

US00D494751S1

(12) **United States Design Patent** (10) **Patent No.:** **US D494,751 S**
Magro (45) **Date of Patent:** **** Aug. 24, 2004**

(54) **SHOE UPPER**

(75) Inventor: **Volney Dal Magro**, Farroupilha (BR)

(73) Assignee: **Grendene S.A.**, Farroupilha (BR)

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

(21) Appl. No.: **29/197,548**

(22) Filed: **Jan. 16, 2004**

Related U.S. Application Data

(63) Continuation of application No. 29/182,359, filed on May 23, 2003, now Pat. No. Des. 487,962, which is a continuation of application No. 29/179,213, filed on Apr. 7, 2003, now abandoned, which is a continuation of application No. 29/169,478, filed on Oct. 21, 2002, now Pat. No. Des. 472,696.

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

(52) **U.S. Cl.** **D2/969**

(58) **Field of Search** D2/896, 897, 902, D2/907, 908, 943, 944, 946, 964, 969; 36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114, 126-130

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,208,330 A 7/1940 Oakley
2,760,278 A 8/1956 Agrillo

(List continued on next page.)

OTHER PUBLICATIONS

Innovation, Summer 2000.
Innovation, Fall 2000.
Innovation, Winter 1998.
Innovation, Special 1992.
Innovation, Summer 1991.
I.D. Magazine, Jun. ?.
I.D. Magazine, Apr. 2003.
Running Times, Jun. 2003.
Runner's World, Jun. 2003.
Track & Field News, May 2003.

Outside Buyer's Guide, 2003 Annual.

Shape Magazine, Jun. 2003.

Printout of Nike ACG Aqua Sock IV.

Printout of Reebok X Beam Franchise Basketball Shoes (Mens & Kids).

Printout of Dr. Martens Boot.

Primary Examiner—Dominic Simone

(74) *Attorney, Agent, or Firm*—Luedeka, Neely & Graham, P.C.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a perspective view of a shoe upper showing my new design;

FIG. 2 is a left-hand side elevational view of my new design;

FIG. 3 is a right-hand side elevational view of my new design;

FIG. 4 is a front elevational view of my new design;

FIG. 5 is a back side elevational view of my new design;

FIG. 6 is a top plan view of my new design; and,

FIG. 7 is a bottom plan view of my new design.

The broken lines depicting other aspects of the shoe are for environmental purposes only and do not form a part of the claimed design. In this regard, Applicant notes that all openings, both large and small, are shown in dashed lines. Therefore, Applicant is not claiming in this application any openings whatsoever in the sides of the upper. It is therefore Applicant's intent to claim and cover by means of the patent to issue from this application any and all shoes having the claimed ornamental design features on the upper shown in solid lines (as well as features substantially similar thereto) irrespective of whether the uppers of the shoes have or do not have additional features thereon including, but not limited to, openings therein such as those shown in dashed lines and irrespective of the size, locations, and/or arrangement of such openings.

1 Claim, 6 Drawing Sheets



US D494,751 S

Page 2

U.S. PATENT DOCUMENTS

3,822,490 A	7/1974	Murawski	D386,592 S	11/1997	Lucas
4,245,408 A	1/1981	Larsen et al.	D401,747 S	12/1998	Cessor
D262,496 S	1/1982	DeCoster	D402,450 S	12/1998	Munns
D262,581 S	1/1982	Chevallereau	D403,846 S	1/1999	Bove et al.
4,316,335 A	2/1982	Giese et al.	D405,241 S	2/1999	Gillespie
4,674,205 A	6/1987	Anger	D407,192 S	3/1999	Chassaing
4,712,319 A	12/1987	Goria	D407,199 S	3/1999	Hardy
4,854,057 A	8/1989	Misevich et al.	D407,200 S	3/1999	Clarke
4,888,887 A	12/1989	Solow	D412,050 S	7/1999	Chassaing
5,067,259 A	11/1991	Fruge	6,079,126 A	6/2000	Olszewski
D329,127 S	9/1992	Preskar et al.	D427,754 S	7/2000	Portaud
D329,734 S	9/1992	Preskar et al.	D427,757 S	7/2000	Ruth
D331,146 S	11/1992	Brown et al.	6,122,845 A	9/2000	Menghi
D336,768 S	6/1993	Preskar et al.	D433,216 S	11/2000	Avar et al.
D343,503 S	1/1994	Preskar	D434,208 S	11/2000	Kimball et al.
D345,459 S	3/1994	Preskar	D443,754 S	6/2001	Dal Magro
D348,559 S	7/1994	Preskar	D444,619 S	7/2001	Marvin et al.
5,331,753 A	7/1994	Rodibaugh	D444,623 S	7/2001	Wilson
D352,161 S	11/1994	Preskar	D447,323 S	9/2001	Cadet
D354,617 S	1/1995	Kilgore	D448,920 S	10/2001	Montross et al.
D361,883 S	9/1995	Adams et al.	D461,950 S	8/2002	Adams
D362,110 S	9/1995	Preskar	6,442,869 B2	9/2002	Coomes
5,467,537 A	11/1995	Aveni	D465,907 S	11/2002	Matis
5,513,449 A	5/1996	Gramola	D467,720 S	12/2002	Patt
D370,992 S	6/1996	Preskar et al.	D468,893 S	1/2003	Lupo
5,528,841 A	6/1996	Pozzobon	D474,005 S	5/2003	Kuerbis
D378,014 S	2/1997	Preskar	D474,583 S	5/2003	Link
D380,077 S	6/1997	Preskar et al.	D474,585 S	5/2003	Cooper
5,673,501 A	10/1997	Mathews	D487,963 S	* 4/2004	Magro D2/969

* cited by examiner

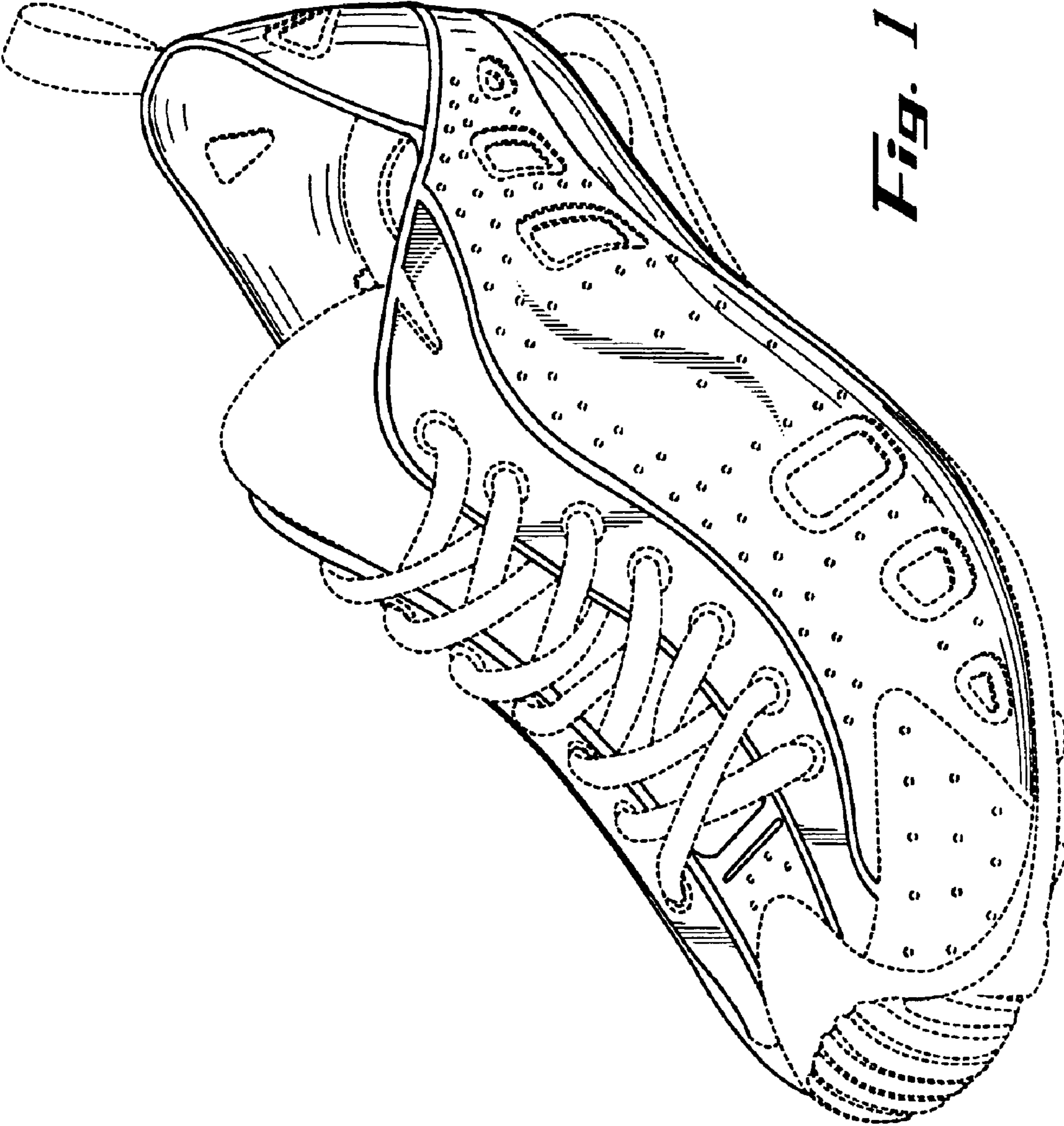


Fig. 1

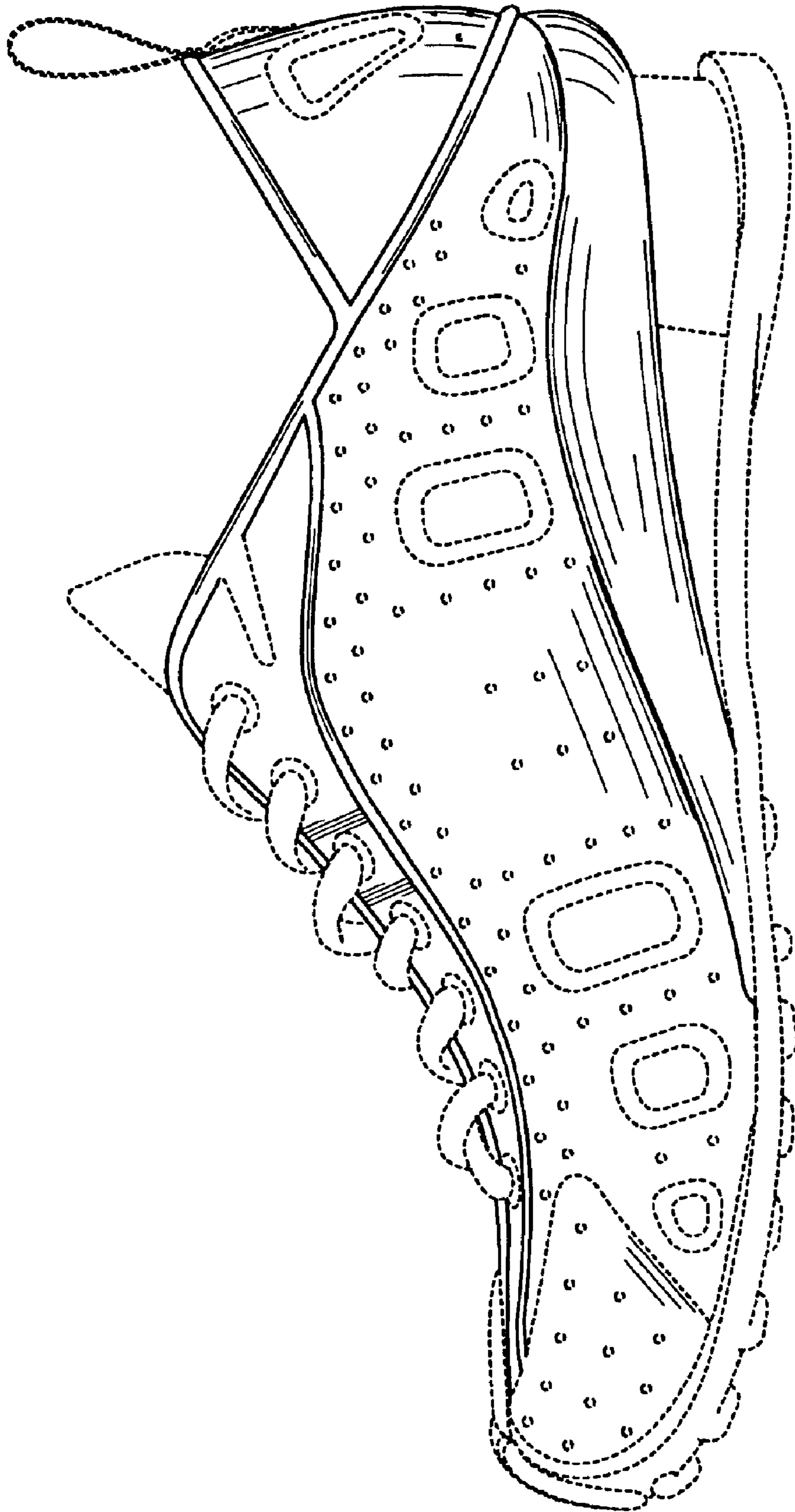


Fig. 2

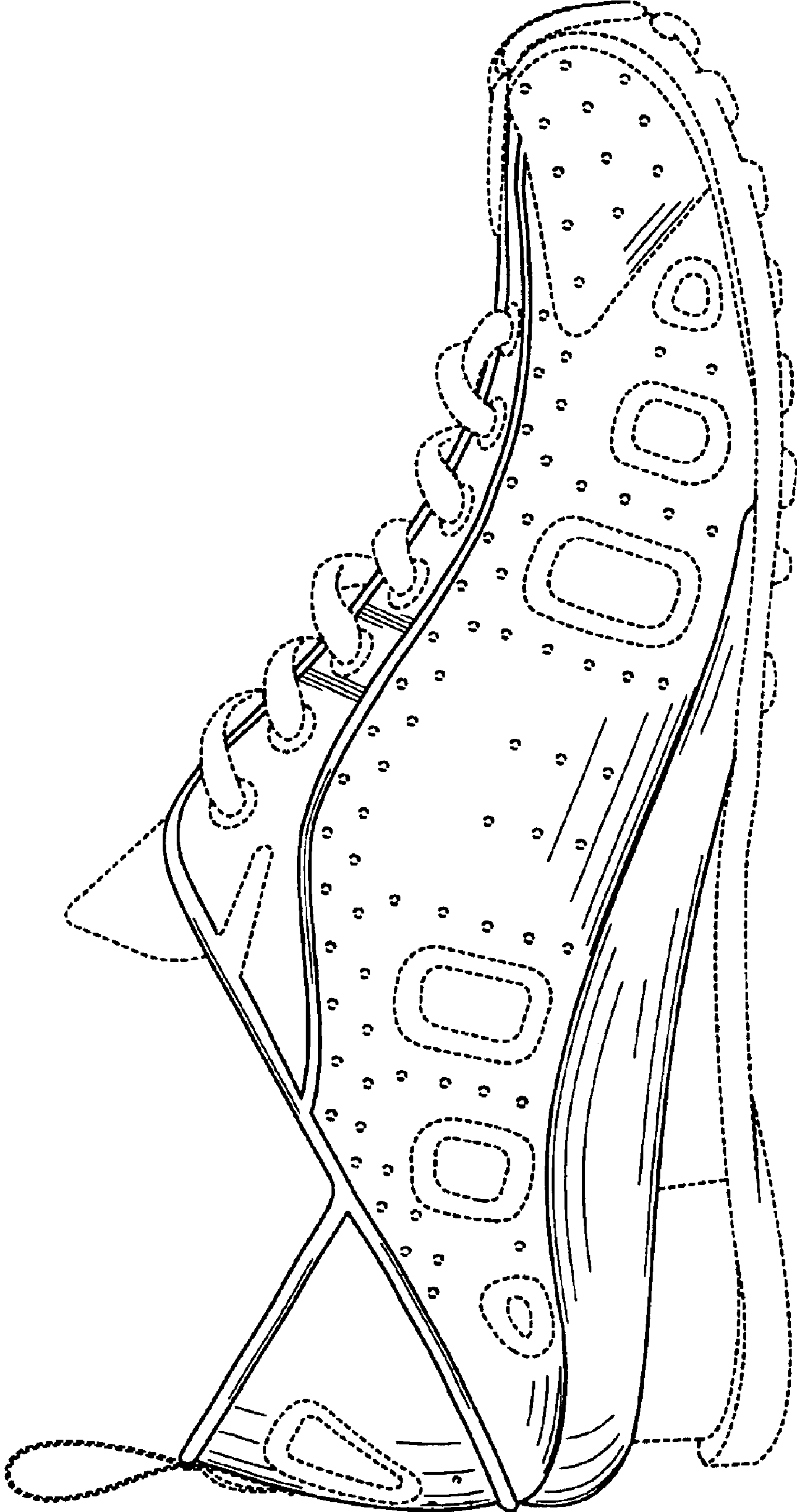


Fig. 1

Fig. 4

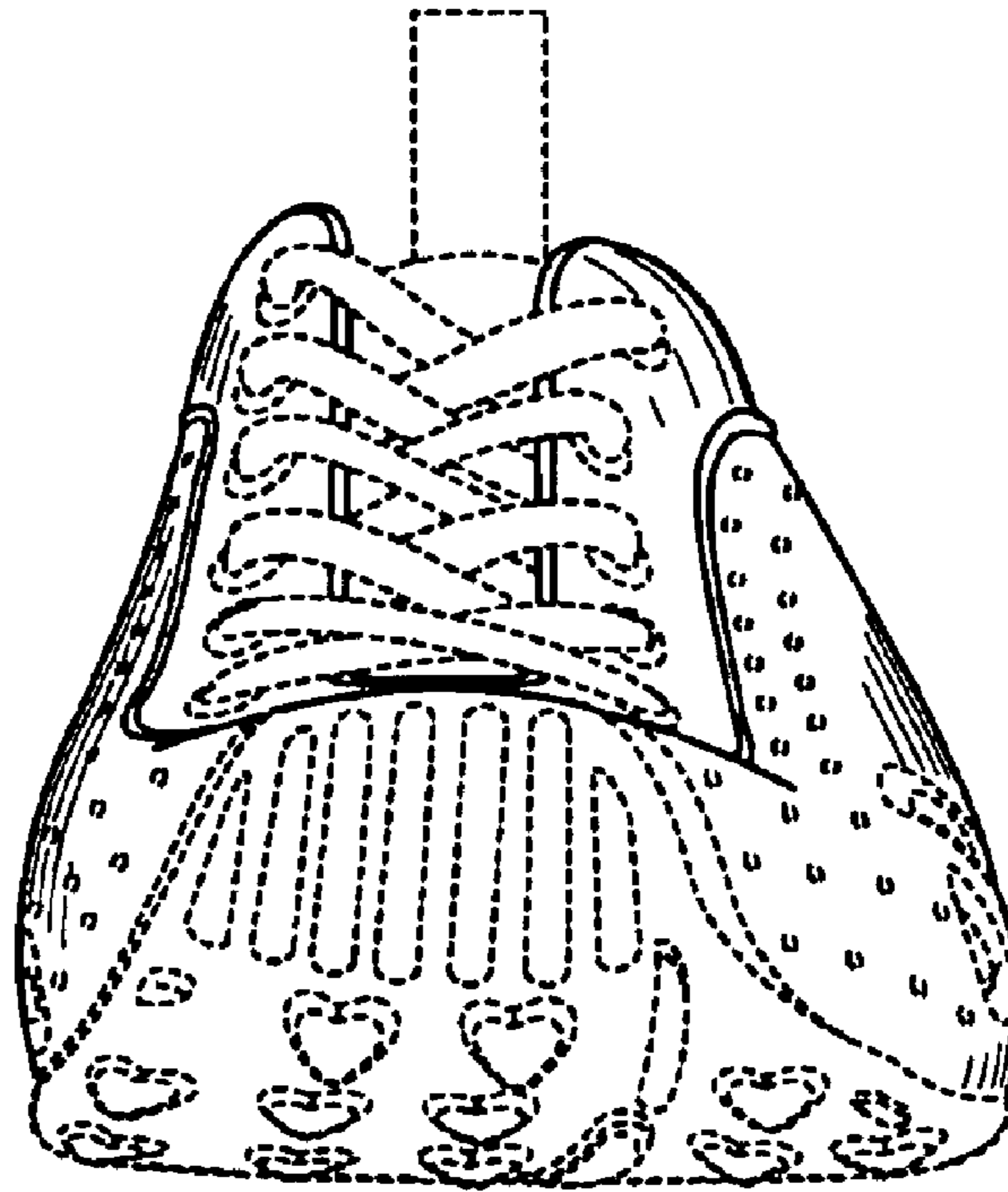


Fig. 5

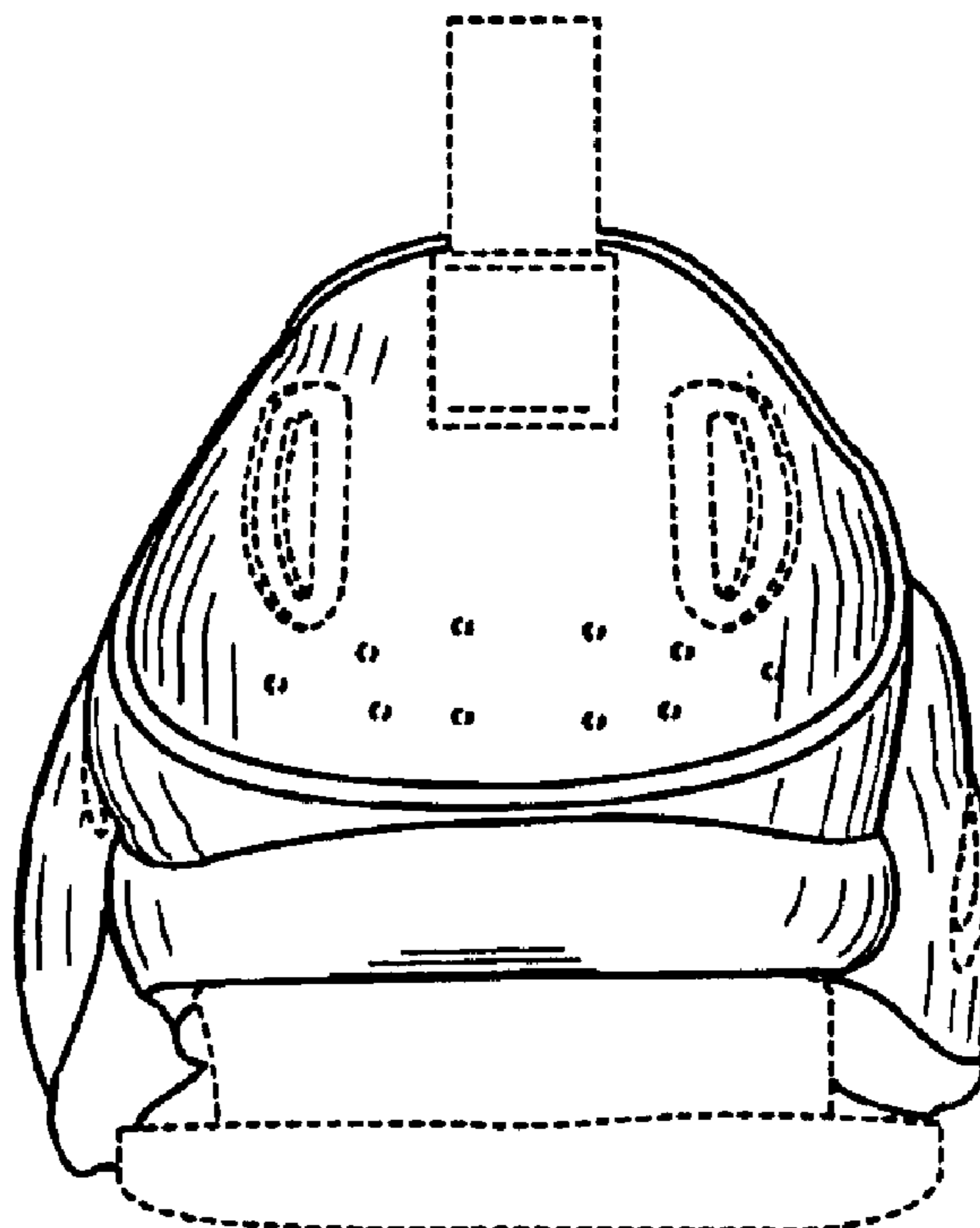


Fig. 6

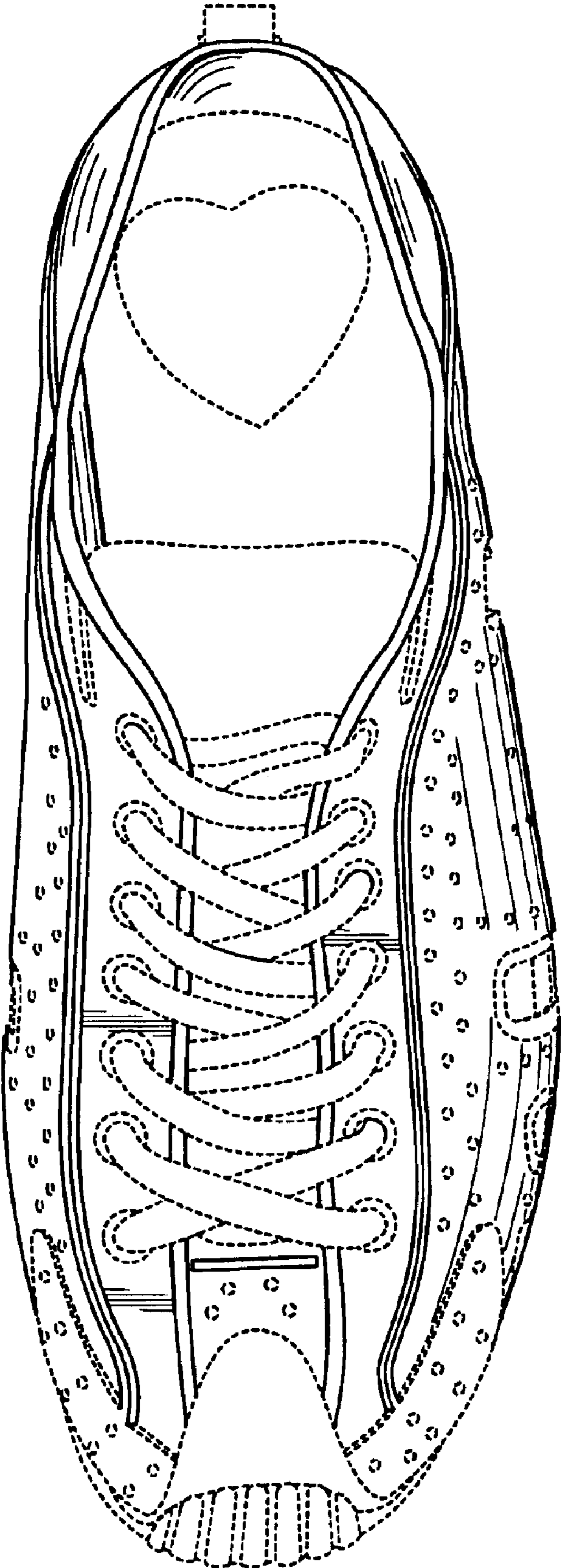


Fig. 1

