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(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.

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Primary Examiner—Dominic Simone

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

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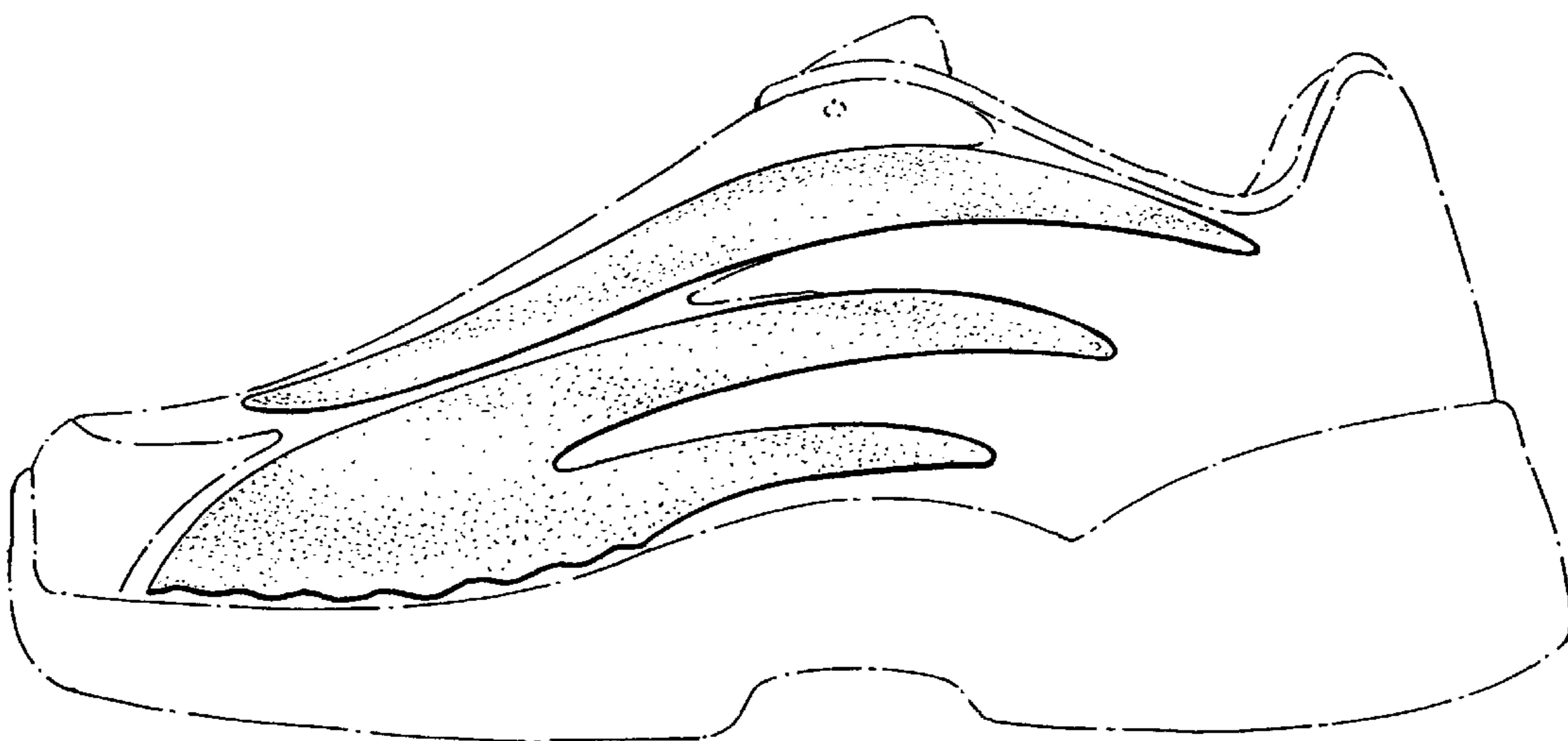
(57) **CLAIM**

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 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



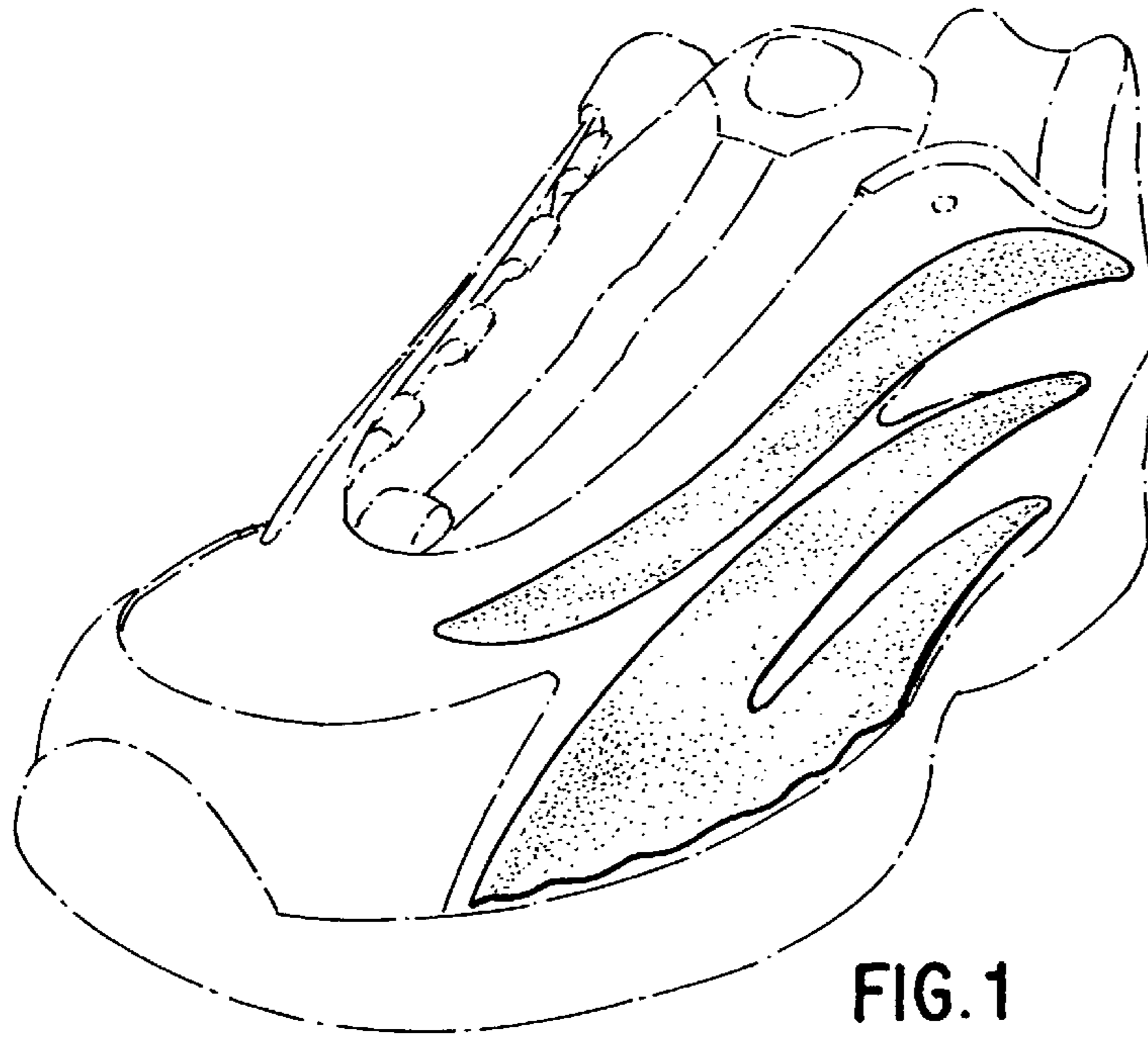


FIG. 1

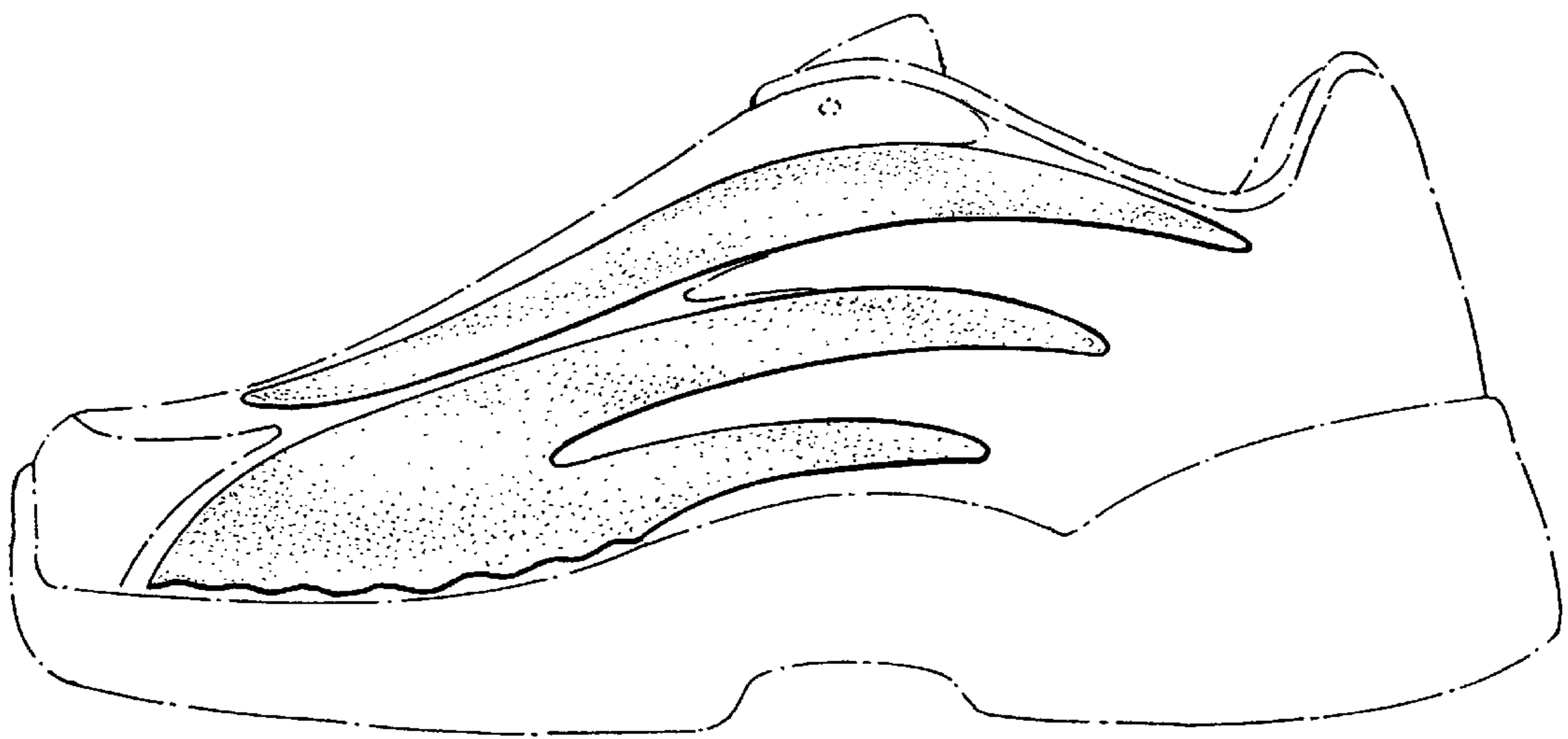


FIG. 2

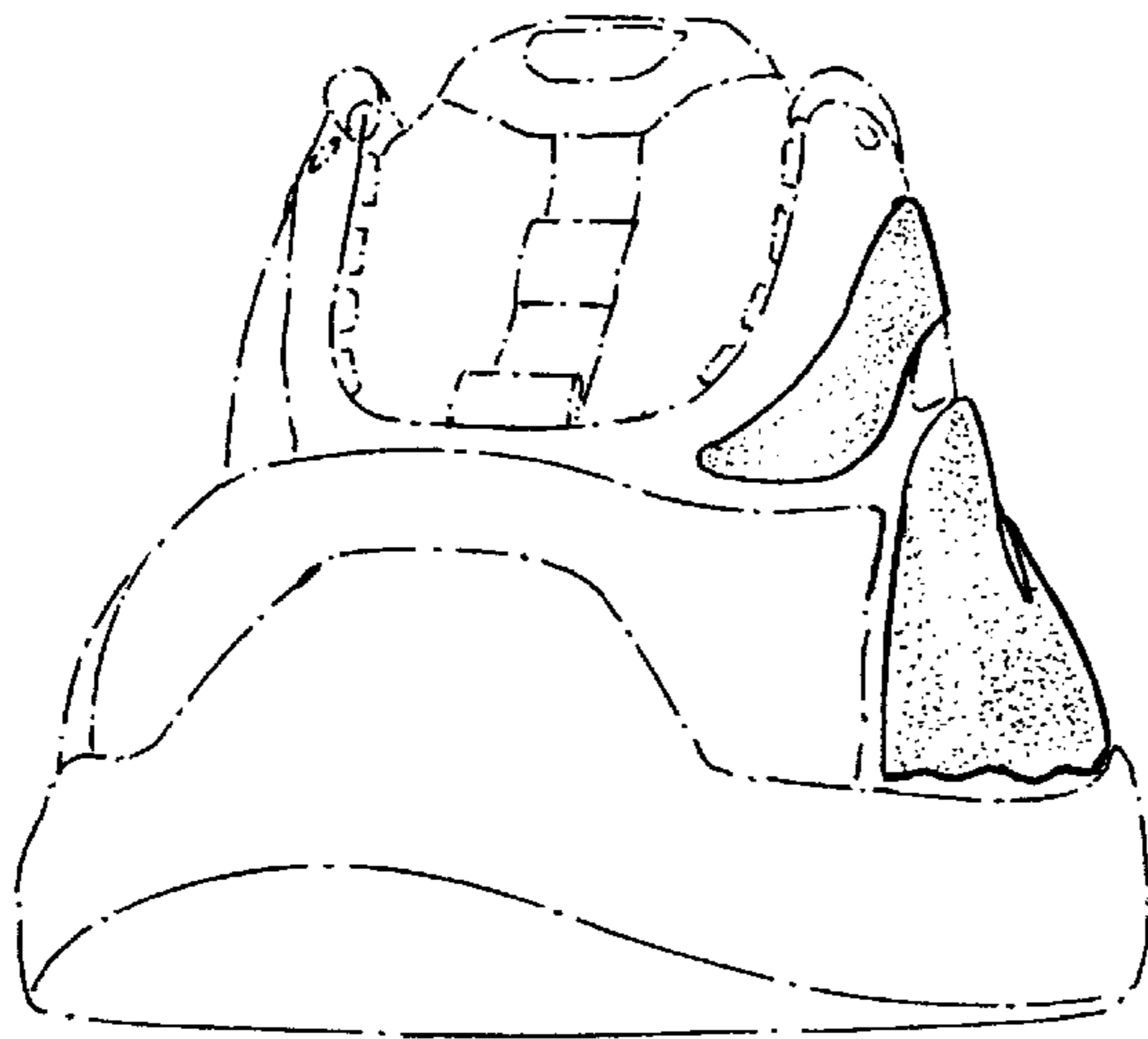


FIG. 3

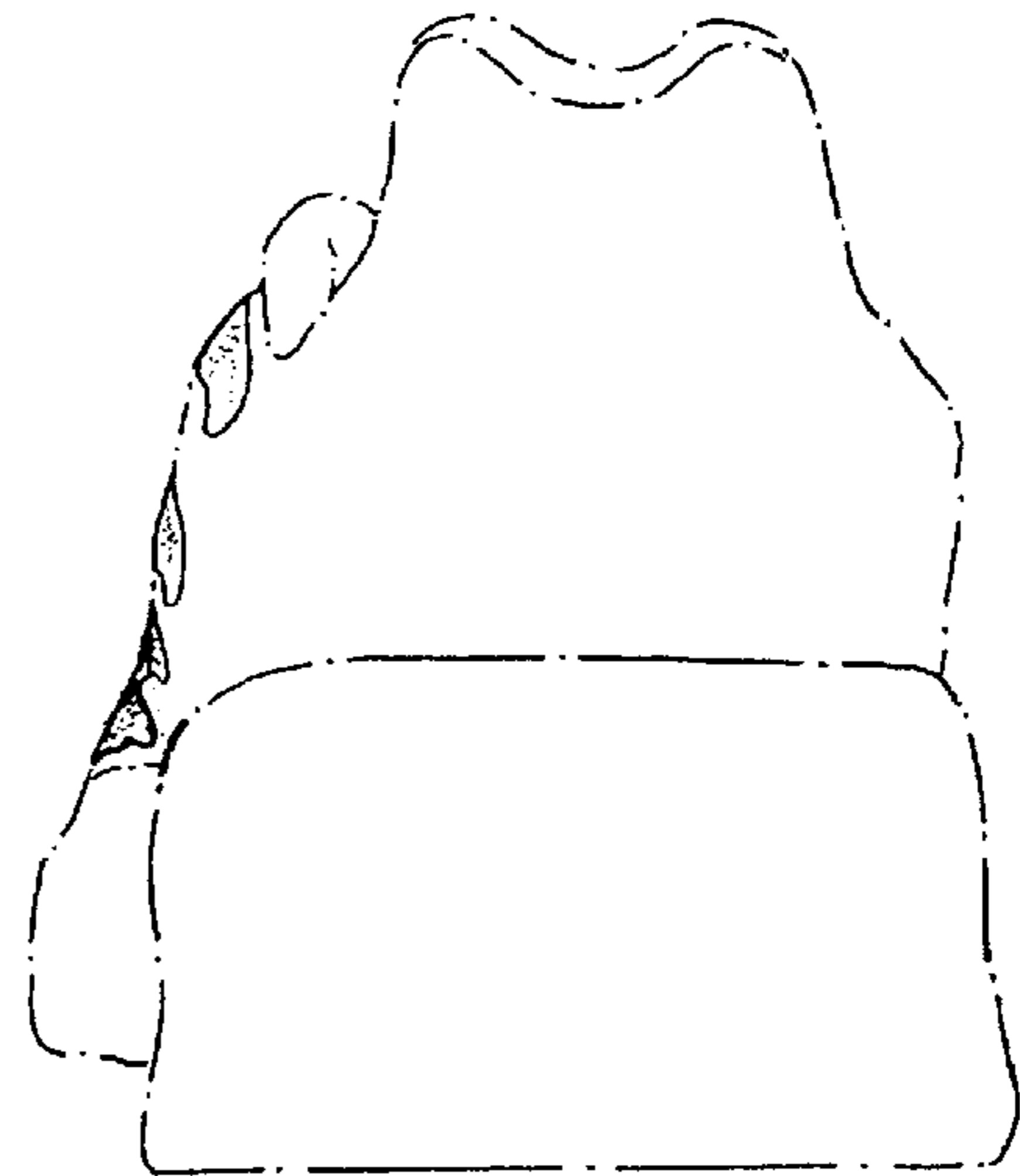


FIG. 4

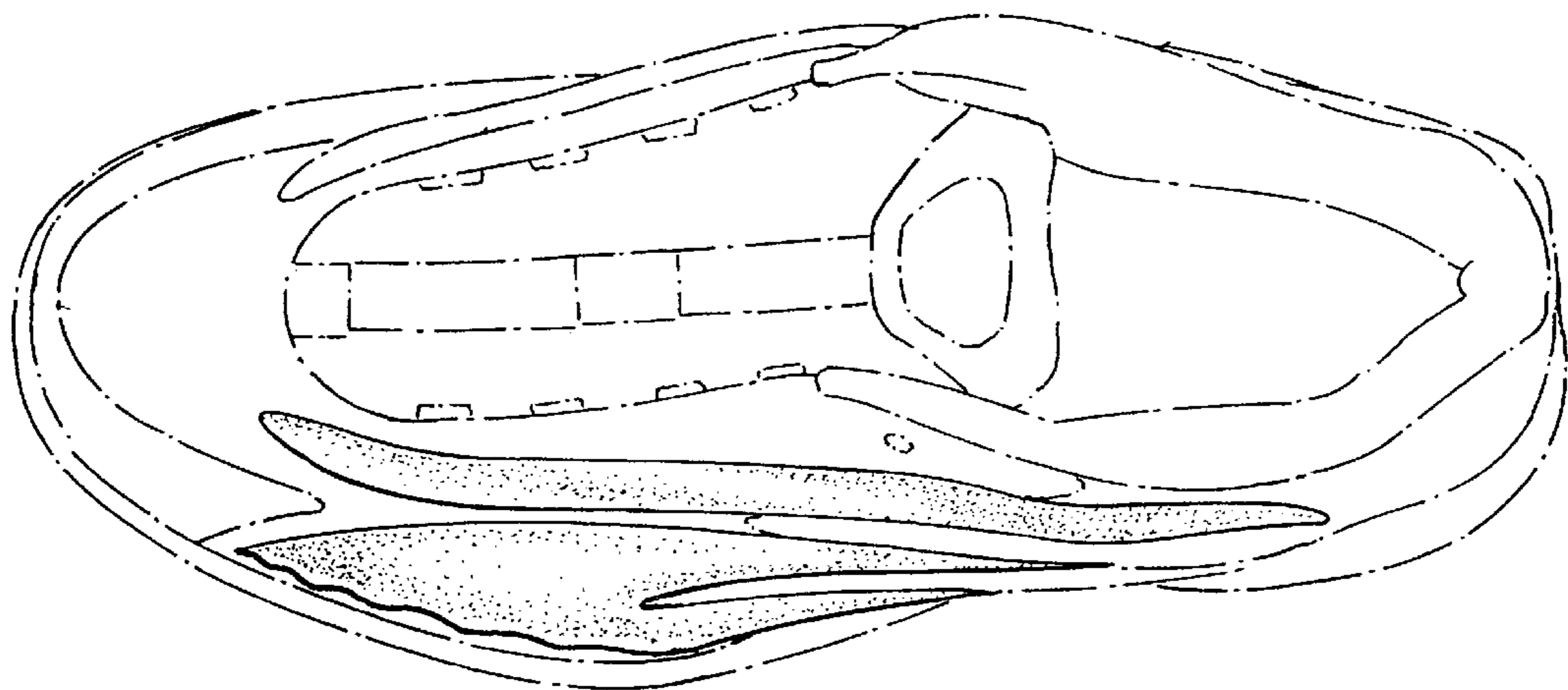


FIG. 5