



US00D452070B1

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

(10) **Patent No.:** **US D452,070 S**

(45) **Date of Patent:** **** Dec. 18, 2001**

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

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

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

(21) Appl. No.: **29/145,795**

(22) Filed: **Jul. 31, 2001**

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

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

(58) **Field of Search** D2/896, 902, 908,
D2/943, 944, 946, 969, 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. 94,437 1/1935 Napier .
- D. 95,146 4/1935 Reggie .

(List continued on next page.)

OTHER PUBLICATIONS

- Nike Footwear Catalog Fall 1993, p. 132, published Dec. 1992.
- Nike Footwear Catalog Holiday 1993, p. 46, published Mar. 1993.
- Nike Footwear Catalog Spring 1994, pp. 6, 38 & 40, published Jun. 1993.
- Nike Footwear Catalog Fall 1994, p. 122, published Nov. 1993.
- Nike Footwear Catalog Holiday 1994, pp. 22 & 32, published Mar. 1994.
- Nike Footwear Catalog Spring 1999, p. M18, published Jun. 1998.
- Nike Footwear Catalog Spring 2000 #1, p. M29, published Jul. 1999.
- Nike Footwear Catalog Spring 2001, p. W56, published Jun. 2000.

Nike Footwear Catalog Late Spring 2001, p. M3, published Sep. 2000.

Nike Footwear Catalog Fall 2001, pp. W11 and M35, published Nov. 2000.

Three (3) color photos of Nike Presto Family Shoes (date prior to filing of application).

Primary Examiner—Dominic Simone

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

(57) **CLAIM**

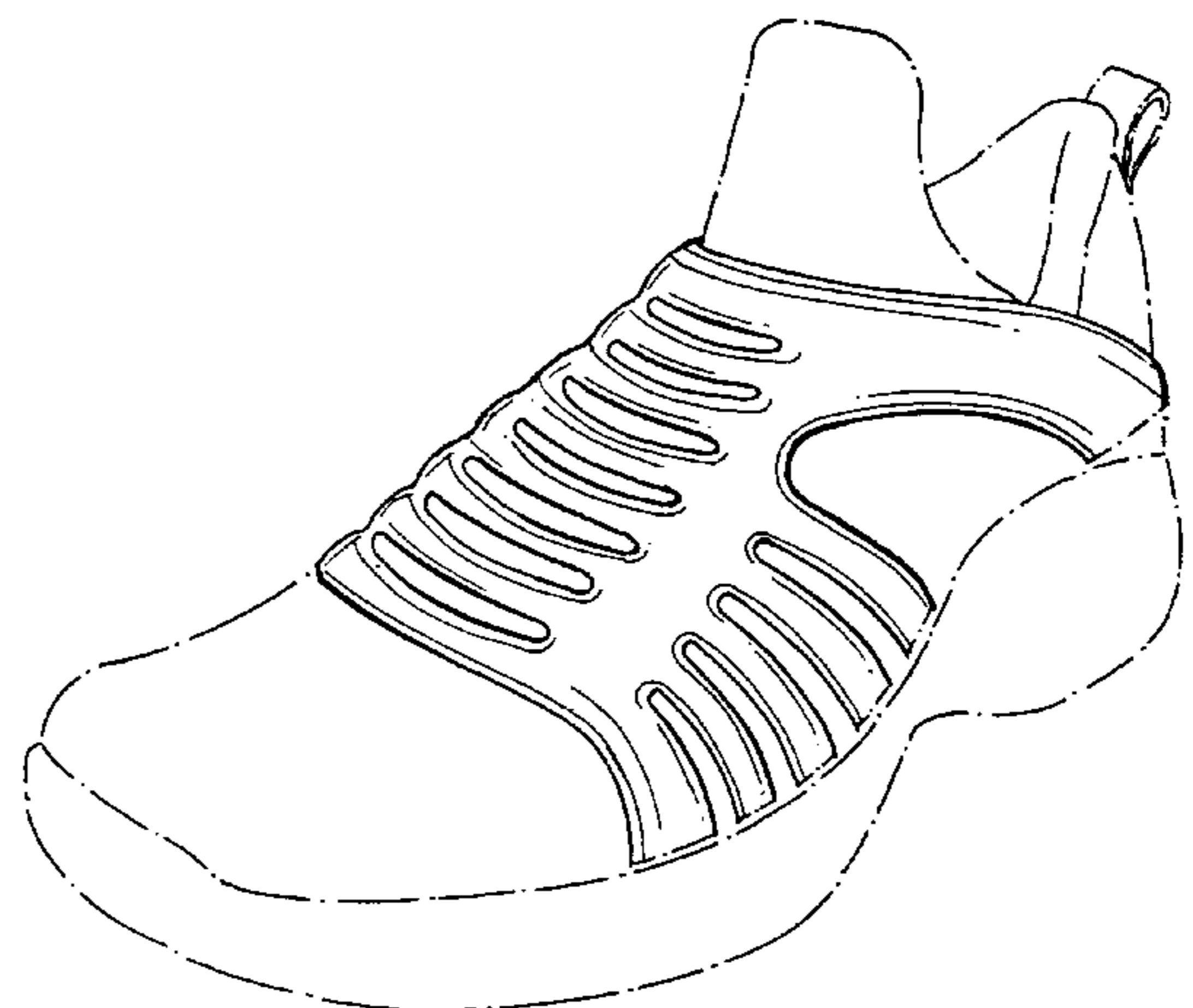
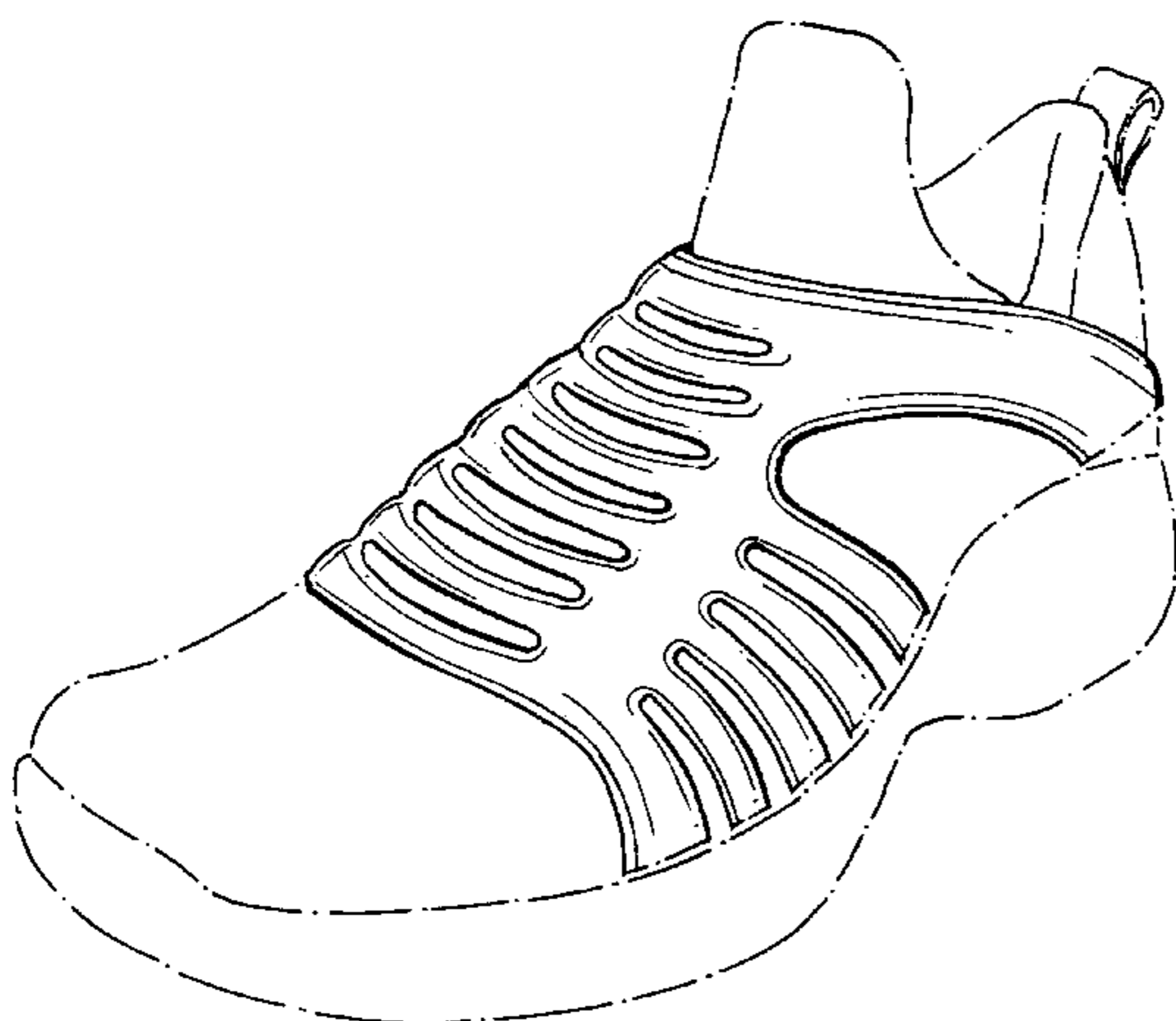
The ornamental design for a portion of a shoe upper, as shown and described.

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 of one side of the shoe upper shown in FIG. 1;
- FIG. 3 is a side elevational view of the other side of the shoe upper shown in FIG. 1;
- FIG. 4 is a front elevational view of the shoe upper shown in FIG. 1;
- FIG. 5 is a rear elevational view of the shoe upper shown in FIG. 1;
- FIG. 6 is a top plan view of the shoe upper shown in FIG. 1;
- FIG. 7 is a perspective view of a portion of a shoe upper showing a second embodiment of my new design;
- FIG. 8 is a side elevational view of one side of the shoe upper shown in FIG. 7;
- FIG. 9 is a side elevational view of the other side of the shoe upper shown in FIG. 7;
- FIG. 10 is a front elevational view of the shoe upper shown in FIG. 7;
- FIG. 11 is a rear elevational view of the shoe upper shown in FIG. 7; and,
- FIG. 12 is a top plan view of the shoe upper shown in FIG. 7.

The broken line showing of the bottom edge portions and the remainder of the shoe is for illustration purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



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U.S. PATENT DOCUMENTS

D. 96,567	8/1935	Wagman .			
D. 298,283	11/1988	Swett et al. .			
D. 299,184	* 1/1989	McCrea	D2/973		
D. 333,721	3/1993	Hatfield .			
D. 339,449	9/1993	Hatfield .			
D. 342,821	1/1994	Avar .			
D. 348,977	7/1994	Koh .			
D. 369,459	5/1996	Feller .			
D. 373,463	9/1996	Greene .			
D. 377,410	1/1997	Crowley .			
D. 387,885	* 12/1997	Fogg	D2/972		
D. 397,543	9/1998	Silvers .			
D. 413,196	8/1999	Hatfield .			
D. 415,882	11/1999	McDowell .			
D. 421,835	3/2000	Akhidime .			
D. 422,128	4/2000	Adler .			
D. 425,292	5/2000	Matis .			
D. 426,372	6/2000	Price .			
D. 431,713	10/2000	Wilson .			
D. 432,292	10/2000	Kim .			
D. 432,776	10/2000	McDowell .			
D. 432,781	10/2000	Hardy .			
D. 435,164	* 12/2000	Reiss et al.	D2/972		
D. 436,336	* 12/2000	Barret	D2/972		
D. 439,033	* 3/2001	Feller et al.	D2/972		
D. 443,978	6/2001	McDowell .			
2,268,967	1/1942	Small .			
4,535,554	8/1985	Obaldia .			
5,692,319	12/1997	Parker et al.			

* cited by examiner .

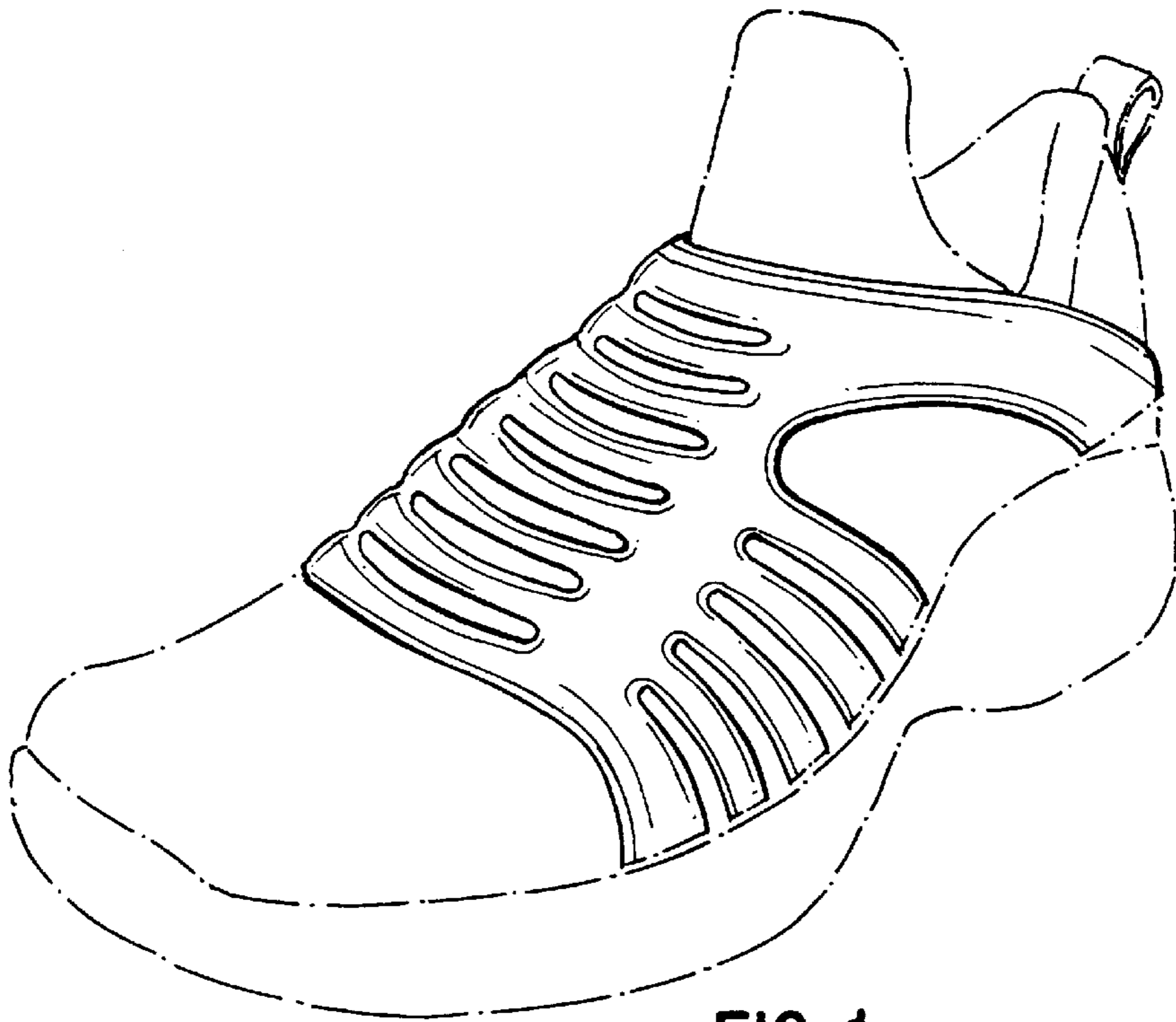


FIG. 1

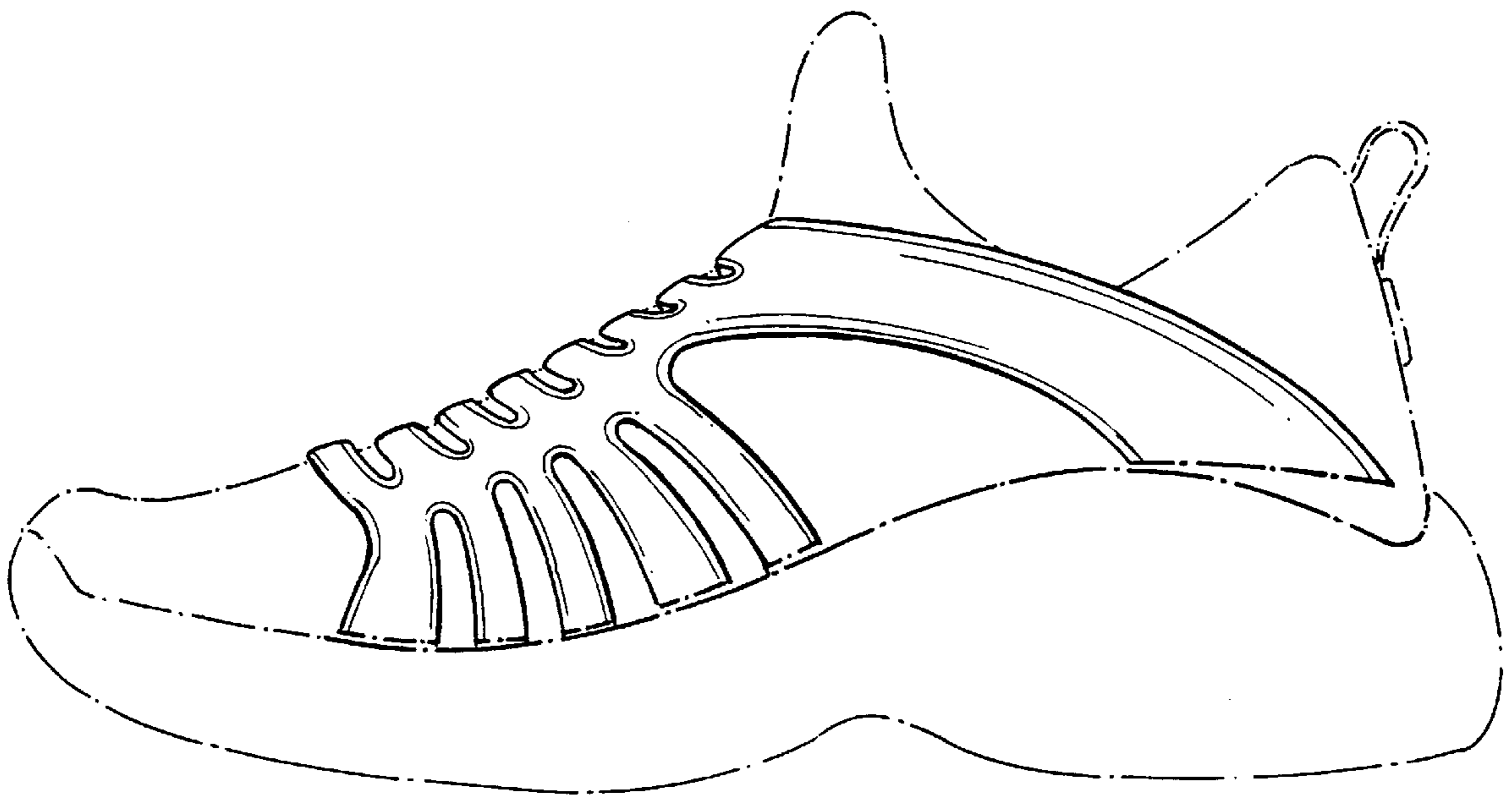


FIG. 2

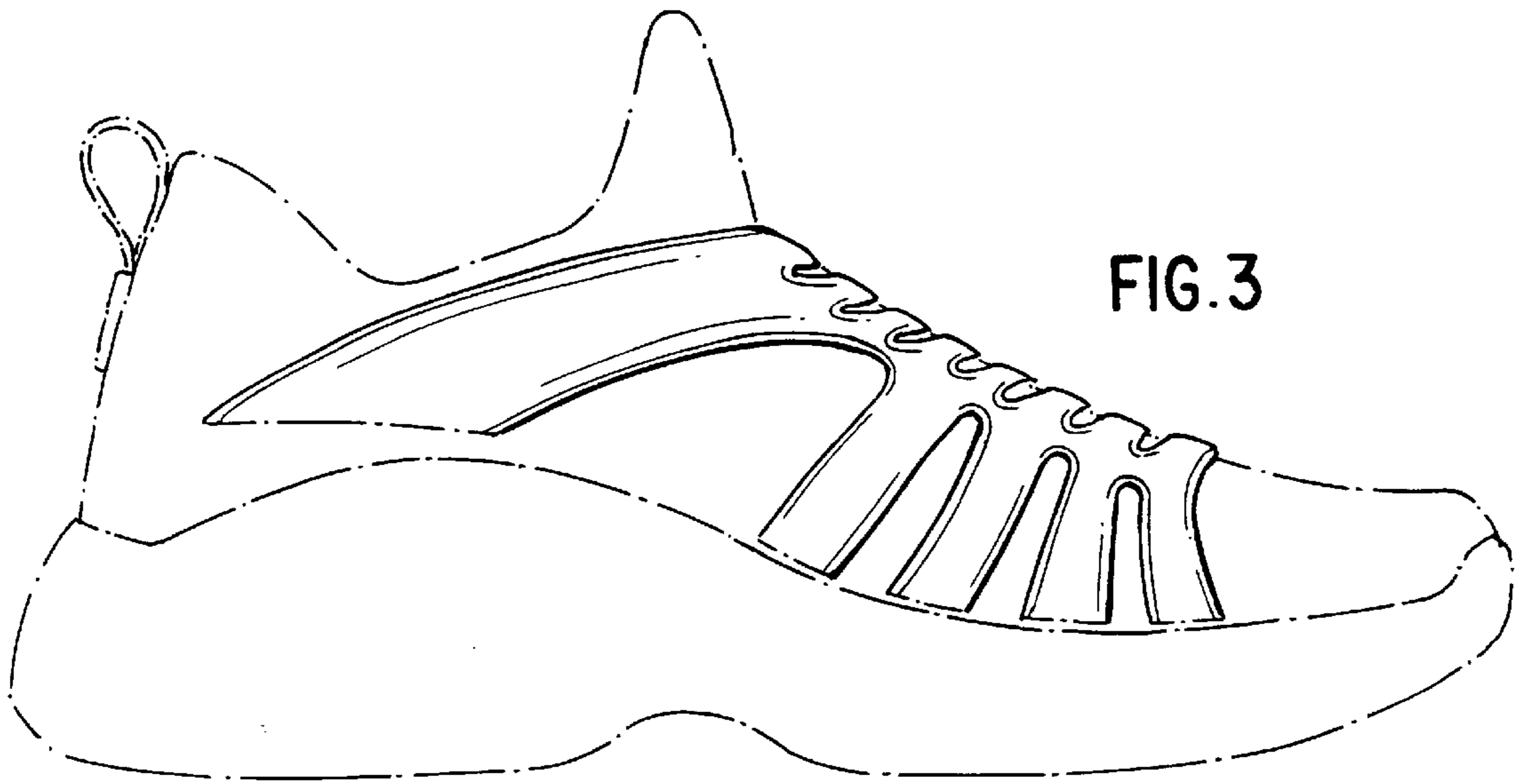


FIG. 3

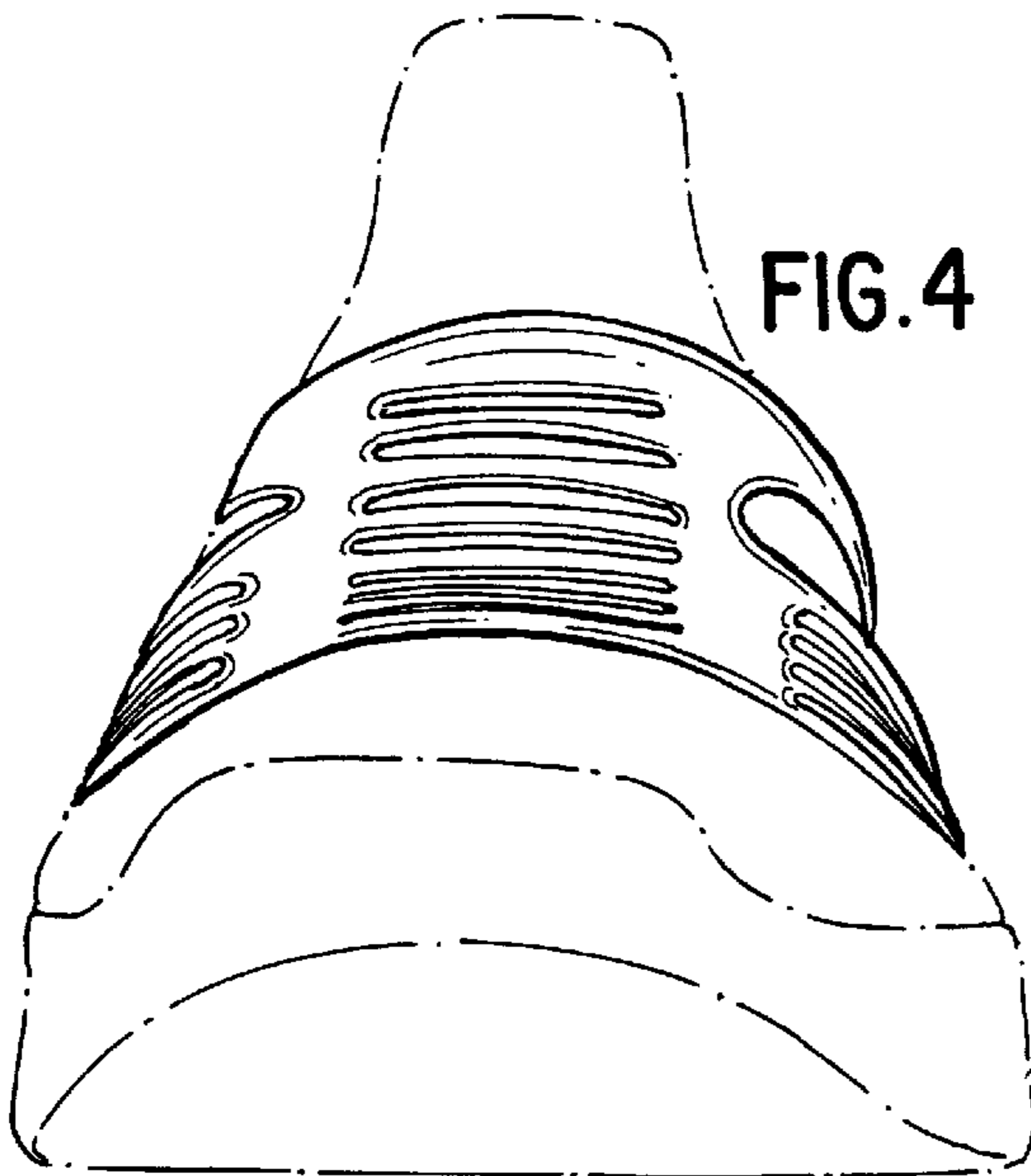


FIG. 4

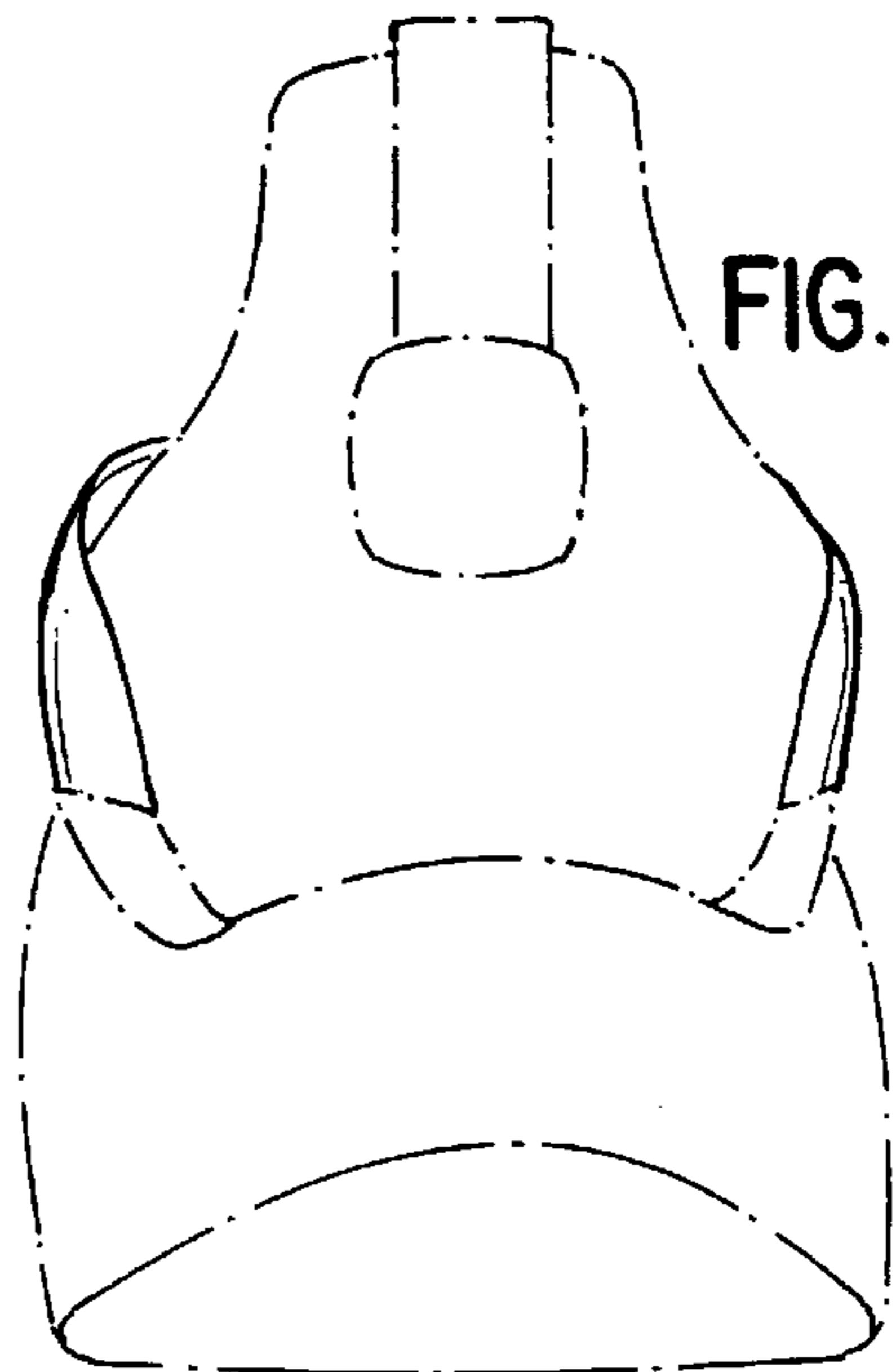


FIG. 5

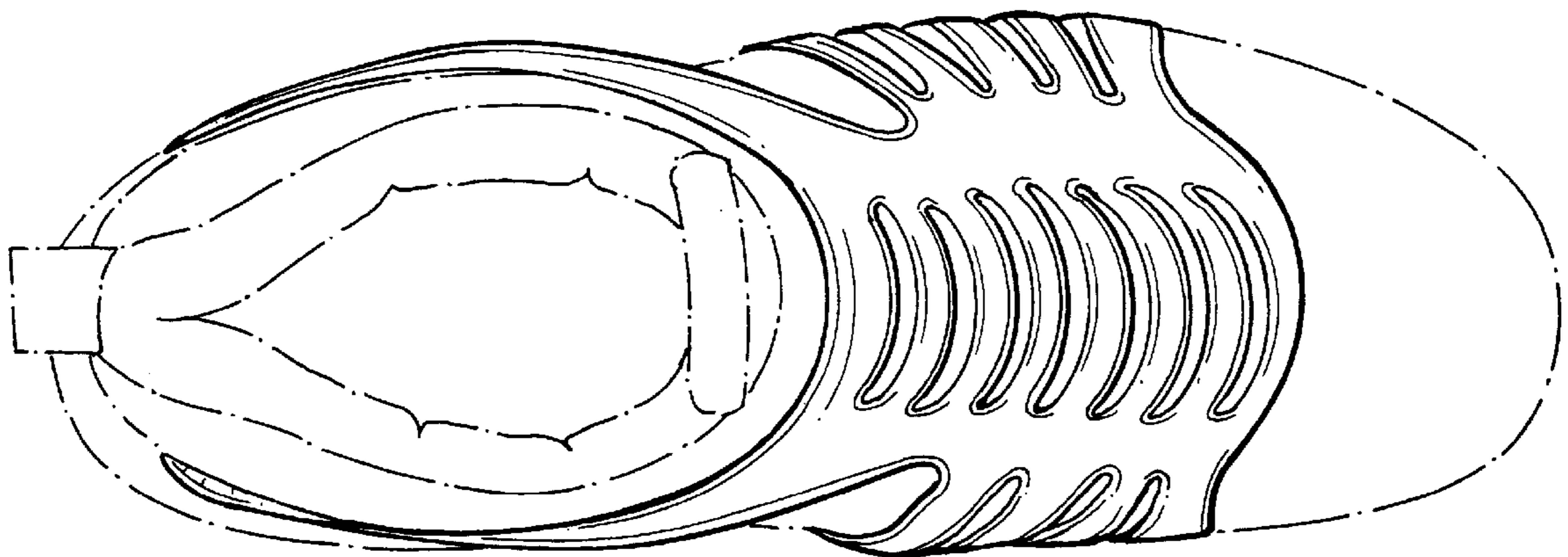


FIG. 6

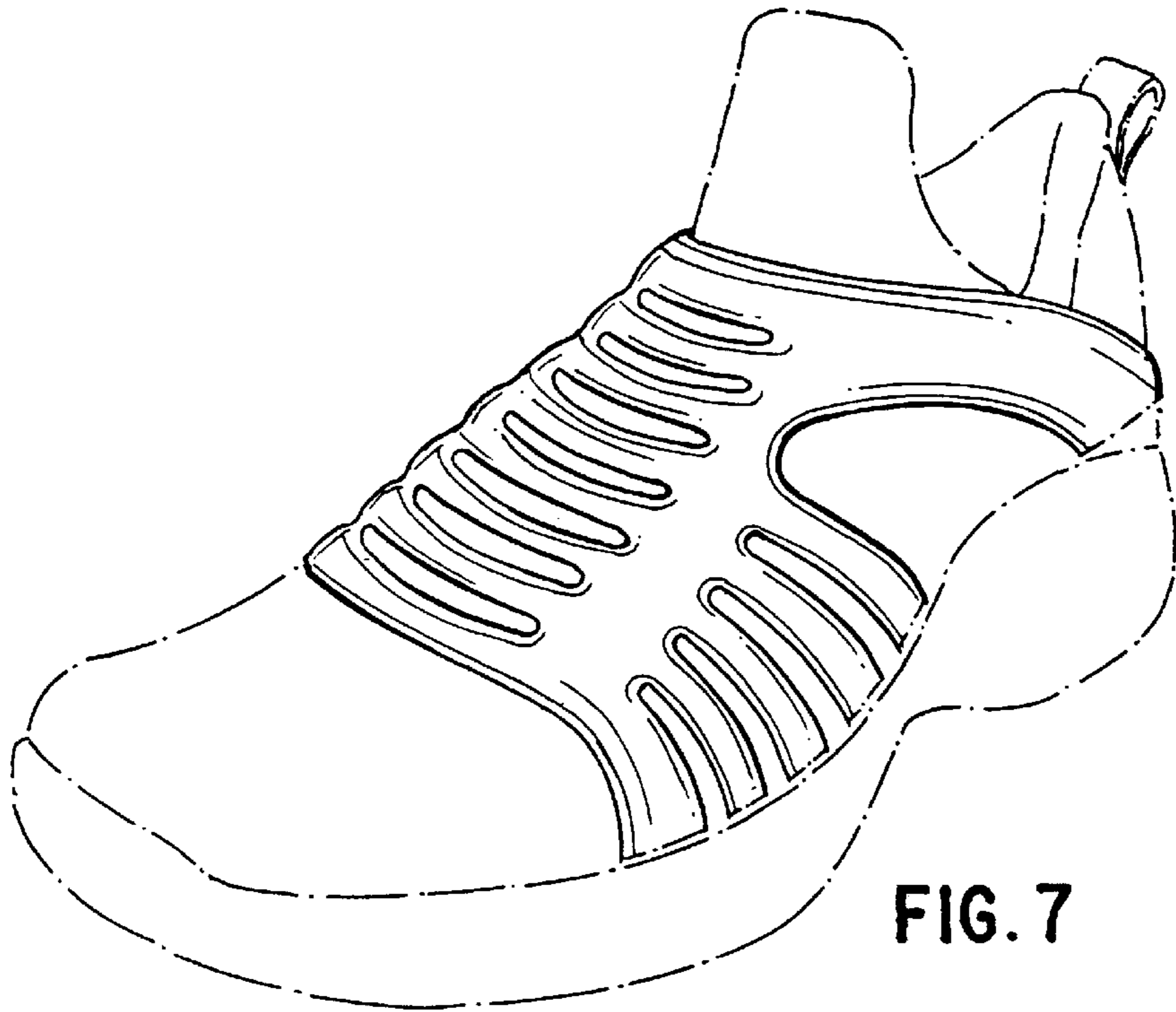


FIG. 7

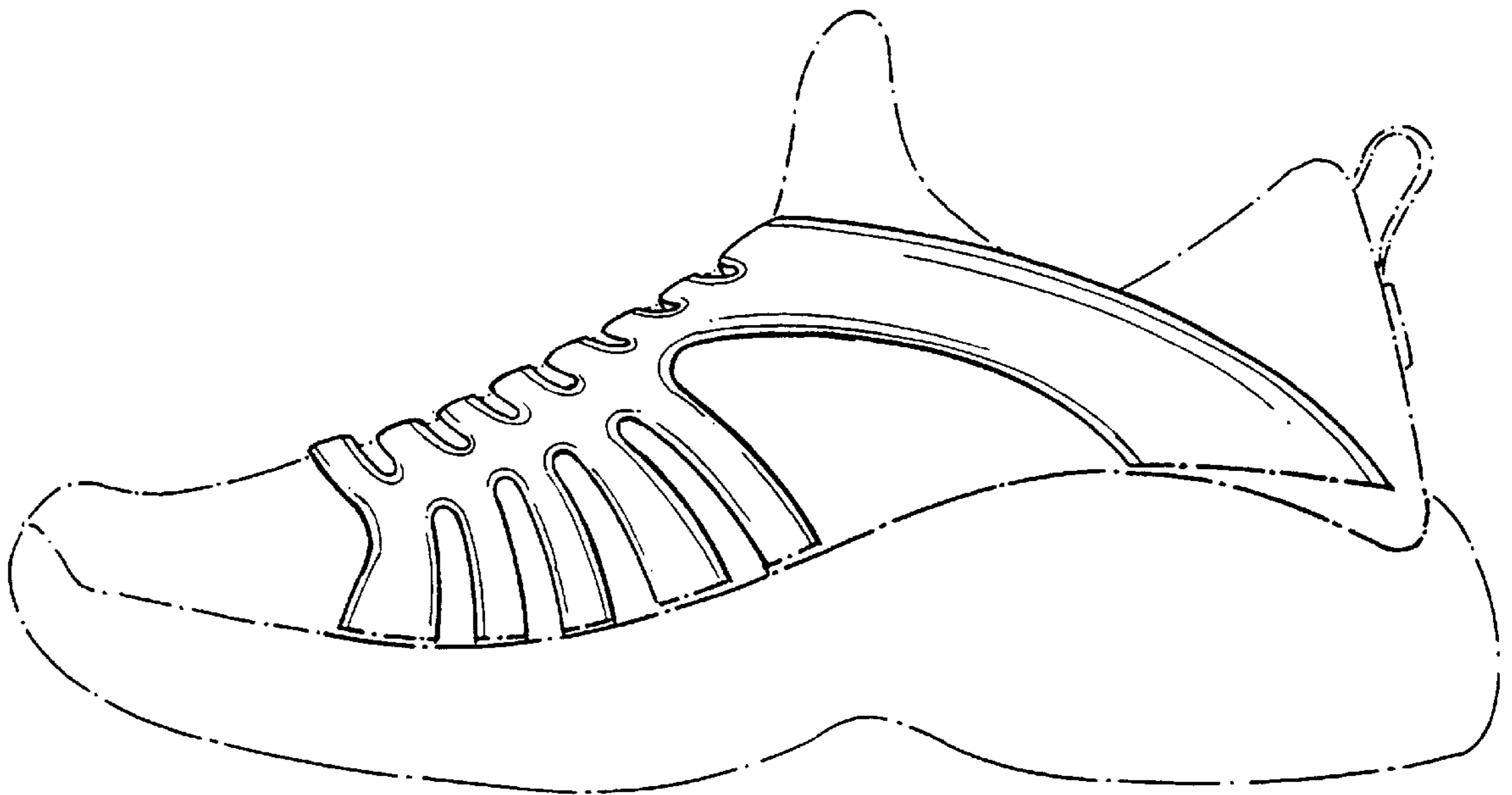


FIG. 8



FIG. 9

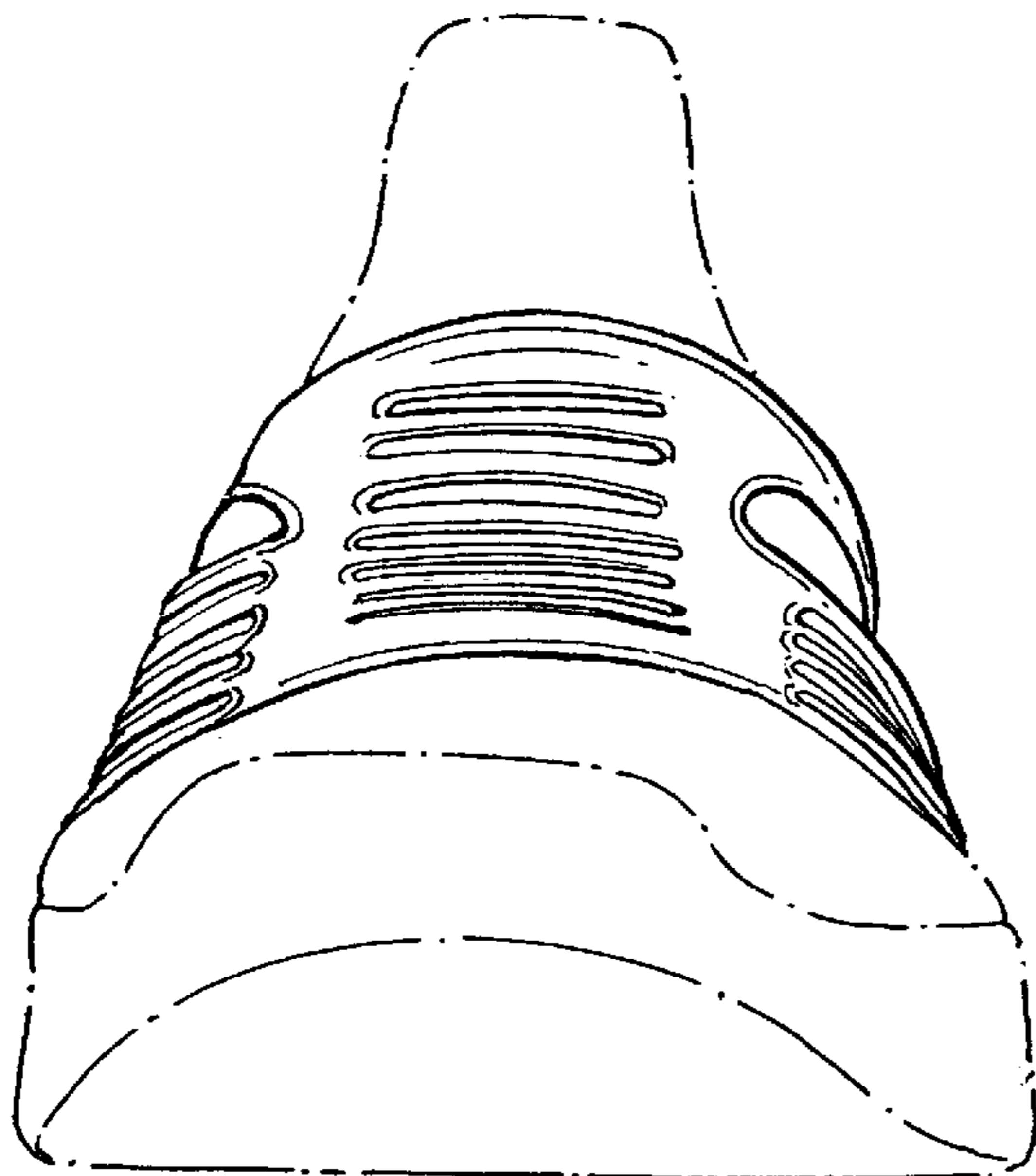


FIG. 10

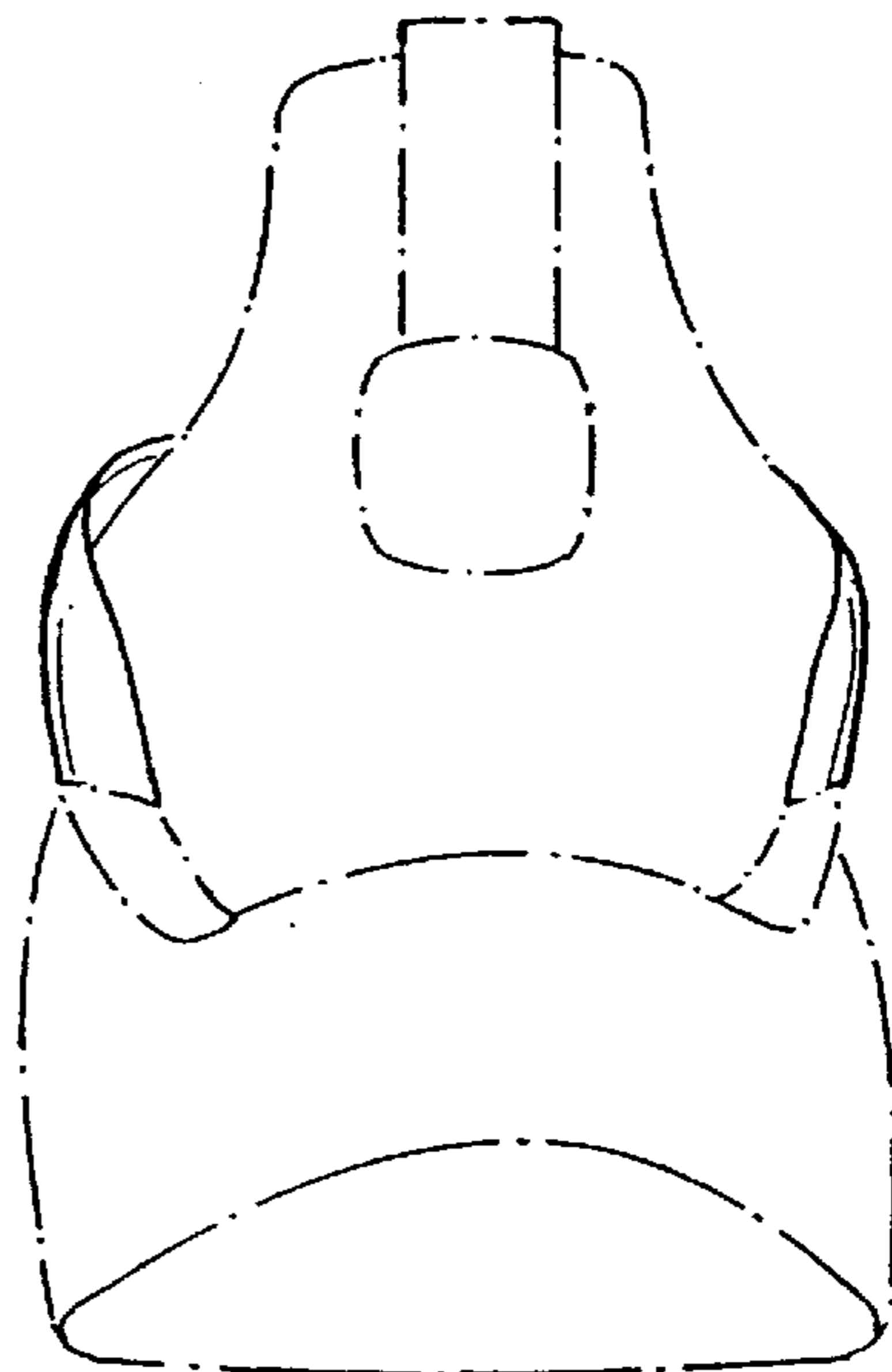


FIG. 11

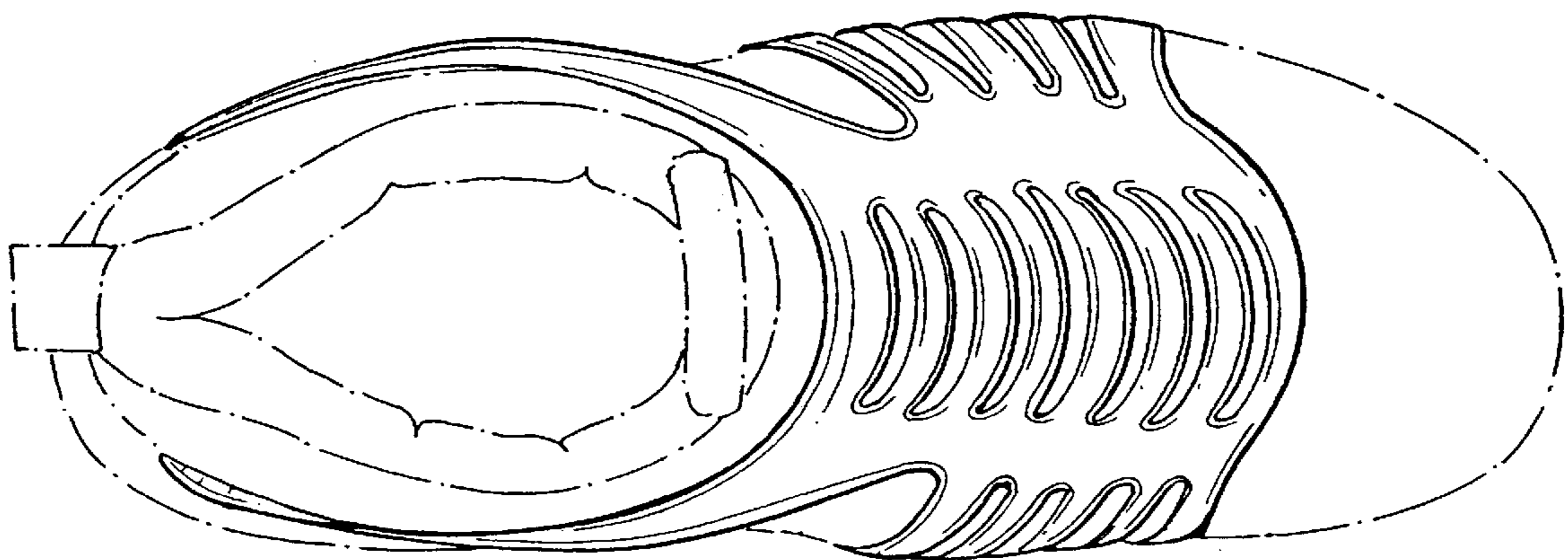


FIG. 12

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Des 452,070 S
DATED : December 18, 2001
INVENTOR(S) : Matthew Jason Holmes

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page.

Under item [56] **References Cited,**

"D436,336 * 12/200 Barret.....D2/972"

has been replaced with

-- D435,336 * 12/2000 Barret.....D2/972 --.

Signed and Sealed this

Twenty-sixth Day of March, 2002

Attest:



Attesting Officer

JAMES E. ROGAN
Director of the United States Patent and Trademark Office