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

(10) **Patent No.:** **US D467,716 S**

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- (54) **PORTION OF A SHOE UPPER**
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- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
- (21) Appl. No.: **29/162,470**
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- (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, 83, 88, 113, 114, 126-130

- D387,885 S 12/1997 Fogg
- D391,054 S 2/1998 Vestuti
- D397,543 S 9/1998 Silvers
- D398,766 S 9/1998 Avar
- D404,544 S 1/1999 Tzenos et al.
- D415,882 S 11/1999 McDowell
- D422,128 S 4/2000 Adler
- D425,292 S * 5/2000 Matis D2/969
- D426,372 S 6/2000 Price
- D431,713 S 10/2000 Wilson
- D432,292 S 10/2000 Kim
- D432,781 S 10/2000 Hardy
- D439,734 S 4/2001 Wilson
- D440,034 S * 4/2001 Matis D2/969
- D451,271 S 12/2001 Gerber
- D452,070 S 12/2001 Holmes
- D461,303 S * 8/2002 Fogg D2/972

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

- 201,451 A 3/1878 Sanford
- D94,854 S 3/1935 Rosenfield
- 3,626,610 A 12/1971 Dassler
- 4,486,965 A 12/1984 Friton
- D335,014 S 4/1993 Hatfield
- D339,451 S 9/1993 Greene
- 5,243,772 A 9/1993 Francis et al.
- D342,821 S 1/1994 Avar
- D345,246 S 3/1994 Greene
- D348,352 S 7/1994 Johnson
- D348,766 S 7/1994 Bevier et al.
- D349,396 S 8/1994 Hatfield
- D349,601 S 8/1994 Buck, IV
- D354,847 S 1/1995 Diaz et al.
- D355,977 S 3/1995 Teague
- D363,151 S 10/1995 Vitrac
- 5,497,564 A 3/1996 Allen et al.
- D370,118 S 5/1996 Avar
- 5,513,450 A 5/1996 Aviles Palazzo
- D374,340 S 10/1996 Avar
- D377,410 S 1/1997 Crowley
- D382,099 S 8/1997 Hoeft
- D382,391 S 8/1997 Cass
- D382,699 S 8/1997 Avar
- D384,197 S 9/1997 Crowley
- D385,402 S 10/1997 Hoeft
- D385,406 S 10/1997 Doxey

OTHER PUBLICATIONS

Nike Footwear Catalog Fall 1988, p. 60, published Dec. 1987.

(List continued on next page.)

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(57) **CLAIM**

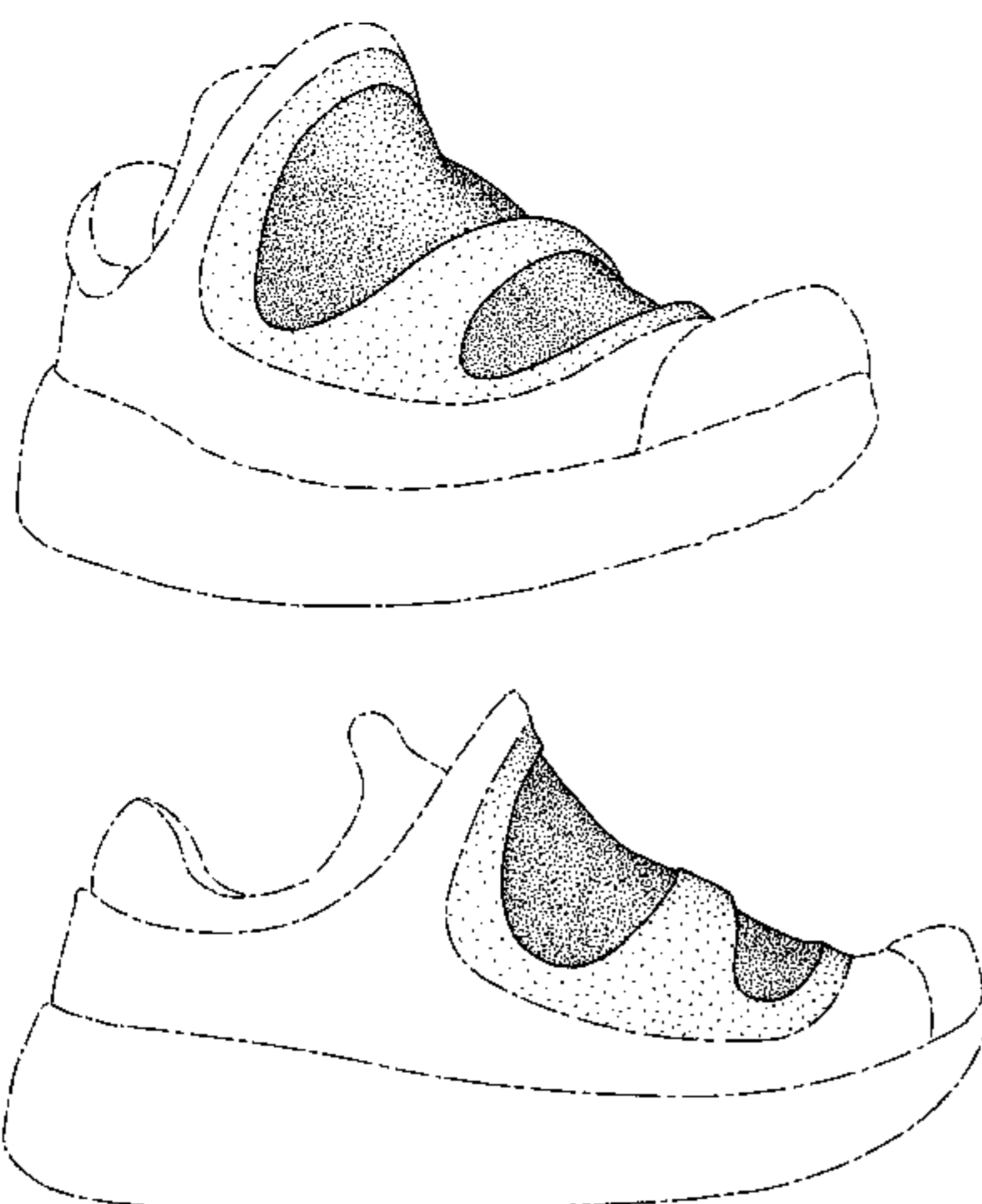
The ornamental design for a portion of a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a portion of a shoe upper showing my new design;
 FIG. 2 is a side view of one side thereof;
 FIG. 3 is a side view of the other side thereof;
 FIG. 4 is a top view thereof; and,
 FIG. 5 is a front view thereof.

The uneven broken line immediately adjacent to the shaded area represents a boundary of the claimed design. The uneven broken line showing of the remainder of the shoe is for illustrative purposes only and form no part of the claimed design. The depicted contrast in shading represents a contrast in appearance, for example, by color, texture, and/or material.

1 Claim, 5 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog Spring 1990, p. 4, published Jun. 1989.

Nike Footwear Catalog Fall 1993, pp. 8, 24, published Dec. 1992.

Nike Footwear Catalog Fall 1994, p. 156, published Nov. 1993.

Nike Footwear Catalog Late Spring 1996, p. 36, published Aug. 1995.

Nike Footwear Catalog Holiday 1998, pp. M39, W81, published Feb. 1998.

Nike Footwear Catalog Spring 1999, p. M109, published Jun. 1998.

Nike Footwear Catalog Late Spring 1999, pp. M20, M46, published Sep. 1998.

Nike Footwear Catalog Spring 2000 #1, p. W12, published Jul. 1999.

Nike Footwear Catalog Holiday 2000, p. W21, published Mar. 2000.

Nike Footwear Catalog Late Spring 2001, pp. M6, W67, published Sep. 2000.

Nike Footwear Catalog Fall 2001, pp. M2, M4, published Nov. 2000.

Nike Footwear Catalog Spring 2002, p. W75, published Jun. 2001.

Nike Footwear Catalog Late Spring 2002, pp. M63, W46, published Sep. 2001.

Nike Footwear Catalog Fall 2002, pp. W2, W52, published Nov. 2001.

* cited by examiner

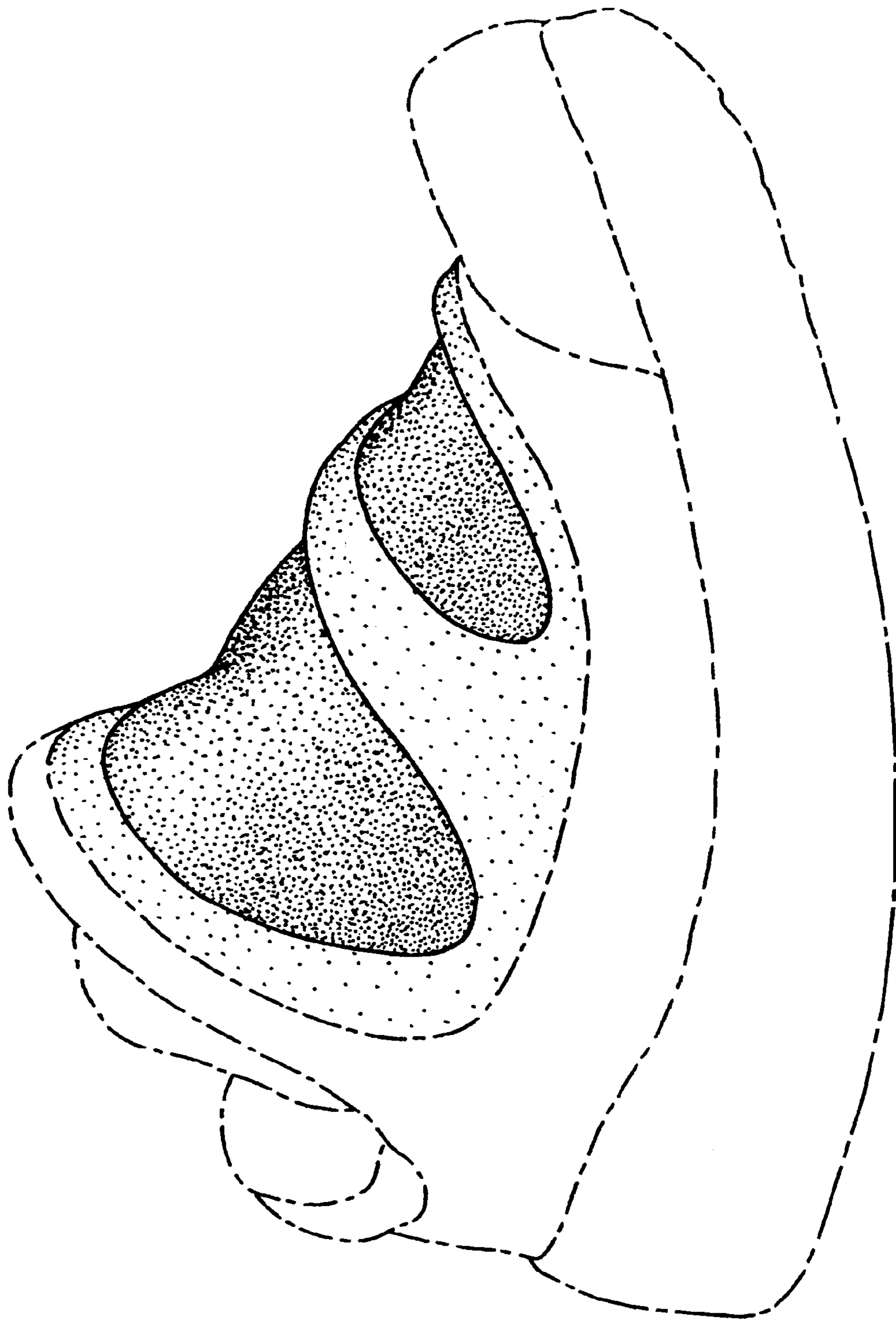


FIG.1

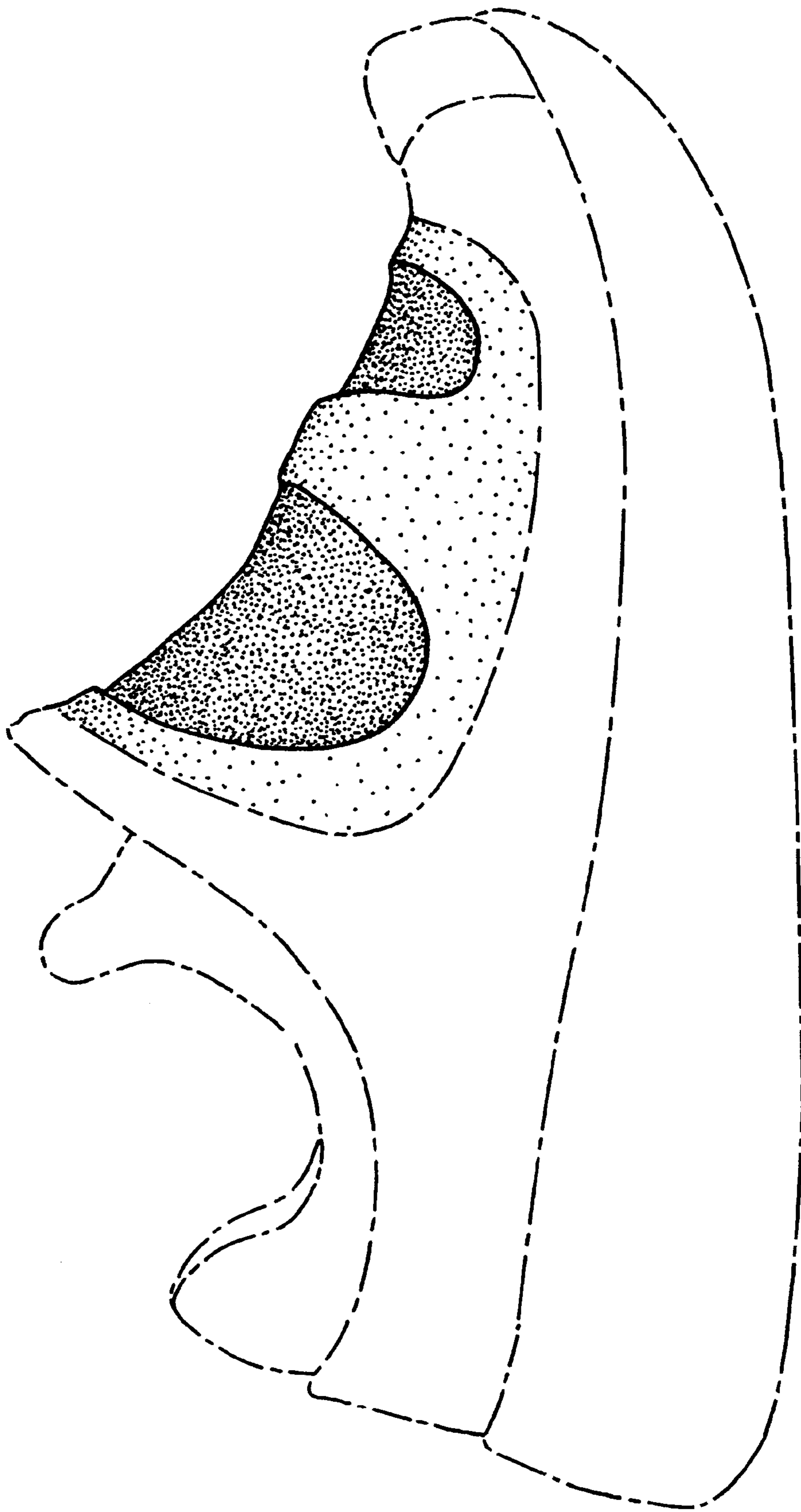


FIG. 2

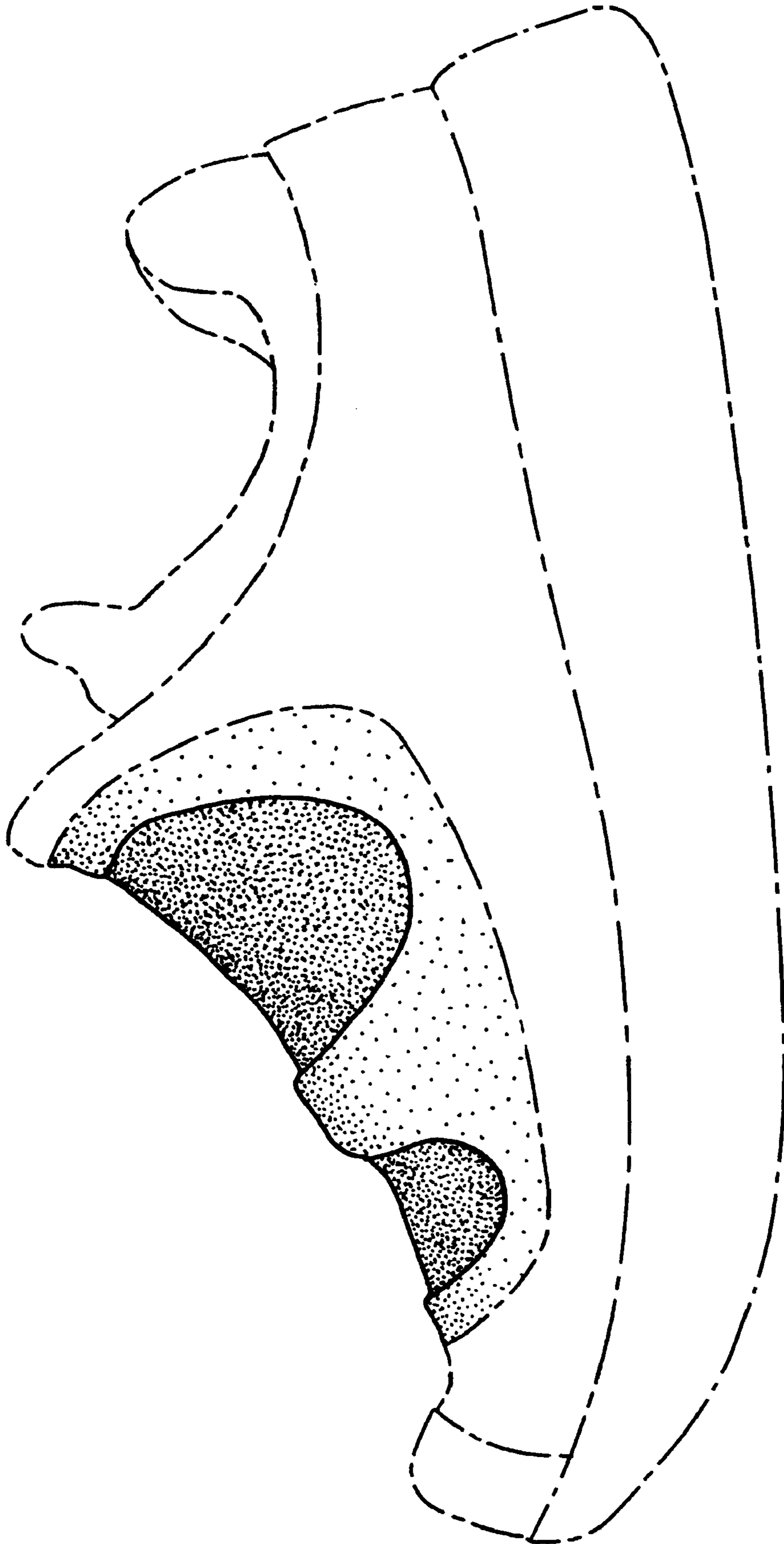


FIG. 3

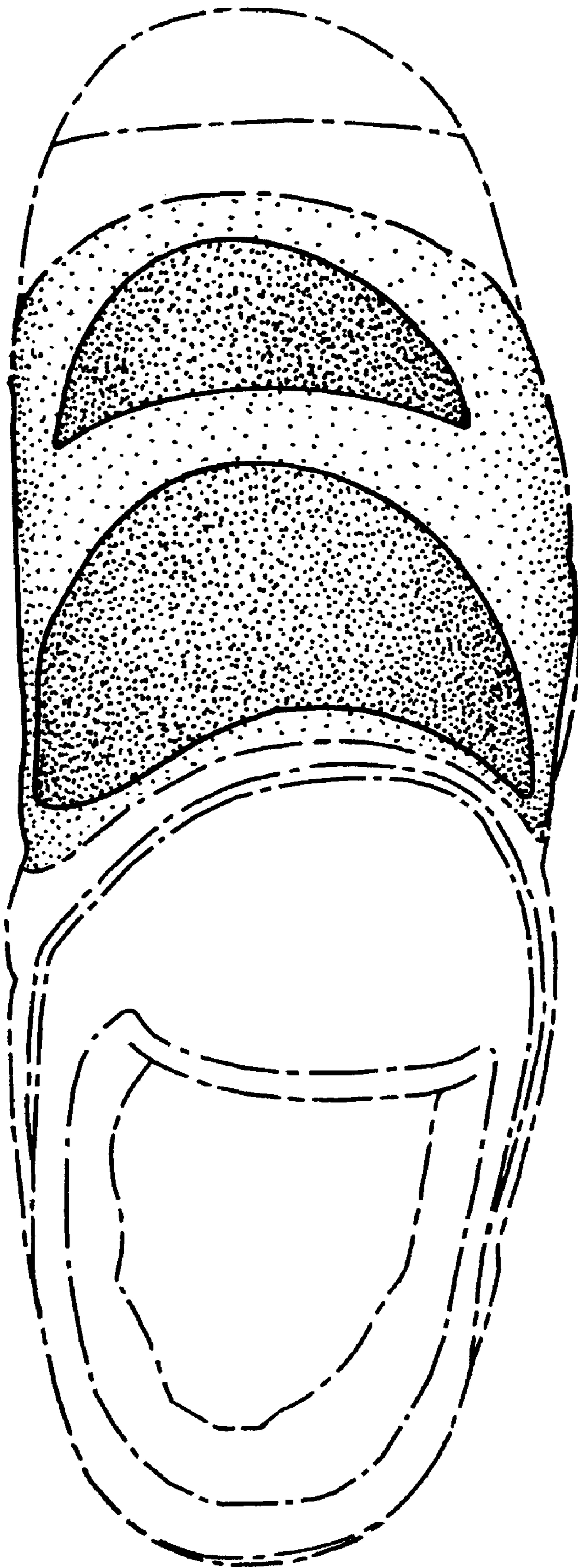


FIG.4

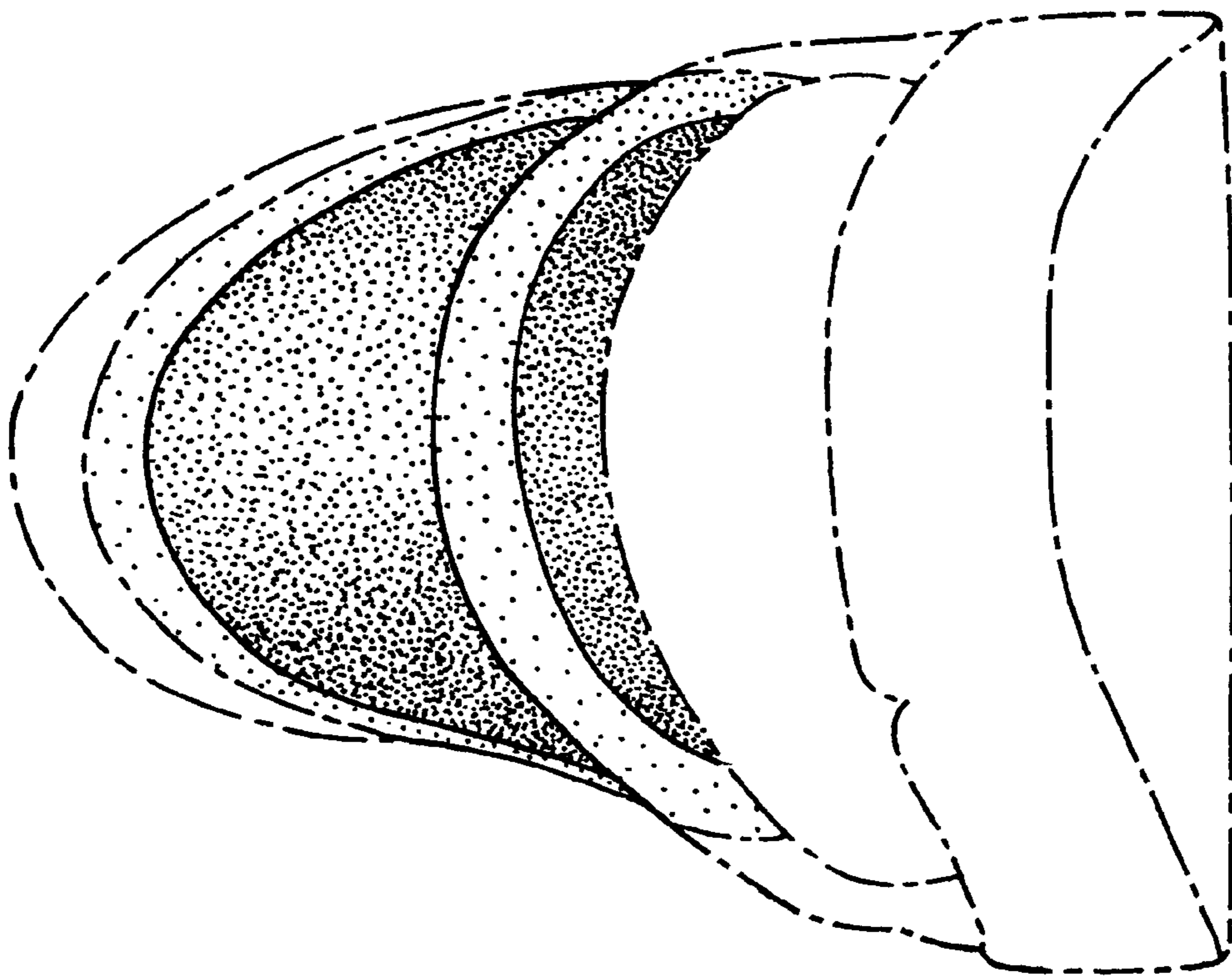


FIG.5