



US00D440390S

(12) **United States Design Patent**  
**McCourt**

(10) **Patent No.:** **US D440,390 S**

(45) **Date of Patent:** **\*\* Apr. 17, 2001**

(54) **PORTION OF A SHOE UPPER**

D. 433,220 \* 11/2000 Fogg ..... D2/972

(75) Inventor: **Robert McCourt**, Portland, OR (US)

**OTHER PUBLICATIONS**

(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)

Nike Late Spring 2001 Footwear Catalog, pp. M10, M20, M24, and W19, published Jun. 2000.

(\*\*) Term: **14 Years**

Nike Spring 1999 Footwear Catalog, p. M102, published Jun. 1998.

(21) Appl. No.: **29/130,863**

Nike Holiday 1997 Footwear Catalog, pp. 190 and 191, published Mar. 1997.

(22) Filed: **Oct. 11, 2000**

Nike Late Spring 1996 Footwear Catalog, p. 20, published Aug. 1995.

(51) **LOC (7) Cl.** ..... **02-99**

Nike Fall 1994 Footwear Catalog, pp. 5 and 122, published Nov. 1993.

(52) **U.S. Cl.** ..... **D2/972**

(58) **Field of Search** ..... D2/896, 902, 907, D2/943, 944, 969, 972, 973; 36/45, 50.1, 51, 77 M, 77 R, 81, 83, 88, 113, 114, 126-130

Nike Holiday 1994 Footwear Catalog, p. 16, published Mar. 1994.

\* cited by examiner

(56) **References Cited**

*Primary Examiner*—Dominic Simone

**U.S. PATENT DOCUMENTS**

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

- D. 304,387 11/1989 Brown .
- D. 320,689 10/1991 Smith .
- D. 331,484 12/1992 Feller .
- D. 342,599 12/1993 Luke .
- D. 347,109 5/1994 Avar .
- D. 348,979 7/1994 Greene .
- D. 352,162 11/1994 Morris .
- D. 357,796 5/1995 Crowley, II .
- D. 377,712 2/1997 Avar et al. .
- D. 378,473 3/1997 Feller .
- D. 381,496 7/1997 Smith .
- D. 384,053 9/1997 Smith, III .
- D. 385,989 11/1997 Feller .
- D. 387,549 12/1997 Rusnak .
- D. 395,354 \* 6/1998 Avar ..... D2/972
- D. 398,758 9/1998 Hlavacs .
- D. 422,130 4/2000 Doxey .
- D. 423,206 \* 4/2000 Fallon ..... D2/972
- D. 428,247 7/2000 Selbiger .

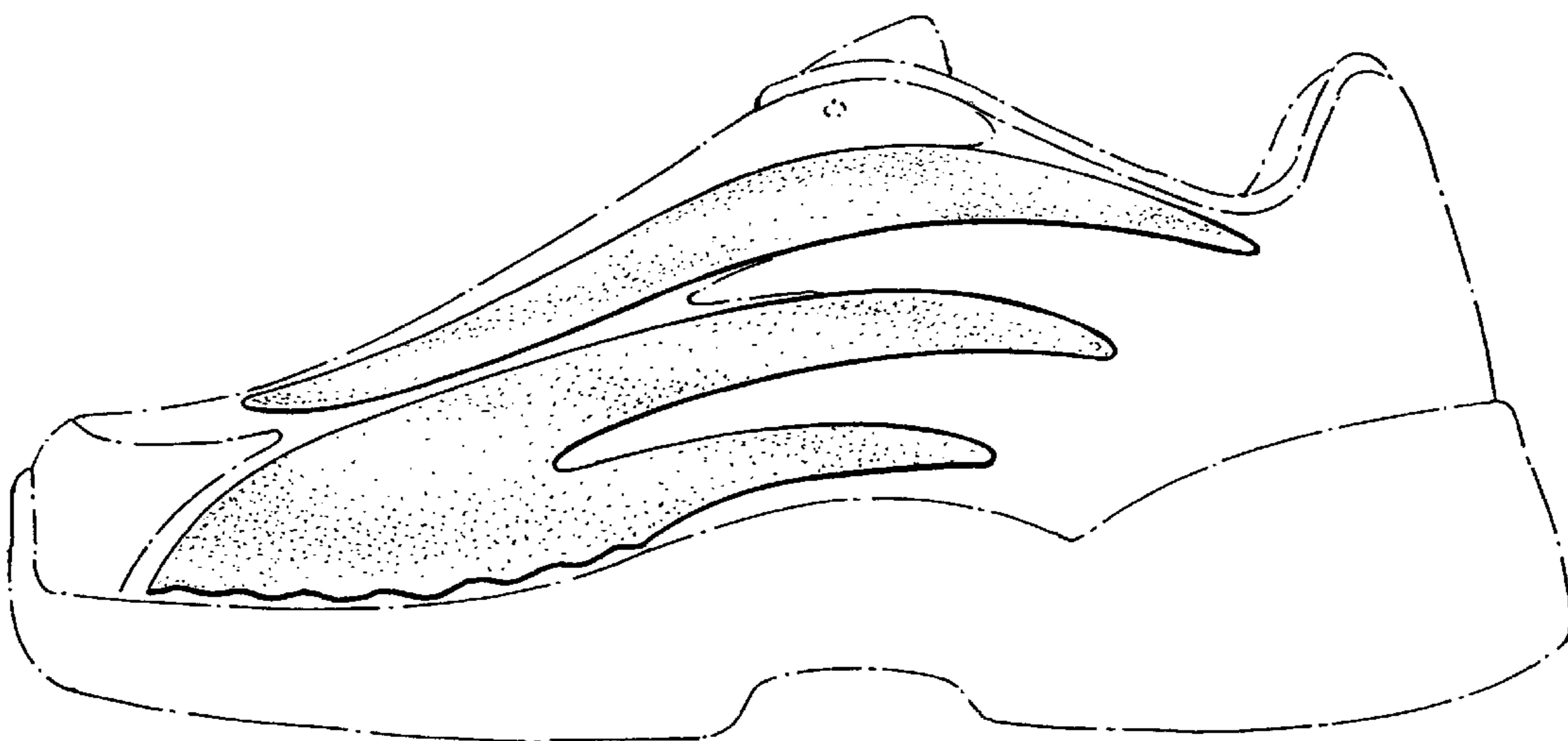
(57) **CLAIM**

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 thereof;  
FIG. 3 is a front view thereof;  
FIG. 4 is a rear view thereof; and,  
FIG. 5 is a top plan view thereof.  
The 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**



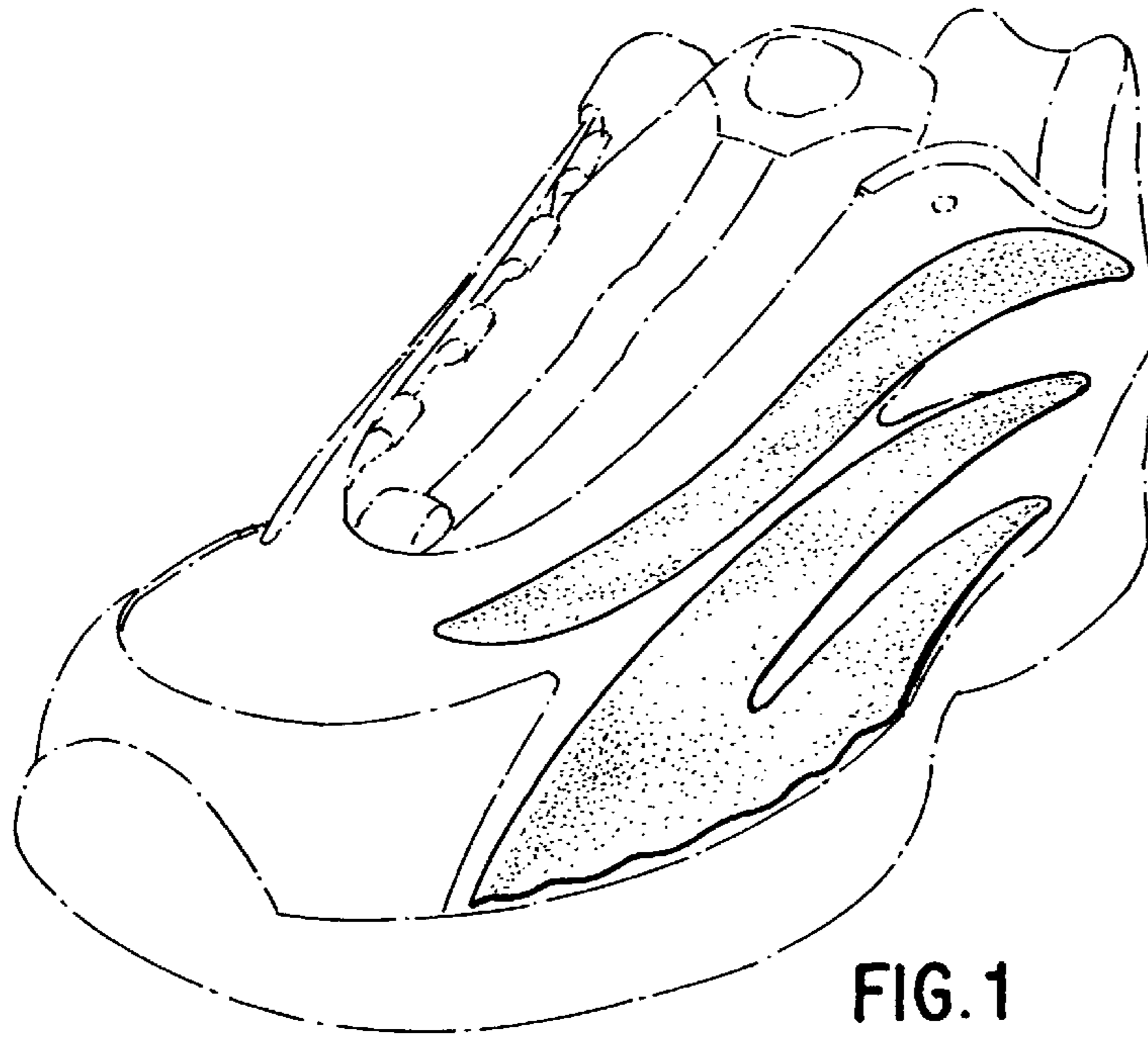


FIG. 1

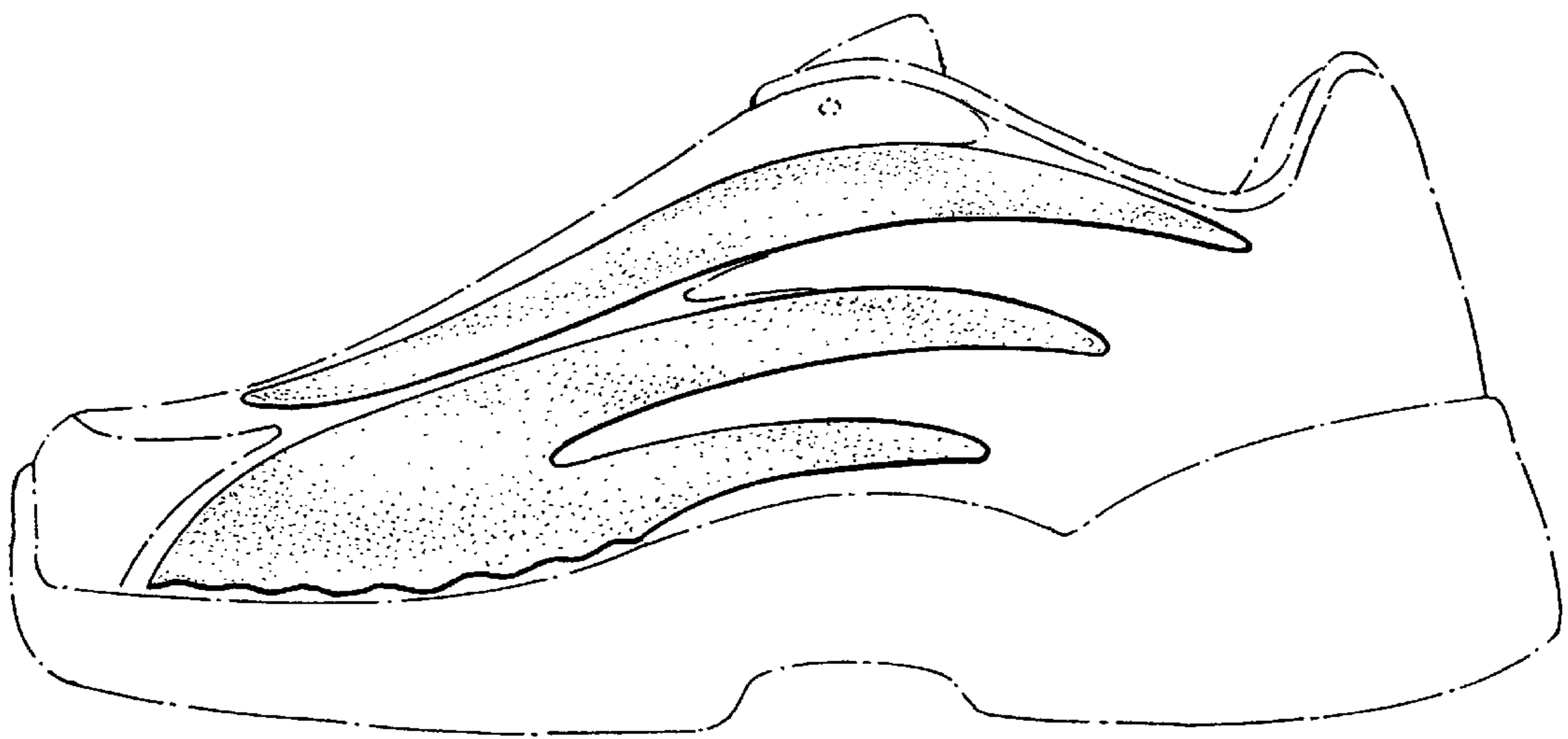


FIG. 2

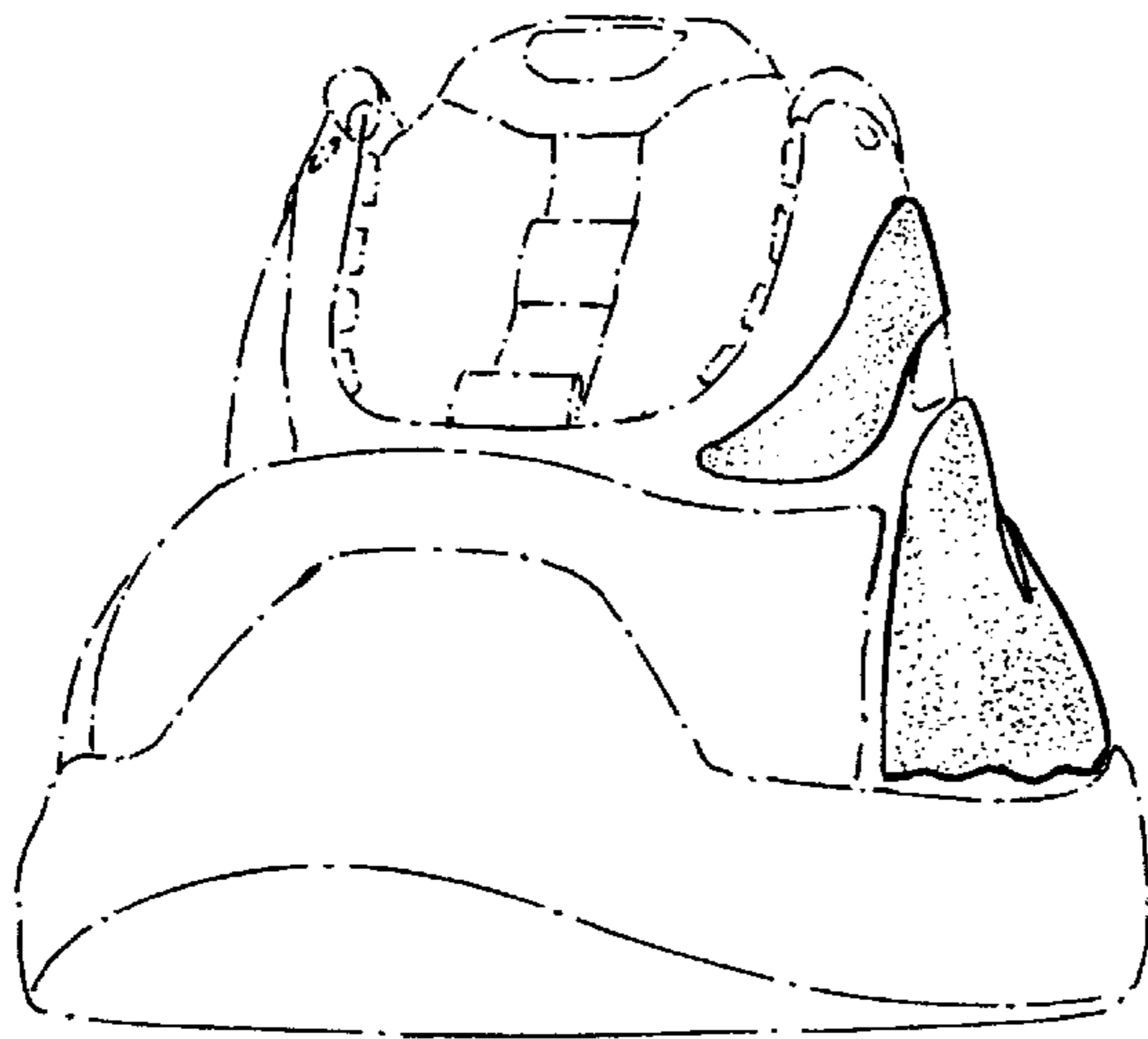


FIG. 3

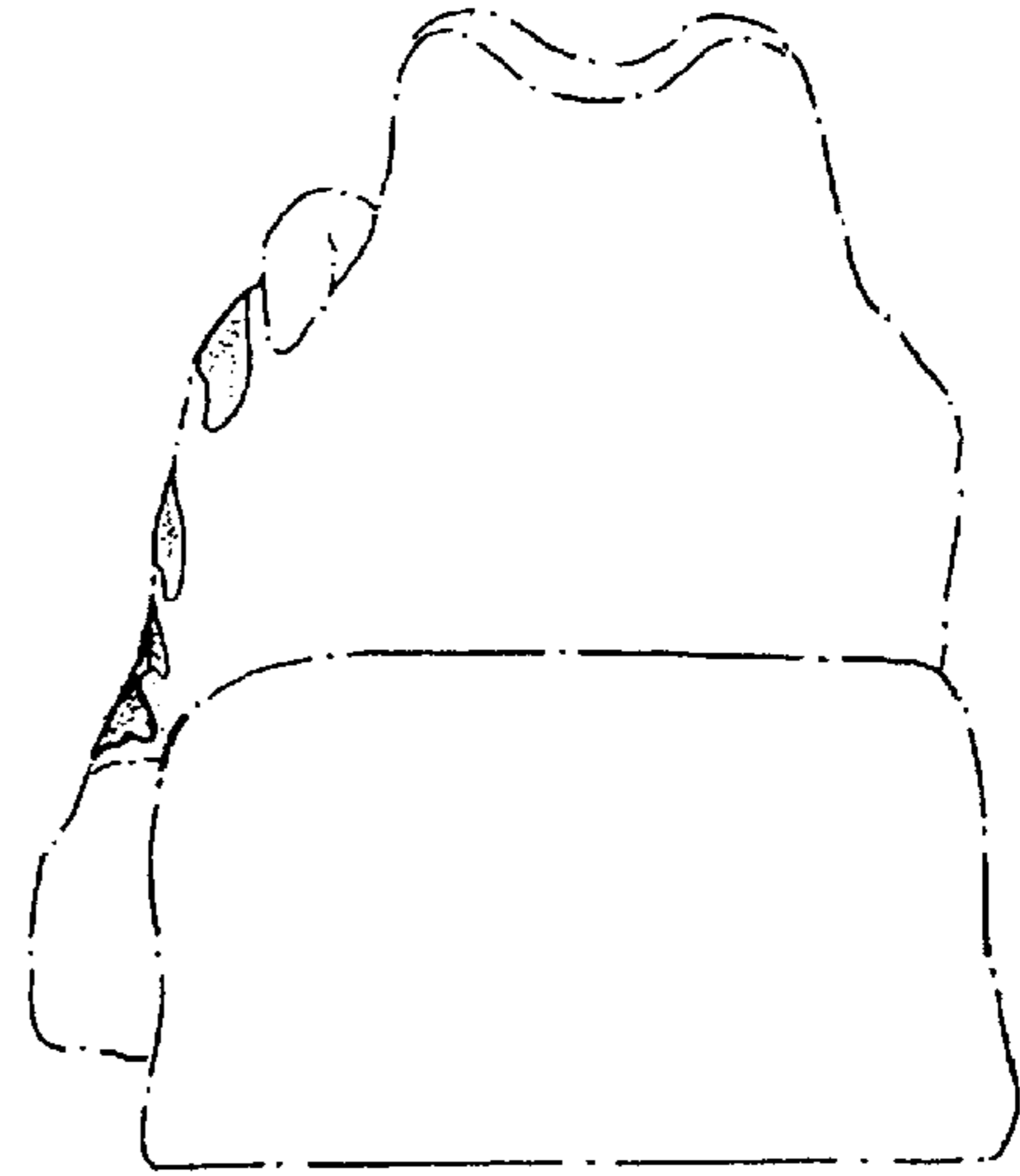


FIG. 4

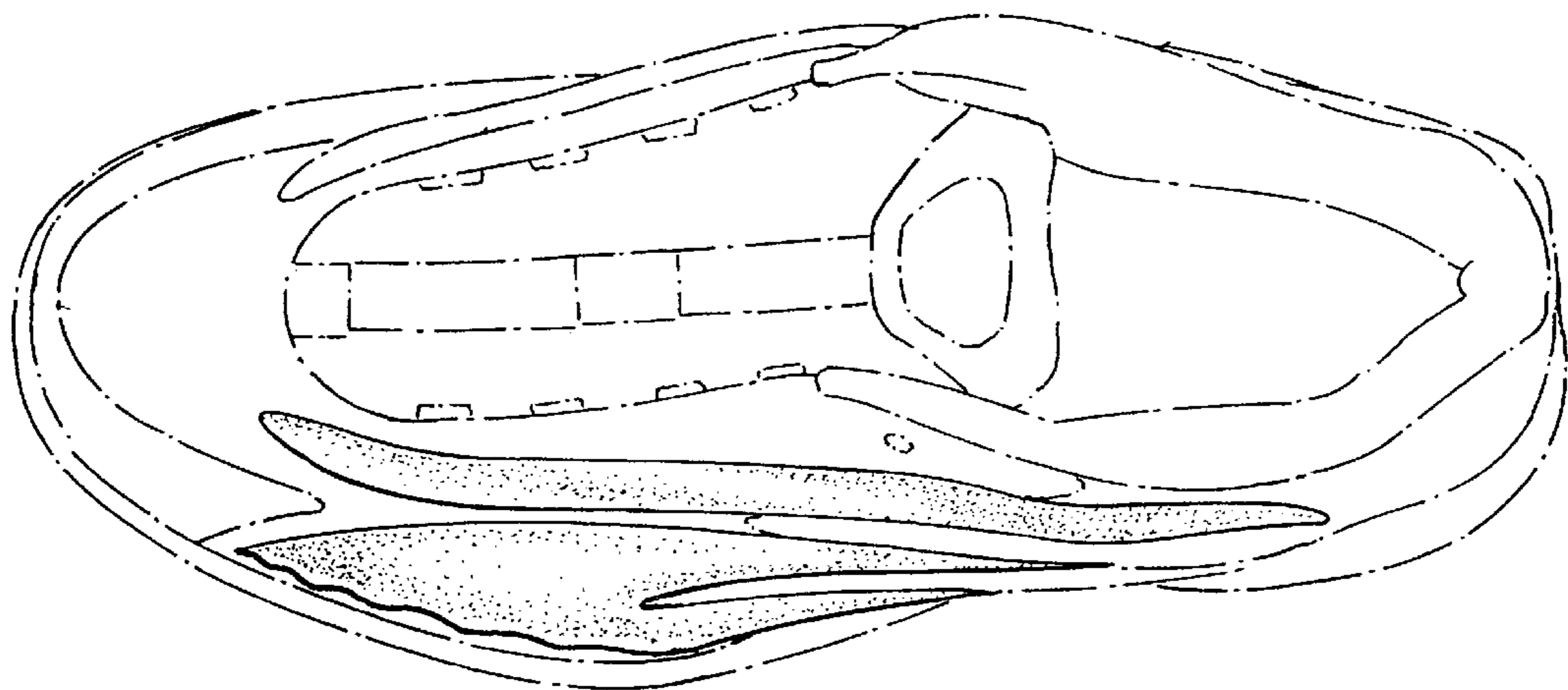


FIG. 5