



US00D407548S

# United States Patent [19] Holmes

[11] **Patent Number: Des. 407,548**

[45] **Date of Patent: \*\*Apr. 6, 1999**

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

[75] Inventor: **Matthew Holmes**, Beaverton, Oreg.

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

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

[21] Appl. No.: **94,661**

[22] Filed: **Oct. 7, 1998**

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

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

[58] **Field of Search** ..... D2/896, 902, 907,  
D2/910, 969, 972, 973; 36/83, 113, 126-131,  
45, 50.1

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

- D. 97,945 12/1935 Lutz .
- D. 116,598 9/1939 Pick .
- D. 278,850 5/1985 Michaeli .
- D. 376,901 12/1996 Avar et al. .
- D. 382,101 8/1997 Teague .
- D. 382,693 8/1997 Avar .
- D. 383,561 9/1997 Tresser .
- D. 385,408 10/1997 Kuerbis .
- D. 386,604 11/1997 Cass .
- D. 388,682 1/1998 Hudson ..... D2/972
- D. 391,050 2/1998 Morris .
- D. 393,939 5/1998 Greene .
- D. 395,348 6/1998 Smith, III ..... D2/972
- D. 400,000 10/1998 Hatfield et al. .... D2/972
- 5,555,650 9/1996 Longbottom et al. .

**OTHER PUBLICATIONS**

Nike Footwear Catalog, Holiday 1998, p. M49. Published Mar. 1998.

Nike Footwear Catalog, Late Fall 1998, pp. 142 and 182. Published Mar. 1998.

Nike Footwear Catalog, Fall 1998, p. 166. Published Dec. 1997.

Nike Footwear Catalog, Late Spring 1998, p. 118. Published Sep. 1997.

Nike Footwear Catalog, Spring 1998, p. 199. Published Jun. 1997.

Nike Footwear Catalog, Holiday 1997, p. 14. Published Mar. 1997.

Nike Footwear Catalog, Fall 1997, p. 66. Published Dec. 1996.

Nike Footwear Catalog, Late Spring 1997, pp. 49, 125 and 166. Published Sep. 1996.

Nike Footwear Catalog, Holiday 1987, p. 9. Published Unknown.

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[57] **CLAIM**

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

**DESCRIPTION**

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

FIG. 2 is a side elevational view of one side thereof;

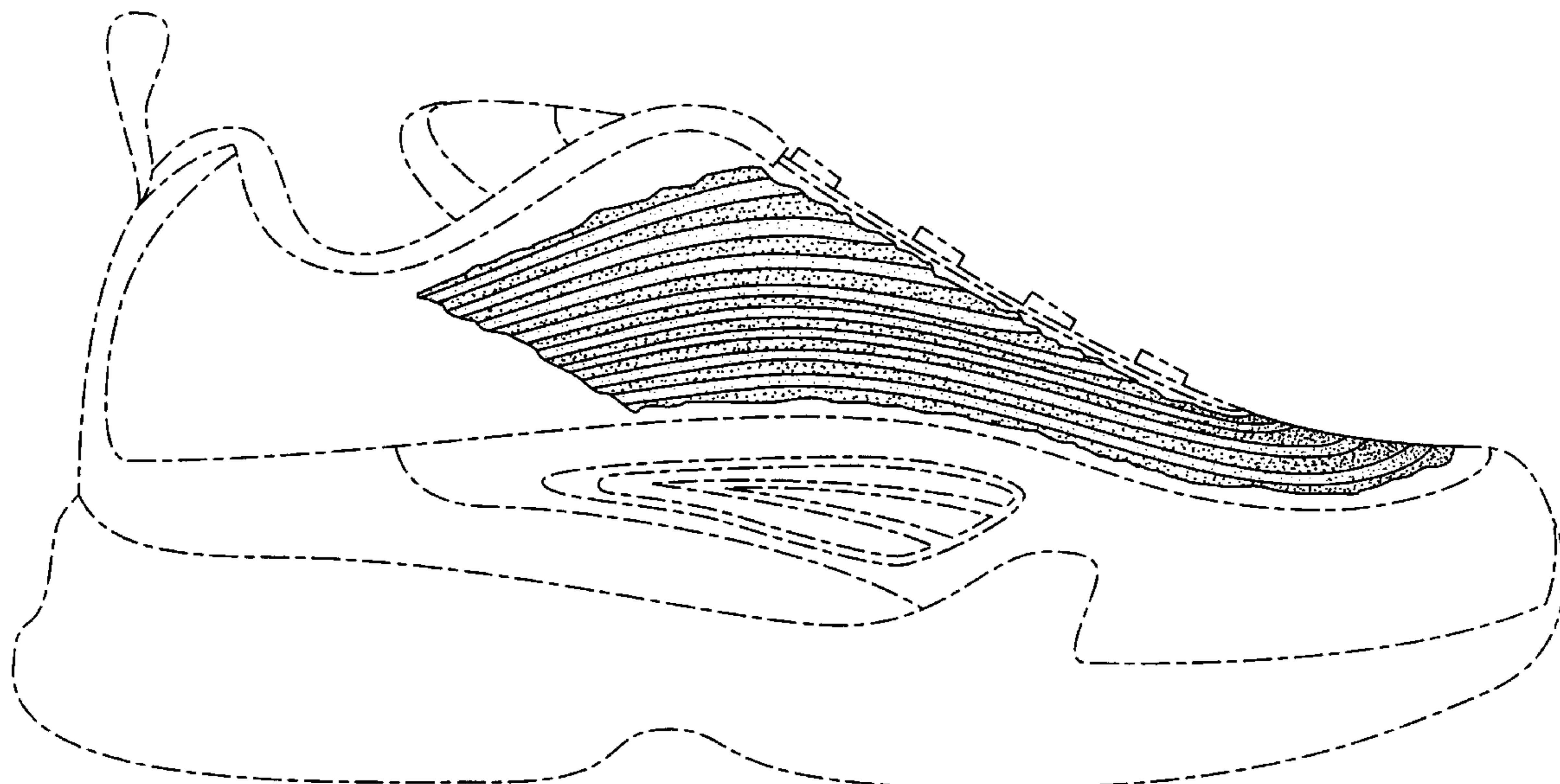
FIG. 3 is a side elevational view of the other side thereof;

FIG. 4 is a top plan view thereof; and,

FIG. 5 is a front elevational view thereof.

The uneven broken line showing of the shoe sole and the remaining portions of the shoe upper in FIGS. 1-5 is for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 5 Drawing Sheets**



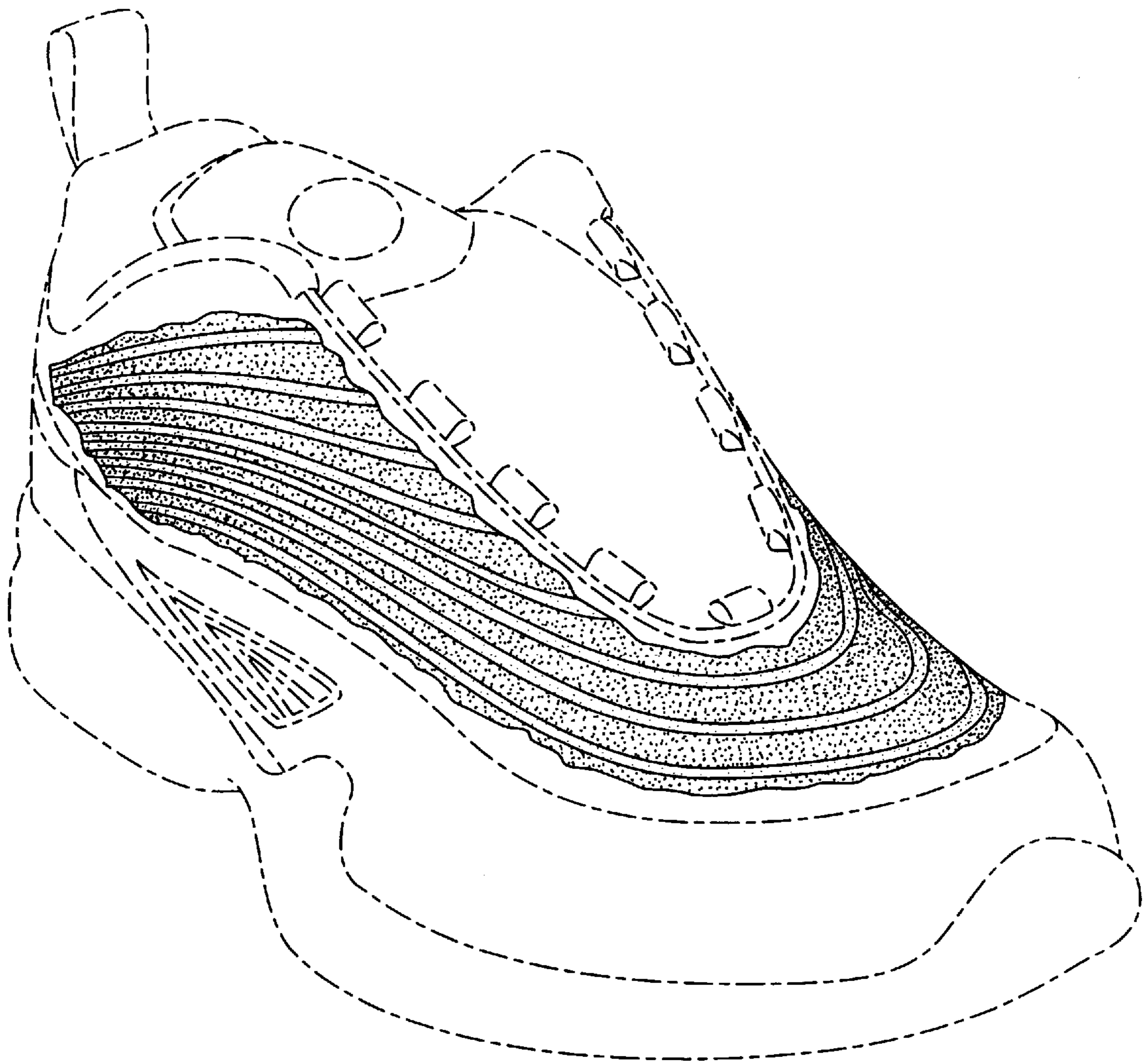


FIG. 1

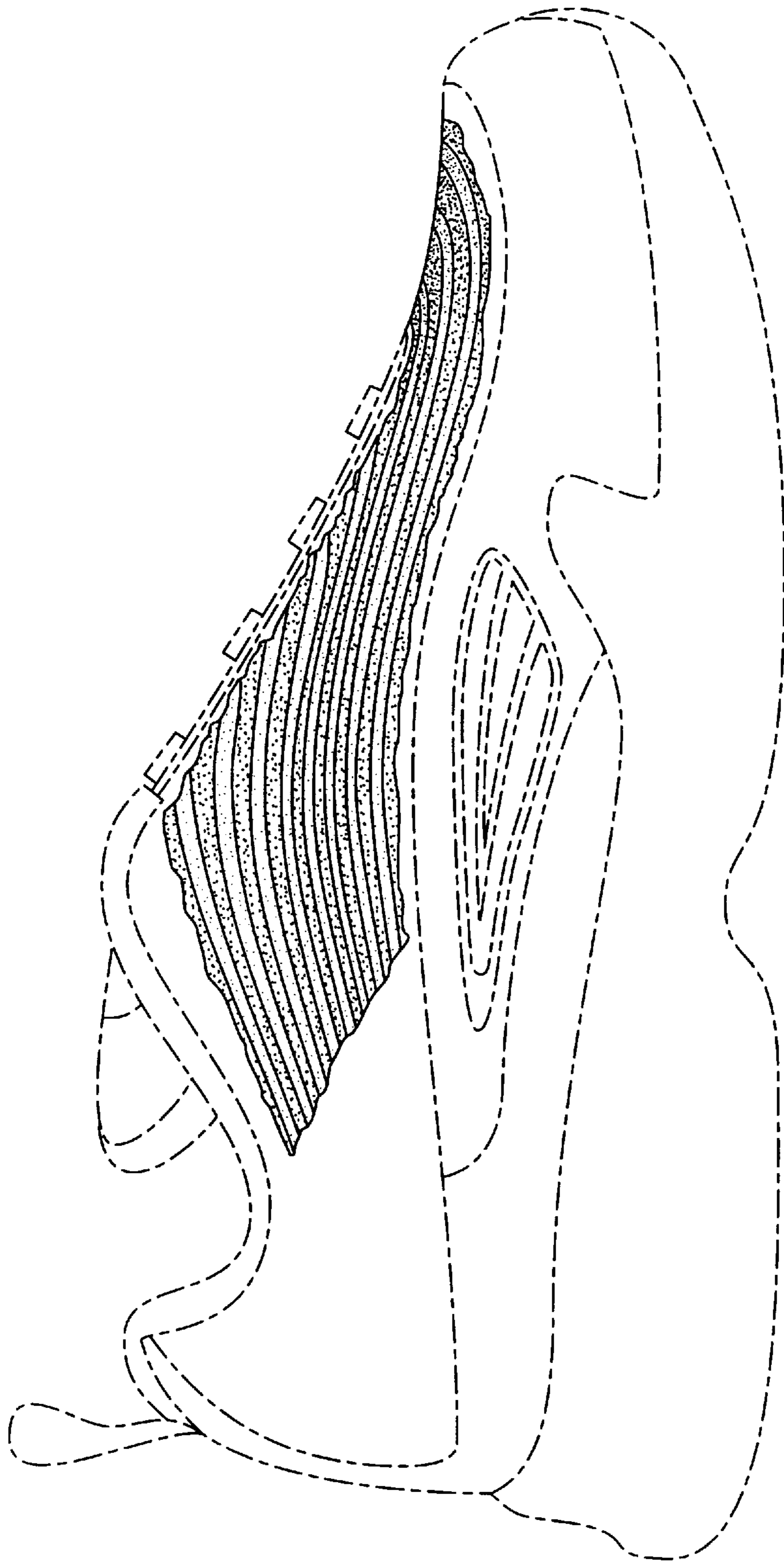


FIG. 2

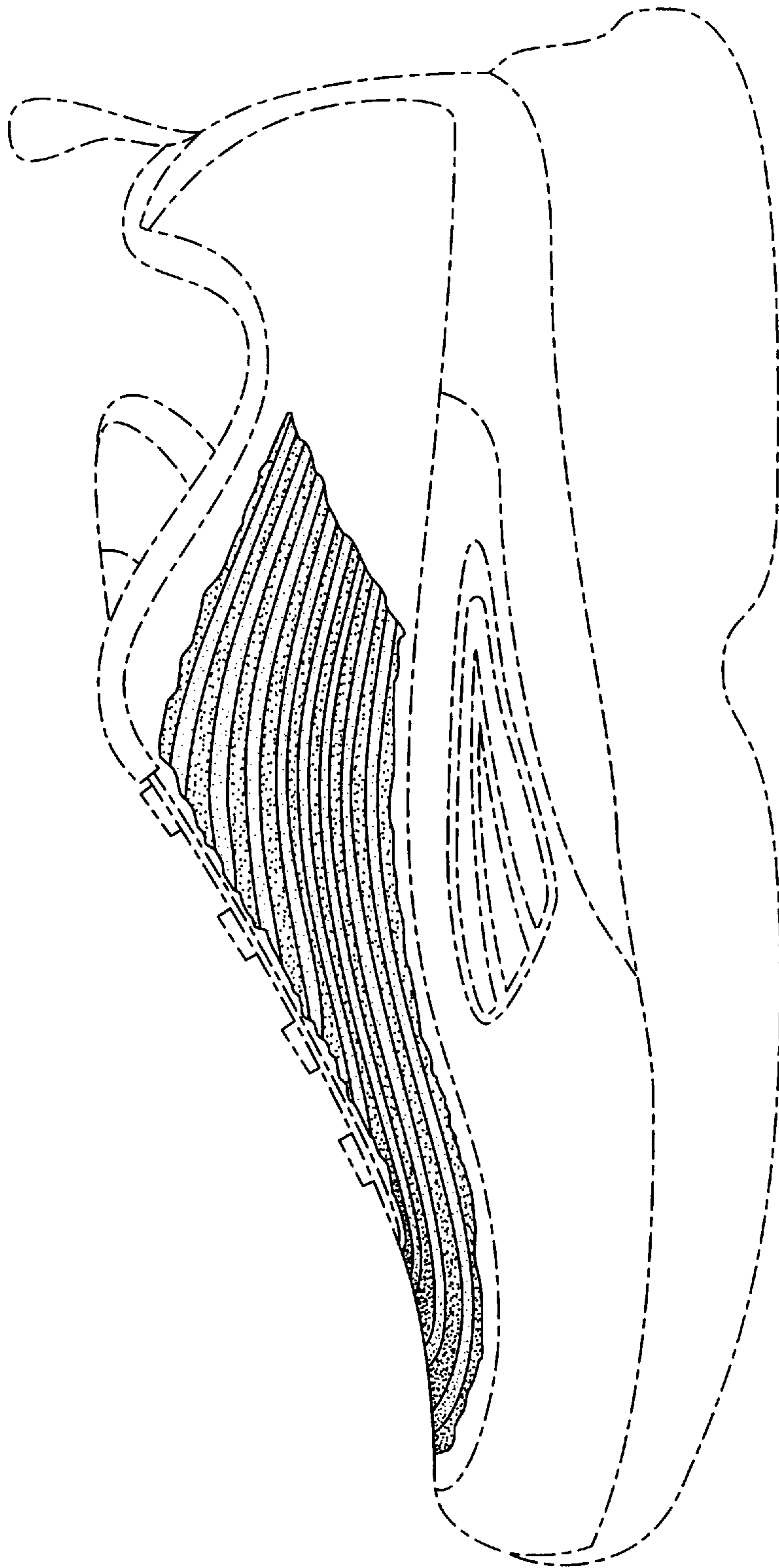


FIG. 3

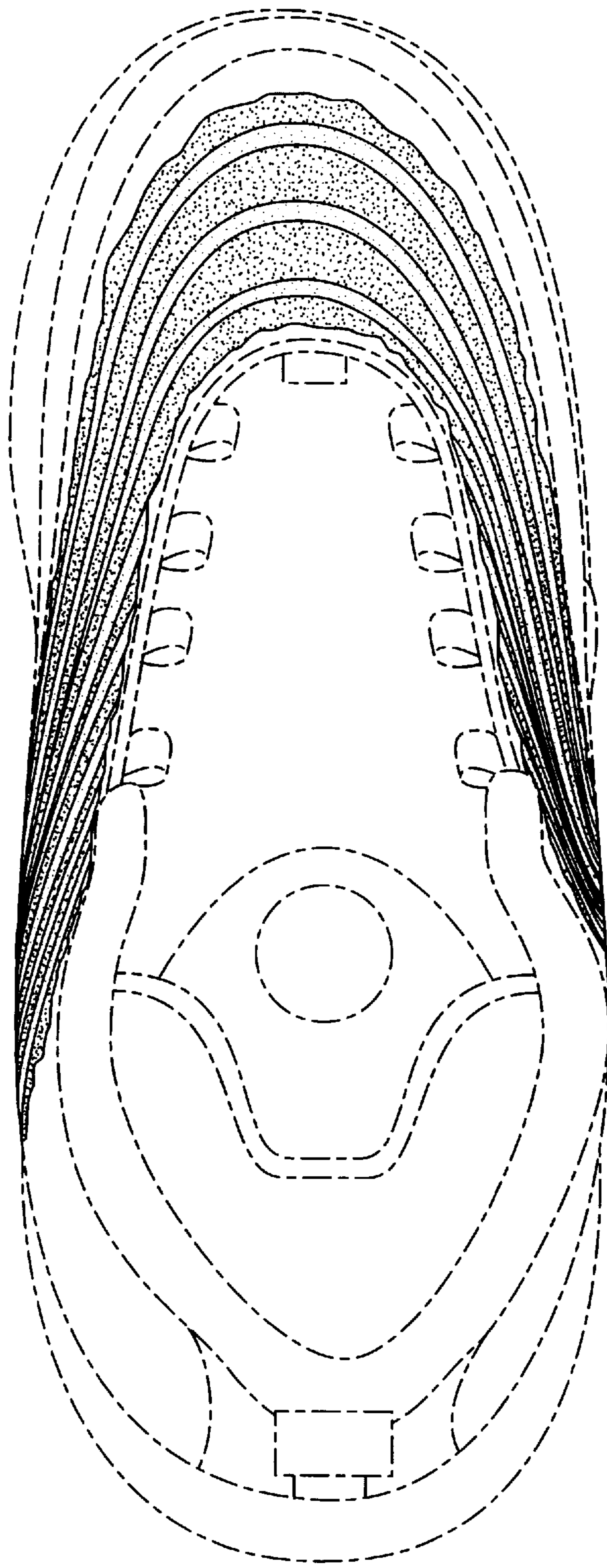


FIG. 4

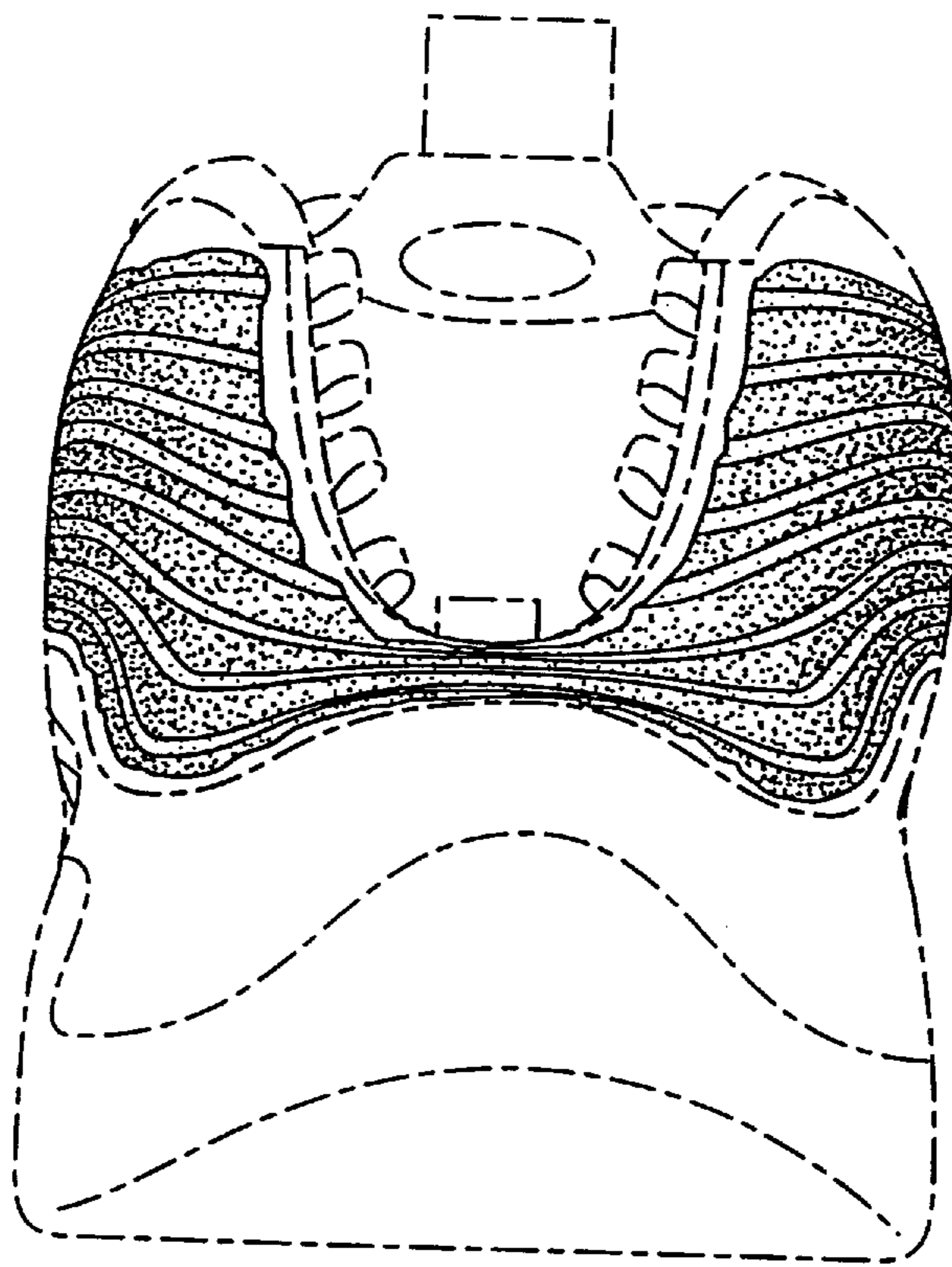


FIG. 5