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

(10) **Patent No.:** **US D492,103 S**
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- (54) **SHOE UPPER**
- (75) Inventor: **Nicholas Galway, Nürnberg (DE)**
- (73) Assignee: **adidas International B.V., Amsterdam (NL)**
- (**) Term: **14 Years**
- (21) Appl. No.: **29/166,573**
- (22) Filed: **Aug. 30, 2002**
- (51) **LOC (7) Cl. 02-99**
- (52) **U.S. Cl. D2/969**
- (58) **Field of Search D2/896, 902, 907, D2/943, 944, 946, 969, 972-974; 36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114, 126-130**

- 5,598,645 A 2/1997 Kaiser
- D380,889 S 7/1997 Earle
- D388,595 S 1/1998 Lucas
- D389,993 S 2/1998 Ryan

(List continued on next page.)

OTHER PUBLICATIONS

- Color representation of Tahoe Jogger shoe (Apr. 2003). Nike Holiday 1999 Footwear Catalog; p. M32 Zoom HJ (Bottom).
- Color representations of Nitrogen shoe (Jan. 28, 2003).
- Color representations of Steve Madden "Nancie" shoe (Aug. 18, 2002).
- Color representations of Steve Madden "Northh" shoe (Aug. 18, 2002).

(List continued on next page.)

(56) **References Cited**

U.S. PATENT DOCUMENTS

- | | | |
|-------------|---------|---------------|
| D64,023 S | 2/1924 | Melville |
| 2,432,533 A | 12/1947 | Margolin |
| D188,037 S | 5/1960 | Dassler |
| D259,823 S | 7/1981 | Greenlee |
| D262,751 S | 1/1982 | Anderie |
| 4,377,041 A | 3/1983 | Alchermes |
| D268,710 S | 4/1983 | Anderie |
| 4,447,971 A | 5/1984 | Bente |
| D283,366 S | 4/1986 | Chassaing |
| D283,463 S | 4/1986 | Chassaing |
| D284,616 S | 7/1986 | Gamm |
| D288,028 S | 2/1987 | Chassaing |
| 4,742,626 A | 5/1988 | Tadiotto |
| D301,800 S | 6/1989 | Mitsui |
| D302,348 S | 7/1989 | Miller |
| D304,128 S | 10/1989 | Kolman et al. |
| 4,949,476 A | 8/1990 | Anderie |
| D318,563 S | 7/1991 | Lucas |
| D329,126 S | 9/1992 | Hatfield |
| D335,571 S | 5/1993 | Peterson |
| D348,148 S | 6/1994 | Limauro |
| D348,764 S | 7/1994 | Teague |
| 5,371,957 A | 12/1994 | Gaudio |
| D370,993 S | 6/1996 | Mangee |
| D374,117 S | 10/1996 | Fumy et al. |

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(57) **CLAIM**

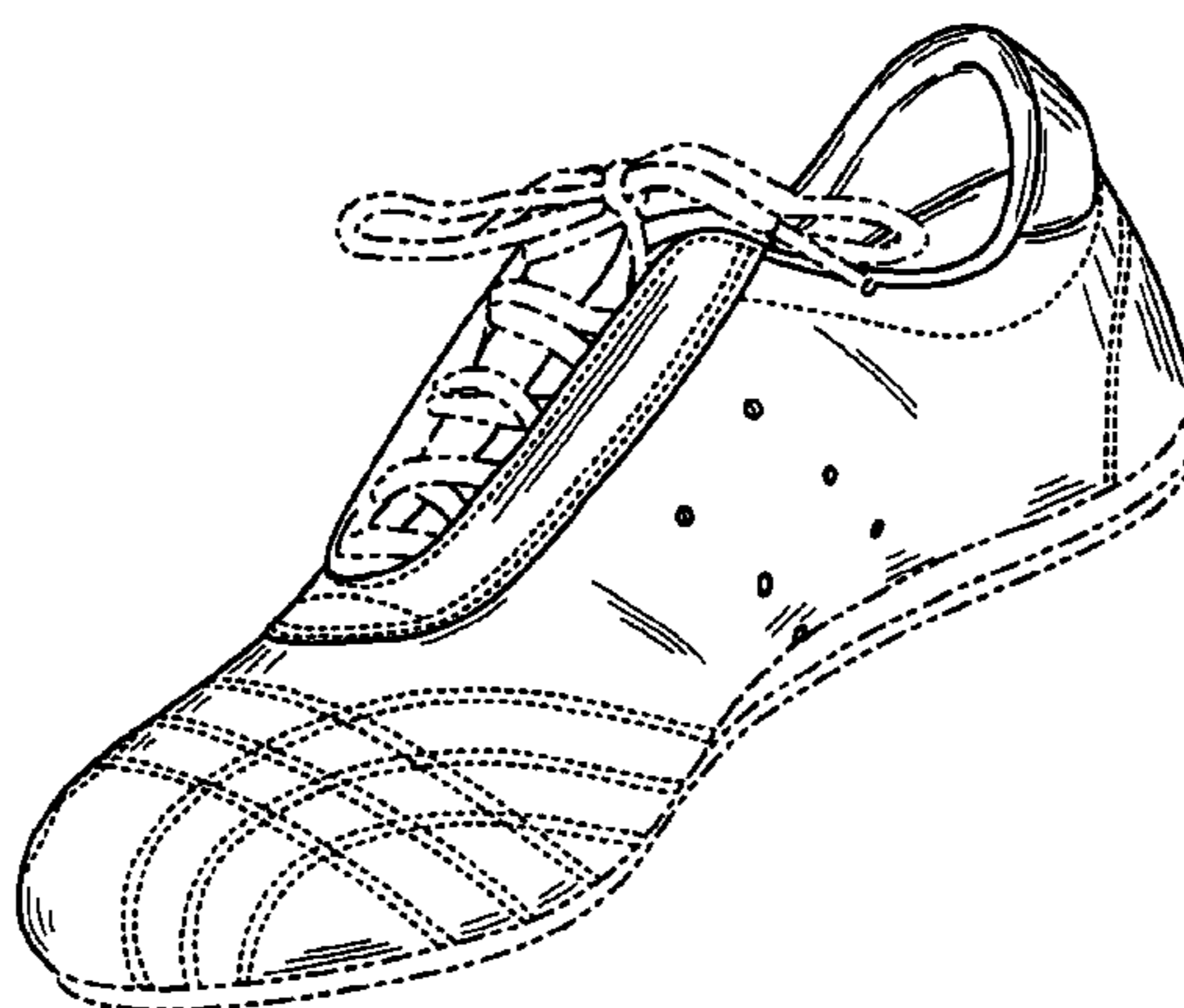
The ornamental design for a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of the shoe upper showing the new design;
 FIG. 2 is a lateral side elevation view of the shoe upper;
 FIG. 3 is a medial side elevation view of the shoe upper;
 FIG. 4 is a top plan view of the shoe upper;
 FIG. 5 is a bottom plan view of the shoe upper;
 FIG. 6 is a front view of the shoe upper; and,
 FIG. 7 is a rear view of the shoe upper.

The shoe shown in FIGS. 1-7 is a left shoe. The right shoe is a mirror image of the left shoe. The shoe sole and elements of the shoe upper shown in uneven broken lines are for illustrative purposes only and form no part of the claimed design. The elements of the shoe upper shown in even broken lines are ornamental features of the claimed design for a shoe upper.

1 Claim, 2 Drawing Sheets



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U.S. PATENT DOCUMENTS

D389,995 S 2/1998 Cockrell
D393,341 S 4/1998 Marshall et al.
D393,538 S 4/1998 Marshall
D394,343 S 5/1998 Marshall et al.
D394,742 S 6/1998 Gaudio
D394,946 S 6/1998 Gaudio
D397,841 S 9/1998 Munns
D401,747 S 12/1998 Cessor
D404,896 S 2/1999 Cooper
D404,897 S 2/1999 Marshall
D405,942 S 2/1999 Kelchak
D407,892 S 4/1999 Gaudio
D412,780 S 8/1999 Hatfield et al.
D418,668 S 1/2000 von Conta
6,018,893 A 2/2000 Workman
D426,372 S 6/2000 Price
D430,969 S 9/2000 Portaud et al.
D431,351 S 10/2000 Prats et al.
D432,762 S 10/2000 Weege
D441,175 S 5/2001 Ritter et al.
D441,181 S 5/2001 Morgan
D445,243 S 7/2001 Cockrell
6,266,897 B1 7/2001 Seydel et al.
D446,916 S 8/2001 Cockrell
6,318,002 B1 11/2001 Ou
D457,297 S * 5/2002 Adams et al. D2/969
D458,441 S 6/2002 Gillespie

6,430,847 B2 8/2002 Fusco et al.
D468,079 S 1/2003 DeGrand et al.
D470,651 S 2/2003 Masullo
D470,999 S 3/2003 Schroeder et al.
D474,006 S * 5/2003 Schroeder et al. D2/969
D474,008 S 5/2003 Masullo
2002/0129516 A1 9/2002 Lucas et al.

OTHER PUBLICATIONS

Color representations of Kenneth Cole “Kick Box” shoe (Feb. 3, 2003).
Color representations of Kenneth Cole “Upper Cut” shoe (Apr. 14, 2003).
Color representations of Delia’s Yoga Sneaker (Mar. 26, 2003).
Color representation of CELS Enterprises, Inc. “Hero” shoe (Jan. 15, 2003).
Color representations of Beverly Hills Polo Club “Maddie” shoe (Dec. 3, 2002).
Color representations of Skechers “Optiks” shoe (Dec. 10, 2002).
Color representation of Skechers “Curved Striped Wrapped Arch Slip-On” shoe (Apr. 3, 2003).
Color representation of American Eagle Outfitters “Alameda” shoe (Apr. 16, 2003).

* cited by examiner

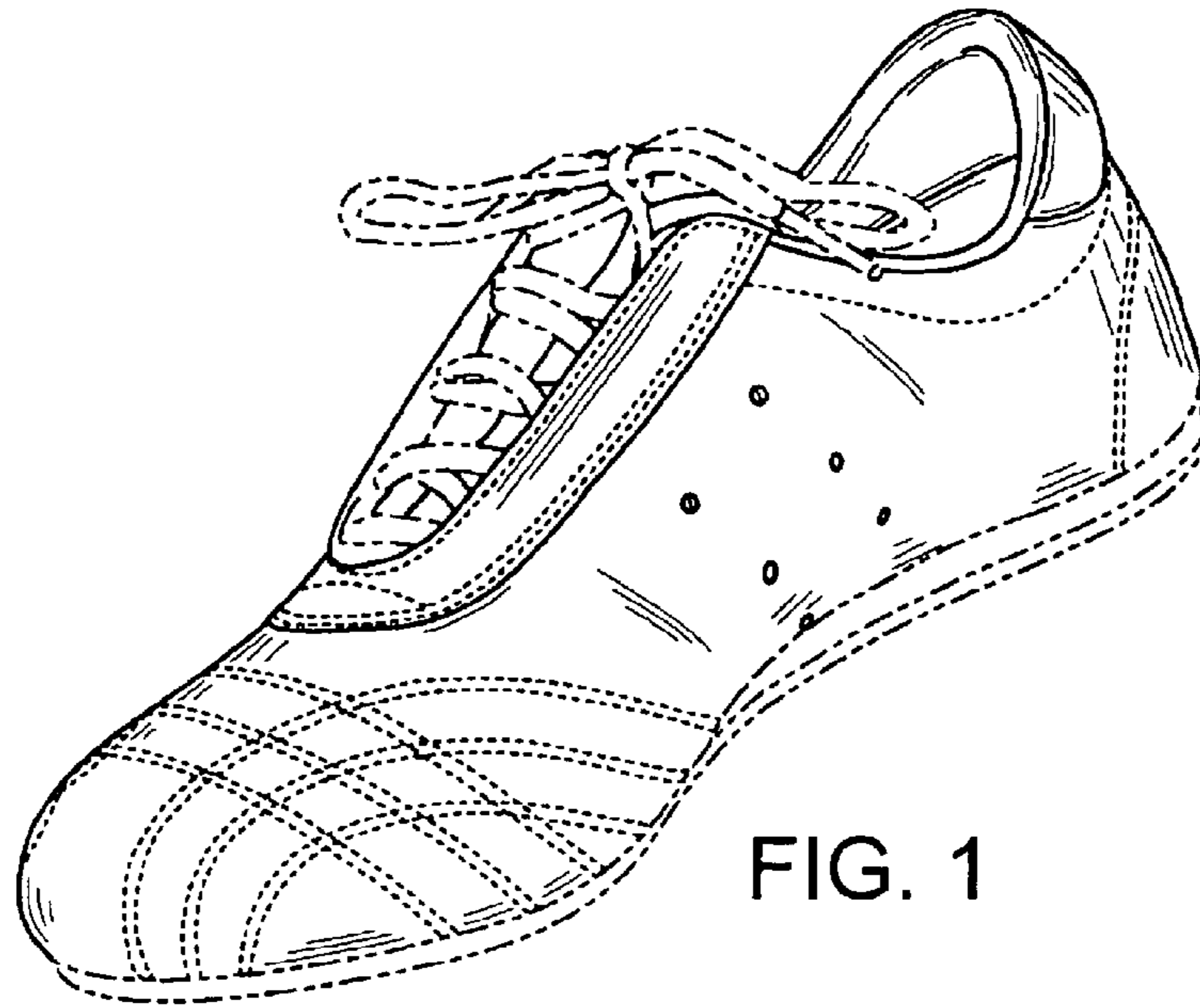


FIG. 1

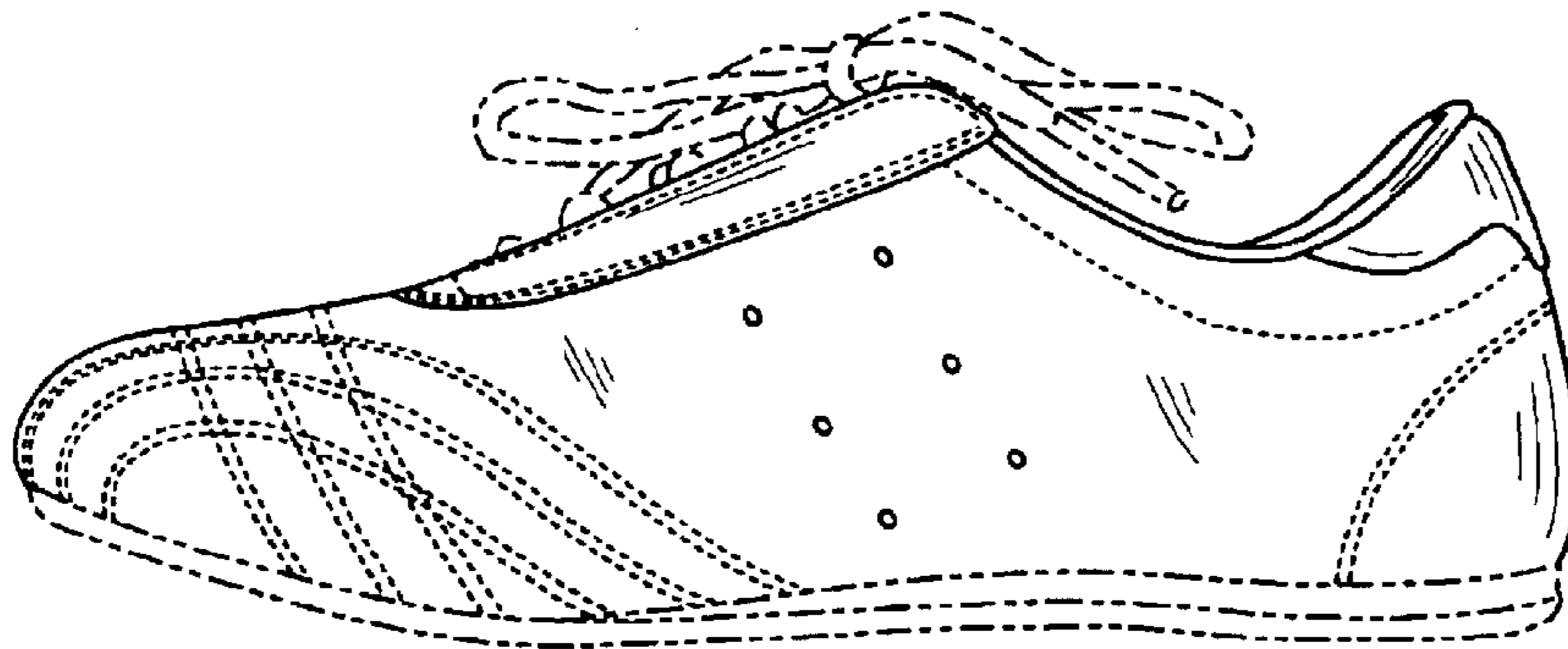


FIG. 2

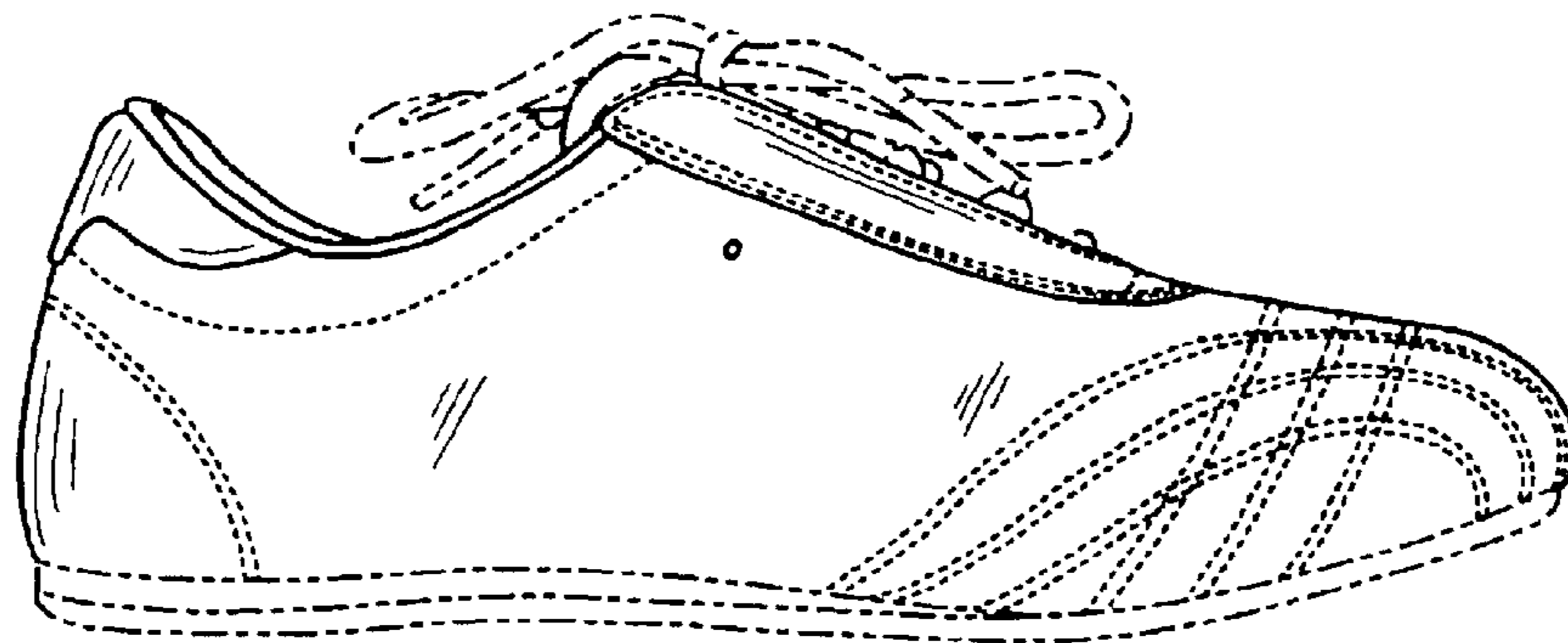


FIG. 3

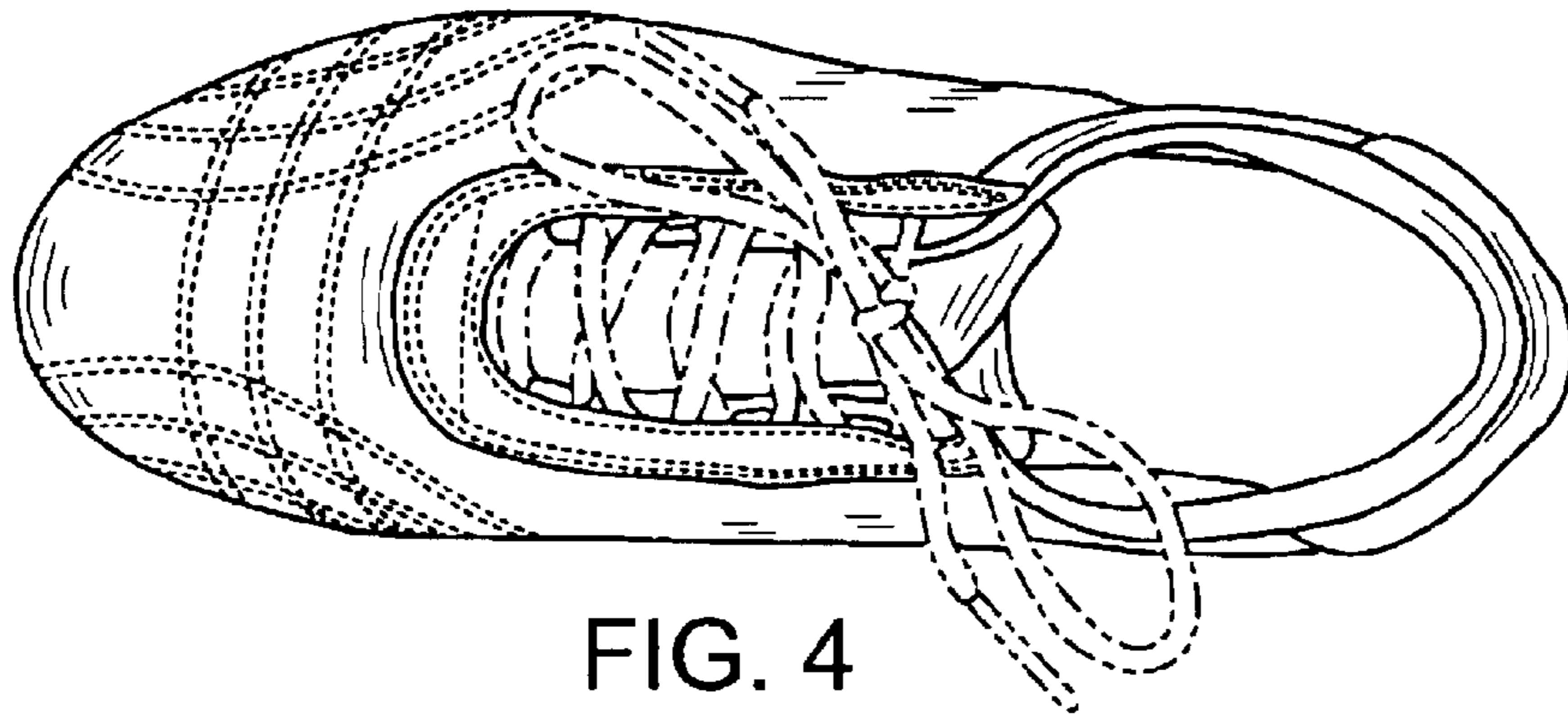


FIG. 4

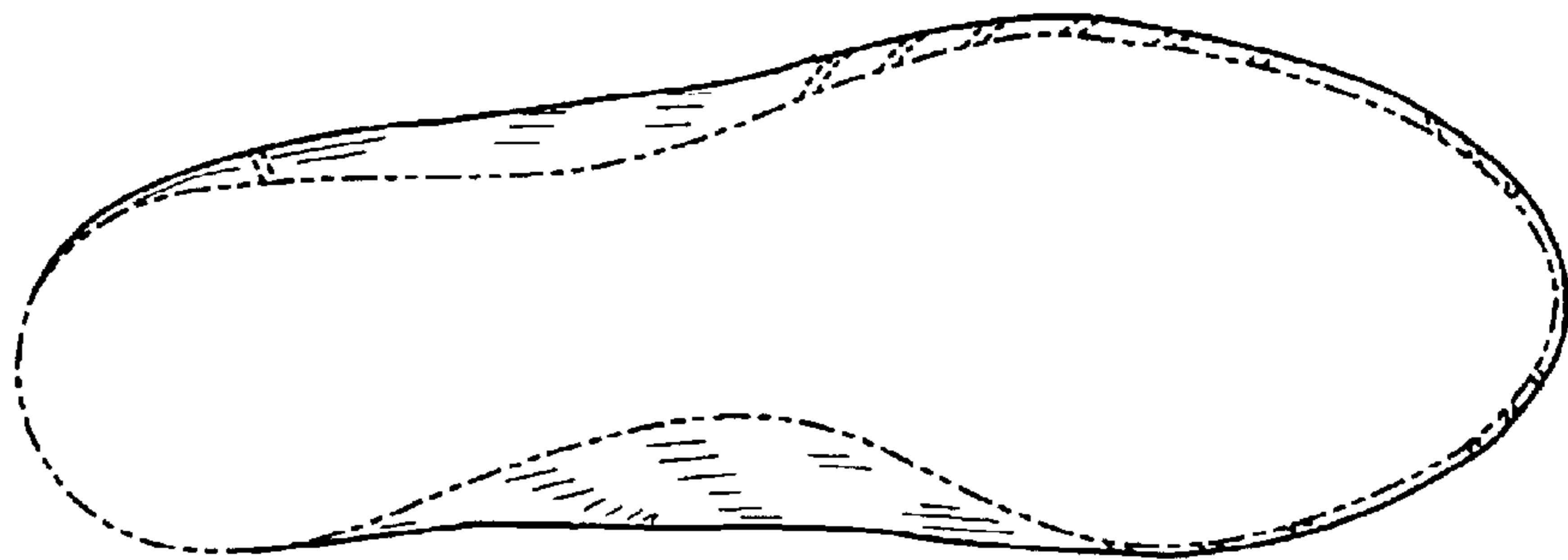


FIG. 5

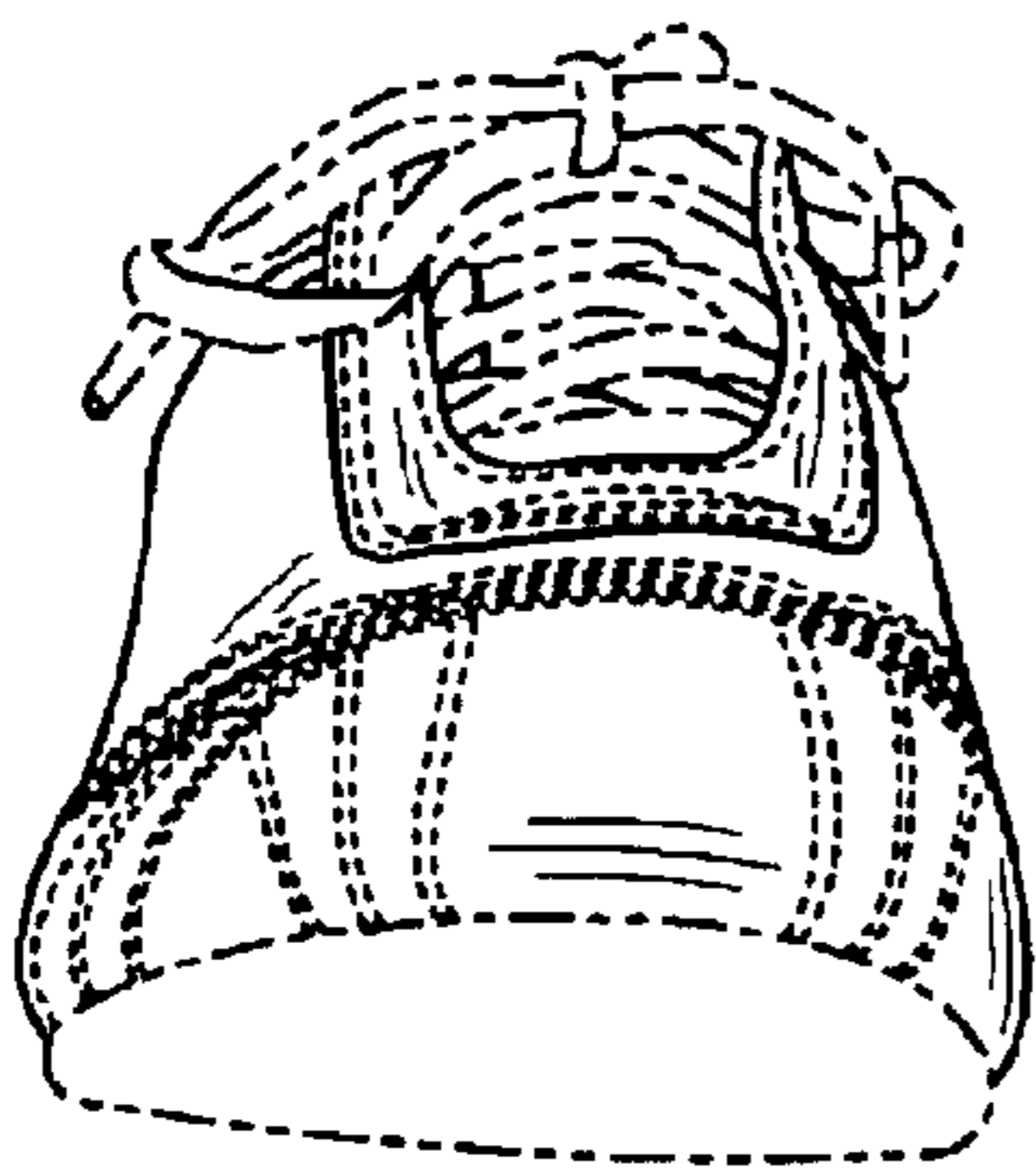


FIG. 6

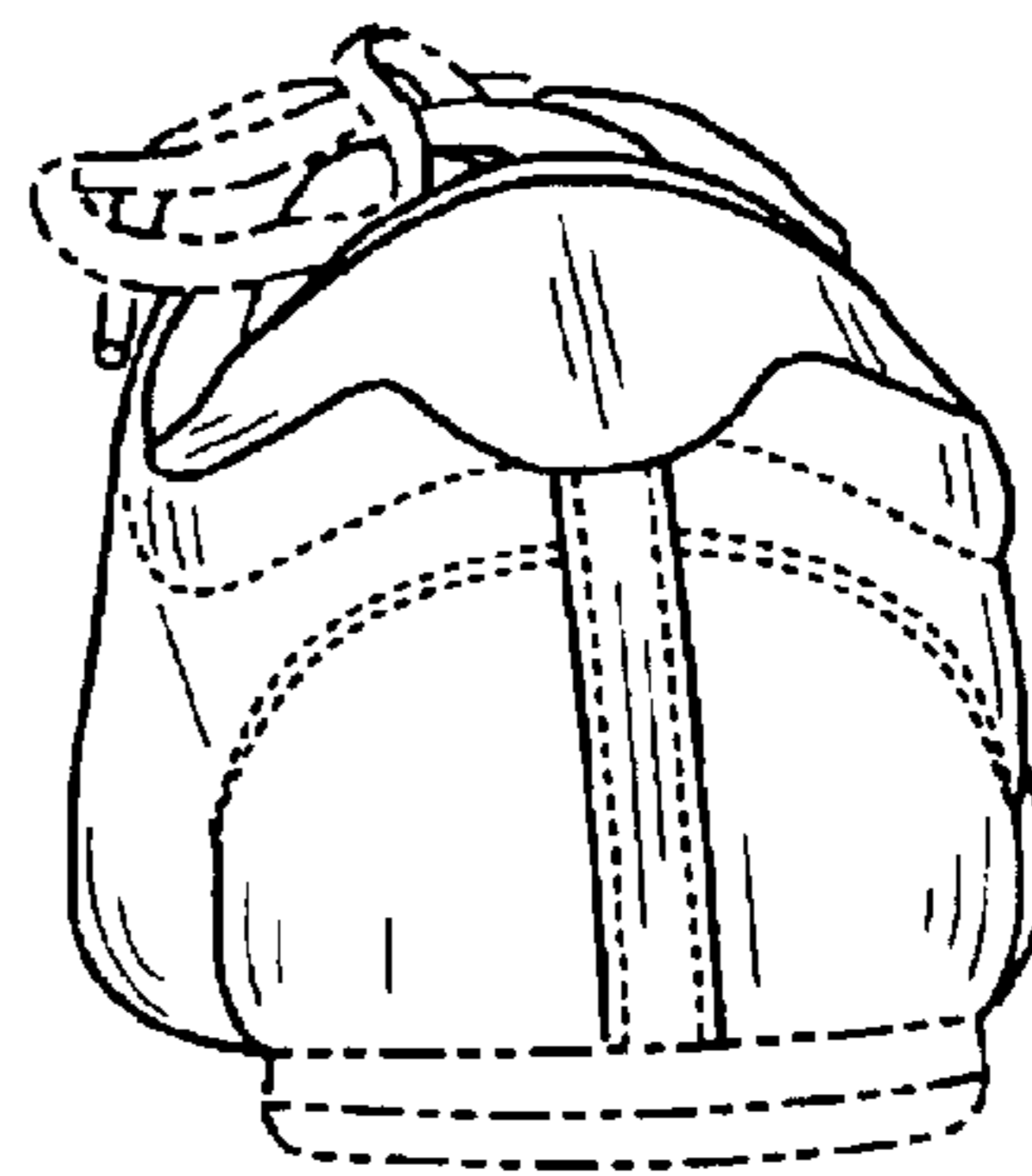


FIG. 7