. 108,320	2/1938	Eldon .	
D. 109,132	4/1938	Freeman .	
D. 109,786	5/1938	Fein .	
D. 113,341	2/1939	Bryan .	
D. 113,769	3/1939	Shaer .....	D2/972
D. 119,496	3/1940	Haan .	
D. 119,542	3/1940	Caldwell .	
D. 121,340	7/1940	Scherer .	
D. 124,666	1/1941	Gillis .	
D. 127,199	5/1941	Gillis .	
D. 127,200	5/1941	Gillis .	
D. 128,983	8/1941	Thomas .	
D. 129,122	8/1941	Joyce .	
D. 129,298	9/1941	Sutcliffe .	
D. 130,425	11/1941	Daniels .	
D. 132,196	4/1942	Daniels .	
D. 134,783	1/1943	Julianelli et al. ....	D2/972
D. 143,799	2/1946	Diamant .	
D. 146,714	4/1947	Hickey .	
D. 146,715	4/1947	Hickey .	
D. 148,451	1/1948	Arnoff .	
D. 163,792	7/1951	Cohn .	
D. 170,054	7/1953	Haustfeld et al. .	
D. 172,742	8/1954	Doherty .	
D. 178,809	9/1956	Santisl .	
D. 188,037	5/1960	Miller .	
D. 188,038	5/1960	Dassler .	
D. 220,464	4/1971	Hayashi .	
D. 223,531	5/1972	McCarthy .	
D. 225,093	11/1972	Dassler .	
D. 233,636	11/1974	Schnelder .	
D. 233,805	12/1974	Kuho .	
D. 236,561	9/1975	Weckenbrock .	
D. 238,983	3/1976	Senter .	
D. 239,983	5/1976	Senter .	
D. 248,513	7/1978	Soler .	
D. 251,036	2/1979	Torrance .	
D. 253,139	10/1979	Foldes .	
D. 254,398	3/1980	Finn .	
D. 257,074	9/1980	Gucci .	
D. 258,546	3/1981	Famolare, Jr. .	
D. 259,674	6/1981	Levin .	
D. 272,012	1/1984	Trevisani .	
D. 273,340	4/1984	Gamm .	
D. 278,185	4/1985	Michaeli .	
D. 279,138	6/1985	Gamm .	
D. 279,139	6/1985	Gamm .	
D. 279,326	6/1985	Foldes .	
D. 284,039	6/1986	Yoshitake .	
D. 285,382	9/1986	Schornstein et al. .	
D. 287,782	1/1987	Palacio .	
D. 291,020	7/1987	Gamm .	
D. 293,966	2/1988	Baungratz .	
D. 296,836	7/1988	Brown et al. .	
D. 297,882	10/1988	Tong et al. .	
D. 297,884	10/1988	Brown e tal. .	
D. 304,387	11/1989	Brown .	
D. 322,513	12/1991	Berger .	
D. 330,626	11/1992	McDonald et al. .	
D. 337,422	7/1993	Leake .	
D. 337,723	7/1993	Cordeiro .	
D. 341,703	11/1993	Hatfield et al. ....	D2/972
D. 346,484	5/1994	Hatfield .	
D. 347,519	6/1994	Worthington .	
D. 348,765	7/1994	Lozano .	
D. 354,163	1/1995	Hatfield .	
D. 361,884	9/1995	Lozano .	
D. 361,885	9/1995	Hatfield .	
D. 362,111	9/1995	Avar .	
D. 364,498	11/1995	Teague .	
D. 364,729	12/1995	Teague .	
D. 365,919	1/1996	Chen .	
D. 369,459	5/1996	Feller .	
D. 371,898	7/1996	Hatfield .	
D. 374,552	10/1996	Avar .	
D. 376,256	12/1996	Clegg .	
D. 377,261	1/1997	Avar .	
D. 377,414	1/1997	Hatfield .	
D. 377,709	2/1997	Tinkler .	
D. 378,242	3/1997	Smith .	
D. 380,077	6/1997	Preskar et al. .	
D. 380,080	6/1997	Avar .	
D. 383,301	9/1997	Teague .....	D2/972
D. 393,360	4/1998	Aveni et al. ....	D2/972
D. 393,939	5/1998	Greene .....	D2/972
806,267	12/1905	King .	
1,059,284	4/1913	Dennis .	
1,854,030	4/1932	Heller .	
1,900,515	3/1933	Miller .	
2,634,515	4/1953	Saitta .	
3,138,880	6/1964	Kunzli .	
3,224,117	12/1965	Dassler .	
3,273,266	9/1966	Goldenberg .	
3,319,360	5/1967	Nadler .	
3,698,107	10/1972	Fukuoka .	
3,742,622	7/1973	Dassler .	
4,080,745	3/1978	Torrance .	
4,217,705	8/1980	Donzis .	
4,255,876	3/1981	Johnson .	
4,280,287	7/1981	Gulbransen .	
4,314,413	2/1982	Dassler .	
4,342,161	8/1982	Schmohl .	
4,361,970	12/1982	Wren, Jr. et al. .	
4,378,641	4/1983	Tarlow .	
4,447,971	5/1984	Bente .	
4,507,882	4/1985	Harrell .	
4,562,652	1/1986	Hensler .	
4,562,654	1/1986	Hue .	
4,563,825	1/1986	Tesser .	

4,566,207 1/1986 Struntz .  
4,592,154 6/1986 Oatman .  
4,612,714 9/1986 Gamm .  
4,616,432 10/1986 Bunch et al. .  
4,651,447 3/1987 Sullivan .  
4,677,765 7/1987 Lubet et al. .  
4,694,591 9/1987 Banich et al. .  
4,731,939 3/1988 Parracho et al. .  
4,756,098 7/1988 Boggia .  
4,794,674 1/1989 Intel et al. .  
4,813,158 3/1989 Brown .  
4,827,631 5/1989 Thornton .  
4,835,885 6/1989 Hoshizaki et al. .  
4,860,464 8/1989 Misevich et al. .  
4,901,452 2/1990 Wang .  
4,949,476 8/1990 Anderie .  
5,117,568 6/1992 Mitsui .  
5,152,082 10/1992 Culpepper .  
5,381,610 1/1995 Hanson .  
5,437,112 8/1995 Johnston .  
5,461,800 10/1995 Luthi et al. .  
5,491,909 2/1996 Darby .  
5,491,911 2/1996 Chen .  
5,509,217 4/1996 Condini .

5,595,003 1/1997 Snow .  
5,647,147 7/1997 Coomer .

OTHER PUBLICATIONS

“Nike Footwear Catalog”, Holiday 1996, published Mar. 1, 1996 (pp. 6, 9, 31, 40, 54, 79, 87, 92, 93, 96, 107, 109, 117, 122, 141 & 149).

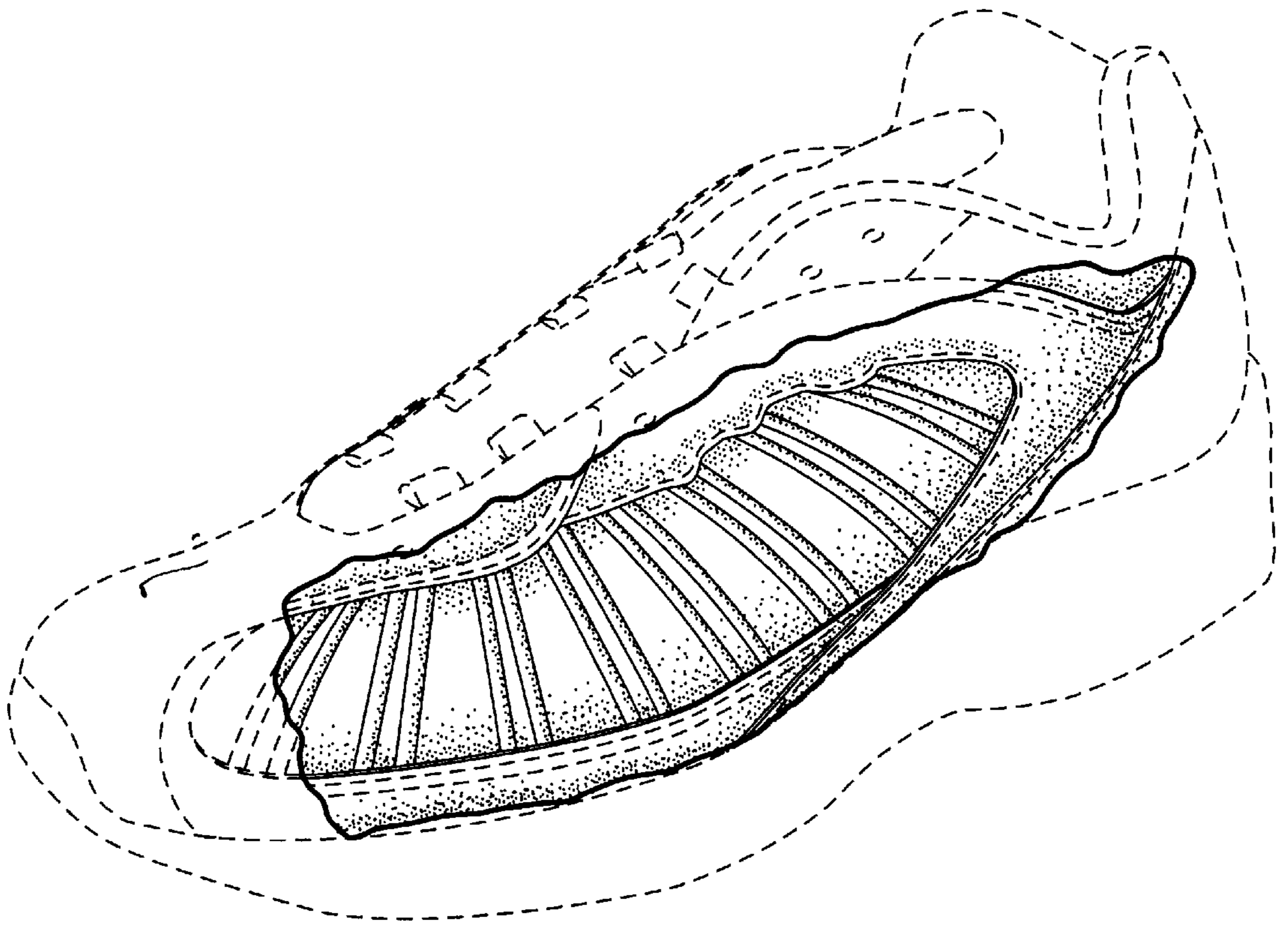
“Nike Footwear Catalog”, Spring 1997, published Jun. 1, 1996 (pp. 6, 11, 23, 37, 64, 80, 82, 83, 91, 92, 96, 106, 112, 127, 131, 137, 144, 149, 152, 153, 154, 164, 173 & 188).

“Nike Footwear Catalog”, Late Spring 1997, published Sep. 1, 1996 (pp. 11, 33, 35, 155, 166, 172, 188, 198, 204 & 207).

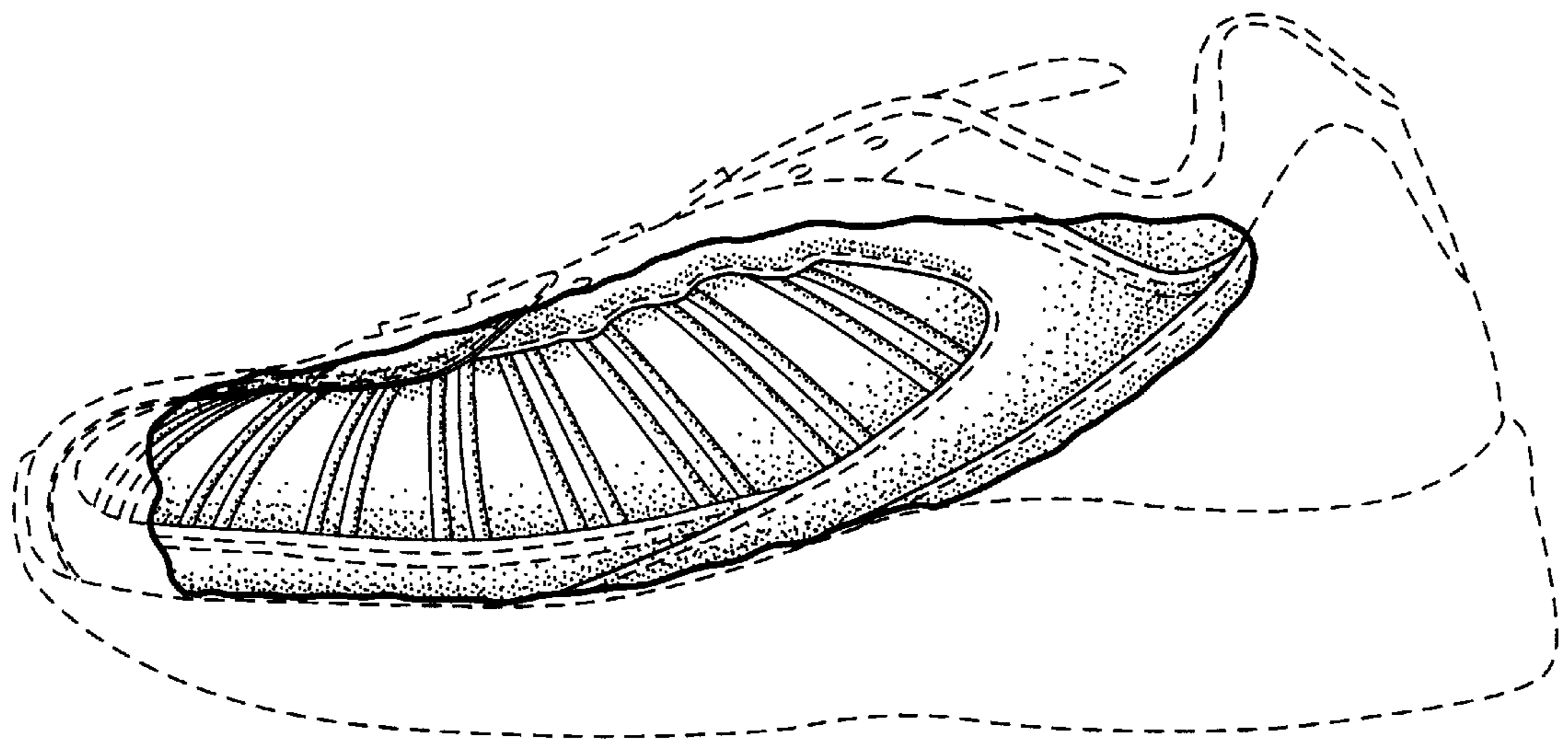
“Nike Footwear Catalog”, Fall 1997, published Dec. 1, 1996 (pp. 9, 28, 29, 31, 49, 105, 108, 121, 178, 179, 190, 213 & 227).

“Nike Footwear Catalog”, Holiday 1997, published Mar. 1, 1997 (pp. 9, 14, 36, 37, 53, 99, 119, 123, 126, 135, 139, 146, 163, 171, 177, 194, 204, 205, 212, 217, 232 & 233).

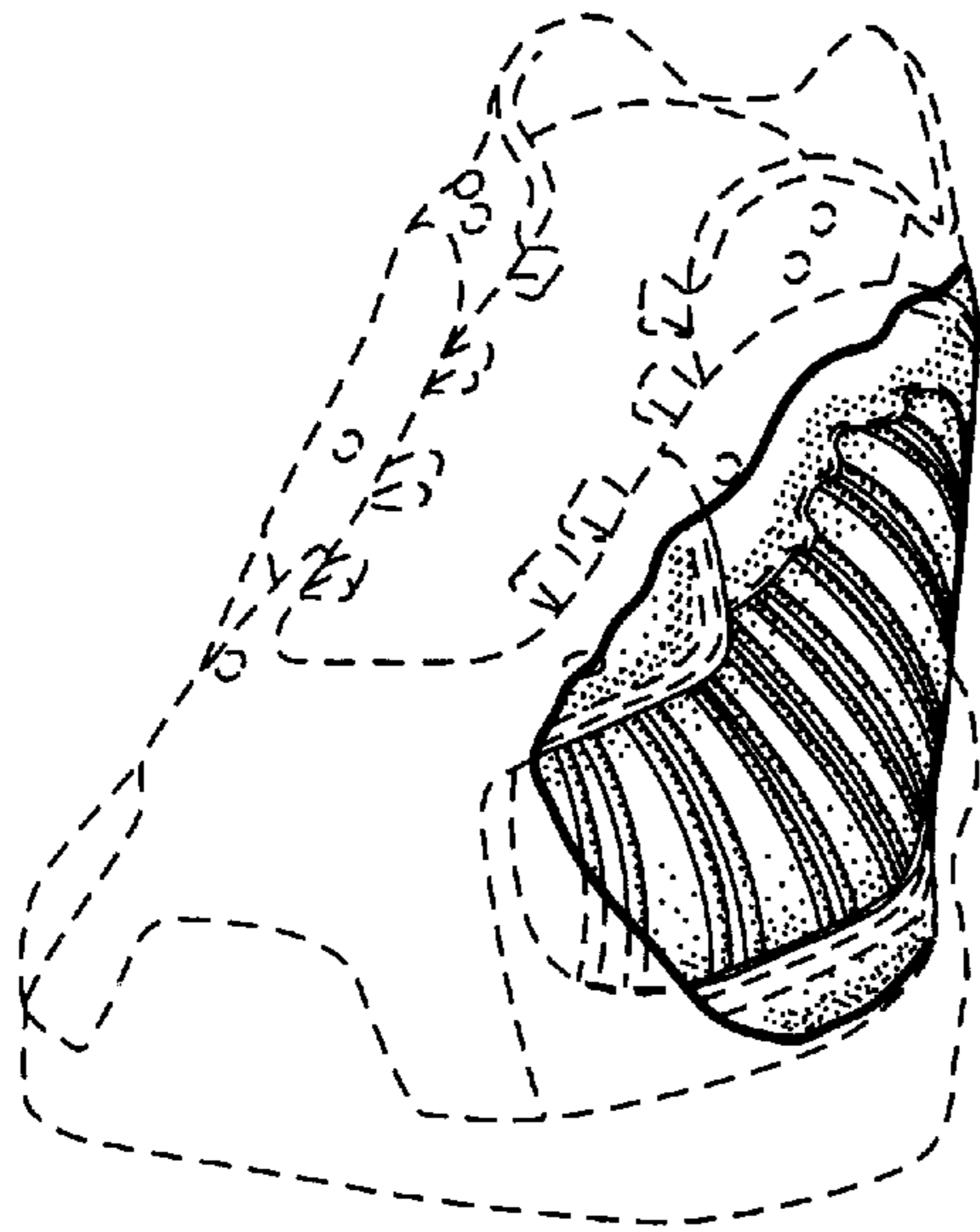
“Nike Footwear Catalog”, Spring 1998, published Jun. 1, 1997 (pp. 8, 40, 41, 51, 52, 54, 89, 91, 102, 107, 110, 140, 143, 163, 177, 190, 191, 193, 203, 204 & 211).



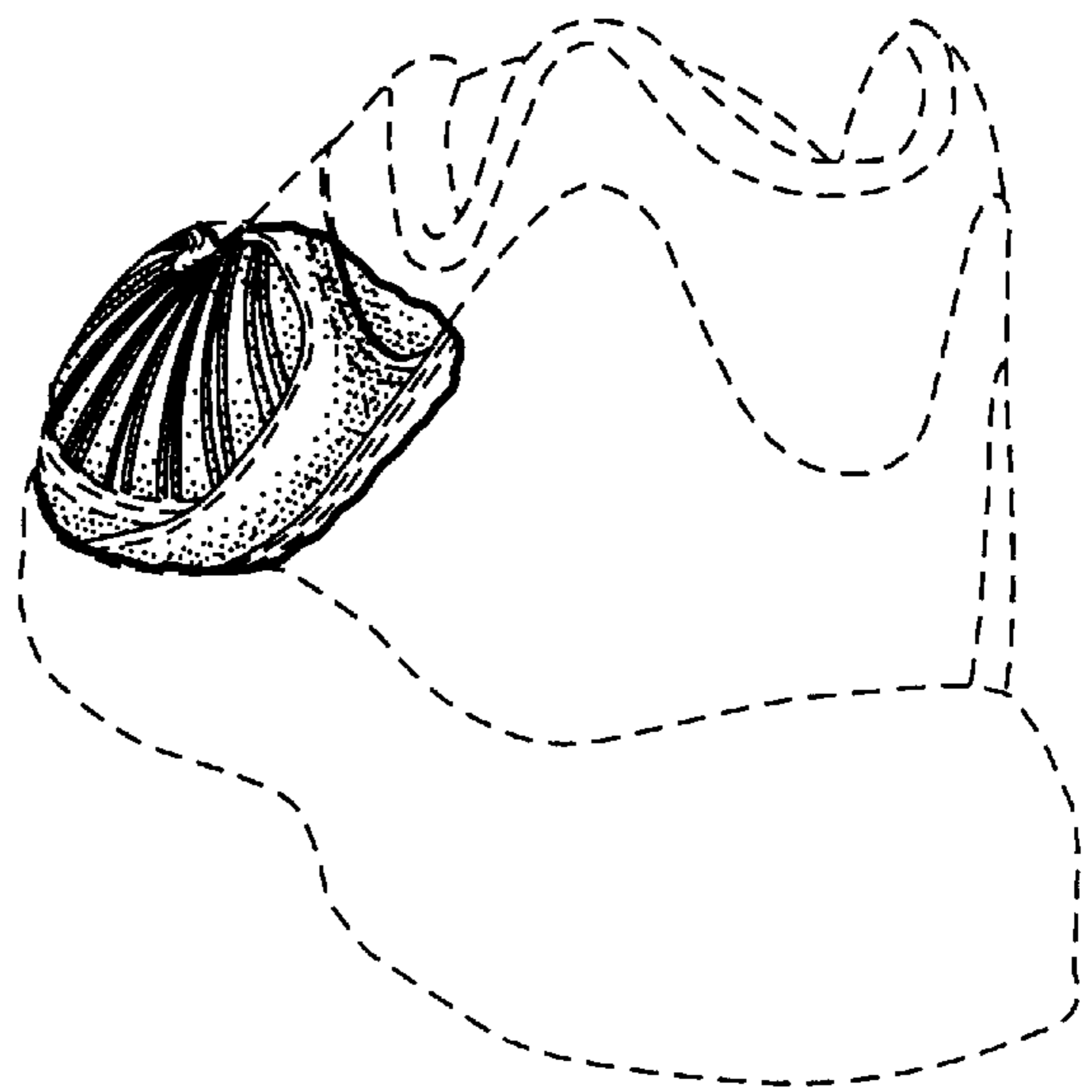
**Fig. 1**



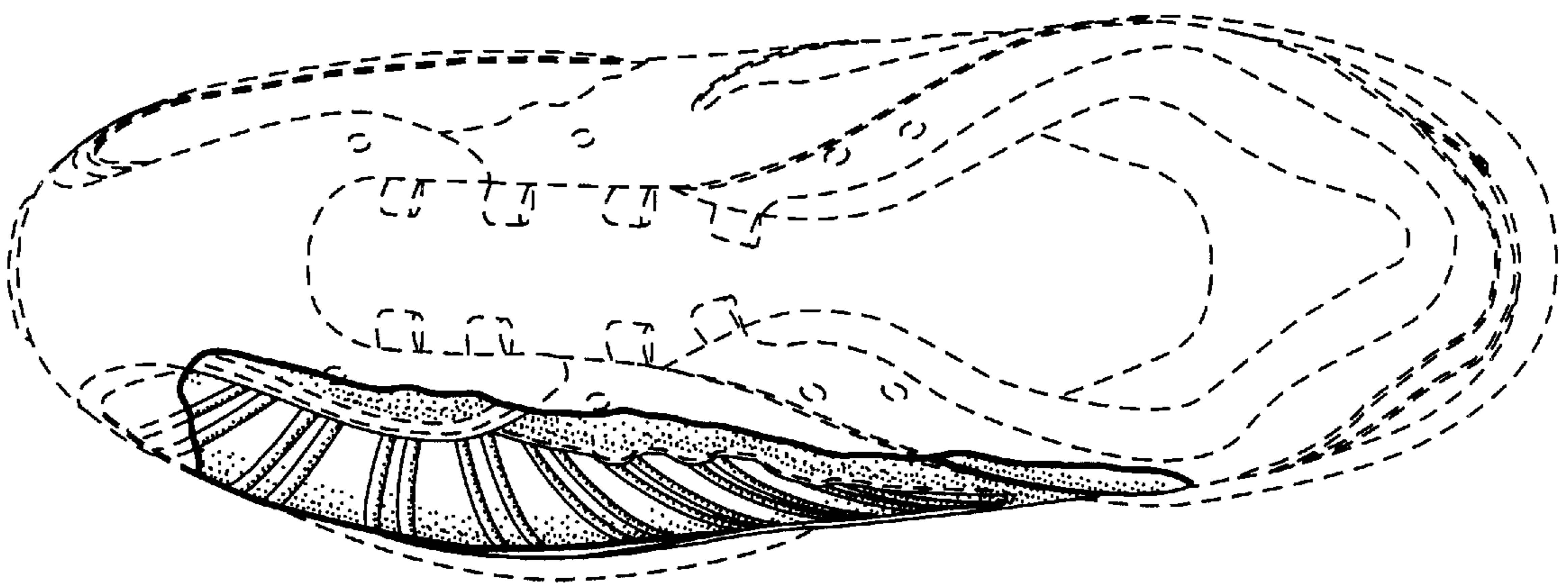
**Fig. 2**



**Fig. 3**



**Fig. 4**



**Fig. 5**