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

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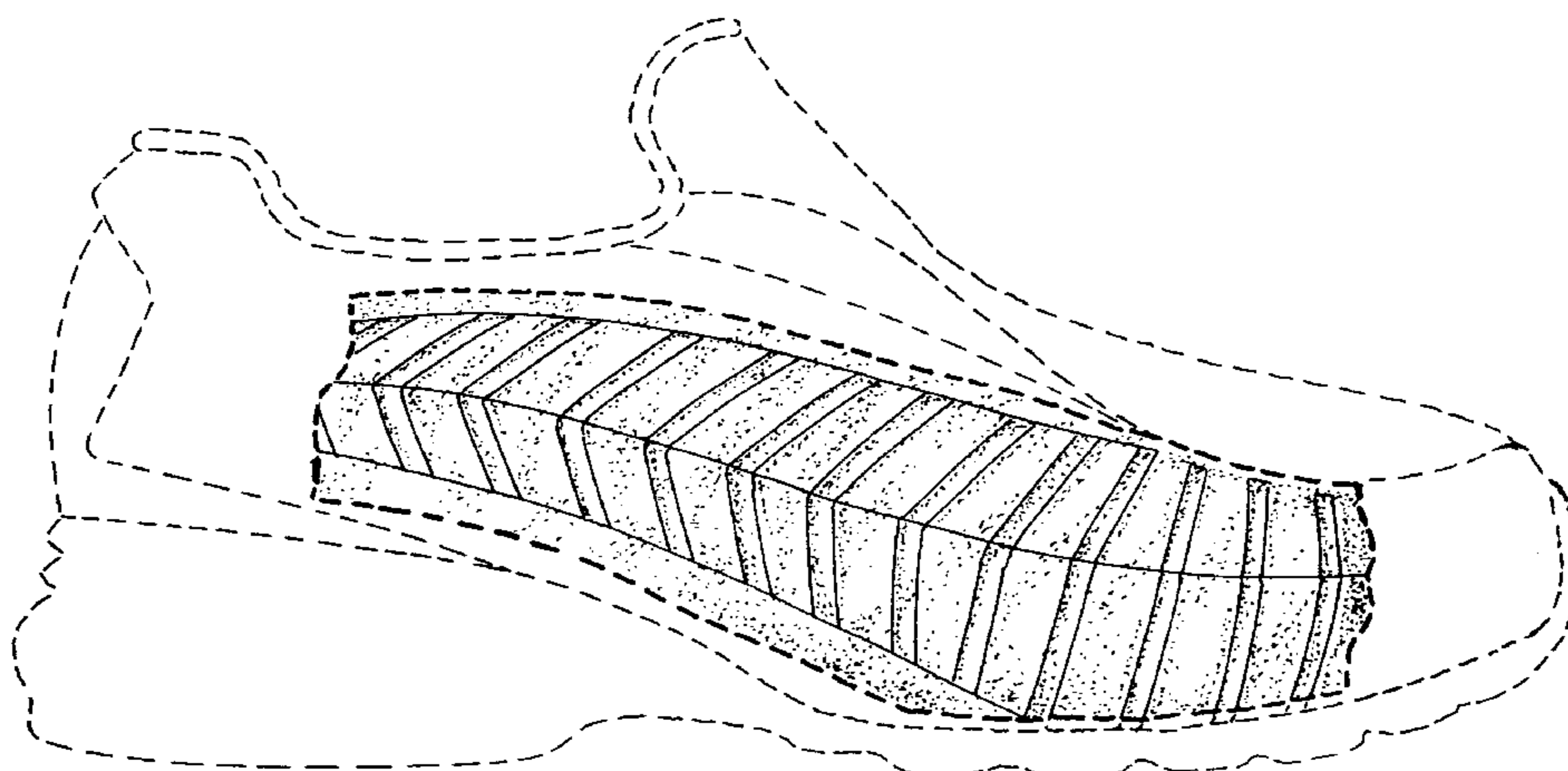
(57) **CLAIM**

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

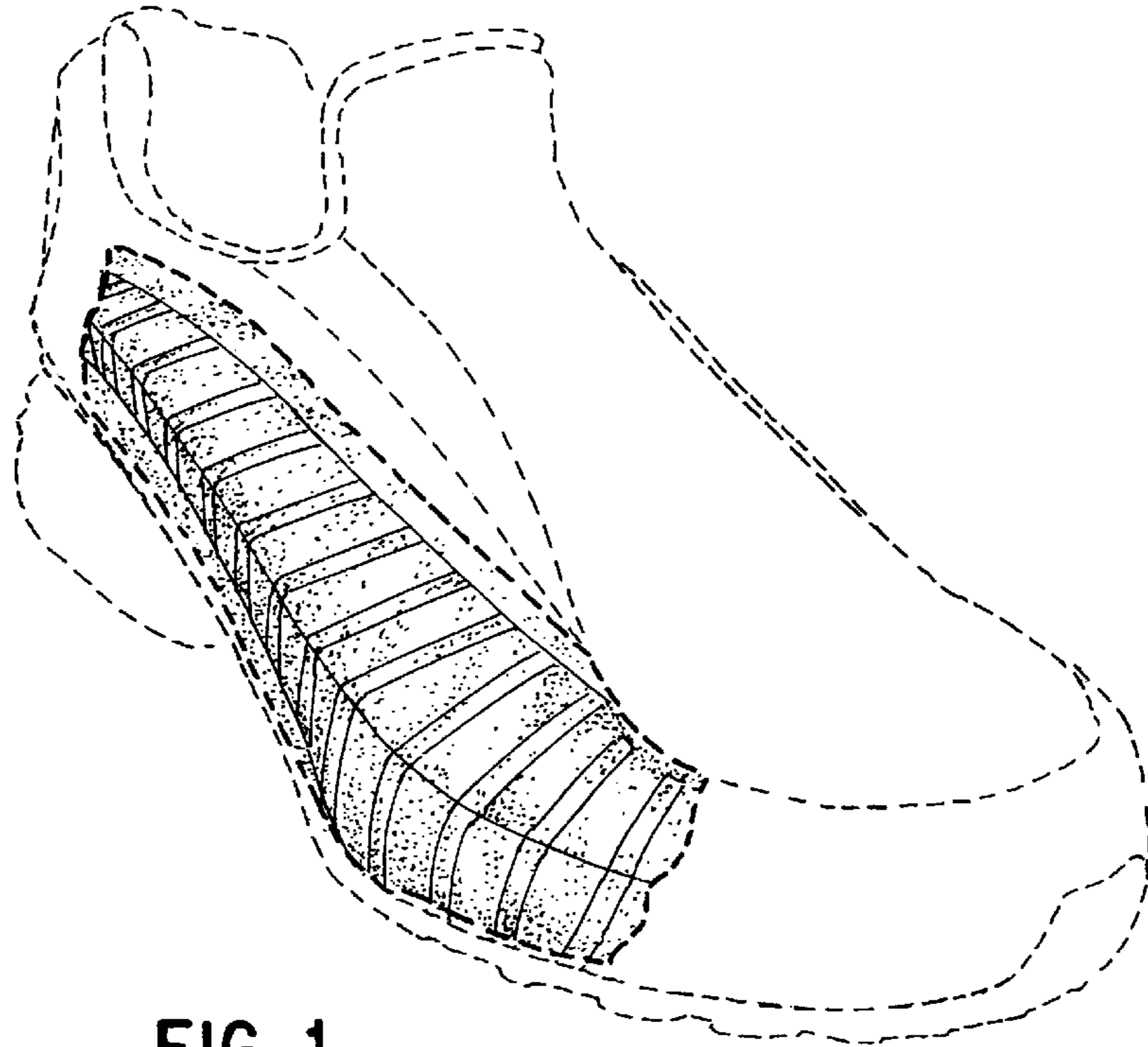


FIG. 1

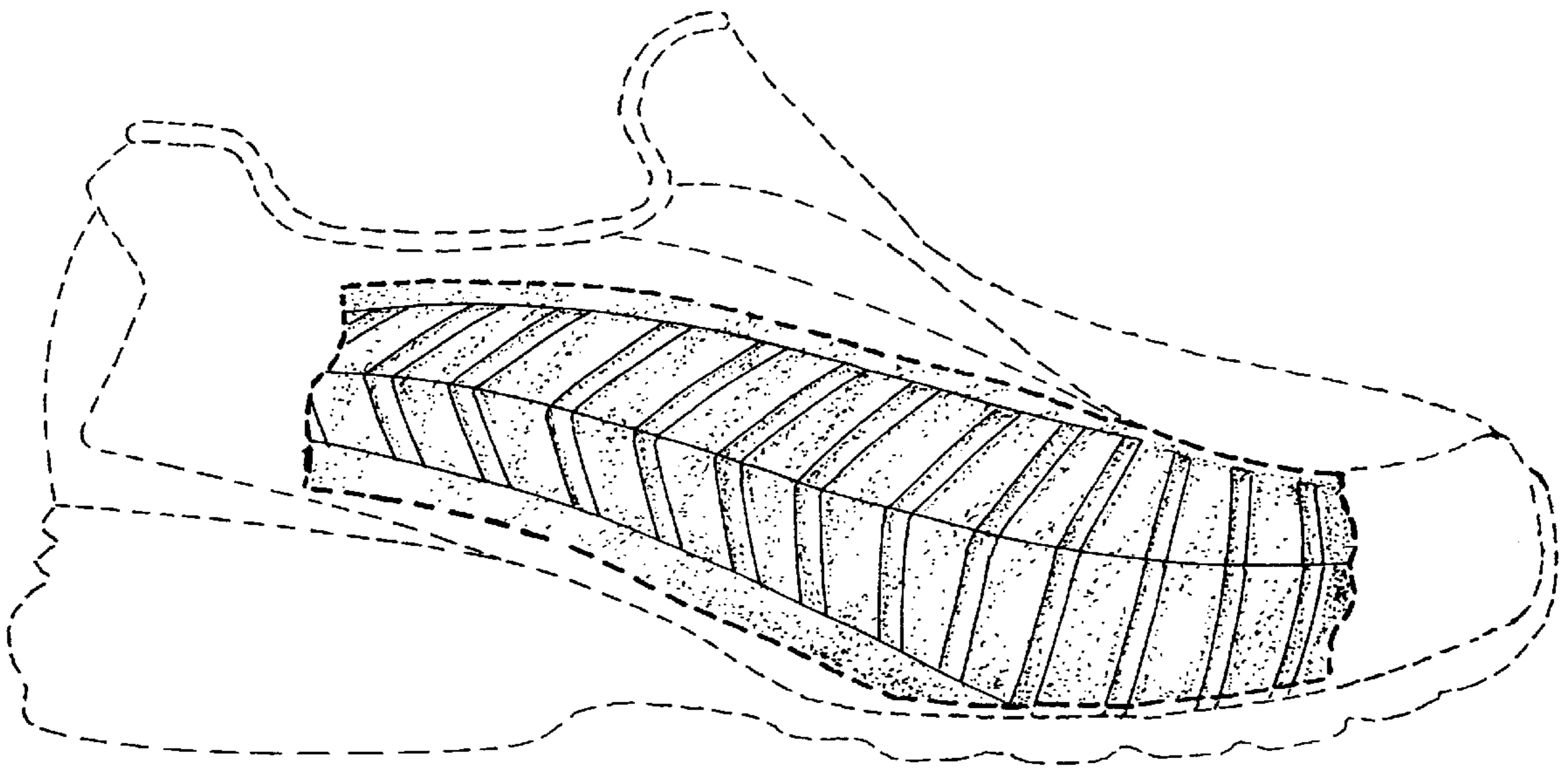


FIG. 2

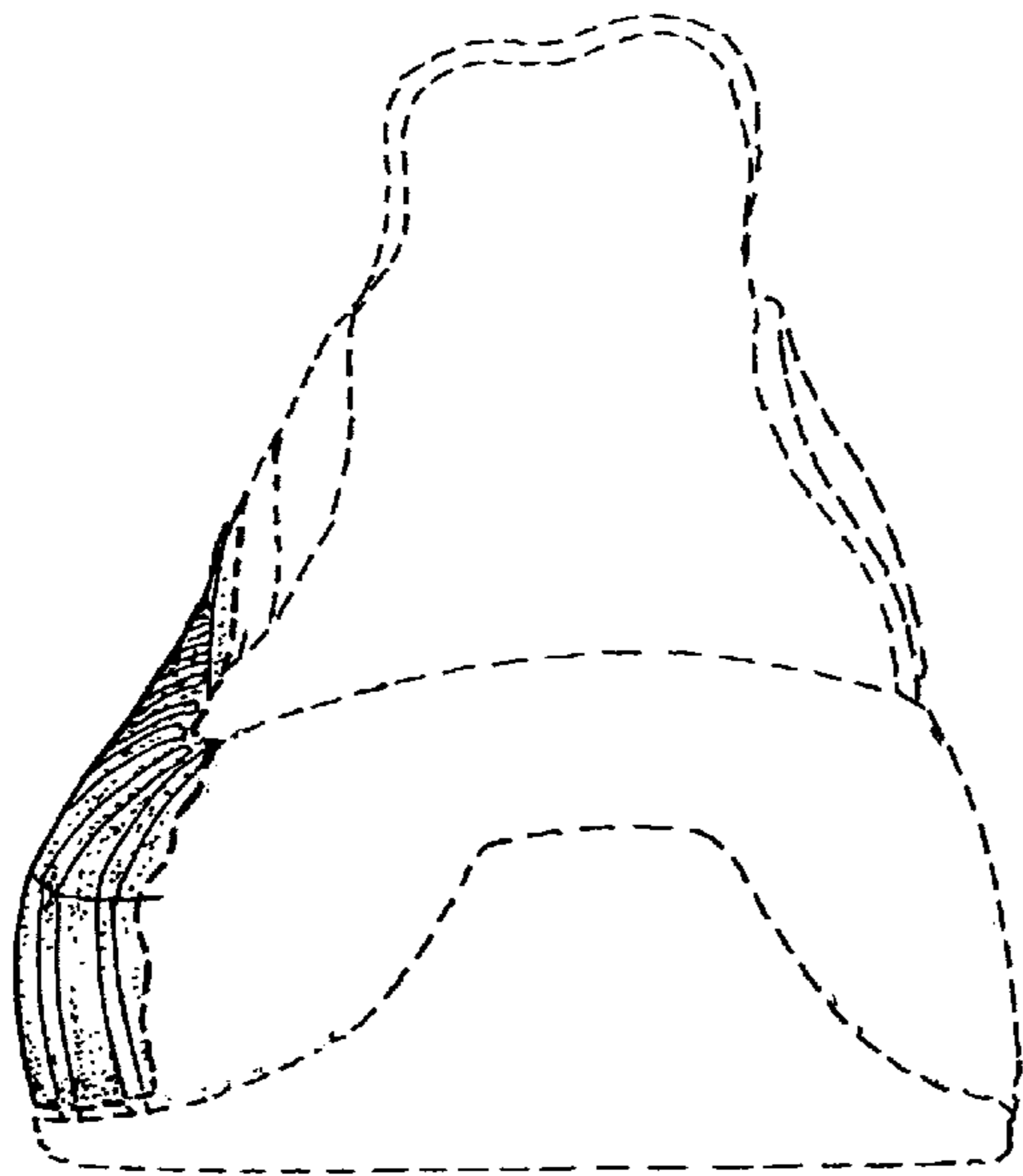


FIG. 3

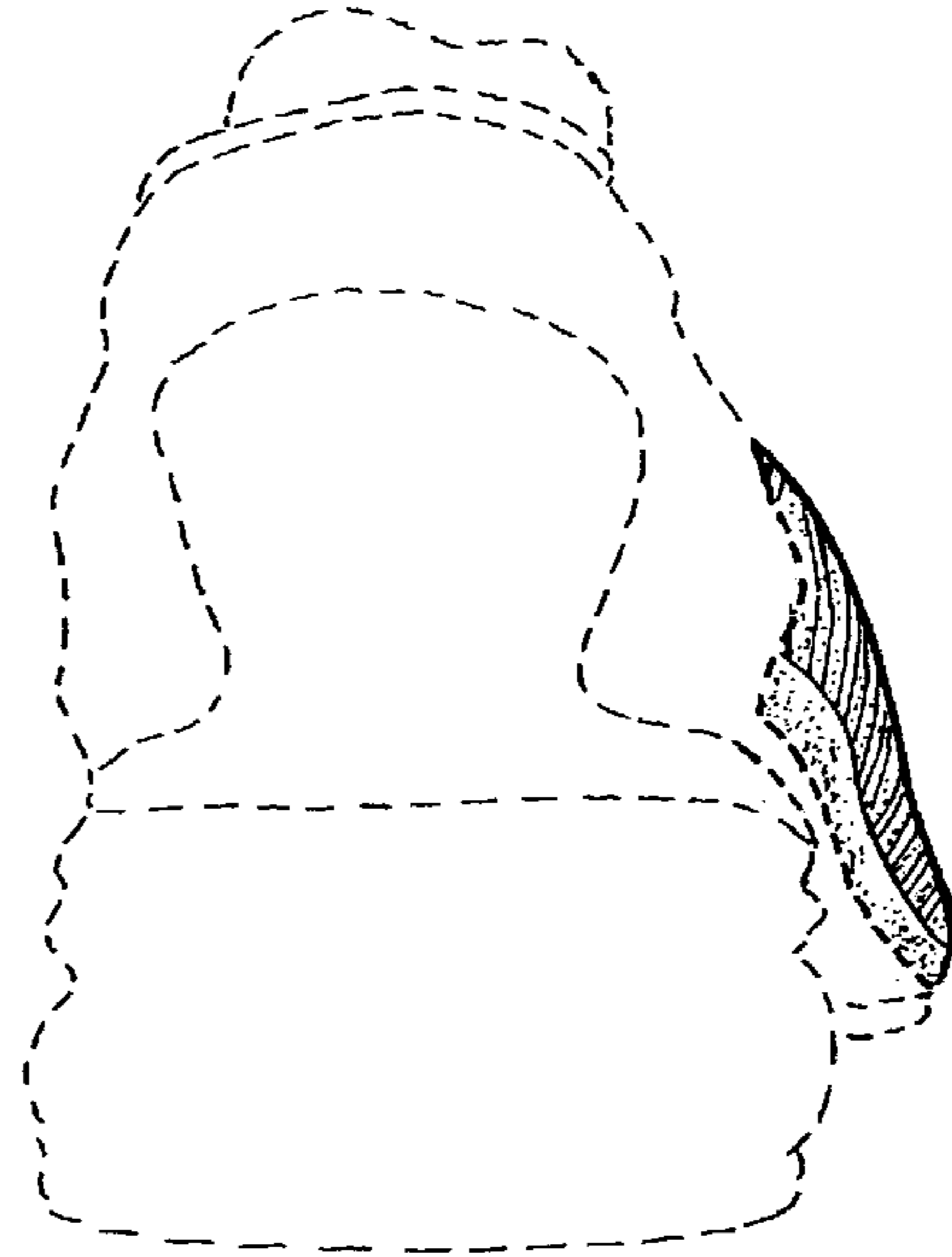


FIG. 4

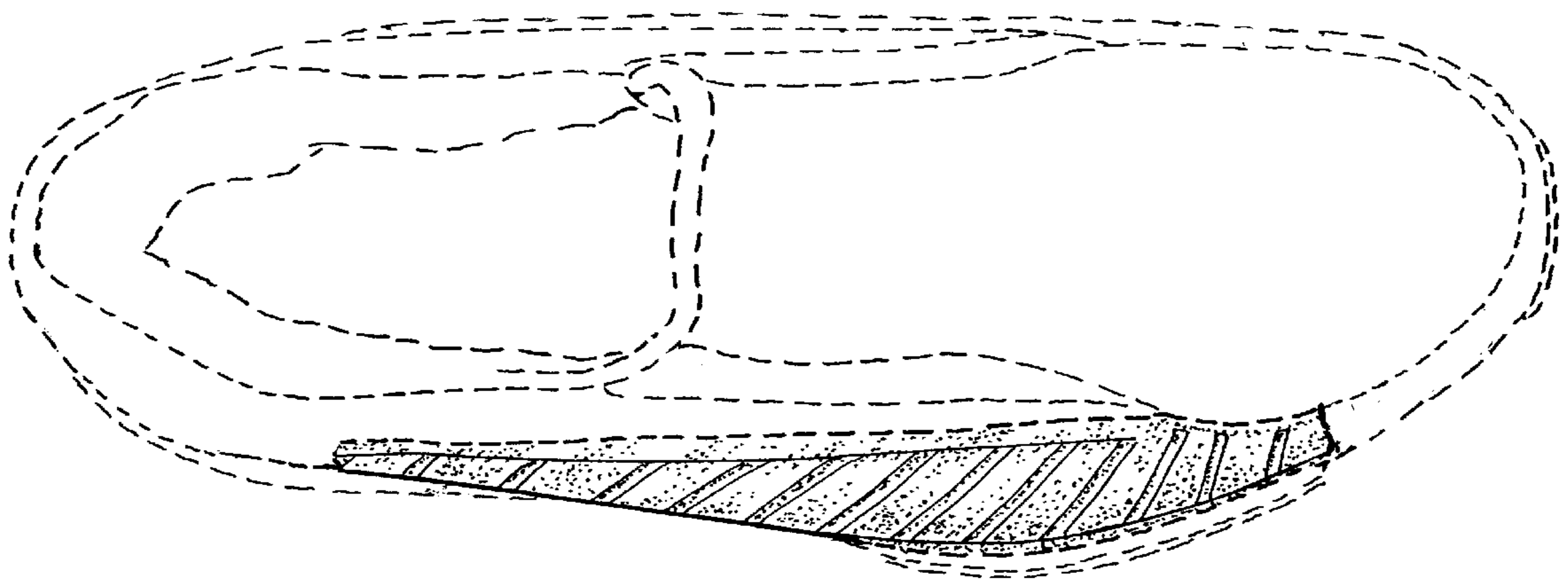


FIG. 5