



US00D485430S

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

(10) **Patent No.:** **US D485,430 S**

(45) **Date of Patent:** **\*\* Jan. 20, 2004**

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

(75) Inventor: **Sean M. McDowell**, Beaverton, OR (US)

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

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

(21) Appl. No.: **29/183,281**

(22) Filed: **Jun. 11, 2003**

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

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

(58) **Field of Search** ..... D2/896, 902, 907,  
D2/927, 930, 943, 944, 946, 969, 972-974;  
36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114,  
126-130

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D103,588 S	3/1937	Perugia	
D108,481 S	* 2/1938	Parker	D2/930
D110,445 S	* 7/1938	Sholtz	D2/973
D115,875 S	* 7/1939	Elkin	D2/940
D116,598 S	9/1939	Pick	
D119,324 S	* 3/1940	Bernstein	D2/927
D312,919 S	12/1990	Aveni	

(List continued on next page.)

**OTHER PUBLICATIONS**

- Nike Freestyle Catalog Spring 1985, p. 28, published 1985.
- Nike Footwear Catalog Spring 1985, p. 46, published Dec. 1984.
- Nike Footwear Catalog Spring 1985, pp. 47, 49, published Dec. 1984.
- Nike Footwear Catalog Spring 1986, pp. 47, published Jun. 1985.

Nike Footwear Catalog Fall 1989, p. 108, published Dec. 1988.

Nike Footwear Catalog Spring 1990, p. 132, published Jun. 1989.

Nike Footwear Catalog Fall 1991, pp. 10, 130, published Dec. 1990.

Nike Footwear Catalog Spring 1993, p. 32, published Jun. 1992.

Nike Footwear Catalog Late Spring 1996, pp. 5, 26, 73, published Aug. 1995.

Nike Footwear Catalog Holiday 1996, pp. 22, 79, published Mar. 1996.

Nike Footwear Catalog Spring 1997, pp. 42, 131, 132, 142, published Jun. 1996.

(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;

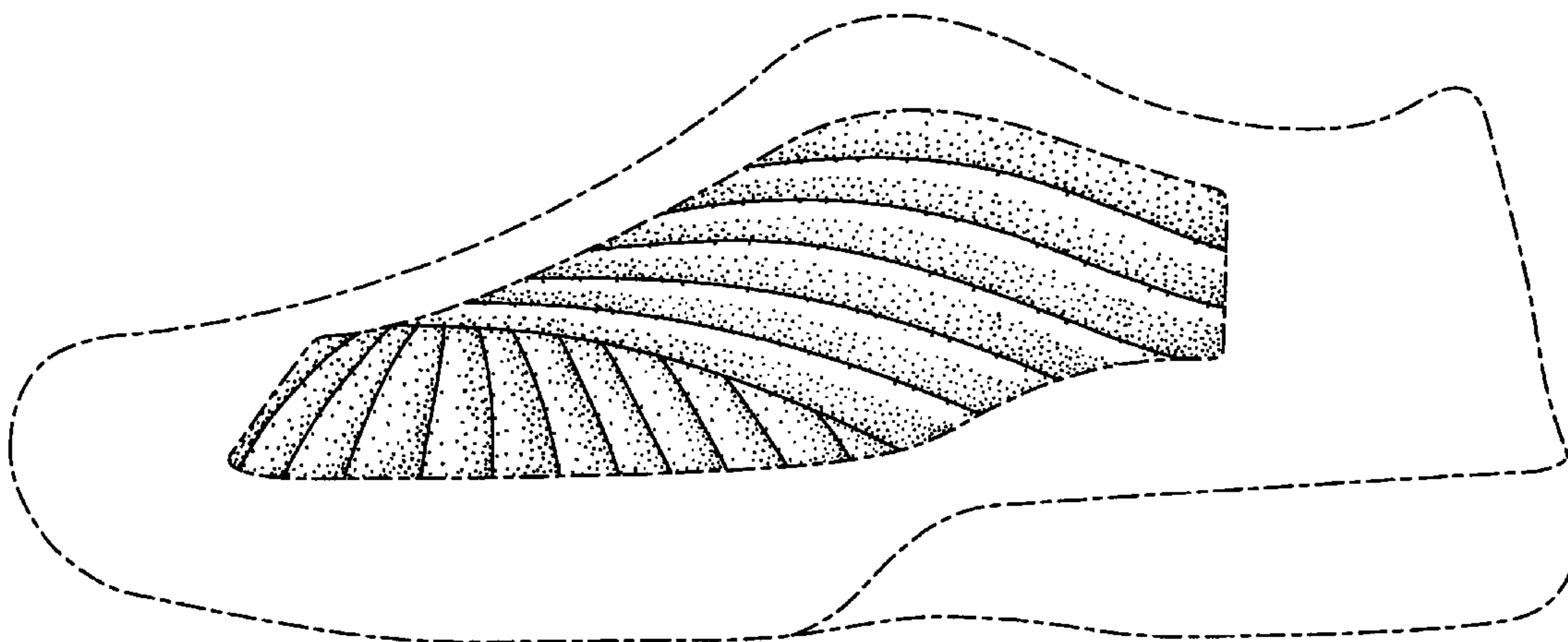
FIG. 2 is a side view thereof;

FIG. 3 is a front view thereof; and,

FIG. 4 is a top 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, 4 Drawing Sheets**



U.S. PATENT DOCUMENTS

D330,967 S	11/1992	Aveni et al.	
D382,699 S	8/1997	Avar	
D383,294 S	9/1997	Lozano	
D383,561 S	9/1997	Tresser	
D391,068 S	2/1998	Aveni et al.	
D393,347 S	4/1998	Kuerbis	
D395,348 S	6/1998	Smith, III	
D397,861 S	9/1998	Teague	
D407,547 S	* 4/1999	Fogg .....	D2/972
D407,548 S	4/1999	Holmes	
D407,551 S	4/1999	Doxey	
D412,235 S	7/1999	Taylor et al.	
D413,194 S	8/1999	Cooper	
D413,717 S	9/1999	Smith, III	
D414,599 S	10/1999	Doxey	
D415,883 S	11/1999	Kozo	
D415,884 S	11/1999	Kozo	
D423,205 S	4/2000	Fallon	
D427,759 S	7/2000	Hlavacs	
D430,723 S	9/2000	Kim	
D430,725 S	* 9/2000	McDowell .....	D2/972
D431,899 S	10/2000	Cooper	
D432,775 S	10/2000	McDowell	
D440,389 S	4/2001	Lozano	
D441,948 S	5/2001	Link	
D446,640 S	8/2001	Estey	
D449,923 S	11/2001	Doxey	
D450,917 S	11/2001	Fogg	
D451,271 S	12/2001	Gerber	
D459,867 S	7/2002	Morris	
D459,869 S	* 7/2002	Doxey .....	D2/972
D461,304 S	8/2002	Clegg	
D461,951 S	8/2002	Hlavacs	
D463,656 S	10/2002	Hudson	
D467,721 S	12/2002	Lupo	
D468,087 S	1/2003	Estey	
D474,010 S	5/2003	Gerber	
D475,190 S	6/2003	Dombrow	
D475,518 S	6/2003	Lotti	
D475,523 S	6/2003	McDowell	

OTHER PUBLICATIONS

Nike Footwear Catalog Fall 1997, pp. 26, 144, published Dec. 1996.  
 Nike Footwear Catalog Spring 1998, pp. 30, 115, published Jun. 1997.  
 Nike Footwear Catalog Late Spring 1998, pp. 116, 125, published Sep. 1997.  
 Nike Footwear Catalog Fall 1998, pp. 58, 211, published Dec. 1997.

Nike Footwear Catalog Late Fall, p. 128, published Mar. 1998.  
 Nike Footwear Catalog Holiday 1998, p. M103, published Feb. 1998.  
 Nike Footwear Catalog Spring, 1999, p. W36, published Jun. 1998.  
 Nike Footwear Catalog Fall 1999, pp. W21, W112 published Nov. 1998.  
 Nike Footwear Catalog Fall 1999, p. M134, published Nov. 1998.  
 Nike Footwear Catalog Holiday 1999, p. M43, published Mar. 1999.  
 Nike Footwear Catalog Spring 2000, pp. W9, W19, published Jul. 1999.  
 Nike Footwear Catalog Fall 2000, pp. M31, M33, M58, M76, M106, published Nov. 1999.  
 Nike Footwear Catalog Spring 2001, pp. M2, M6, M28, M30, published Jun. 2000.  
 Nike Footwear Catalog Late Spring 2001, p. M80, published Sep. 2000.  
 Nike Footwear Catalog Fall 2001, pp. M31, M32, W36, W66, published Nov. 2000.  
 Nike Footwear Catalog Holiday 2001, p. M26, published Feb. 2001.  
 Nike Footwear Catalog Spring 2002, pp. W42, M28, published Jun. 2001.  
 Nike Footwear Catalog Late Spring 2002, p. 30, published Sep. 2001.  
 Nike Footwear Catalog Late Spring 2002, p. W15, published Sep. 2001.  
 Nike Footwear Catalog Fall 2002, pp. M17, M14, published Nov. 2001.  
 Nike Footwear Jordan Fall 2002, p. 06, published Nov. 2001.  
 Nike Footwear Holiday 2002, p. M29, published Mar. 2002.  
 Nike Footwear Catalog Spring 2003, p. M35, published Jun. 2002.  
 Nike Footwear Catalog Spring 2003, p. W8, published Jun. 2002.  
 Nike Footwear Catalog Spring 2003, p. W42, published Jun. 2002.  
 Nike Footwear Catalog Fall 2003, p. W17, published Nov. 2002.

\* cited by examiner

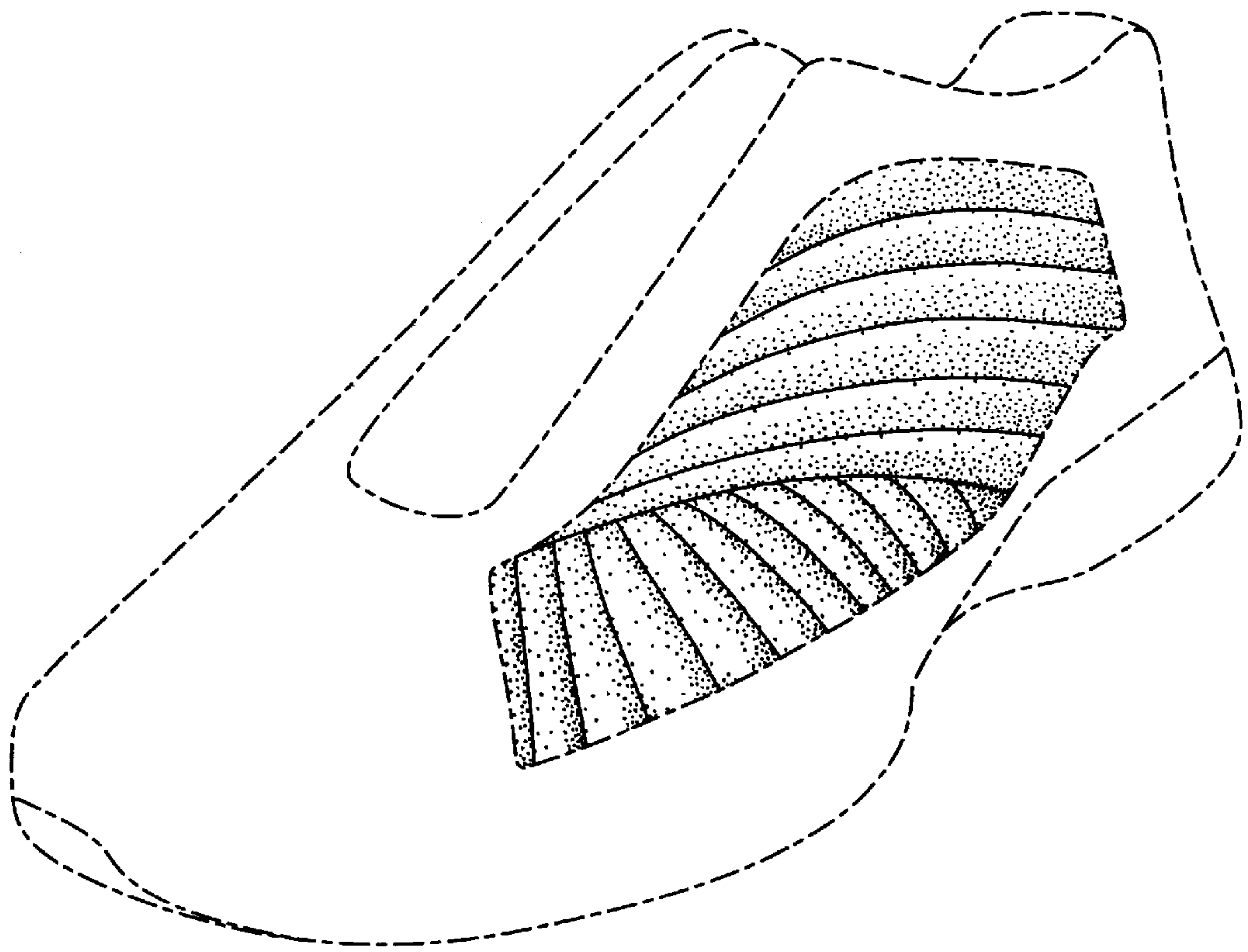


FIG. 1



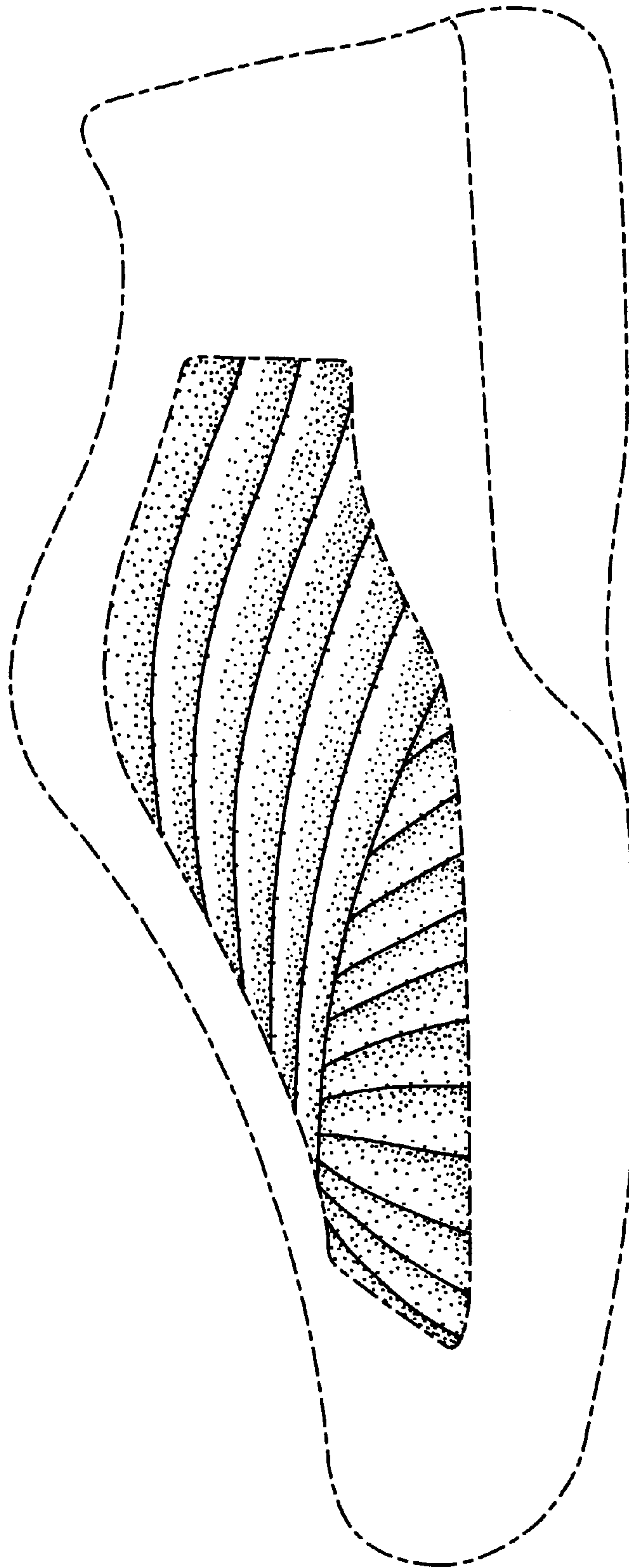


FIG. 2

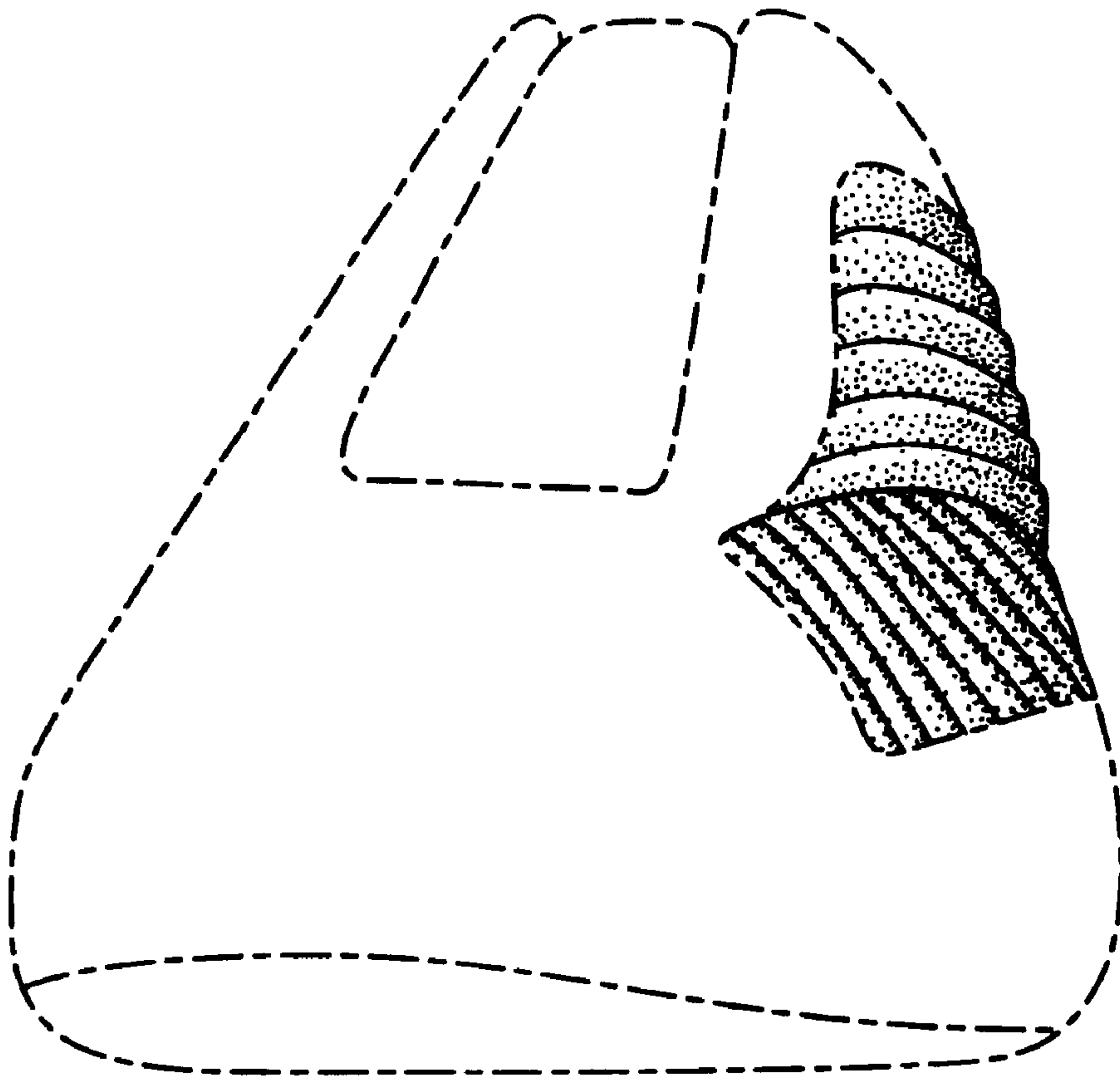


FIG. 3

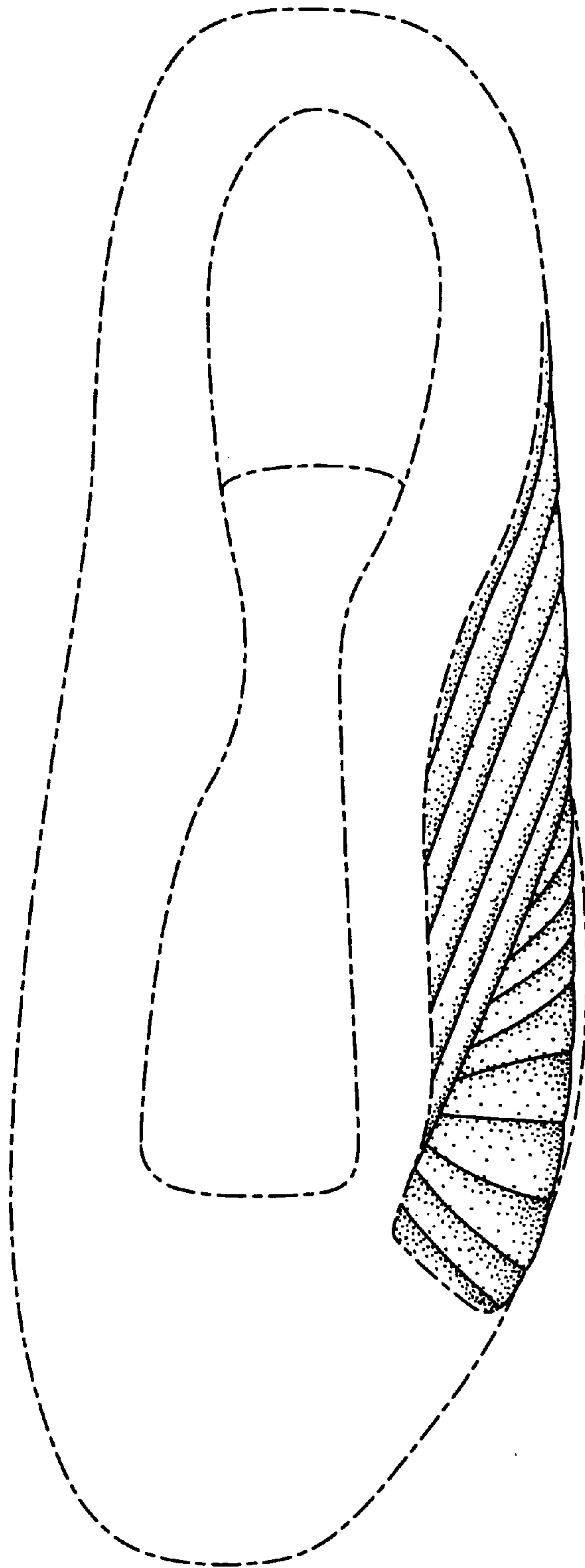


FIG. 4

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : Des. 485,430 S  
DATED : January 20, 2004  
INVENTOR(S) : Sean McDowell

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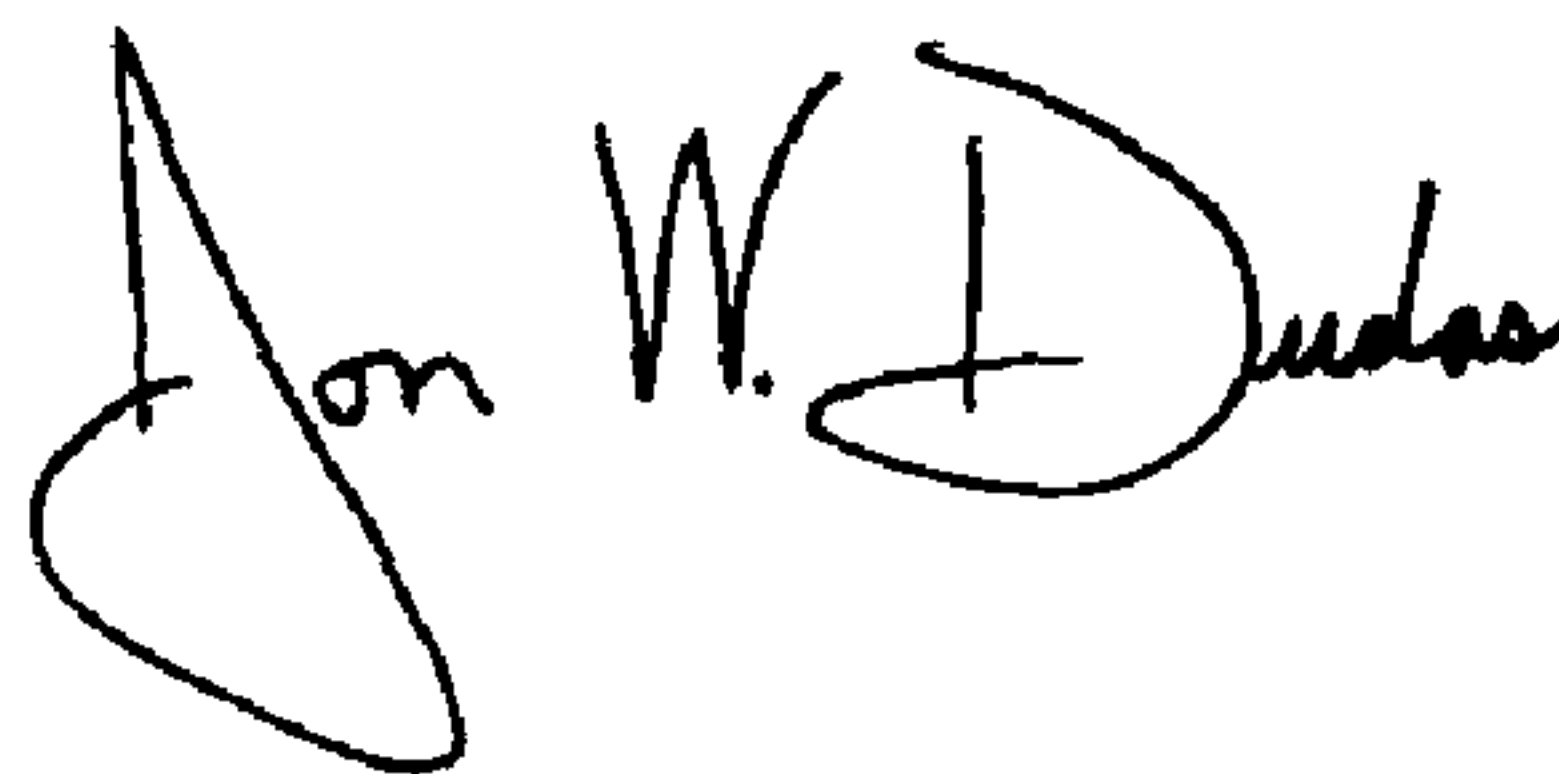
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [56], **References Cited**, OTHER PUBLICATIONS, sixteenth reference, "Nike Footwear Catalog Late Fall, p.128, published Mar. 1998." has been replaced with -- Nike Footwear Catalog Late Fall 1998, p. 128, published Mar. 1998. --

Signed and Sealed this

Eighteenth Day of May, 2004

A handwritten signature in black ink that reads "Jon W. Dudas". The signature is written in a cursive style with a large, looped initial "J".

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JON W. DUDAS  
*Acting Director of the United States Patent and Trademark Office*