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

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

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

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

(21) Appl. No.: **29/118,799**

(22) Filed: **Feb. 16, 2000**

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

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

(58) **Field of Search** ..... D2/896, 902, 907,  
D2/943, 944, 969, 970, 972, 973; 36/45,  
50.1, 51, 77 M, 77 R, 83, 88, 89, 113,  
114, 126-130

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

- D. 397,855 9/1998 Clarke .
- D. 398,758 9/1998 Hlavacs .
- D. 398,759 9/1998 Hlavacs .
- D. 404,194 1/1999 Smith .
- D. 407,199 3/1999 Hardy .
- D. 410,327 6/1999 Lotti .
- D. 423,208 \* 4/2000 Cass et al. .... D2/972

**OTHER PUBLICATIONS**

- “Nike Footwear Catalog” Fall 1995, published Nov. 1, 1994 (p. 33), Beaverton, Oregon.
- “Nike Footwear Catalog” Late Spring 1996, published Aug. 1, 1995 (p. 5), Beaverton, Oregon.
- “Nike Footwear Catalog” Holiday 1996, published Mar. 1, 1996 (p. 6), Beaverton, Oregon.
- “Nike Footwear Catalog” Spring 1997, published Jun. 1, 1996 (pp. 7, 173), Beaverton, Oregon.

“Nike Footwear Catalog” Fall 1997, published Dec. 1, 1996 (p. 170), Beaverton, Oregon.

“Nike Footwear Catalog” Holiday 1998, published Feb. 1, 1998 (pp.M38), Beaverton, Oregon.

“Nike Footwear Catalog” Late Spring 1999, published Sep. 1, 1998 (p. M41), Beaverton, Oregon.

“Nike Footwear Catalog” Fall 1999, published Nov. 1, 1998 (pp. M10, M44), Beaverton, Oregon.

“Nike Footwear Catalog” Holiday 1999, published Mar. 1, 1999 (p. W12), Beaverton, Oregon.

“Nike Footwear Catalog” Fall 2000 “A” published Nov. 1, 1999 (pp. M17, M23, M70), Beaverton, Oregon.

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

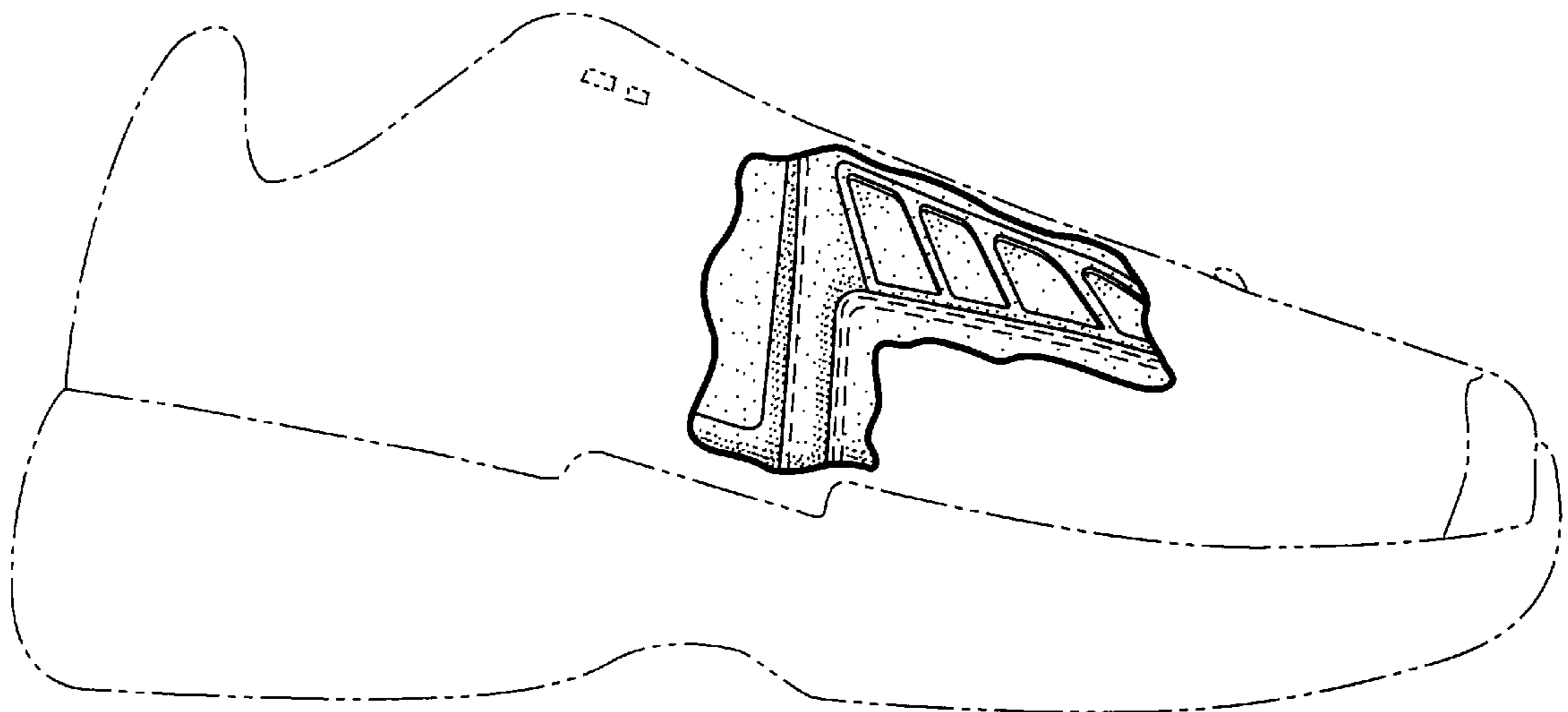
FIG. 3 is a front elevational view of the side element of a shoe upper shown in FIG. 1;

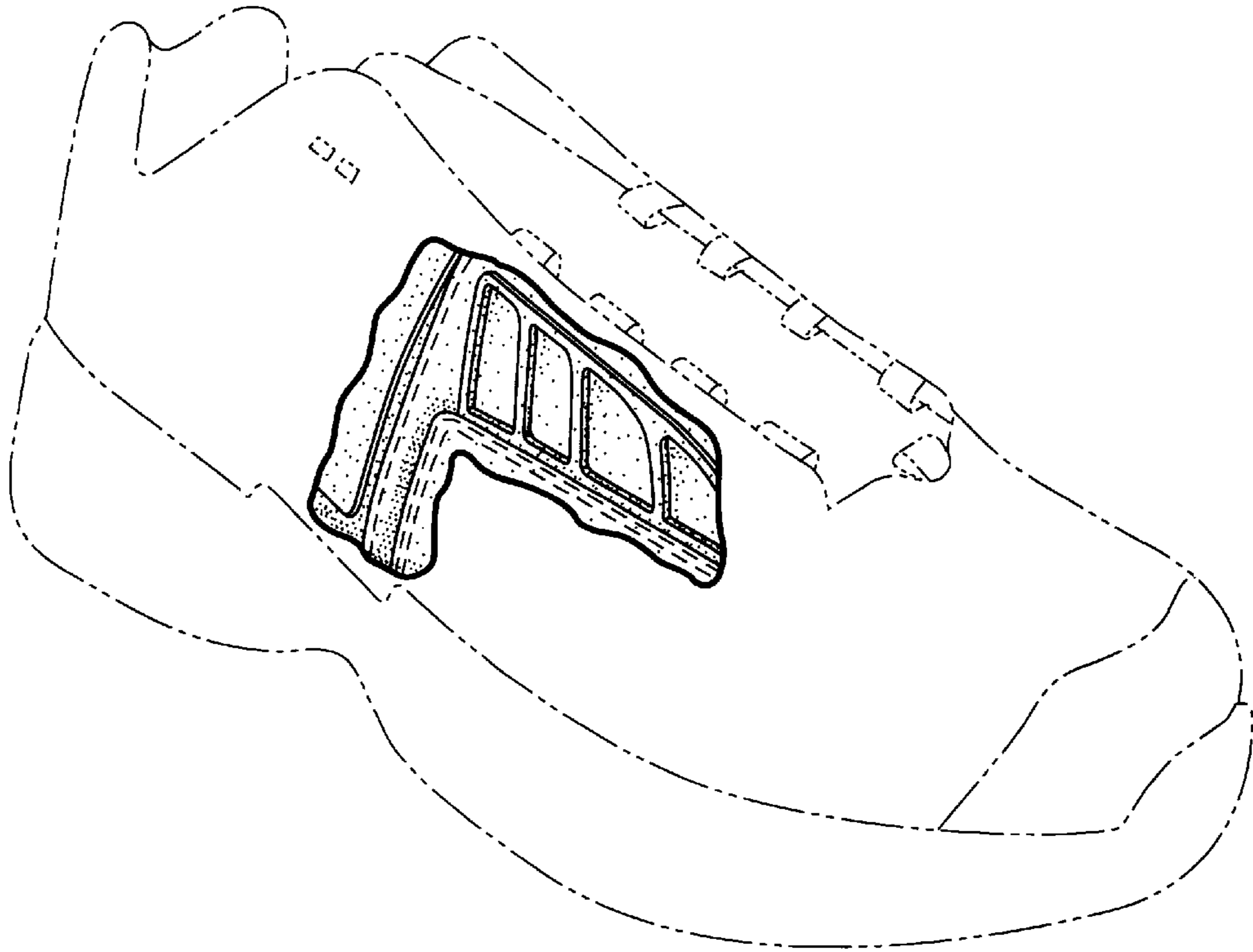
FIG. 4 is a rear elevational view of the side element of a shoe upper shown in FIG. 1; and,

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

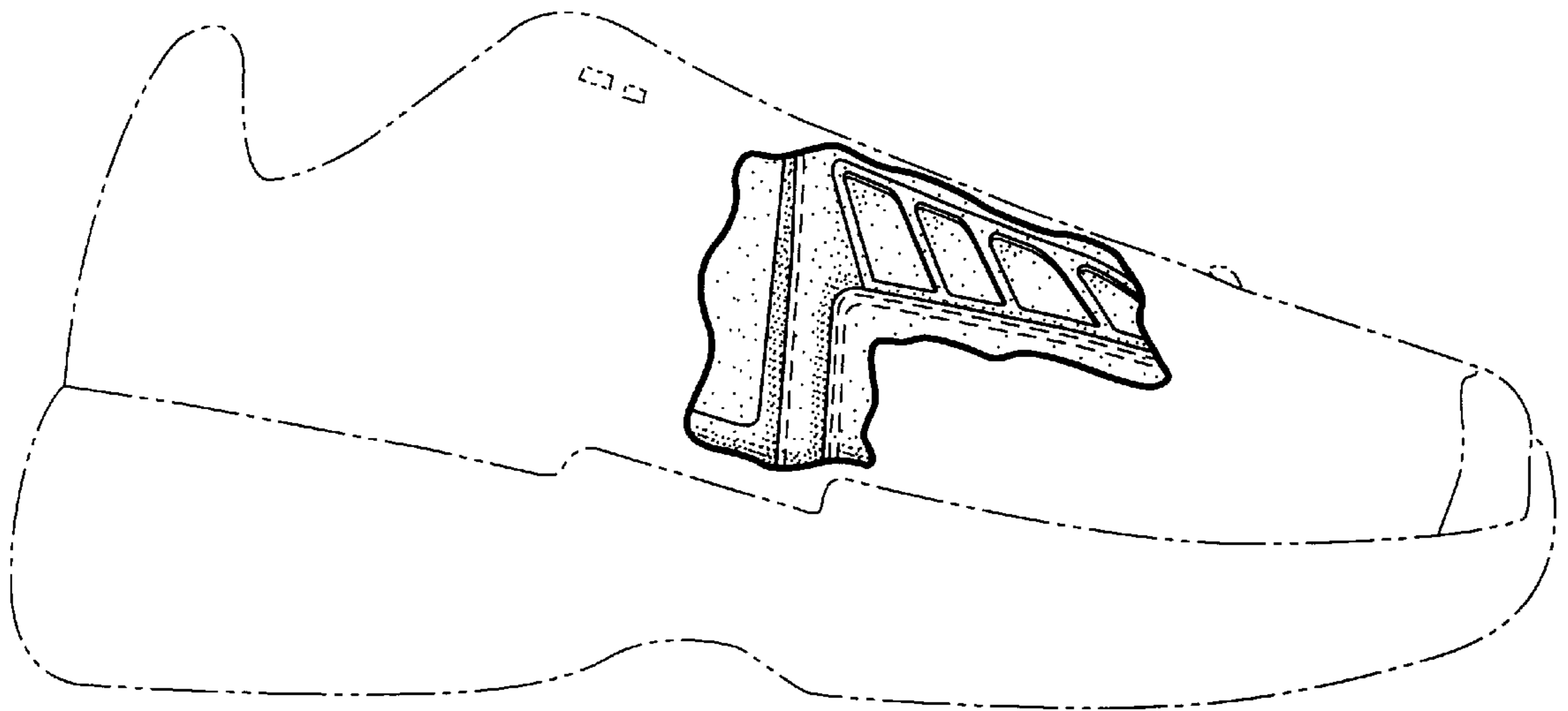
The phantom lines showing a portion of a shoe in FIGS. 1-5 are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**

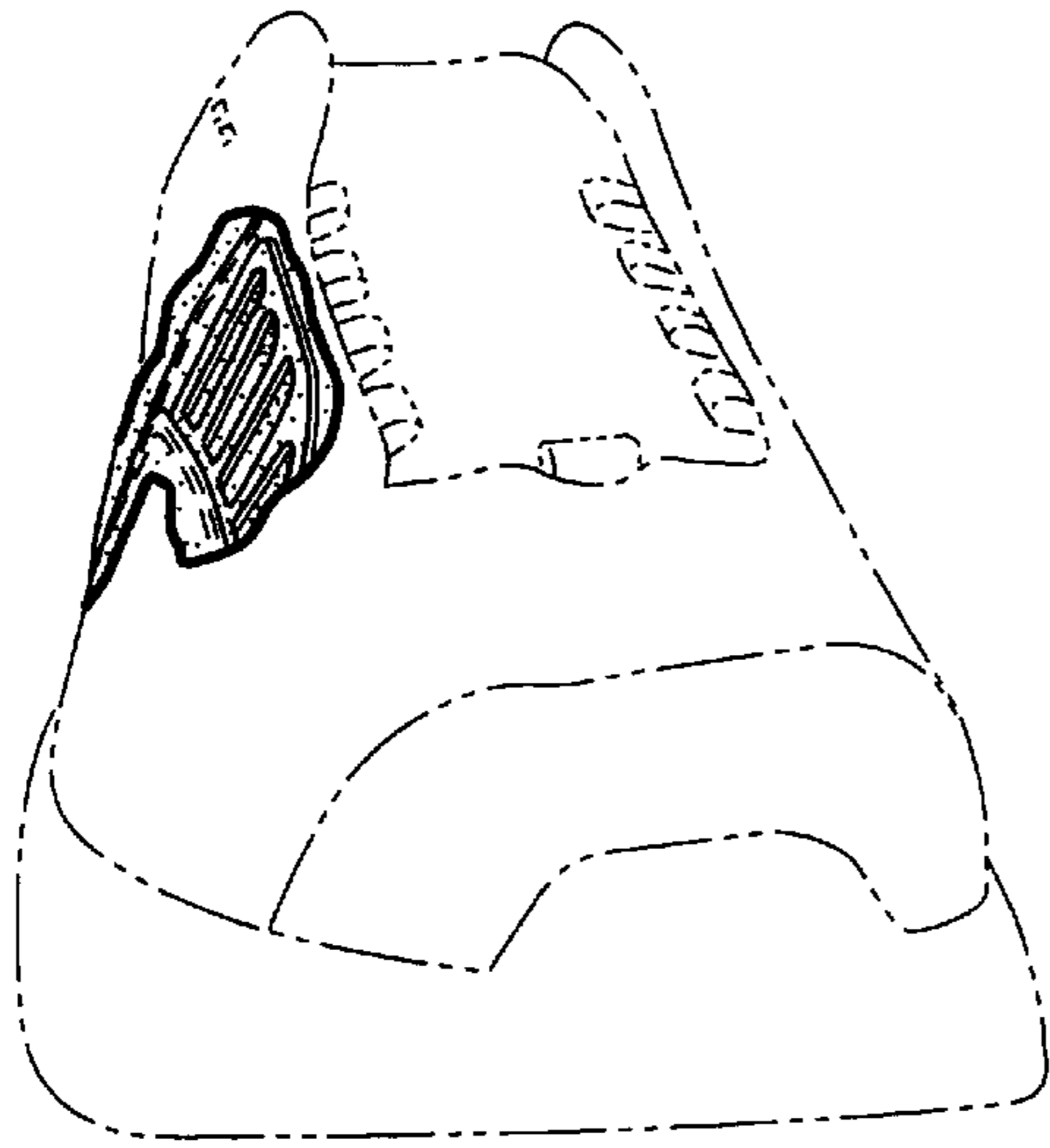




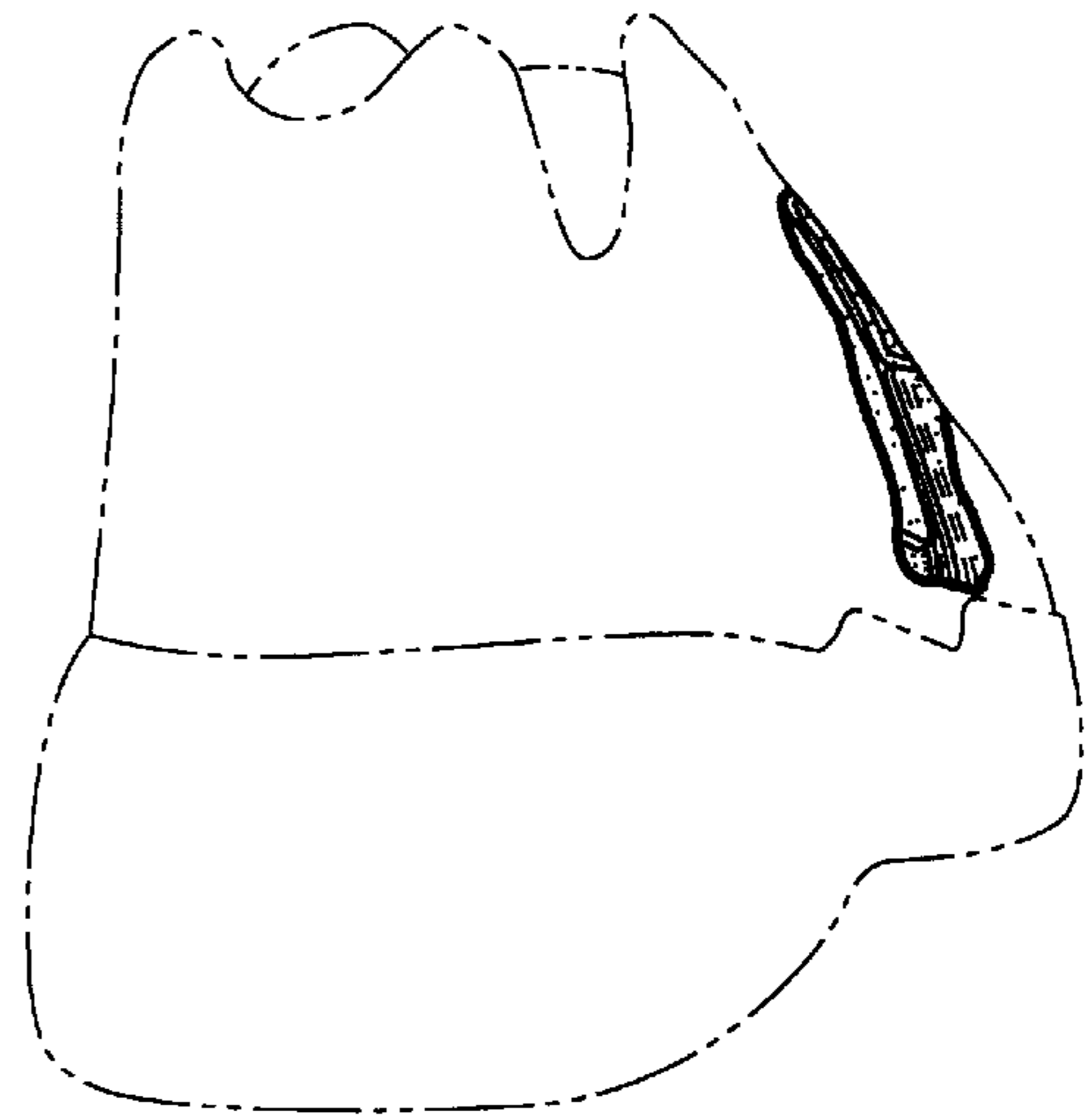
**Fig. 1**



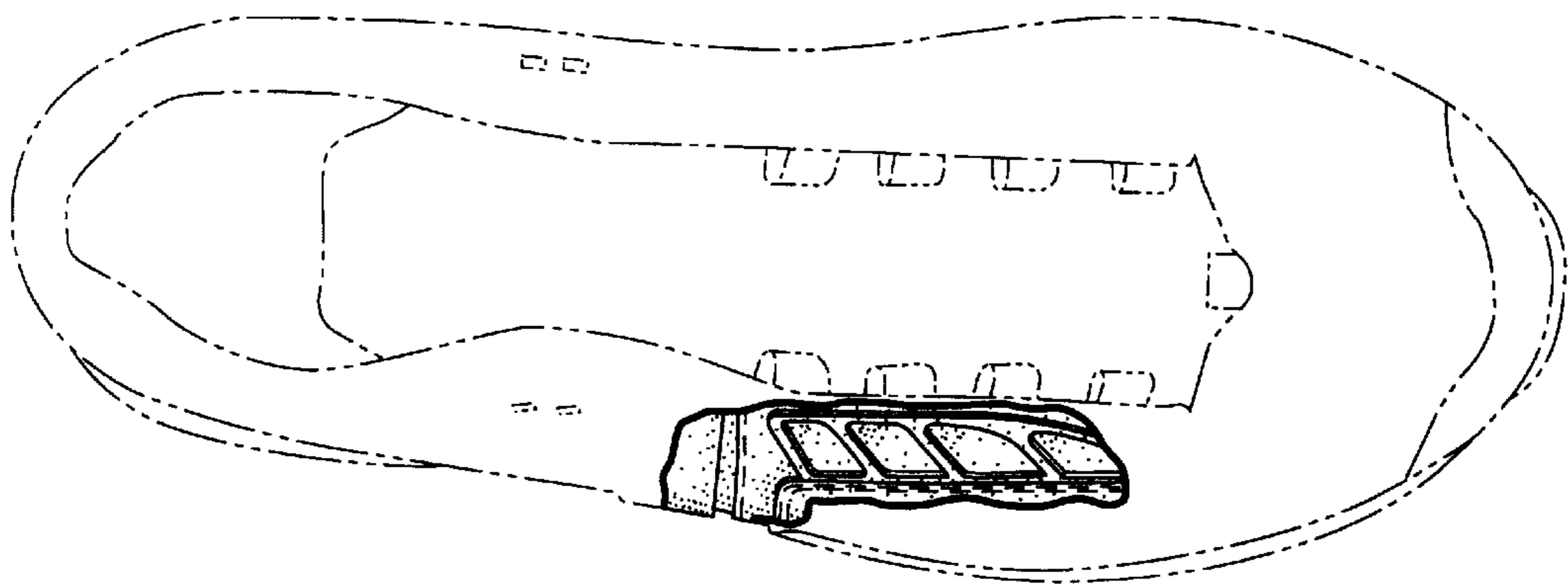
**Fig. 2**



**Fig. 3**



**Fig. 4**



**Fig. 5**