



US00D460251S

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

(10) **Patent No.:** **US D460,251 S**

(45) **Date of Patent:** **** Jul. 16, 2002**

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

D344,396 S 2/1994 Hoeft et al.
D346,061 S 4/1994 Teague

(75) Inventor: **Robert W. Dolan**, Portland, OR (US)

(List continued on next page.)

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

OTHER PUBLICATIONS

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

Nike Footwear Catalog Spring 1990, p. 142, published Jun. 1989.

(21) Appl. No.: **29/148,541**

Nike Footwear Catalog Fall 1990, p. 30, published Dec. 1989.

(22) Filed: **Sep. 24, 2001**

Nike Footwear Catalog Spring 1991, p. 32, published Jun. 1990.

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

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

(58) **Field of Search** D2/896, 902, 907,
D2/923, 946, 969, 972; 36/45, 50.1, 51,
77 M, 77 R, 81, 83, 88, 113, 114, 126-130

Nike Footwear Catalog Fall 1991, p. 66, published Dec. 1990.

Nike Footwear Catalog Spring 1992, p. 70, published May 1991.

Nike Footwear Catalog Fall 1992, p. 34, published Dec. 1991.

Nike Footwear Catalog Spring 1994, p. 6, published Jun. 1993.

(56) **References Cited**

U.S. PATENT DOCUMENTS

349,562 A *	9/1886	Blum	36/9 R
586,137 A *	7/1897	Medger	36/9 R
D86,759 S	4/1932	Bancroft	
1,879,144 A *	9/1932	Emery	36/3 A
D90,233 S *	7/1933	Daniels	D2/972
D90,235 S *	7/1933	Daniels	D2/972
1,949,318 A	2/1934	Markowsky	
1,956,969 A	5/1934	Ayers	
D93,908 S	11/1934	Benjamin	
2,001,962 A	5/1935	Kantrow	
D96,250 S	7/1935	Heil	
D98,509 S	2/1936	Goldberg	
D111,678 S *	10/1938	Hurwit	D2/944
D114,457 S *	4/1939	Ochs	D2/944
D121,340 S *	7/1940	Scherer	D2/944
D130,425 S *	11/1941	Daniels	D2/944
D170,782 S	11/1953	Wegner	
3,370,363 A *	2/1968	Kaplan	36/9 R
3,698,107 A	10/1972	Fukuoka	
4,222,183 A	9/1980	Haddox	
D265,016 S	6/1982	Haddox	
4,451,996 A	6/1984	Norton et al.	
D309,824 S	8/1990	Aveni et al.	
D318,944 S	8/1991	Lucas	
D327,162 S	6/1992	Hatfield	
D330,451 S	10/1992	Hatfield	
D334,649 S	4/1993	McDonald	

(List continued on next page.)

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 thereof;

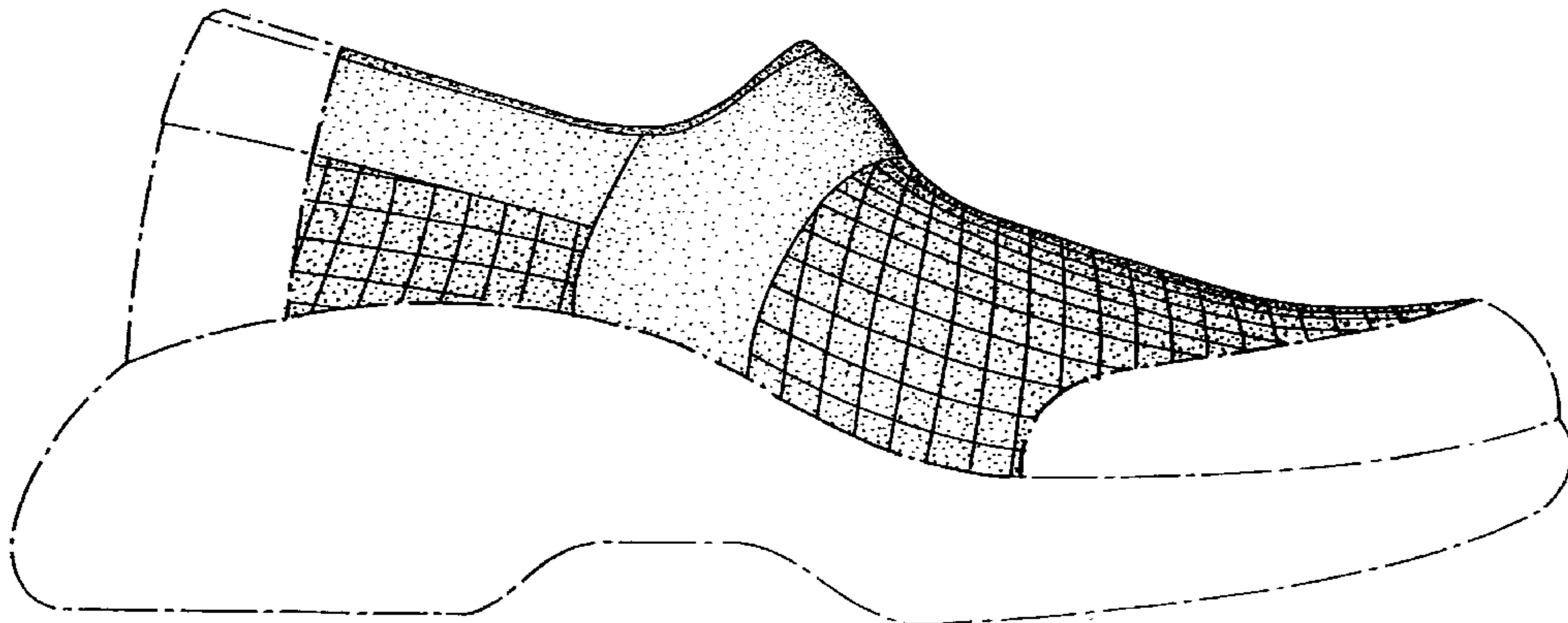
FIG. 3 is a side elevational view of the other side thereof;

FIG. 4 is a top plan view thereof; and,

FIG. 5 is a front elevational view thereof.

The uneven broken line immediately adjacent to the shaded area represents an unclaimed boundary of the design. The uneven 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

D348,767 S	7/1994	Hatfield et al.	
D349,394 S	8/1994	Hatfield	
D349,395 S	8/1994	Kelchak	
D349,396 S	8/1994	Hatfield	
D354,847 S	1/1995	Diaz et al.	
D355,069 S	2/1995	Aveni	
D355,296 S	2/1995	Greene	
D356,209 S	3/1995	Avar	
D361,884 S	9/1995	Lozano	
D361,885 S	9/1995	Hatfield	
D362,953 S	10/1995	Greene	
D367,754 S	3/1996	James	
D370,118 S	5/1996	Avar	
5,555,650 A	9/1996	Longbottom et al.	
D377,412 S	1/1997	Longbottom et al.	
D377,414 S	1/1997	Hatfield	
D379,031 S	5/1997	Hatfield	
D384,805 S	10/1997	Smith, III	
D385,996 S	11/1997	Tresser	
D386,896 S	12/1997	Fogg	
D393,939 S	5/1998	Greene	
D394,144 S	5/1998	Parmar	
D394,743 S	6/1998	Koh	
D397,855 S	9/1998	Clarke	
D398,754 S	9/1998	McCourt	
D404,194 S	1/1999	Smith	
D404,554 S	1/1999	Kelchak	
D412,241 S	7/1999	Hatfield et al.	
D412,242 S	7/1999	Hatfield et al.	
D414,321 S	9/1999	Blakeslee	
D420,500 S	* 2/2000	Hudson	D2/972
D420,501 S	2/2000	Hlavacs	
D420,502 S	2/2000	Hlavacs	
D422,132 S	4/2000	Fogg	
D424,798 S	5/2000	McDowell	
D428,246 S	7/2000	McCourt	
D430,725 S	9/2000	McDowell	
D438,697 S	* 3/2001	Matis et al.	D2/969
D448,548 S	10/2001	Simpson	
D450,180 S	* 11/2001	Matis et al.	D2/907
D450,913 S	* 11/2001	Banik et al.	D2/907

OTHER PUBLICATIONS

Nike Footwear Catalog Spring 1996, p. 121, published Jun. 1995.

Nike Footwear Catalog Holiday 1996, p. 150, published Mar. 1996.

Nike Footwear Catalog Spring 1997, p. 113, published Jun. 1996.

Nike Footwear Catalog Late Spring 1997, pp. 8, 11, 46, 165, 168, 202, published Sep. 1996.

Nike Footwear Catalog Fall 1997, p. 12, published Dec. 1996.

Nike Footwear Catalog Late Fall 1998, p. 30, published Mar. 1998.

Nike Footwear Catalog Spring 1999, p. M24, M27, W72, published Jun. 1998.

Nike Footwear Catalog Fall 1999, p. M73, W23, published Nov. 1998.

Nike Footwear Catalog Holiday 1999, p. W52, published Mar. 1999.

Nike Footwear Catalog Spring 2000 #1, pp. M28, W39, published Jul. 1999.

Nike Footwear Catalog Spring 2000 #2, pp. M6, M24, published Jul. 1999.

Nike Footwear Catalog Fall 2000 #1, pp. M23, W46, published Nov. 1999.

Nike Footwear Catalog Spring 2001, pp. M9, W30, published Jun. 2000.

Nike Footwear Catalog Holiday 2001, p. M79, published Feb. 2001.

Nike Footwear Catalog Spring 2002, pp. M6, M16, W43, published Jun. 2001.

Nike Footwear Catalog Spring 1992, p. 94, published May 1991.

Van's Classic Slip-On, advertisement, date unknown but prior to Sep. 24, 2001.

Fila GH5, photograph, date unknown but prior to Sep. 24, 2001.

Nike Air Woven, 4 photographs of prior models, date unknown but prior to Sep. 24, 2001.

* cited by examiner

FIG. 1

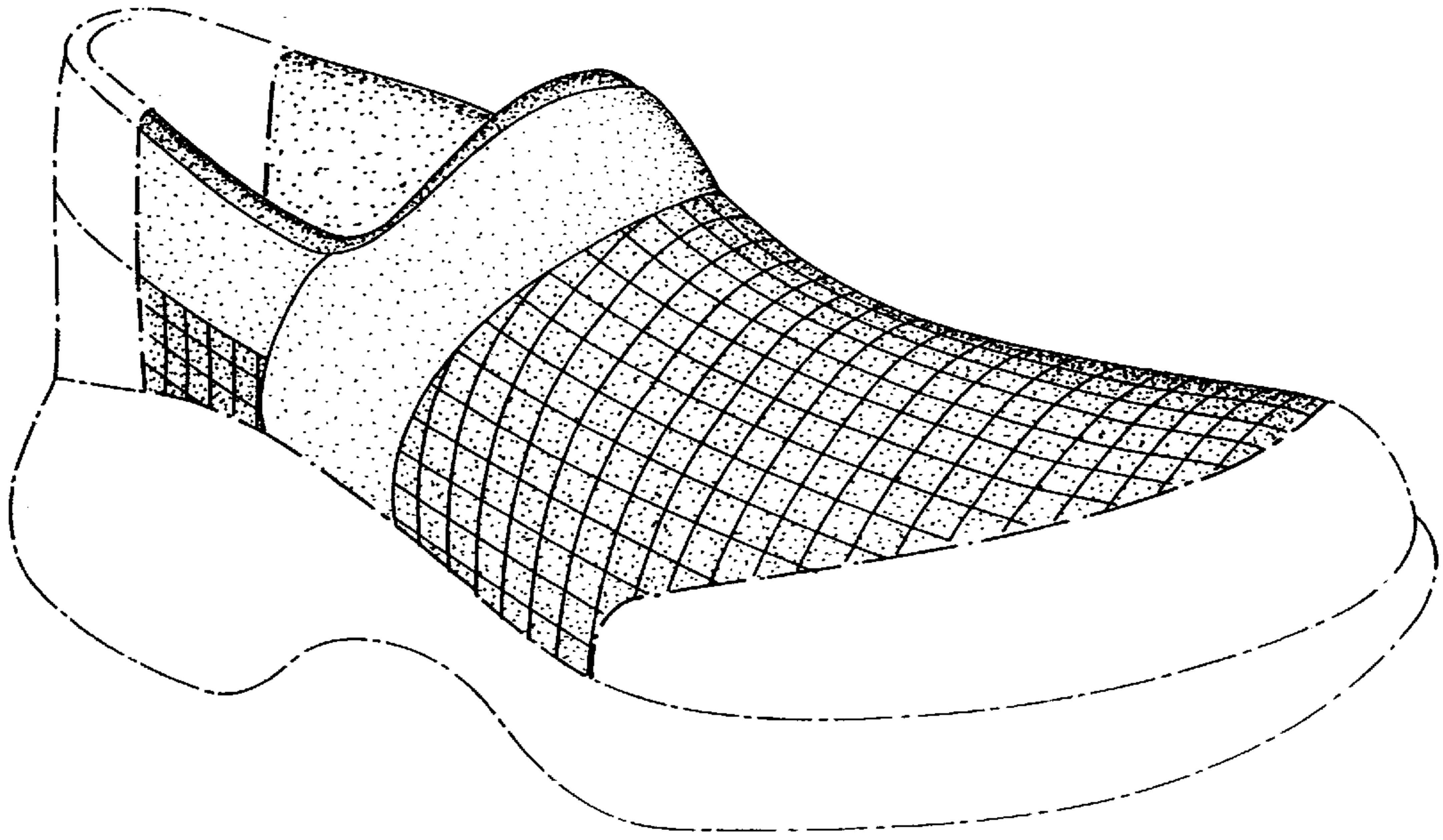


FIG. 2

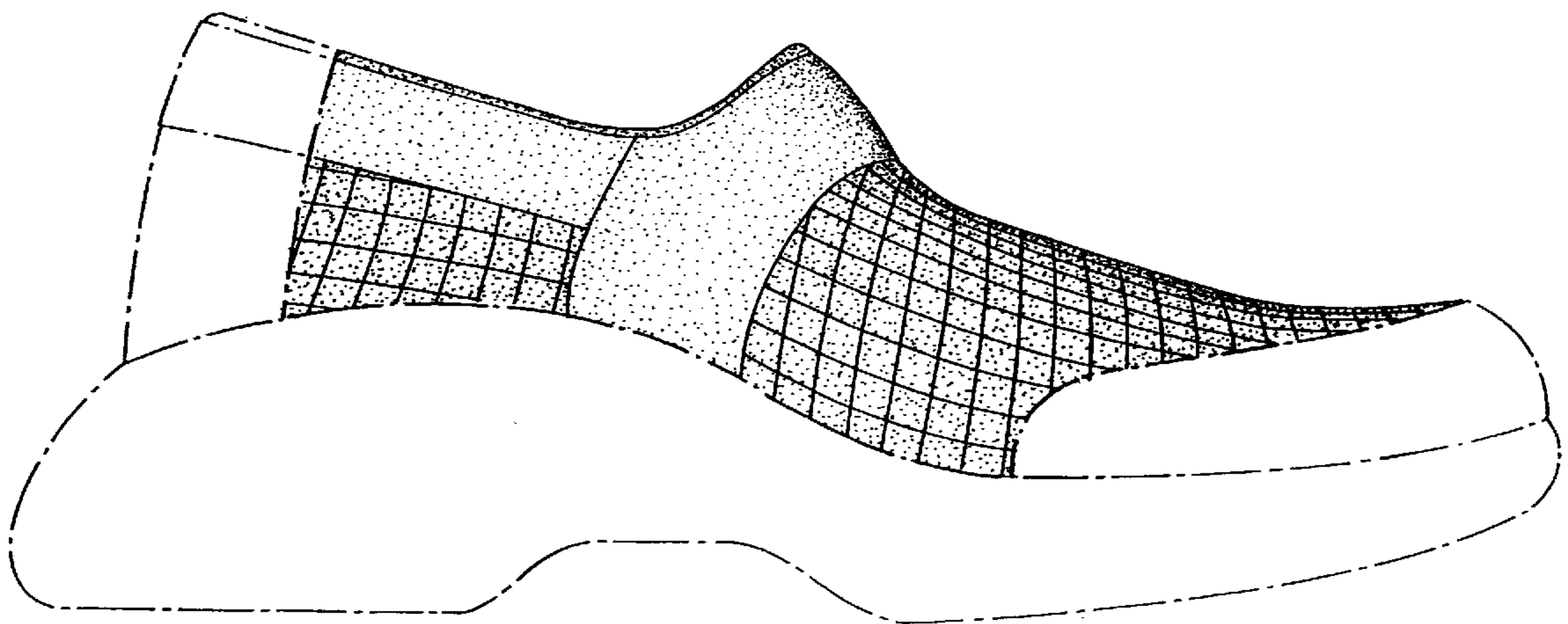


FIG. 3

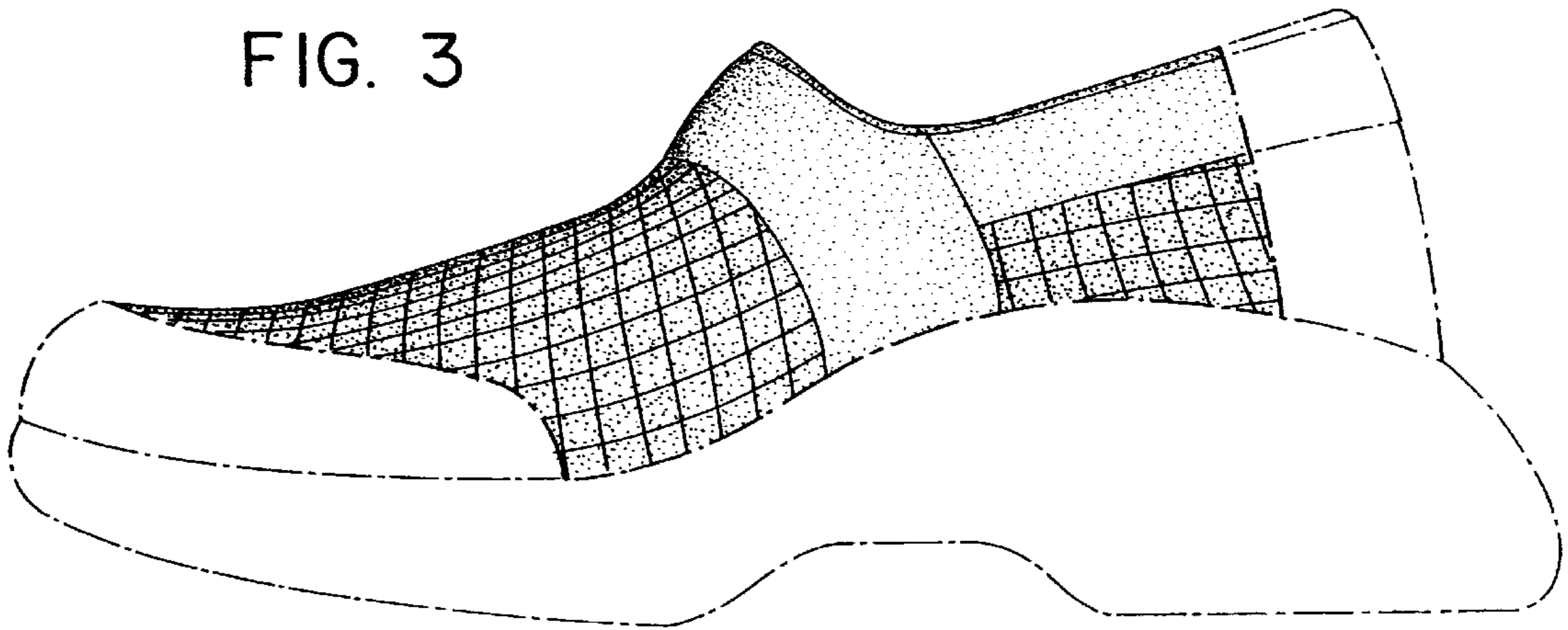


FIG. 4

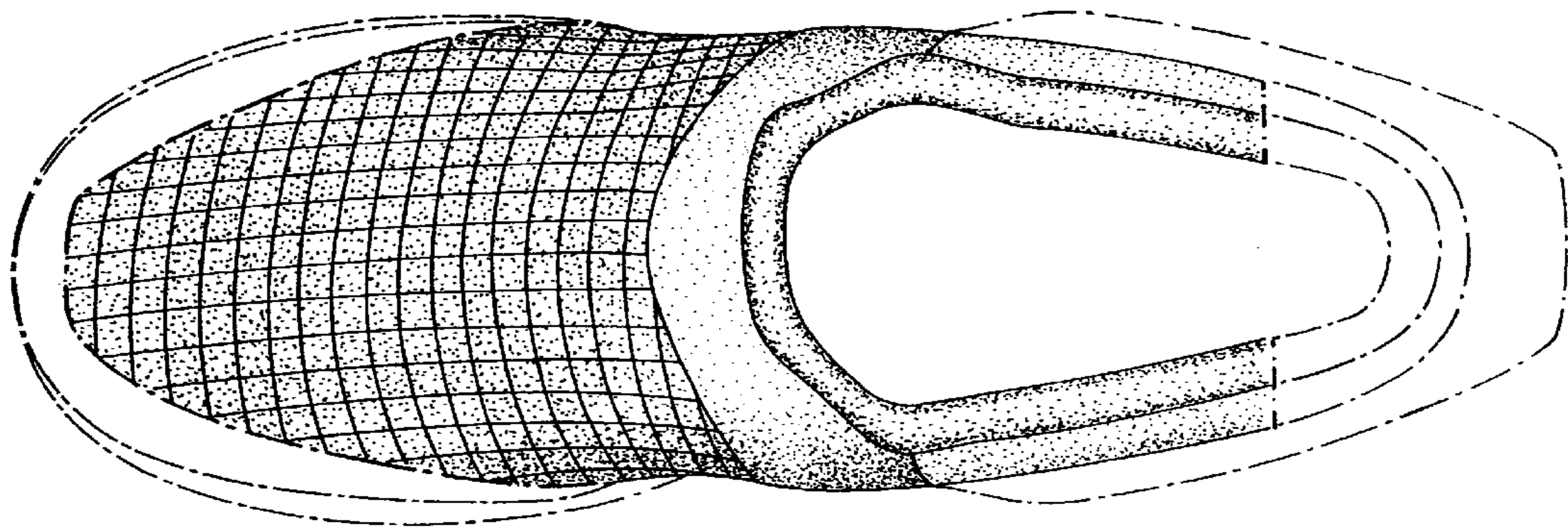


FIG. 5

