



US00D408981S

# United States Patent [19] Smith

[11] **Patent Number: Des. 408,981**

[45] **Date of Patent: \*\* May 4, 1999**

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

[75] Inventor: **Mark J. Smith**, Beaverton, Oreg.

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

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

[21] Appl. No.: **29/097,966**

[22] Filed: **Dec. 18, 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

Nike Footwear Catalog, Fall 1998, pp. 62 and 89. Published Dec. 1997.

Nike Footwear Catalog, Fall 1997, p. 33. Published Dec. 1996.

Nike Footwear Catalog, Spring 1997, p. 41. Published Jun. 1996.

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

[57] **CLAIM**

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

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

- D. 239,342 3/1976 Dassler .
- D. 255,171 6/1980 Bowers .
- D. 300,982 5/1989 Swett .
- D. 335,389 5/1993 Hatfield et al. .
- D. 380,082 6/1997 Hatfield .
- D. 385,408 10/1997 Kuerbis .
- D. 390,694 2/1998 Lozano .
- D. 397,241 8/1998 Hatfield et al. .... D2/972
- D. 402,098 12/1998 Cooper ..... D2/972
- 493,813 3/1893 Bertram .

**OTHER PUBLICATIONS**

Nike Footwear Catalog, Spring 1999, pp. M126 and M128. Published Jun. 1998.

Nike Footwear Catalog, Holiday 1998, p. M87. Published Mar. 1998.

**DESCRIPTION**

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

FIG. 2 is a perspective view thereof;

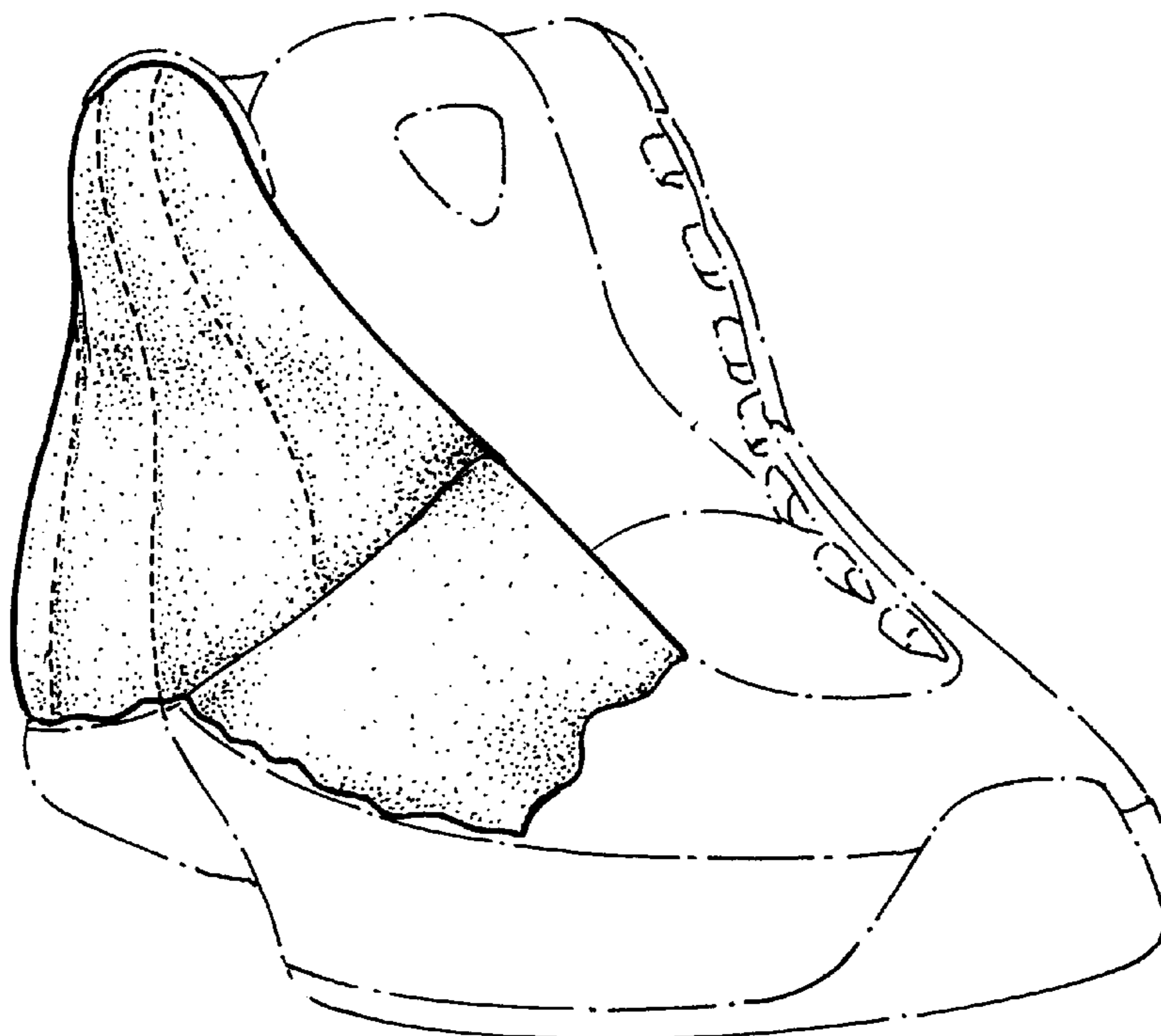
FIG. 3 is a front elevational view thereof;

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

FIG. 5 is a top plan view thereof.

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

**1 Claim, 2 Drawing Sheets**



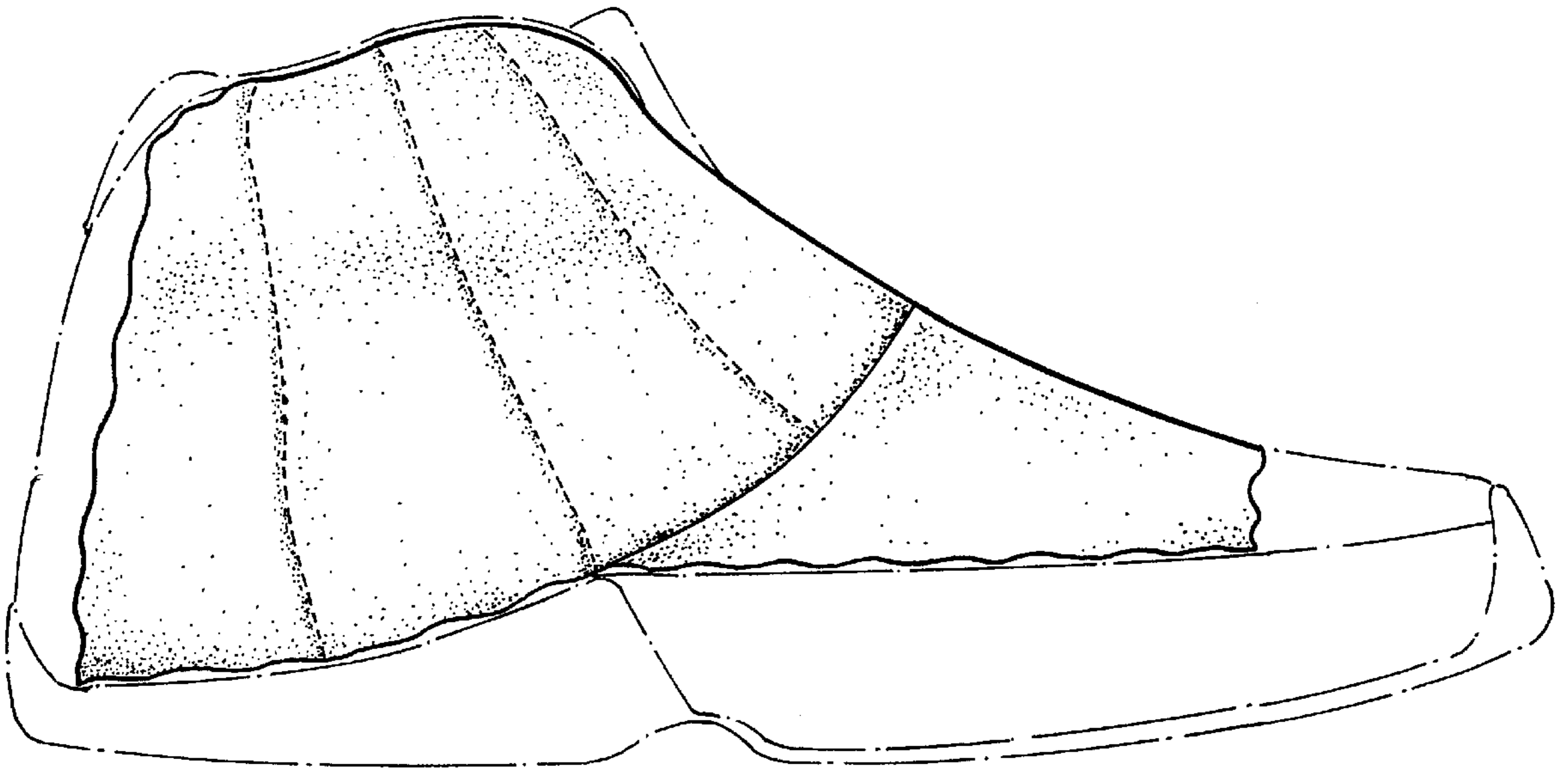


FIG. 1

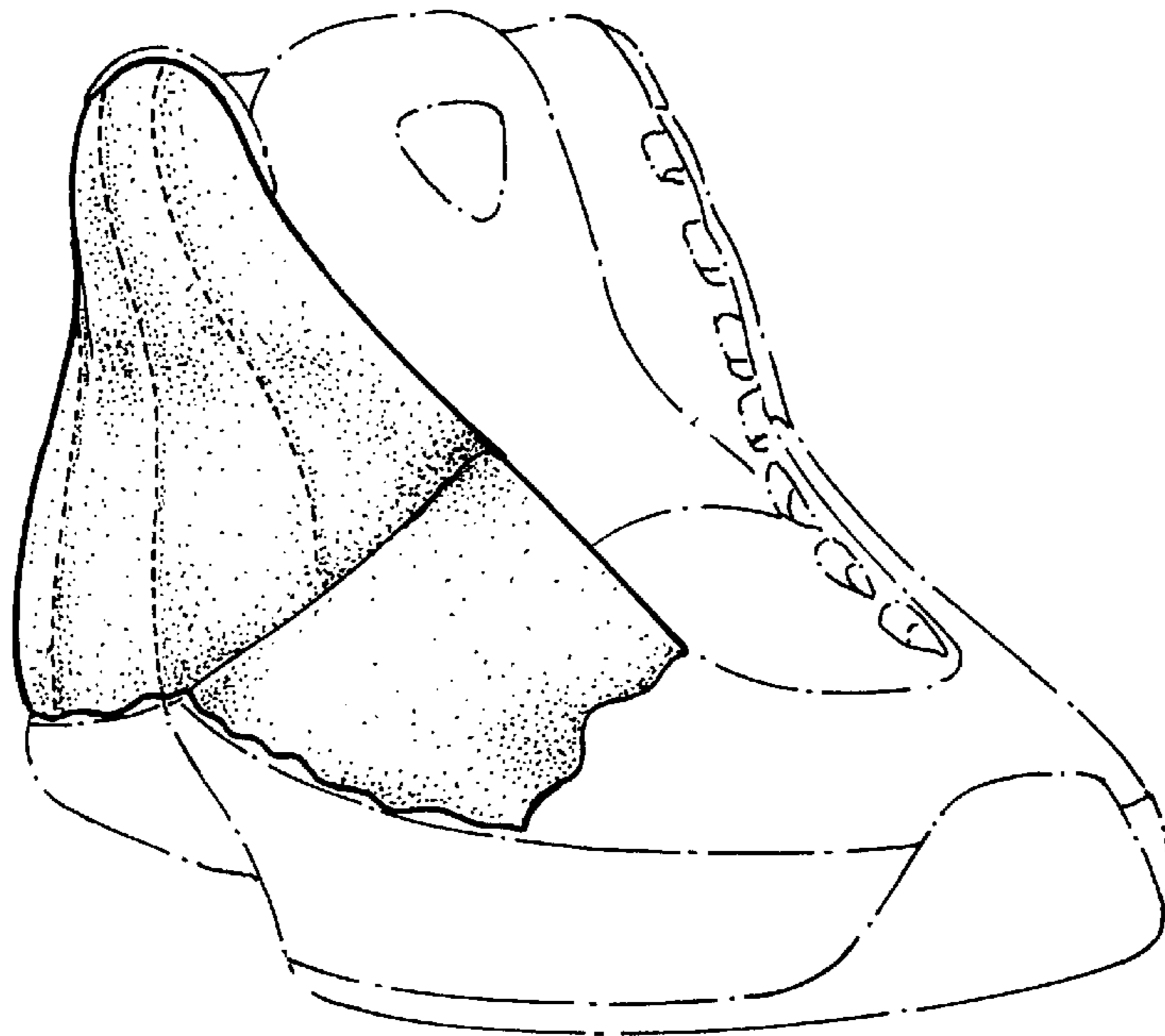


FIG. 2

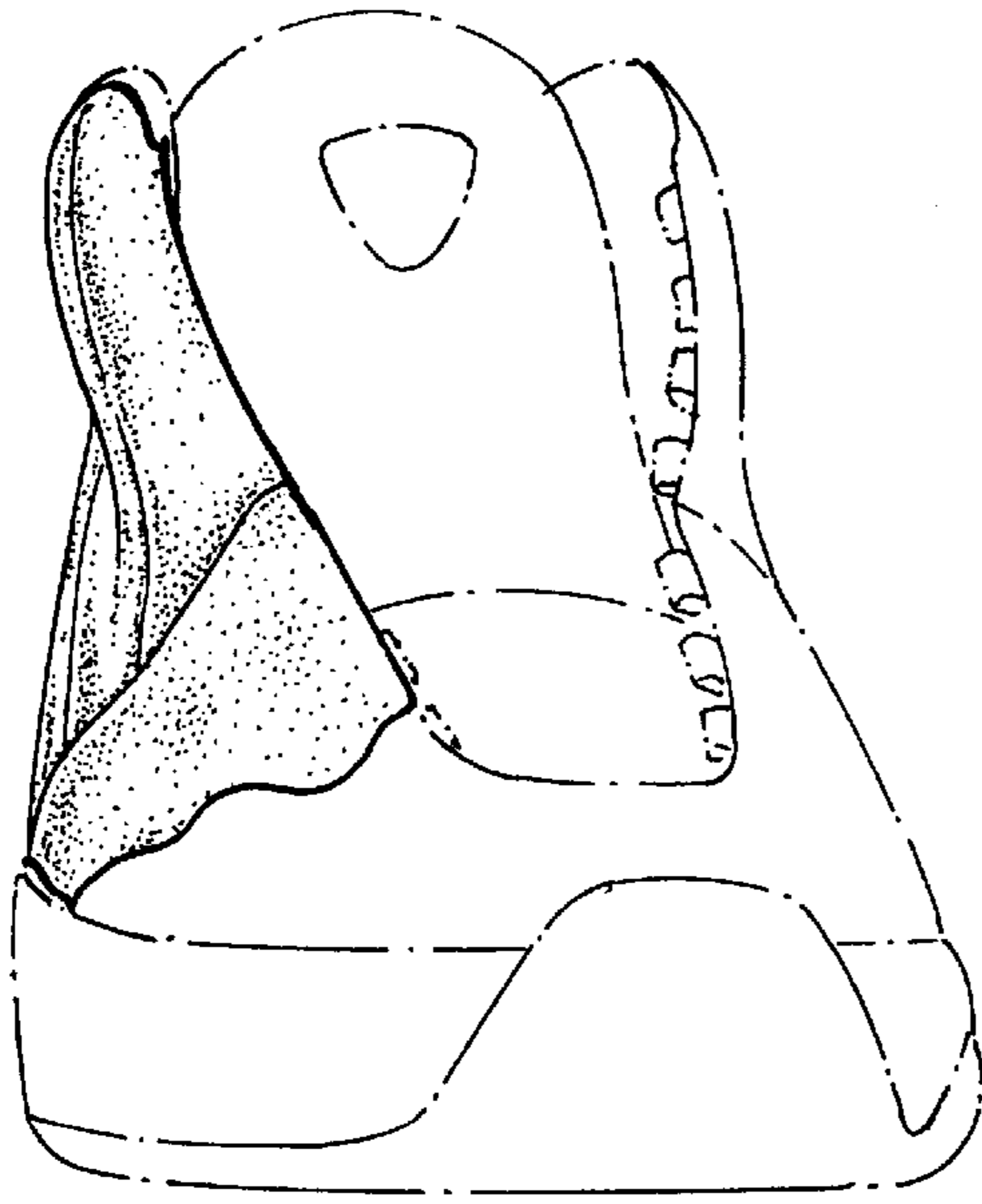


FIG. 3

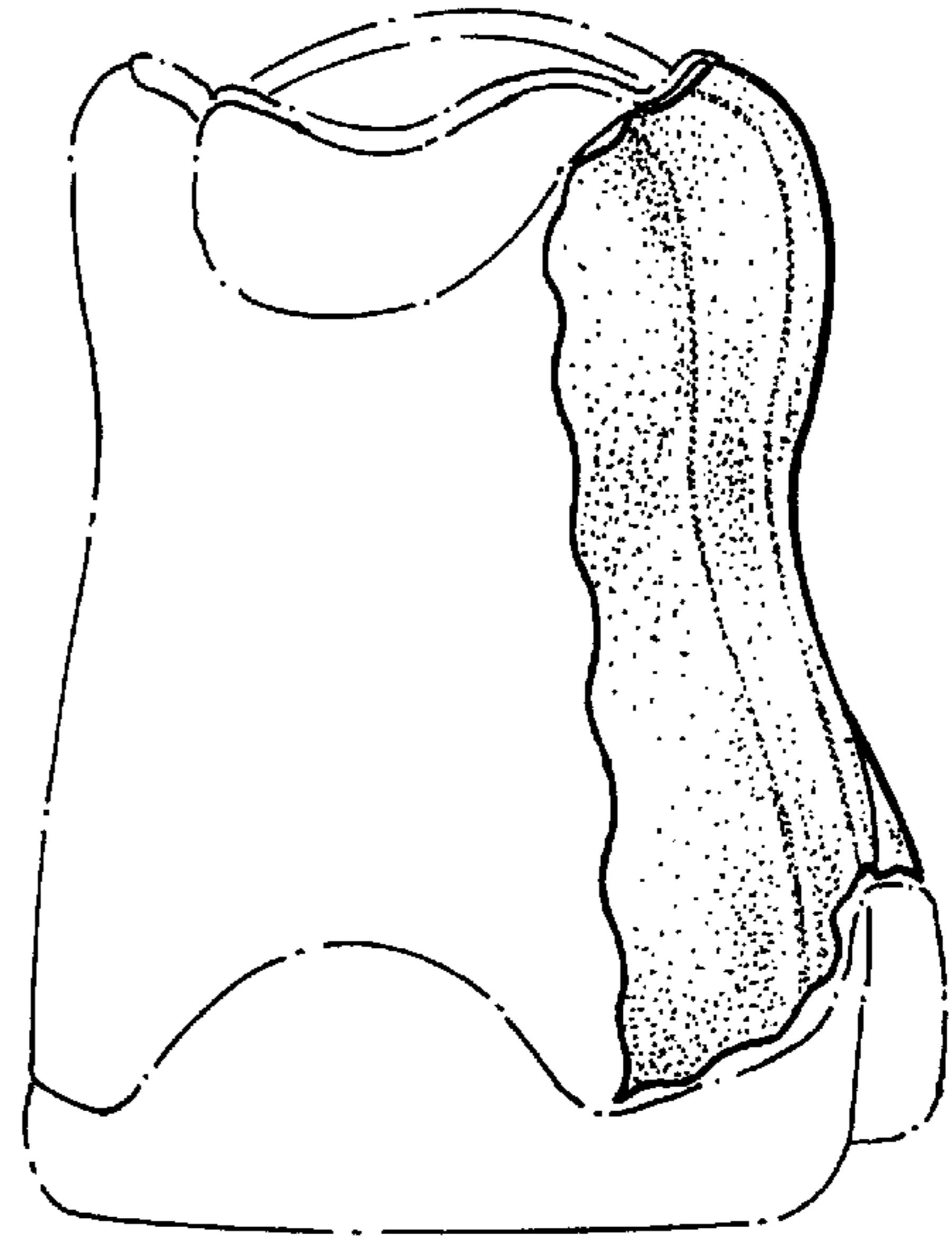


FIG. 4

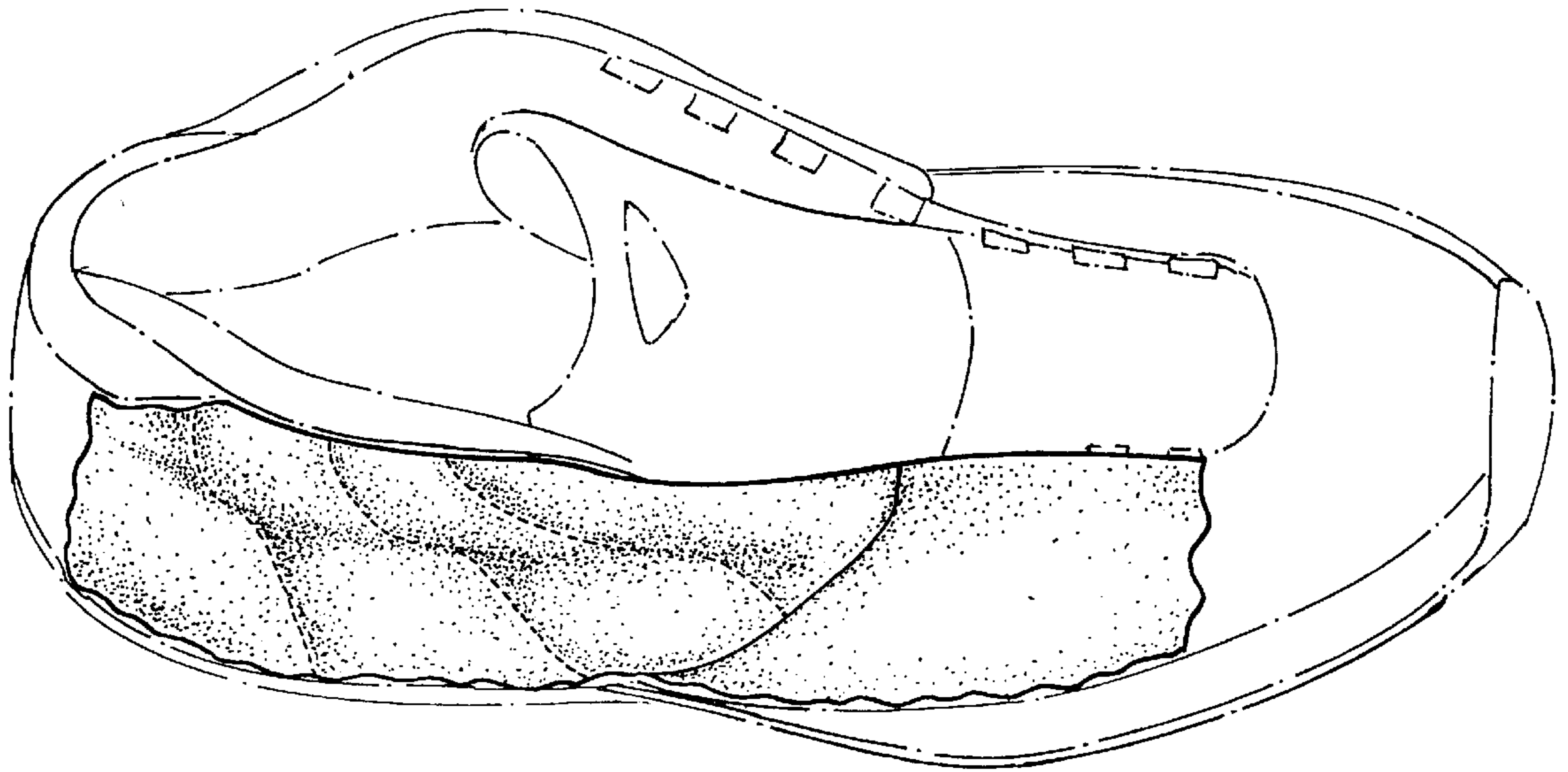


FIG. 5