

### (12) United States Design Patent (10) Patent No.: US D440,391 S Fogg (45) Date of Patent: \*\* Apr. 17, 2001

#### (54) SIDE ELEMENT OF A SHOE UPPER

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- (73) Assignee: Nike, Inc., Beaverton, OR (US)
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"Nike Footwear Catalog," Spring 1998, published Jun. 1, 1997 (p. 107), Beaverton, Oregon. "Nike Footwear Catalog," Fall 1998, published Nov. 1, 1997 (p. W7), Beaverton, Oregon. "Nike Men's Footwear Catalog," Spring 1999, published Jun. 1, 1998 (pp. M18, M21, M30,), Beaverton, Oregon. "Nike Women's Footwear Catalog," Spring 1999, published Jun. 1, 1998 (pp. W19, W31), Beaverton, Oregon. "Nike Men's Footwear Catalog," Fall 1999, published Nov. 1, 1998 (p. M76), Beaverton, Oregon. "Nike Women's Footwear Catalog," Fall 1999, published Nov. 1, 1998 (pp. W12, W26), Beaverton, Oregon. "Nike Women's Footwear Catalog," Fall 2000, published Nov. 1, 1999 (p. W95), Beaverton, Oregon. "Nike Men's Footwear Catalog" Holiday 2000, published Mar. 1, 2000 (p. 81), Beaverton, Oregon. "Nike Women's Footwear Catalog" Holiday 2000, published Mar. 1, 2000 (p. 28), Beaverton, Oregon.

- (56) **References Cited**

#### U.S. PATENT DOCUMENTS

D. 333,033	2/1993	Bailey .
D. 351,721	10/1994	Kittle .
D. 351,722	10/1994	Earle .
D. 351,938	11/1994	Adams et al
D. 408,986	5/1999	Gray et al
D. 417,776	12/1999	McDowell .
D. 419,758	2/2000	Hudson .
D. 422,130	4/2000	Doxey .
D. 433,218	* 11/2000	Lupo D2/972

#### OTHER PUBLICATIONS

"Nike Footwear Catalog," Spring 1994, published Jun. 1,

\* cited by examiner

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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 view of the side element of a shoe upper shown in FIG. 1;

1993 (p. 56), Beaverton, Oregon.

"Nike Footwear Catalog," Holiday 1995, published Mar. 1, 1995 (p. 6), Beaverton, Oregon.

"Nike Footwear Catalog," Spring 1996, published Jun. 1, 1995 (p. 9), Beaverton, Oregon.

"Nike Footwear Catalog," Late Spring 1996, published Aug. 1, 1995 (p. 49), Beaverton, Oregon.

"Nike Footwear Catalog," Spring 1997, published Jun. 1, 1996 (p. 54), Beaverton, Oregon.

"Nike Footwear Catalog," Late Spring 1997, published Sep.

1, 1996 (p. 168), Beaverton, Oregon.

"Nike Footwear Catalog," Holiday 1997, published Mar. 1, 1997 (p. 56), Beaverton, Oregon.

FIG. 3 is a front view of the side element of a shoe upper shown in FIG. 1;

FIG. 4 is a back view of the side element of a shoe upper shown in FIG. 1; and,

FIG. 5 is a top view of the side element of a shoe upper shown in FIG. 1.

The phantom lines showing portions of a shoe in FIGS. 1–5 are for illustrative purposes only and form no part of the claimed design.

1 Claim, 2 Drawing Sheets



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*Fig.* 2

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# *Fig.* 5