



US00D461951S

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

(10) **Patent No.:** **US D461,951 S**

(45) **Date of Patent:** **** Aug. 27, 2002**

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

(75) Inventor: **John Hlavacs**, Portland, OR (US)

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

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

(21) Appl. No.: **29/154,855**

(22) Filed: **Feb. 1, 2002**

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

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

(58) **Field of Search** D2/896, 902, 907,
D2/946, 969, 972, 973; 36/45, 50.1, 51,
77 M, 77 R, 81, 83, 88, 113, 114, 126-130

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,634,515 A	4/1953	Saitta
D239,342 S	3/1976	Dassler
D304,387 S	11/1989	Brown
D307,350 S	4/1990	Brown et al.
D315,979 S	4/1991	Legacki et al.
D319,529 S	9/1991	Hatfield
D325,292 S	4/1992	Morris et al.
D325,811 S	5/1992	Backus et al.
D329,736 S	9/1992	Byrne et al.
D331,829 S	12/1992	Kittle
D333,721 S	3/1993	Hatfield
D335,950 S	6/1993	Claveria
D338,995 S	9/1993	Snell
D342,600 S	12/1993	Hatfield et al.
D350,222 S	9/1994	Hase
5,371,957 A	12/1994	Gaudio
5,377,430 A	1/1995	Hatfield et al.
D365,195 S	12/1995	Chen
D377,414 S	1/1997	Hatfield
D377,712 S	2/1997	Avar et al.
D383,293 S	9/1997	Bancroft
D383,295 S	9/1997	Rask
D384,053 S	9/1997	Smith, III
D385,398 S	10/1997	Avar
D388,402 S	12/1997	Smith
D392,455 S	3/1998	Lozano
D392,792 S	3/1998	Obi

D393,142 S	4/1998	Brown
D398,759 S	9/1998	Hlavacs
D398,771 S	9/1998	Doxey
D406,451 S	3/1999	Lozano
D406,453 S	3/1999	Mervar
D407,199 S	3/1999	Hardy
D407,548 S	4/1999	Holmes
D410,140 S	5/1999	Joseph
D411,249 S	6/1999	Maxwell
D413,719 S	9/1999	Fogg
D420,499 S	2/2000	Dolinsky
D423,206 S	4/2000	Fallon

(List continued on next page.)

OTHER PUBLICATIONS

Nike Footwear Catalog, Spring 1988, p. 38, published Jun. 1997.

Nike Footwear Catalog, Spring 1990, p. 92, published Jun. 1989.

Nike Footwear Catalog, Fall 1991, p. 98, published Dec. 1990.

(List continued on next page.)

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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 our new design;

FIG. 2 is a side view thereof;

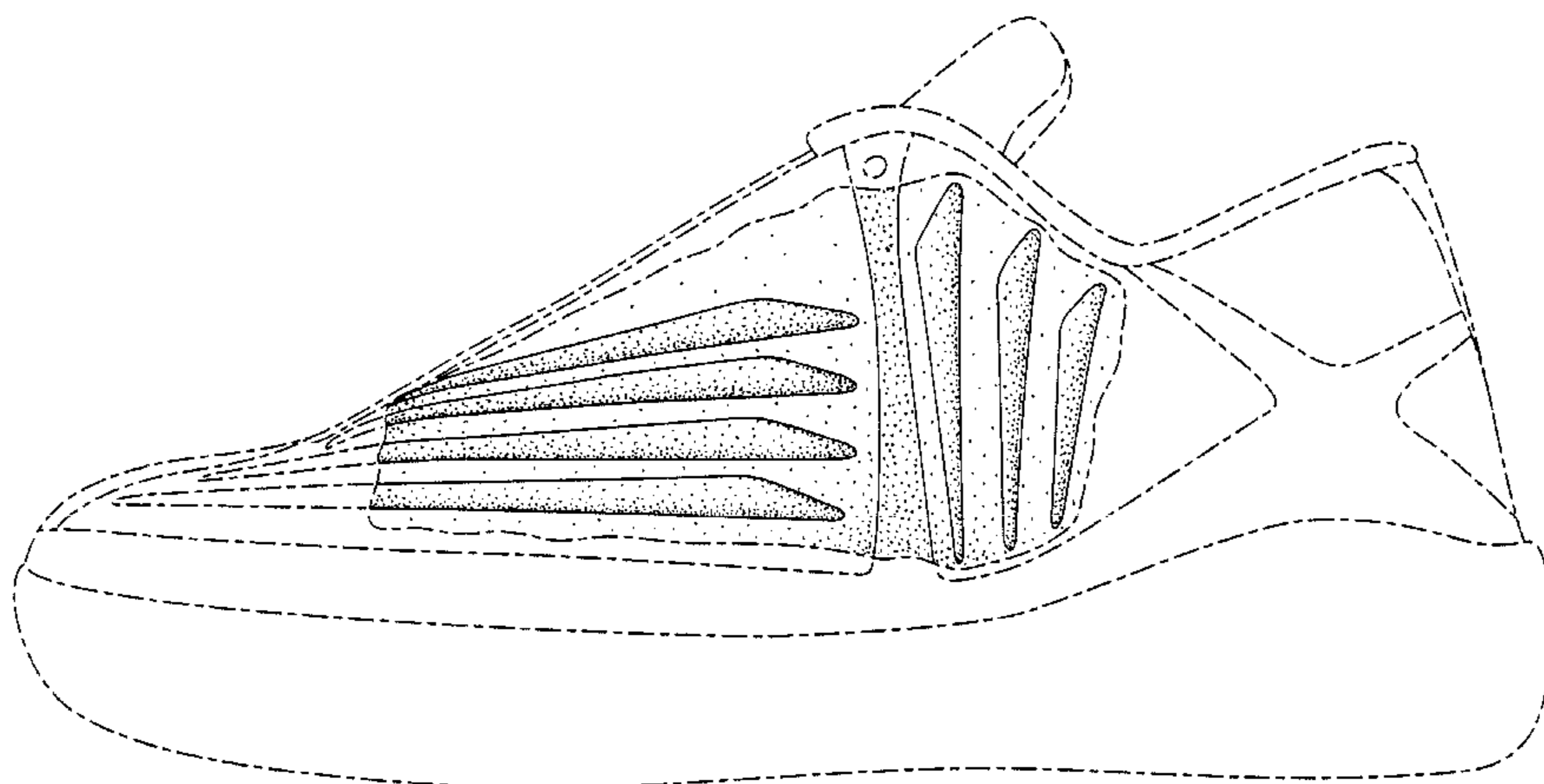
FIG. 3 is a top view thereof;

FIG. 4 is a front view thereof; and,

FIG. 5 is a rear view thereof.

The broken line showing of stripes immediately adjacent to the shaded area represent an unclaimed extension of the design. 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, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

D423,207 S	4/2000	Selbiger	
D424,292 S	5/2000	Besanceney, II et al.	
D427,760 S	7/2000	Holmes	
D429,413 S	8/2000	Fogg	
D430,723 S	9/2000	Kim	
D431,714 S	10/2000	Hatfield et al.	
D432,775 S	10/2000	McDowell	
D433,559 S	11/2000	Ruth	
D440,035 S	* 4/2001	Smith	D2/972
D440,389 S	4/2001	Lozano	
D440,393 S	4/2001	Mervar	
D440,752 S	4/2001	Clegg	
D446,925 S	* 8/2001	Lupo	D2/972
D449,731 S	10/2001	Roulo	
D450,917 S	* 11/2001	Fogg	D2/972
D452,069 S	12/2001	Allen	
D452,991 S	1/2002	Estey	
D452,992 S	1/2002	Smith	

OTHER PUBLICATIONS

Nike Footwear Catalog, Fall 1995, pp. 9 and 102, published Nov. 1994.

Nike Footwear Catalog, Holiday 95, p. 19, published Mar. 1995.

Nike Footwear Catalog, Spring 1996, pp. 129 and 131, published Jun. 1995.

Nike Footwear Catalog, Late Spring 1996, p. 103, published Aug. 1995.

Nike Foot wear Catalog, Fall 1996, pp. 24 and 141, published Dec. 1995.

Nike Footwear Catalog, Spring 1997, p. 154, published Jun. 1996.

Nike Footwear Catalog, Fall 1997, p. 113, published Dec. 1996.

Nike Footwear Catalog, Late Spring 1997, pp. 34 and 126, published Dec. 1996.

Nike Footwear Catalog, Spring 1998, p. 3, 117, published Jun. 1997.

Nike Footwear Catalog, Late Spring 1998, p. 2, published Sep. 1997.

Nike Footwear Catalog, Spring 1999, p. M5, published Jun. 1998.

Nike Footwear Catalog, Late Spring 1999, pp. W8, W15, W21, M2 and M90, published Sep. 1998.

Nike Footwear Catalog, Fall 1999, pp. M76, M134, W3, W32, W39, W96, published Nov. 1998.

Nike Footwear Catalog, Holiday 1999, pp. M3, M4, M136, W29, published Mar. 1999.

Nike Footwear Catalog, Spring 2000 #1, p. M14, published Jul. 1999.

Nike Footwear Catalog, Fall 2000 #1, p. W25, published Nov. 1999.

Nike Footwear Catalog, Holiday 2000, p. M75, published Jun. 2000.

Nike Footwear Catalog, Spring 2001, p. M1, published Sep. 2000.

Nike Footwear Catalog, Late Spring 2001, p. M50, published Sep. 2000.

Nike Footwear Catalog, Holiday 2001, p. W17, published Feb. 2001.

Nike Footwear Catalog, Spring 2002, p. M28, published Jun. 2001.

Nike Footwear Catalog, Late Spring 2002, pp. M24, W85 and M78, published Sep. 2001.

Nike Footwear Catalog, Fall 2002, pp. W10, W49 and M42, published Nov. 2001.

* cited by examiner

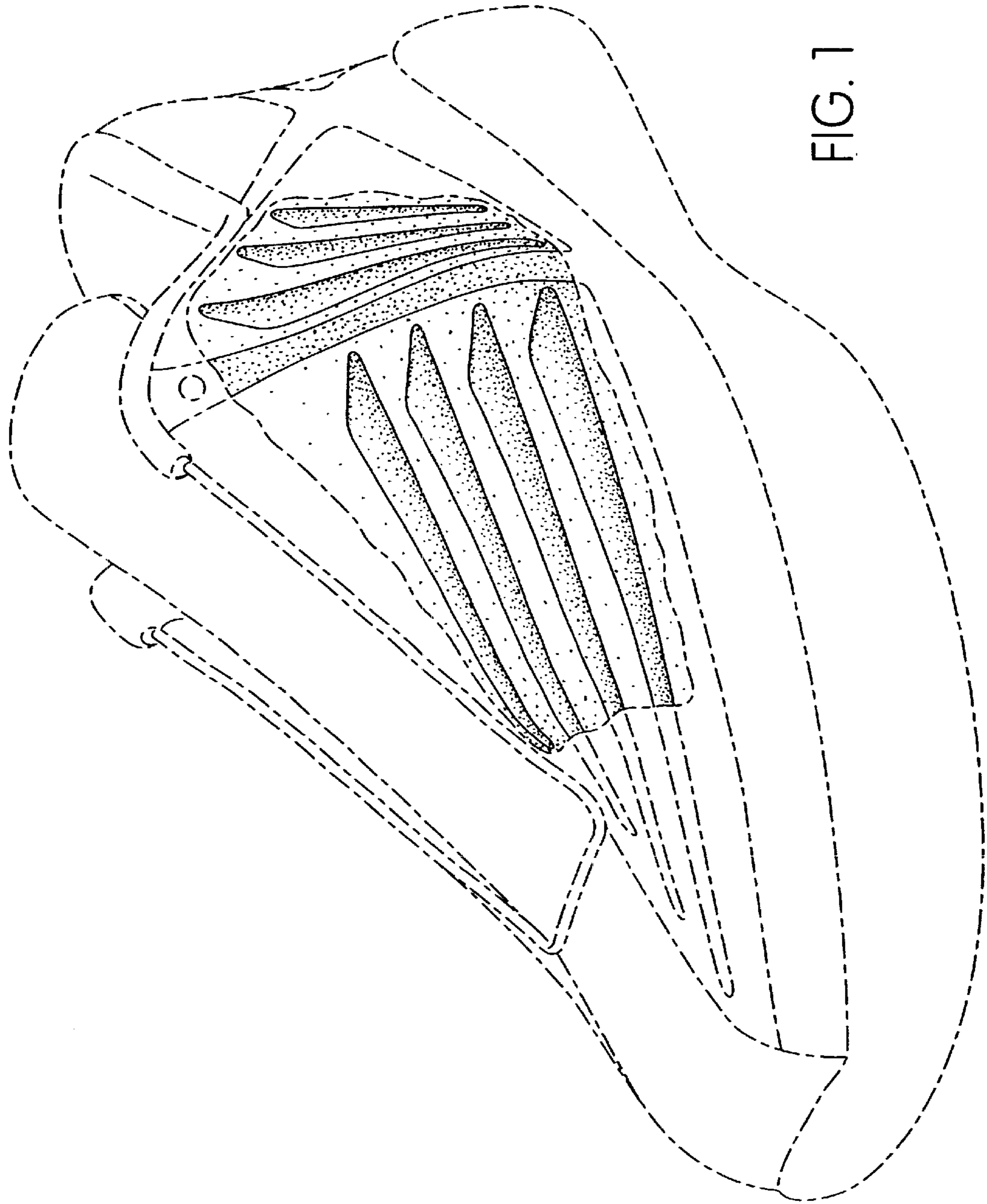


FIG. 1

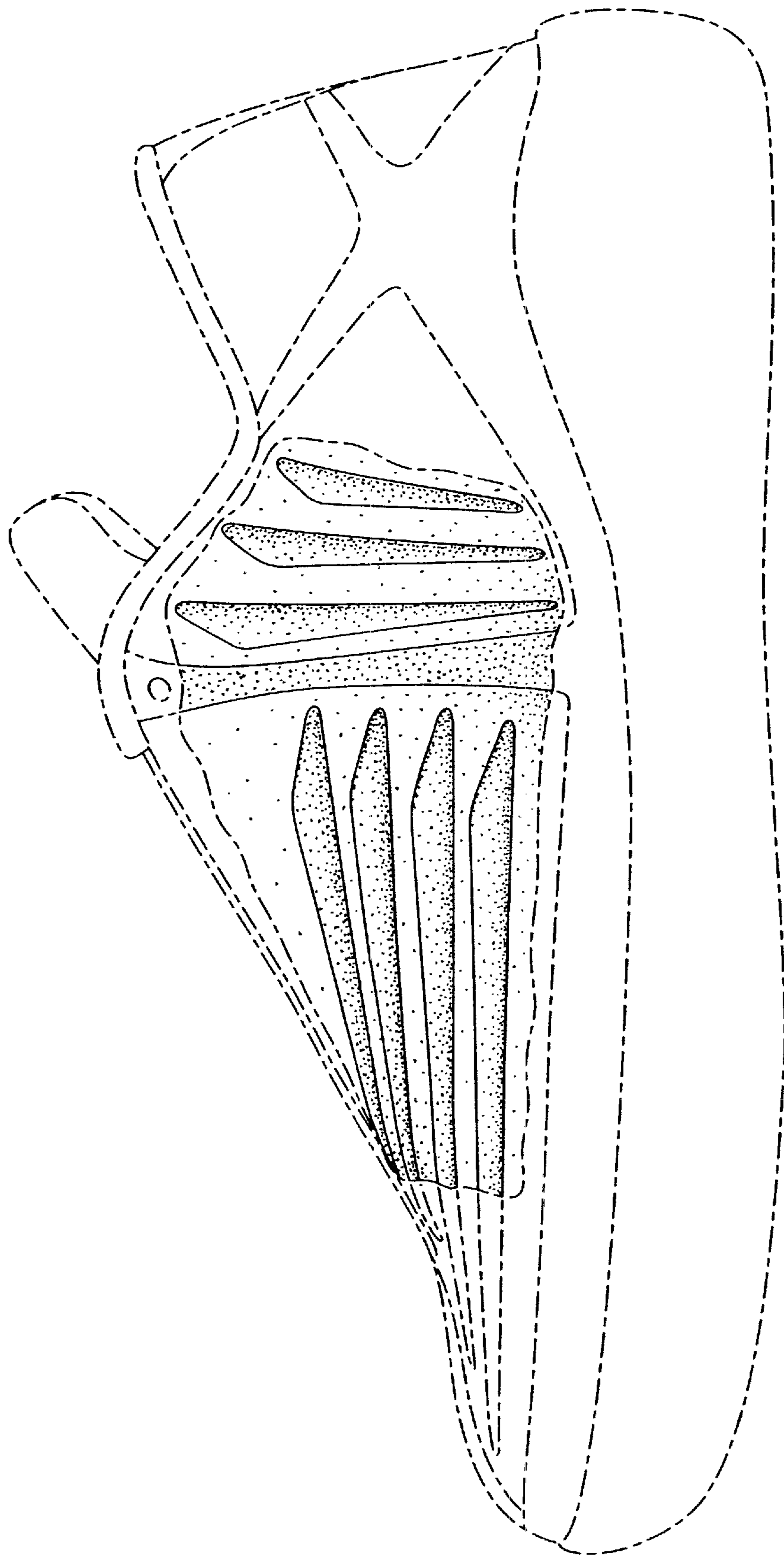


FIG. 2

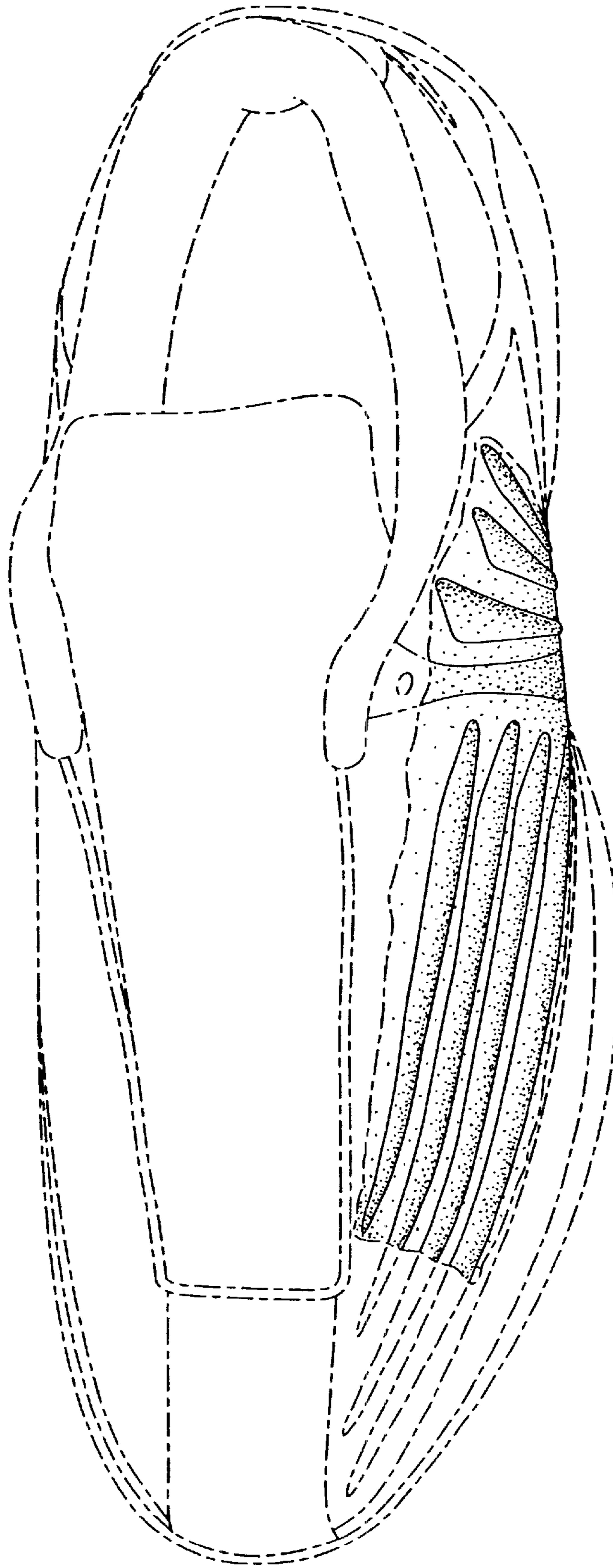


FIG. 3



FIG. 5

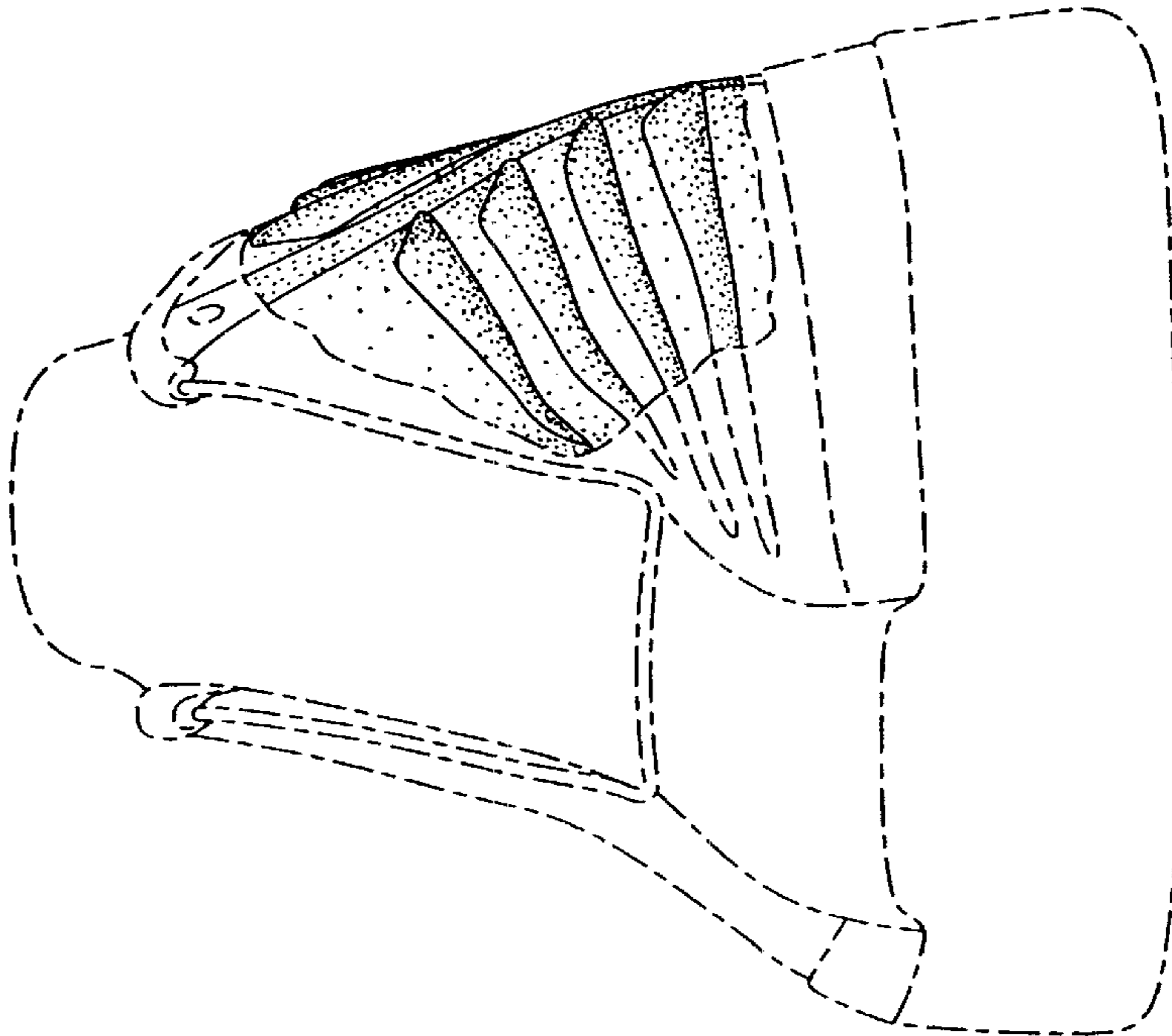


FIG. 4

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Des. 461,951 S
DATED : August 27, 2002
INVENTOR(S) : John Hlavacs

Page 1 of 1

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

Title page,

DESCRIPTION,

After FIG 1., the word "our" has been replaced with the word -- my --.

Signed and Sealed this

Eleventh Day of March, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", with a horizontal line drawn underneath it.

JAMES E. ROGAN

Director of the United States Patent and Trademark Office