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

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(54) **PORTION OF A SHOE UPPER**  
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OR (US)  
(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)  
(\*\*) Term: **14 Years**

D418,284 S 1/2000 Hlavacs  
D418,667 S \* 1/2000 McNaught ..... D2/969  
D420,501 S 2/2000 Hlavacs  
D422,132 S 4/2000 Fogg  
D424,798 S 5/2000 McDowell  
D428,245 S 7/2000 Brown  
D429,876 S 8/2000 Vestuti

(List continued on next page.)

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(51) **LOC (7) Cl.** ..... **02-99**  
(52) **U.S. Cl.** ..... **D2/972**  
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D2/943, 944, 946, 969, 972, 973; 36/45,  
50.1, 51, 77 M, 77 R, 81, 83, 88, 113,  
114, 126-130

**OTHER PUBLICATIONS**

Nike Footwear Catalog Fall 1995, p. 9, published Nov. 1994.  
Nike Footwear Catalog Fall 1996, p. 27, published Dec. 1995.  
Nike Footwear Catalog Late Spring 1997, p. 157, published Sep. 1996.  
Nike Footwear Catalog Holiday 1997, p. 53, published Mar. 1997.  
Nike Footwear Catalog Fall 1998, pp. 30 and 88, published Dec. 1997.  
Nike Footwear Catalog Holiday 1998, p. W27, published Mar. 1998.

(List continued on next page.)

(56) **References Cited**  
**U.S. PATENT DOCUMENTS**

1,949,318 A 2/1934 Markowsky  
4,813,158 A 3/1989 Brown  
4,858,339 A 8/1989 Hayafuchi et al.  
D307,210 S 4/1990 Hatfield  
D311,092 S 10/1990 Hatfield  
D319,722 S 9/1991 Hatfield  
5,437,112 A 8/1995 Johnston  
D361,884 S 9/1995 Lozano  
D364,499 S 11/1995 Avar  
D365,201 S 12/1995 Avar  
D385,411 S 10/1997 Cooper et al.  
D385,996 S 11/1997 Tresser  
D397,852 S 9/1998 Smith, III  
D398,770 S 9/1998 Lozano  
D404,194 S 1/1999 Smith  
D404,554 S 1/1999 Kelchak  
D405,950 S \* 2/1999 Lozano ..... D2/972  
D406,448 S 3/1999 Rask  
D407,203 S 3/1999 Maxwell  
D409,828 S \* 5/1999 Worthington ..... D2/972  
D412,054 S 7/1999 Gray et al.  
D412,241 S 7/1999 Hatfield et al.  
D415,885 S 11/1999 Mervar  
D417,777 S 12/1999 Hlavacs

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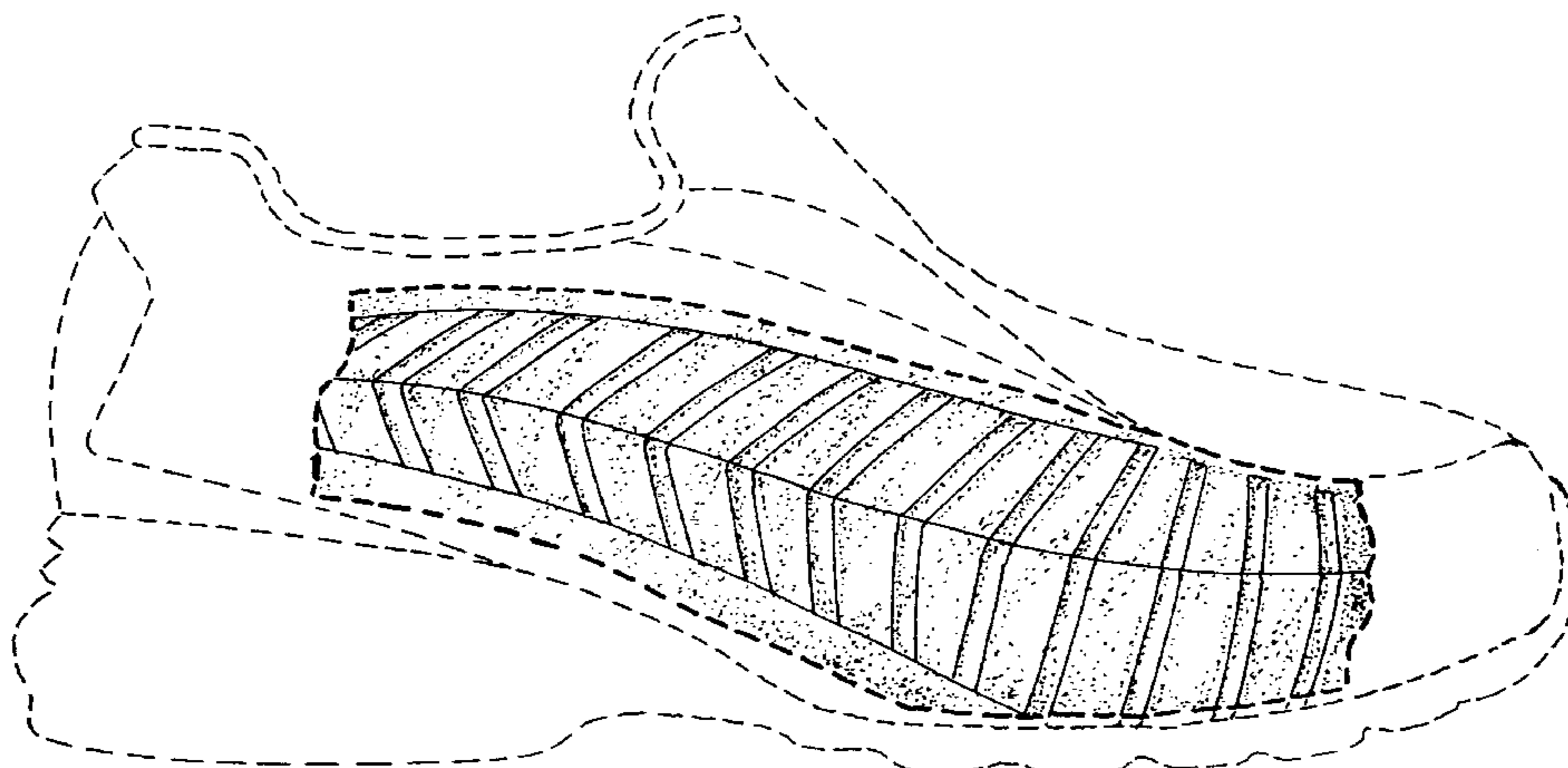
(57) **CLAIM**

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 elevational view thereof;  
FIG. 4 is a rear elevational 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**



U.S. PATENT DOCUMENTS

D430,725 S 9/2000 McDowell  
D432,776 S 10/2000 McDowell  
D434,213 S 11/2000 Smith  
D436,244 S 1/2001 James  
D440,756 S 4/2001 Cooper  
D442,360 S 5/2001 Holmes  
D442,770 S 5/2001 Matis et al.

OTHER PUBLICATIONS

Nike Footwear Catalog Spring 1999, p. M15, published Jun. 1998.

Nike Footwear Catalog Late Spring 1999, pp. M41, M43, published Sep. 1998.

Nike Footwear Catalog Fall 1999, pp. M33, M47 and M55, published Dec. 1998.

Nike Footwear Catalog Holiday 1999, pp. M16, M107, published Mar. 1999.

Nike Footwear Catalog Fall 2000, p. M11, published Nov. 1999.

Nike Footwear Catalog Holiday 2000, pp. M5, M77, published Mar. 2000.

Nike Footwear Catalog Spring 2001, p. W18, published Jun. 2000.

Nike Footwear Catalog Fall 2001, p. W17, published Nov. 2000.

\* cited by examiner

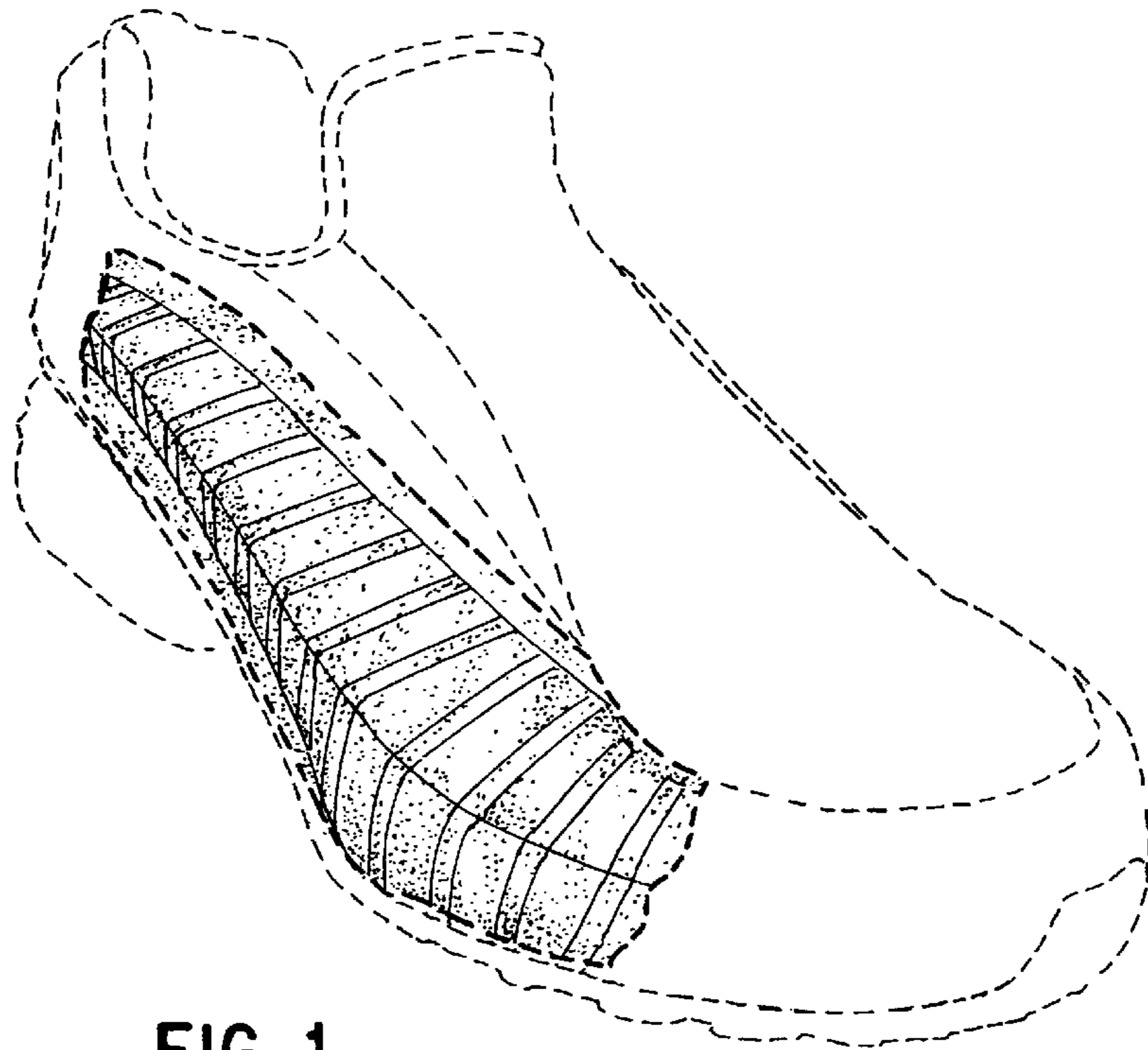


FIG. 1

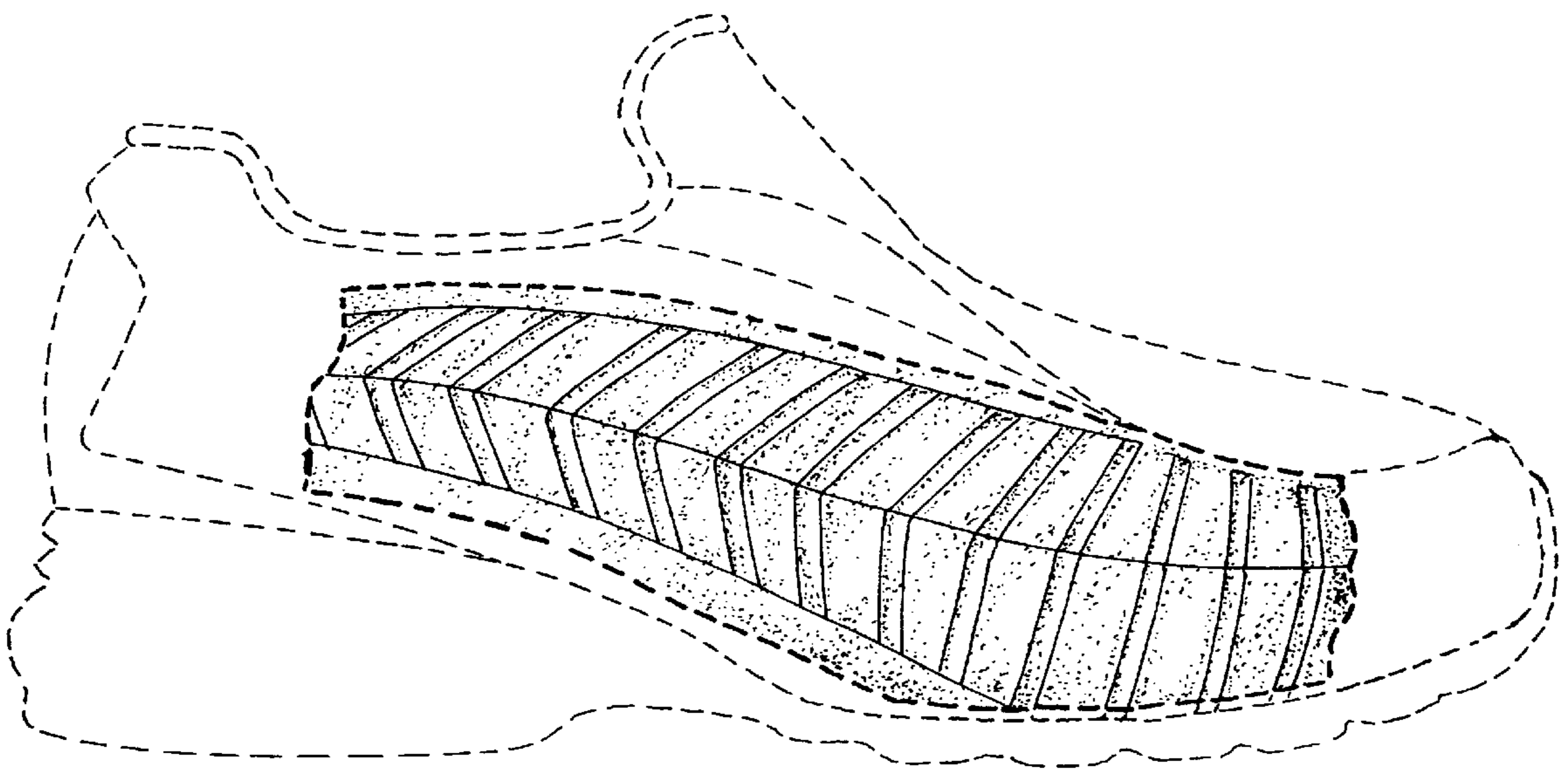


FIG. 2

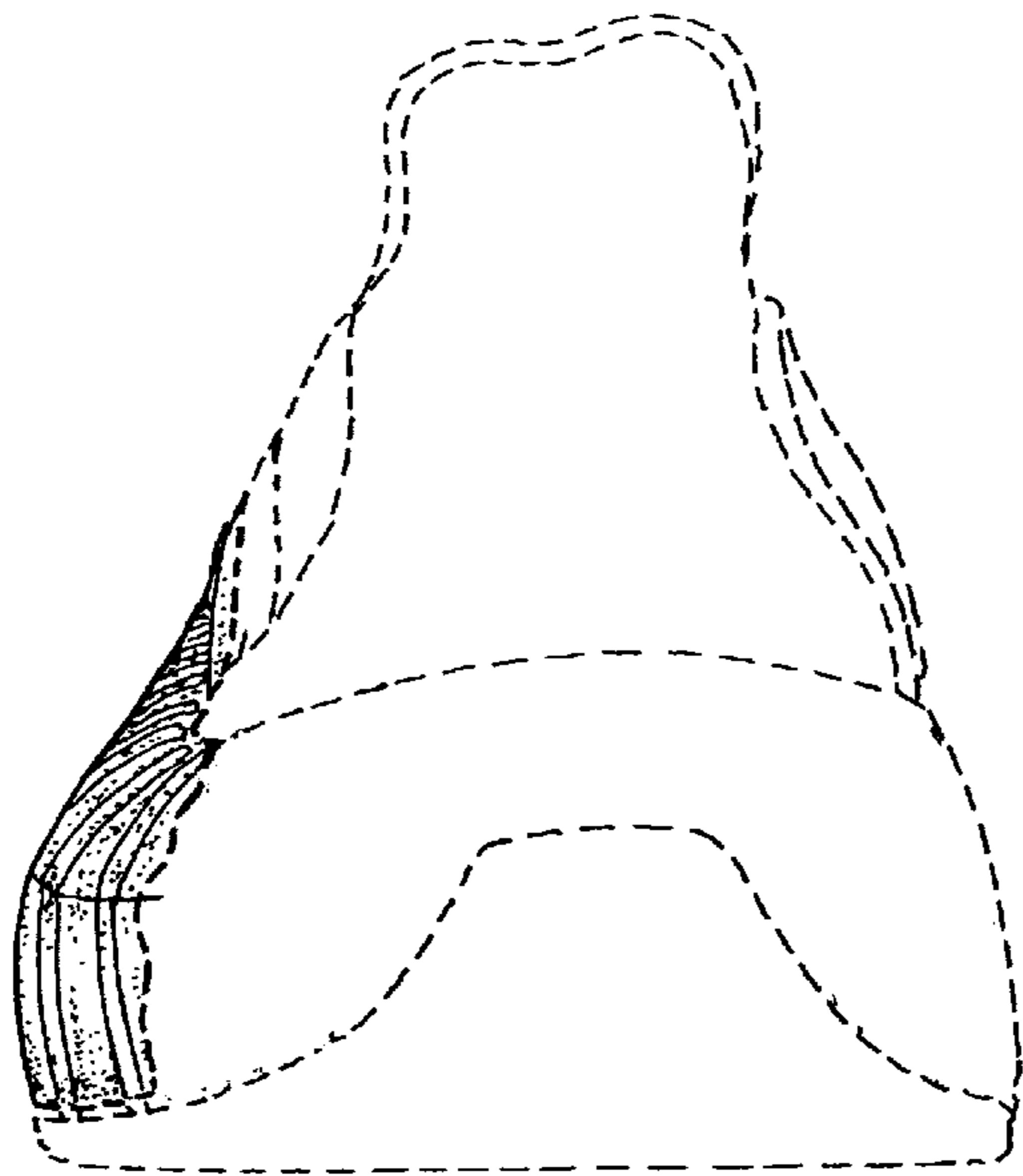


FIG. 3

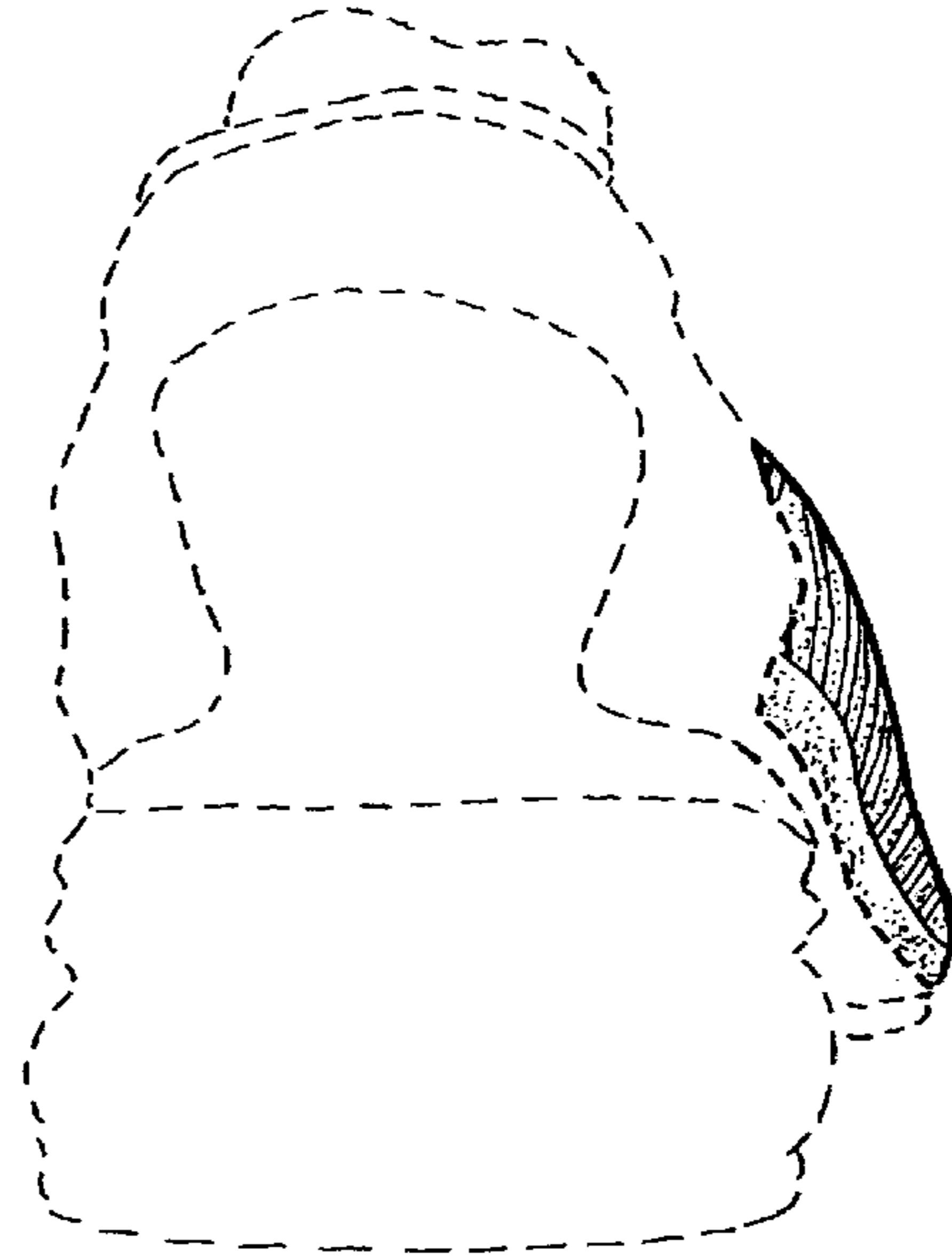


FIG. 4

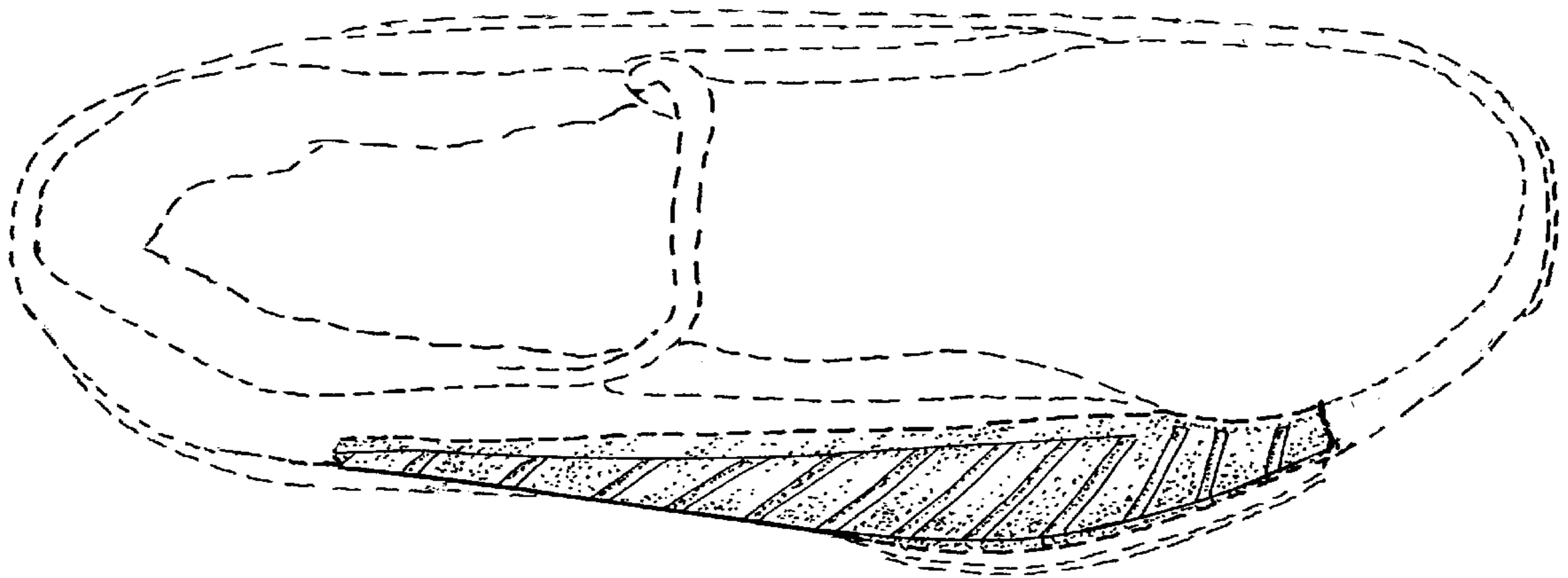


FIG. 5