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

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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.: **29/131,789**

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

(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 Footwear Catalog,” Spring 1997, published Jun. 1, 1996 (p. 152), Beaverton, Oregon.

“Nike Footwear Catalog,” Late Spring 1997, published Sep. 1, 1996 (p. 54), Beaverton, Oregon.

“Nike Footwear Catalog,” Holiday 1997, published Mar. 1, 1997 (pp. 29, 53), Beaverton, Oregon.

“Nike Men’s Footwear Catalog,” Fall 1998, published Nov. 1, 1997 (p. M28), Beaverton, Oregon.

“Nike Women’s Footwear Catalog,” Spring 1999, published Jun. 1, 1998 (p. W31), Beaverton, Oregon.

“Nike Men’s Footwear Catalog,” Spring 1999, published Jun. 1, 1998 (pp. M15, M36), Beaverton, Oregon.

“Nike Women’s Footwear Catalog,” Late Spring 1999, published Sep. 1, 1998 (p. W21), Beaverton, Oregon.

“Nike Men’s Footwear Catalog,” Late Spring 1999, published Sep. 1, 1998 (pp. M16, M43), Beaverton, Oregon.

(List continued on next page.)

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D. 364,499	11/1995	Avar .	
D. 365,201	12/1995	Avar .	
D. 391,057	2/1998	Cooper .	
D. 397,852	9/1998	Smith, III .	
D. 397,860	9/1998	Avar .	
D. 406,448	3/1999	Rask .	
D. 407,203	3/1999	Maxwell .	
D. 412,054	7/1999	Gray et al. .	
D. 415,885	* 11/1999	Mervar .....	D2/972
D. 417,773	* 12/1999	Cooper .....	D2/972
D. 417,774	12/1999	Hlavacs .	
D. 420,502	2/2000	Hlavacs .	
D. 420,504	* 2/2000	Avar .....	D2/972
D. 430,725	9/2000	McDowell .	

**OTHER PUBLICATIONS**

“Nike Men’s Footwear Catalog A,” Fall 2000, published Nov. 1, 1999 (p. M100), Beaverton, Oregon.

“Nike Men’s Footwear Catalog B,” Fall 2000, published Nov. 1, 1999 (p. M2), Beaverton, Oregon.

“Nike Women’s Footwear Catalog B,” Fall 2000, published Nov. 1, 1999 (p. W2), Beaverton, Oregon.

“Nike Women’s Footwear Catalog” Spring 2001, published Jun. 1, 2000 (p. W12), Beaverton, Oregon.

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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;

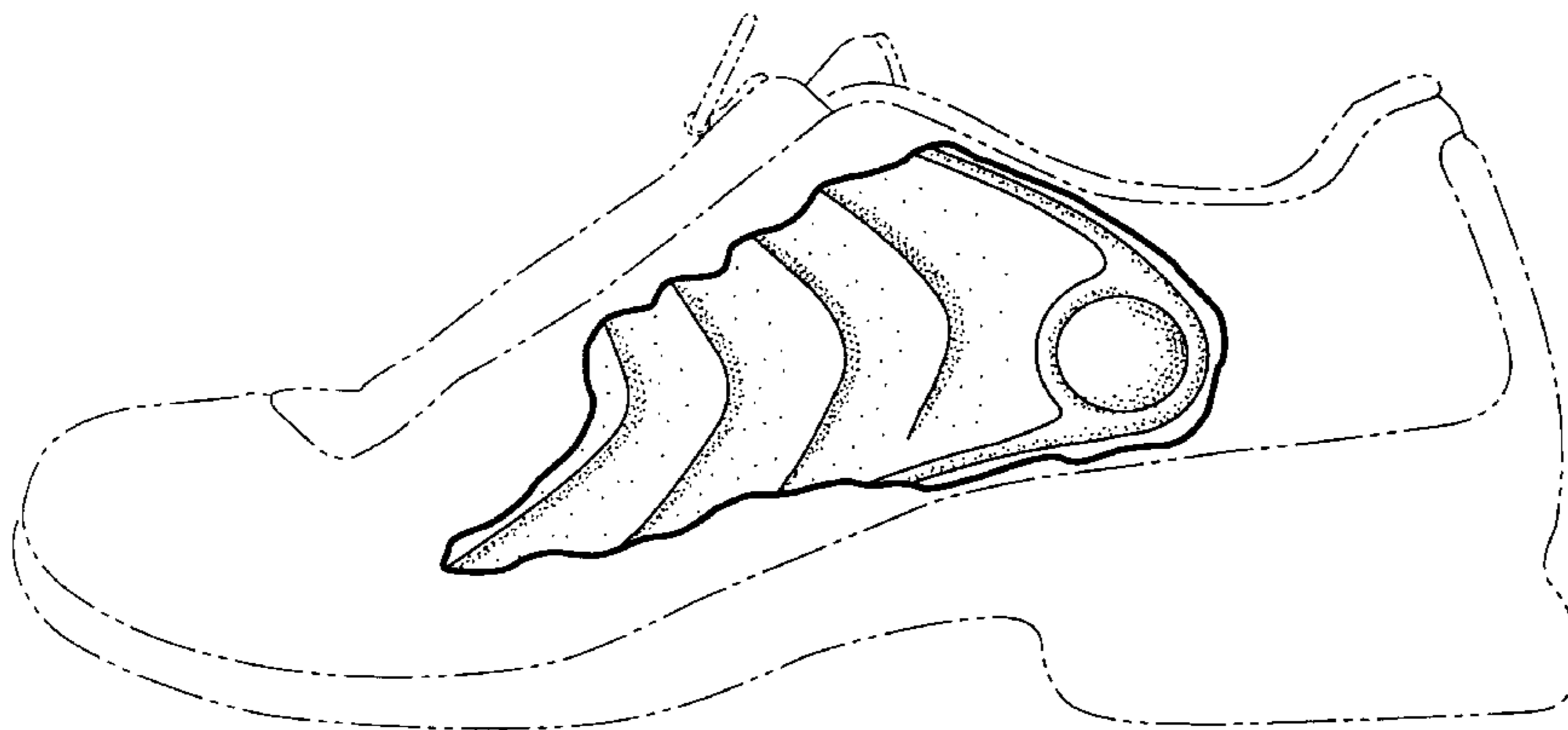
FIG. 3 is a front view of the side element of a shoe upper shown in FIG. 1;

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**



OTHER PUBLICATIONS

“Nike Women’s Footwear Catalog,” Fall 1999, published Nov. 1, 1998 (p. W 15), Beaverton, Oregon.

“Nike Men’s Footwear Catalog,” Holiday 1999, published Mar. 1, 1999 (p. M16), Beaverton, Oregon.

“Nike Women’s Footwear Catalog,” Holiday 1999, published Mar. 1, 1999 (p. W58), Beaverton, Oregon.

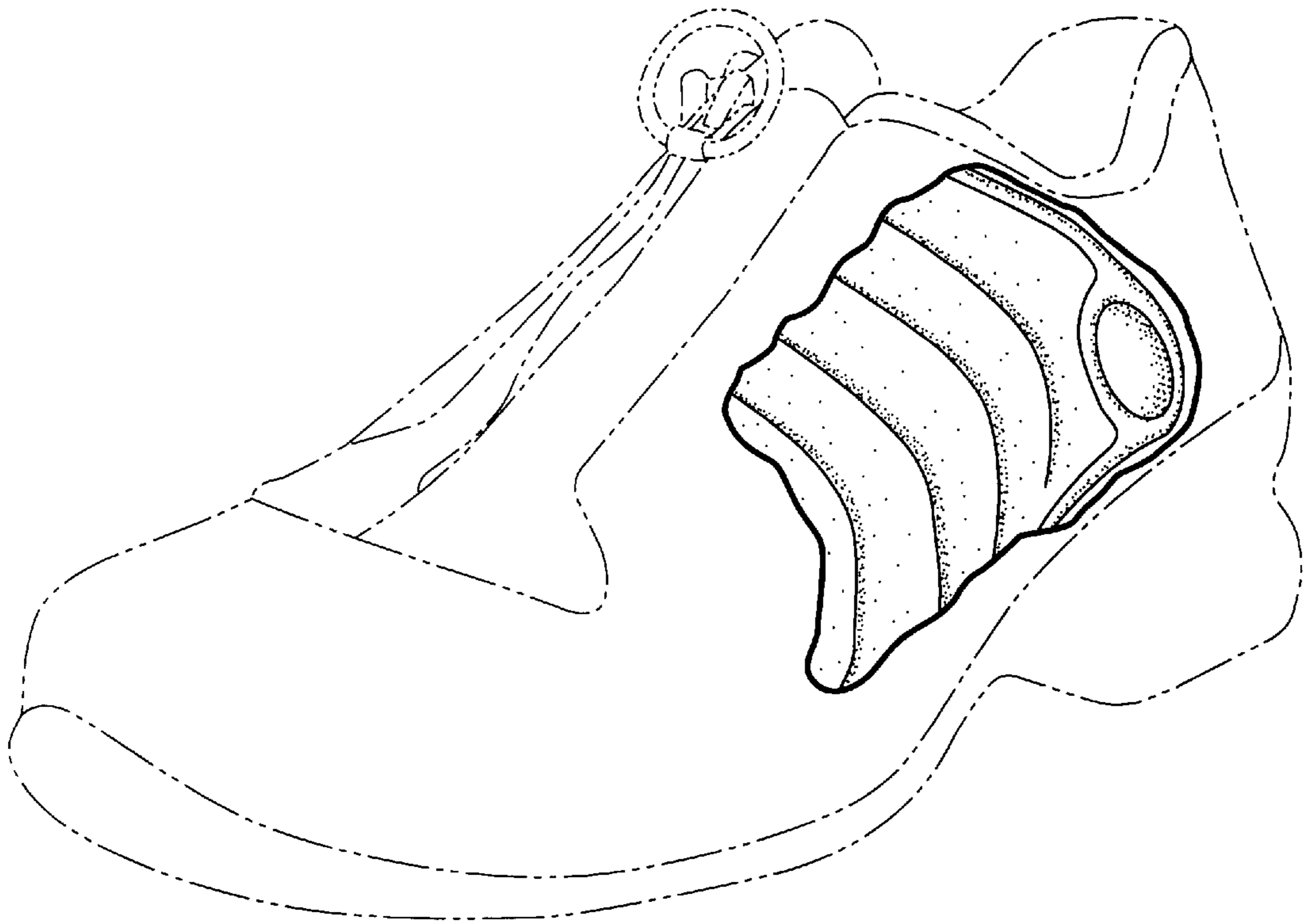
“Nike Men’s Footwear Catalog,” Spring 2000, published Jul. 1, 1999 (p. M30), Beaverton, Oregon.

“Nike Women’s Footwear Catalog A,” Spring 2000, published Jul. 1, 1999 (p. W3), Beaverton, Oregon.

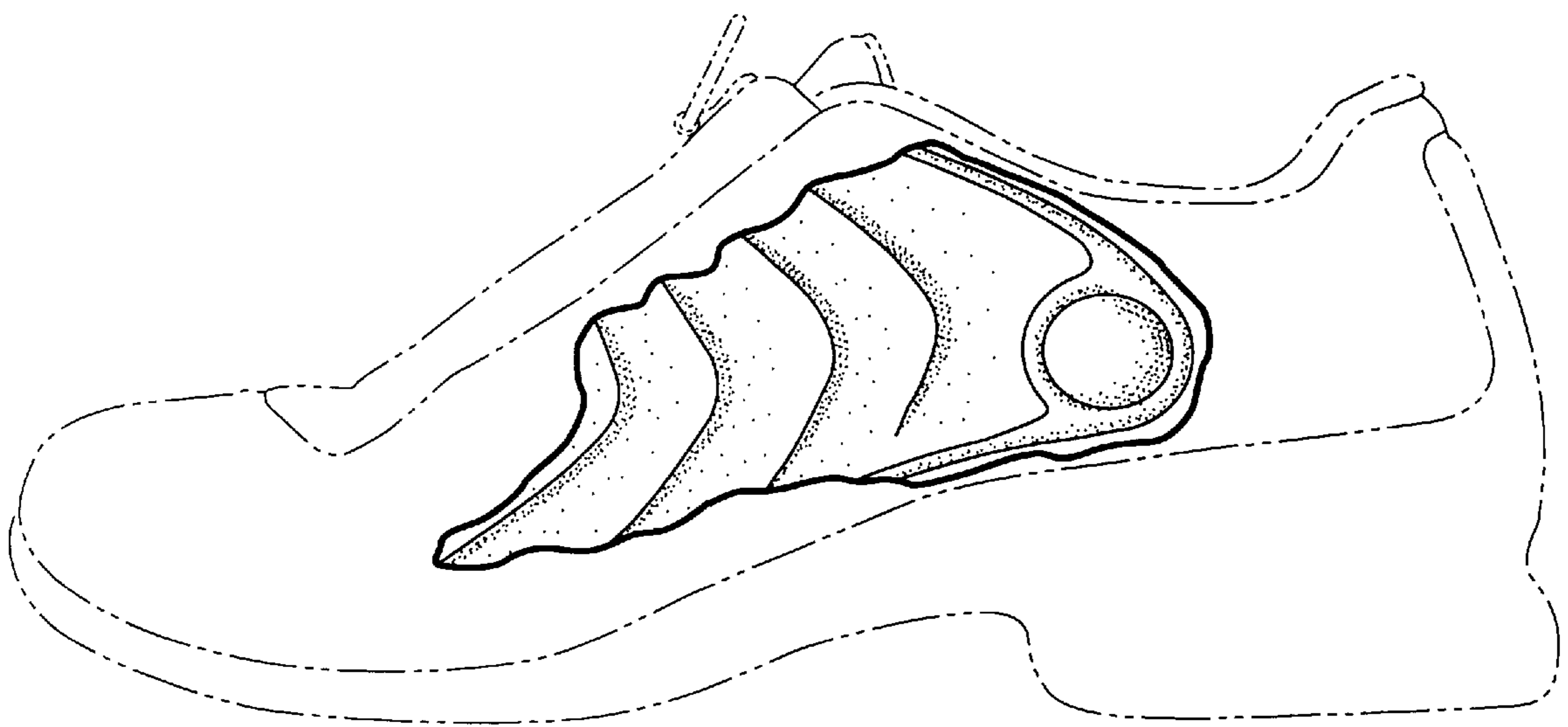
“Nike Women’s Footwear Catalog B,” Spring 2000, published Jul. 1, 1999 (p. W52), Beaverton, Oregon.

“Nike Men’s Footwear Catalog,” Holiday 1998, published Feb. 1, 1998 (p. M42), Beaverton, Oregon.

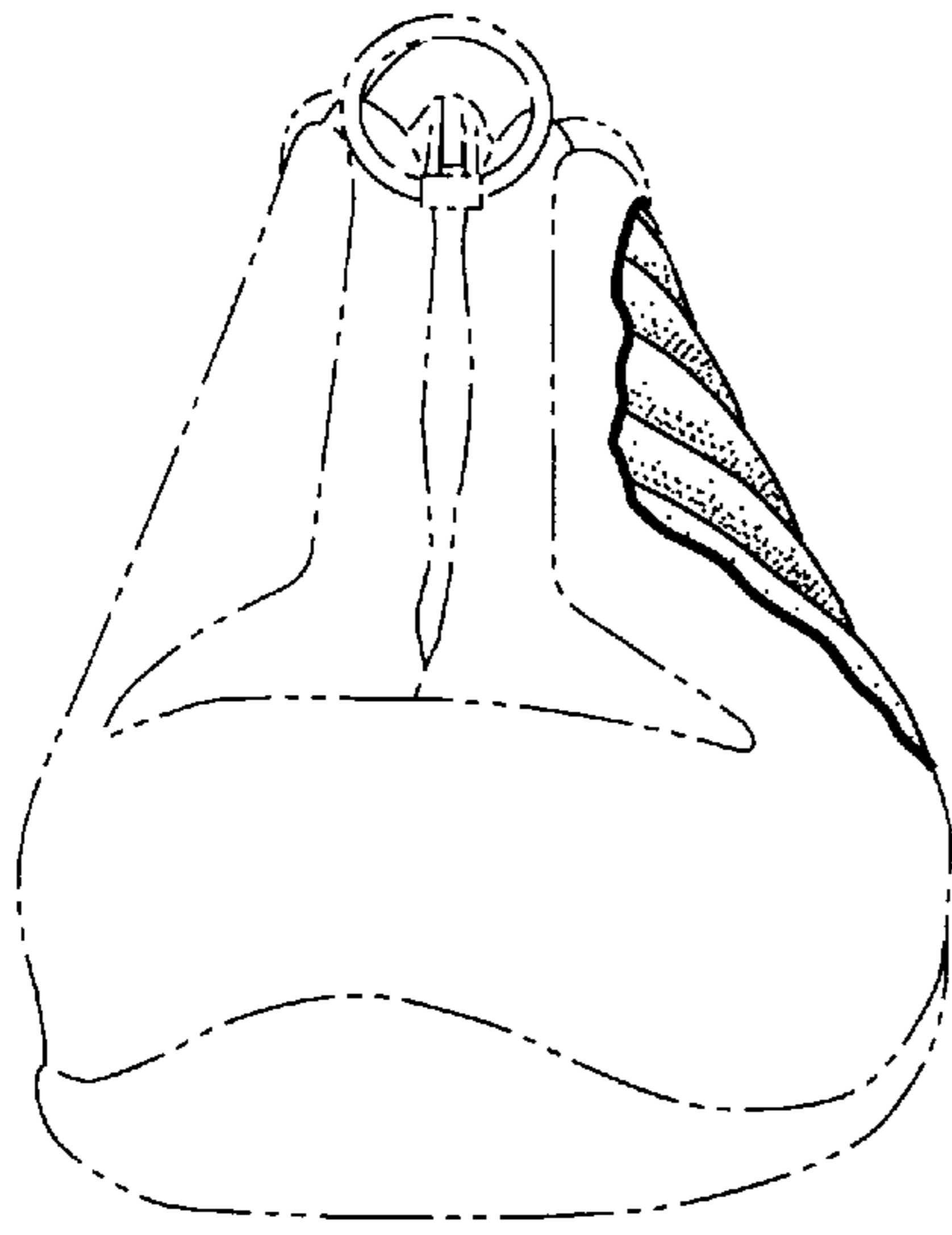
\* cited by examiner



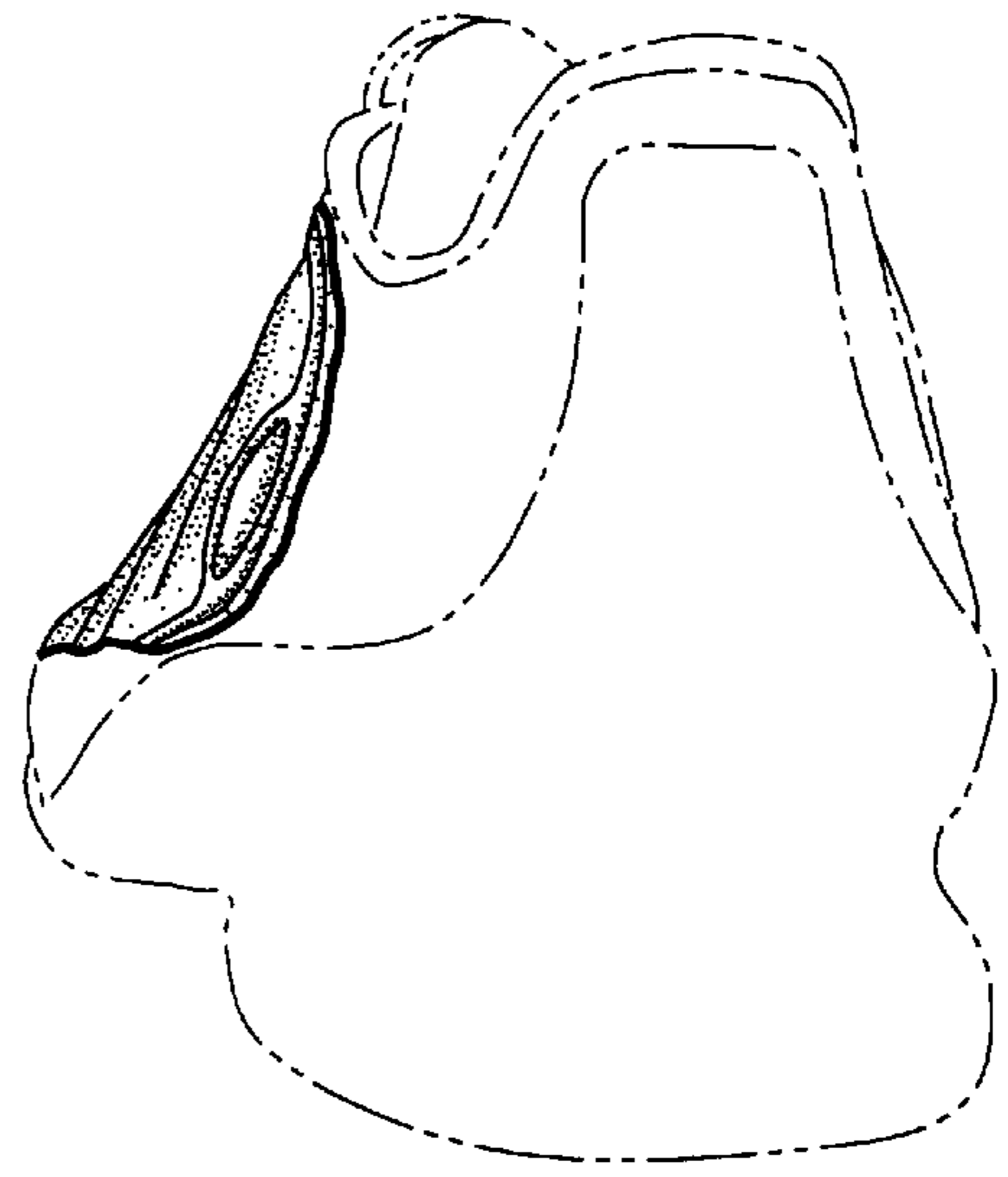
**Fig. 1**



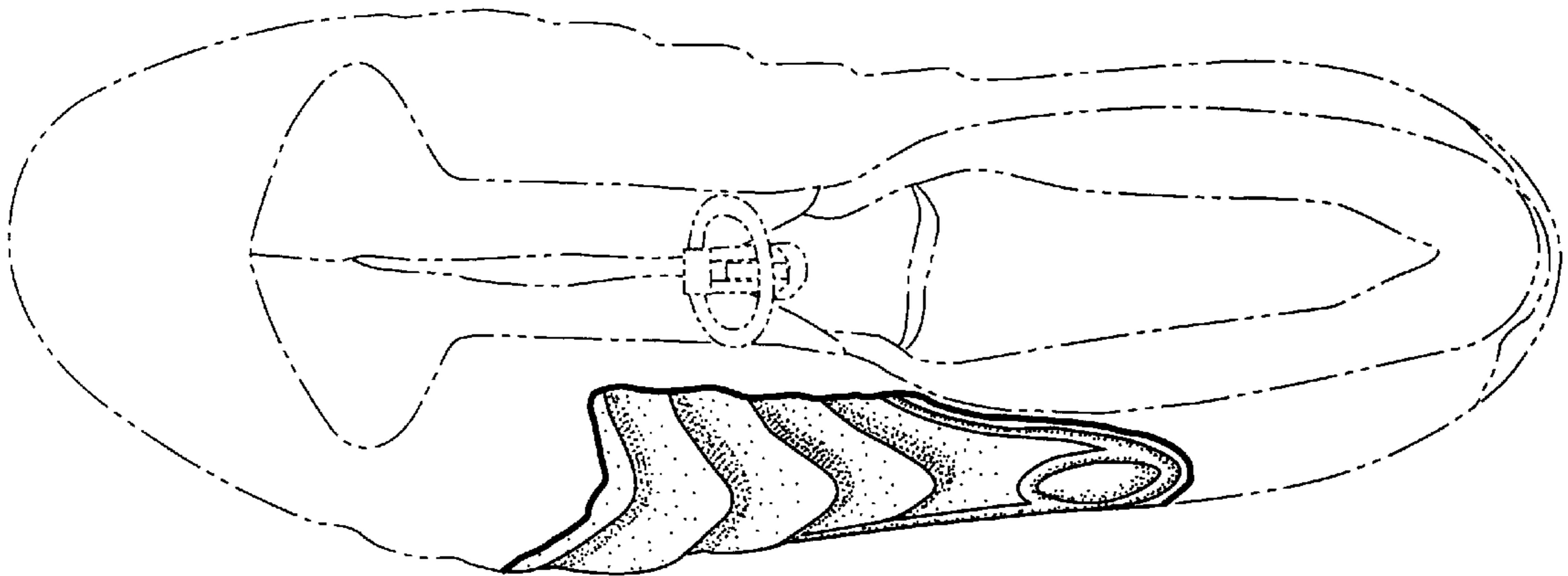
**Fig. 2**



**Fig. 3**



**Fig. 4**



**Fig. 5**