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(12) **United States Design Patent** (10) **Patent No.:** **US D495,864 S**  
**Herbst** (45) **Date of Patent:** **\*\* Sep. 14, 2004**

(54) **SIDE ELEMENT OF A SHOE UPPER**

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

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

(21) Appl. No.: **29/194,146**

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

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

(58) **Field of Search** ..... D2/902, 907, 908,  
D2/943, 944, 969, 972-974; 36/45, 50.1,  
77 M, 77 R, 83, 88, 113, 114, 126-130

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D364,499 S	11/1995	Avar	
D365,201 S	12/1995	Avar	
D393,346 S	* 4/1998	Hlavacs	..... D2/972
D395,354 S	6/1998	Avar	
D397,852 S	9/1998	Smith, III	
D397,859 S	9/1998	Cass	
D397,860 S	9/1998	Avar	
D398,765 S	9/1998	Lozano	
D401,052 S	11/1998	Lozano	
D406,448 S	3/1999	Rask	
D407,203 S	3/1999	Maxwell	
D407,205 S	3/1999	Lozano	
D412,054 S	7/1999	Gray et al.	
D415,885 S	11/1999	Mervar	
D417,776 S	12/1999	McDowell	
D420,501 S	2/2000	Hlavacs	
D421,836 S	3/2000	Berend	
D440,391 S	4/2001	Fogg	
D442,360 S	5/2001	Holmes	
D449,730 S	10/2001	McDowell	
D452,608 S	1/2002	McDowell	
D467,411 S	12/2002	Dombrow	
D485,052 S	* 1/2004	Holmes	..... D2/972

**OTHER PUBLICATIONS**

“Nike Footwear Catalog,” Late Spring 2003, published Sep. 2002 (p. 98), Beaverton, Oregon.

“Nike Footwear Catalog,” Fall 2000, published Nov. 1999 (pp. 11, 19, 57, 50, 14, 65), Beaverton, Oregon.

“Nike Footwear Catalog,” Spring 2000, published Jul. 1999 (pp. 25, 52, 88, 33), Beaverton, Oregon.

“Nike Footwear Catalog,” Spring 1999, published Jun. 1998 (pp. M16, M36, W66), Beaverton, Oregon.

“Nike Footwear Catalog,” Late Spring 1999, published Sep. 1998 (pp. M36, W57, W12, W14), Beaverton, Oregon.

(List continued on next page.)

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(57) **CLAIM**

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

**DESCRIPTION**

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

FIG. 2 is a side view of the side element of a shoe upper shown in FIG. 1;

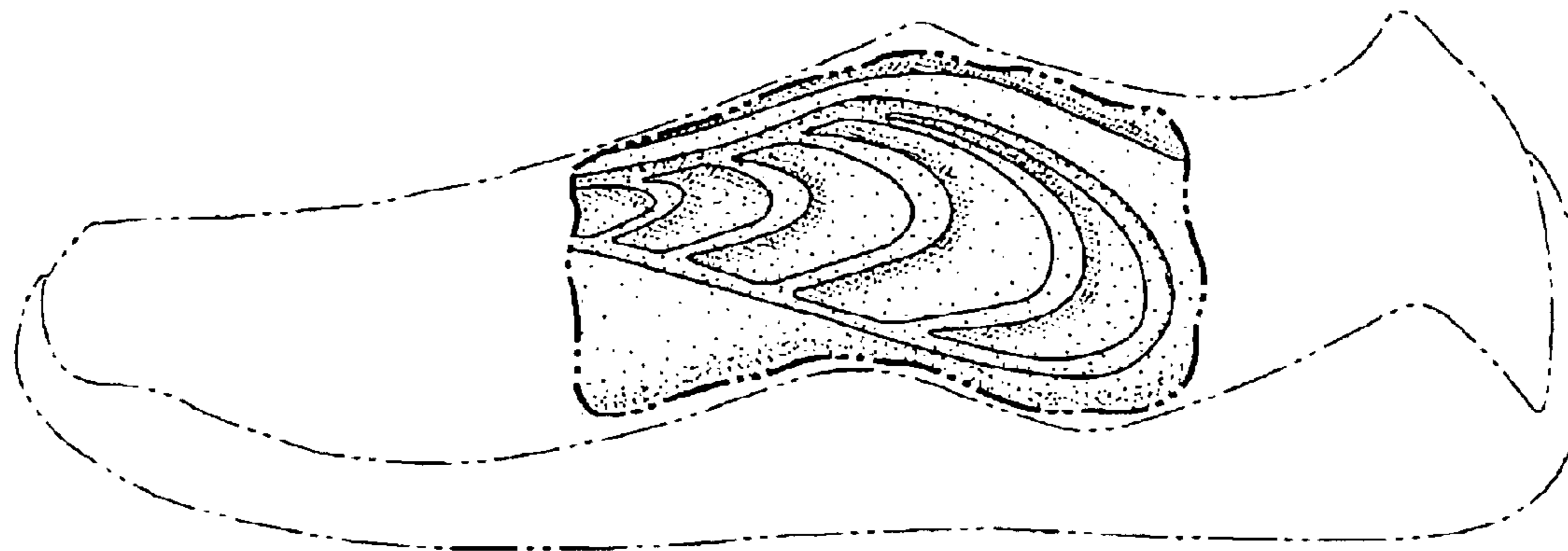
FIG. 3 is a front view of the side element of a shoe upper shown in FIG. 1;

FIG. 4 is a rear view of the side element of a shoe upper shown in FIG. 1; and,

FIG. 5 is a top view of the side element of a shoe upper shown in FIG. 1.

The uneven broken line immediately adjacent to the shaded area represents the bounds of the claimed design. All other uneven broken lines represent the remaining portion of the shoe. The uneven broken line representations in FIGS. 1-5 are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**



OTHER PUBLICATIONS

“Nike Footwear Catalog,” Spring 2002, published Jun. 2001 (pp. 9, 20, 86), Beaverton, Oregon.

“Nike Footwear Catalog,” Late Spring 2002, published Sep. 2001 (pp. 15, 14), Beaverton, Oregon.

“Nike Footwear Catalog,” Fall 1999, published Nov. 1998 (pp. M33, M34, M72, W121, W83, W9), Beaverton, Oregon.

“Nike Footwear Catalog,” Holiday 1999, published Mar. 1999 (pp. M117, W92), Beaverton Oregon.

“Nike Footwear Catalog,” Spring 1997, published Jun. 1996 (p. 45), Beaverton, Oregon.

“Nike Footwear Catalog,” Fall 1997, published Dec. 1996 (pp. 105, 175), Beaverton, Oregon.

“Nike Footwear Catalog,” Holiday 2002, published Mar. 2002 (p. 87), Beaverton, Oregon.

“Nike Footwear Catalog,” Fall 2002, published Nov. 2001 (pp. 72, 42, 22), Beaverton, Oregon.

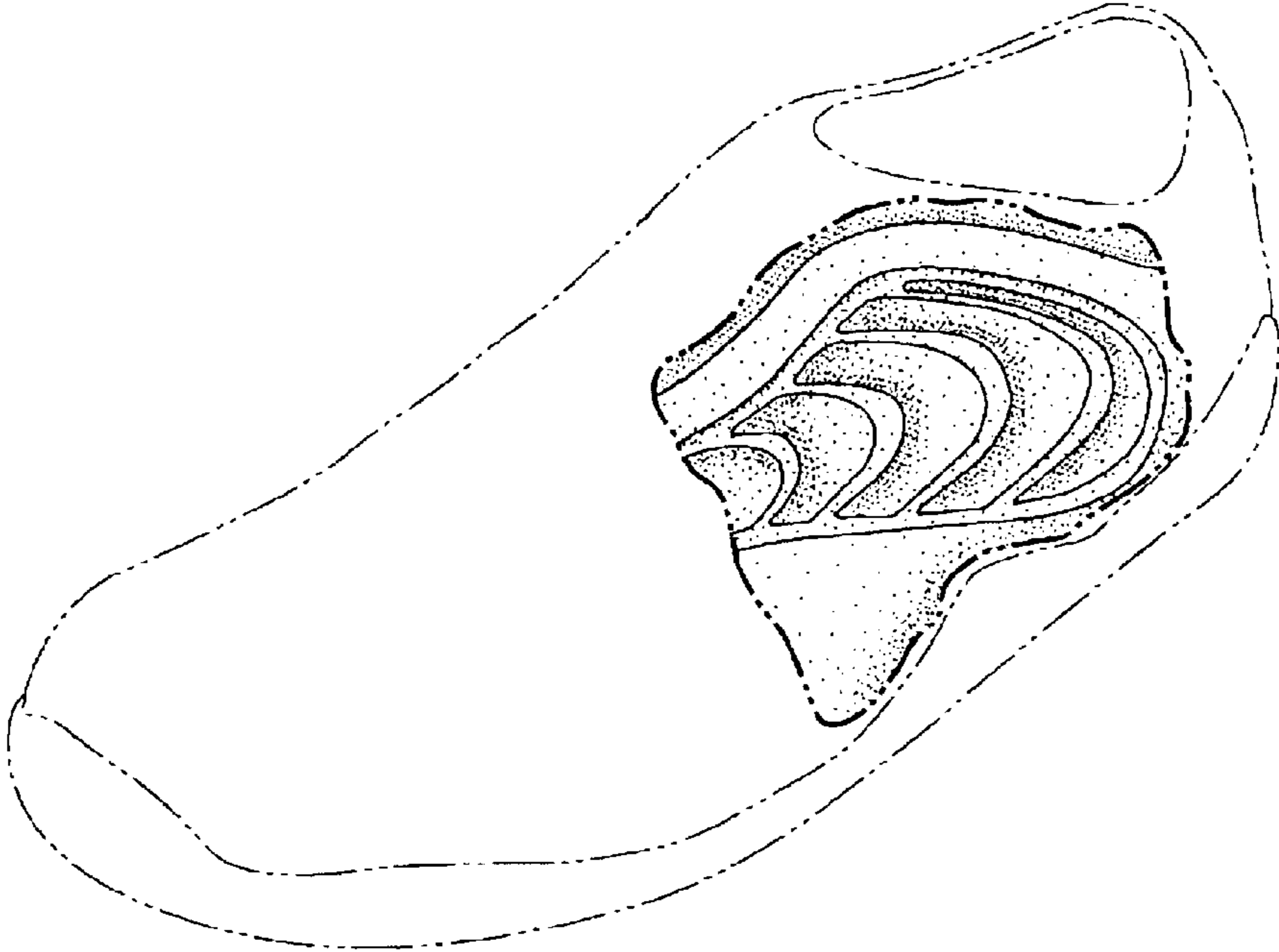
“Nike Footwear Catalog,” Fall 2001, published Nov. 2000 (pp. 70, 59, 27), Beaverton, Oregon.

“Nike Footwear Catalog,” Holiday 2001, published Feb. 2001 (pp. 40, 28, 12), Beaverton, Oregon.

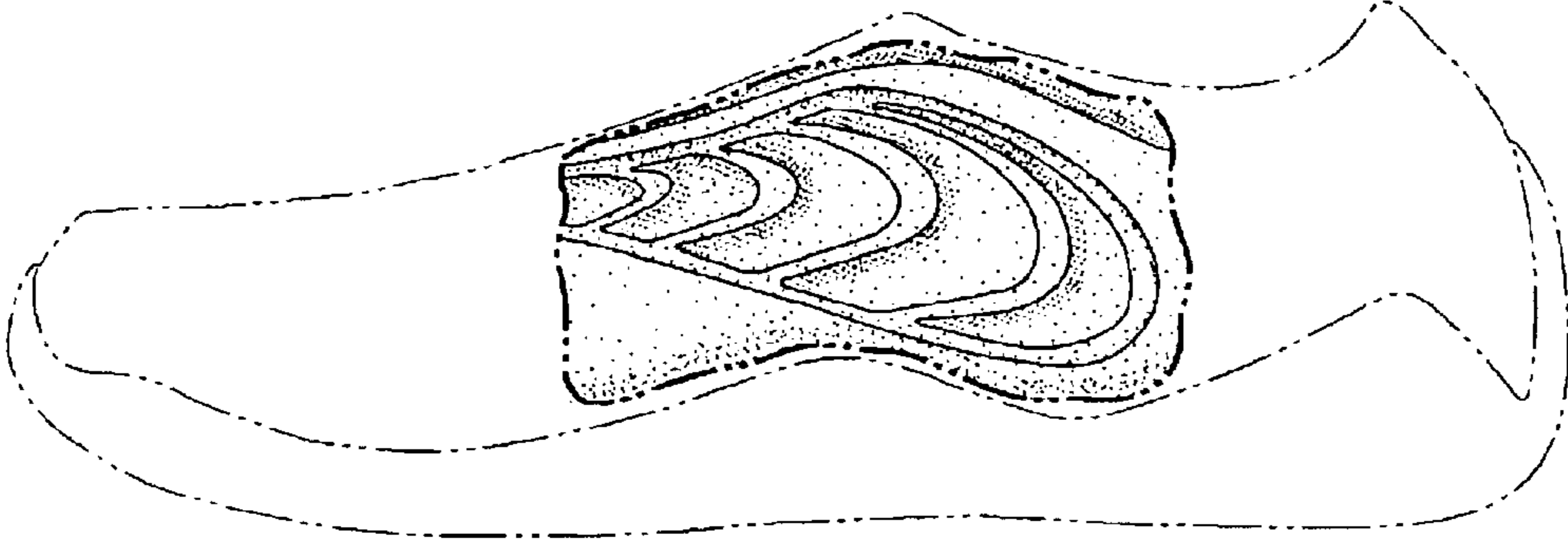
“Nike Footwear Catalog,” Spring 2001, published Jun. 2000 (pp. 14, 52), Beaverton, Oregon.

“Nike Footwear Catalog,” Late Spring 2004, published Sep. 2003 (pp. 2, 6, 36, 104), Beaverton, Oregon.

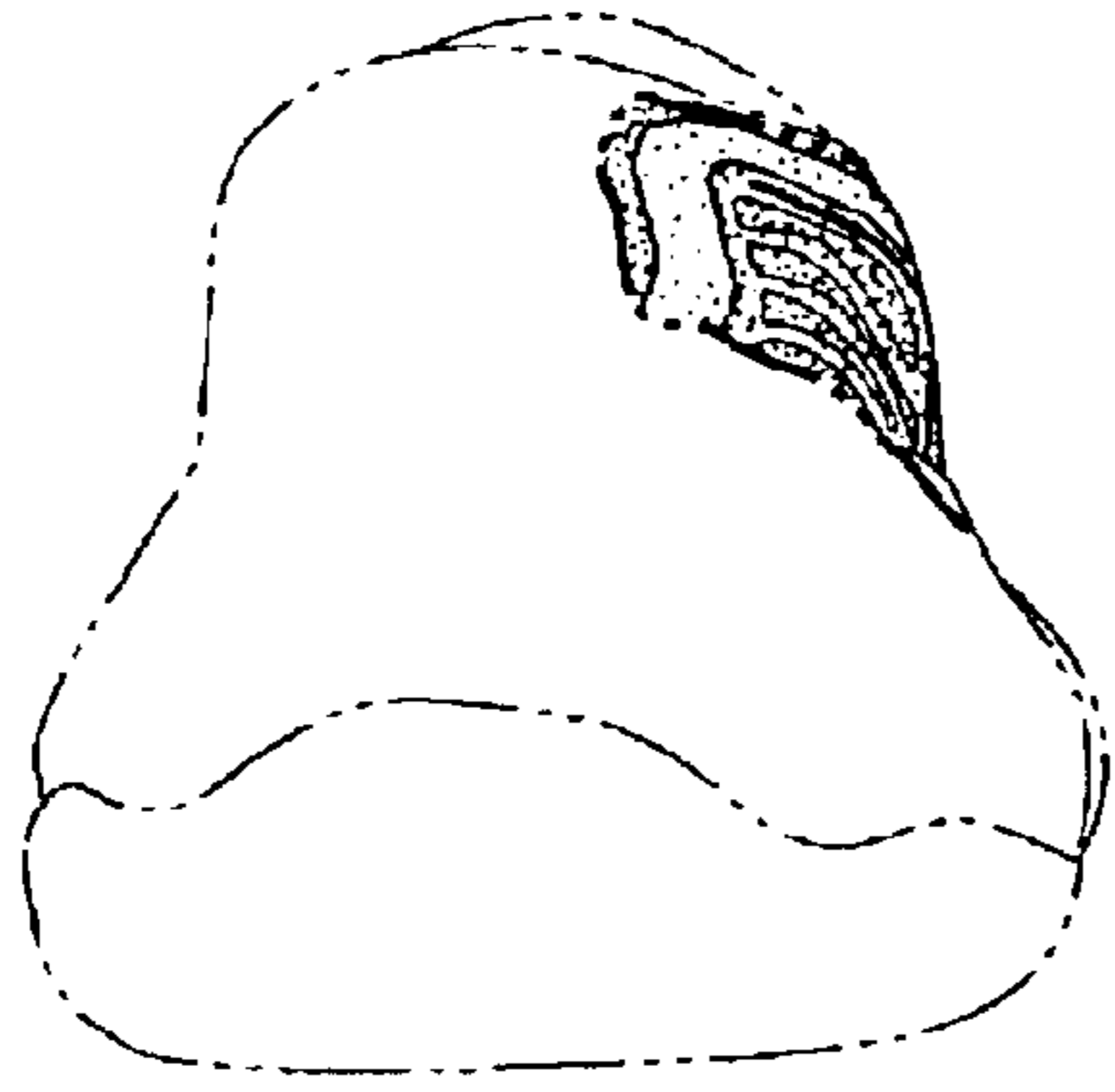
\* cited by examiner



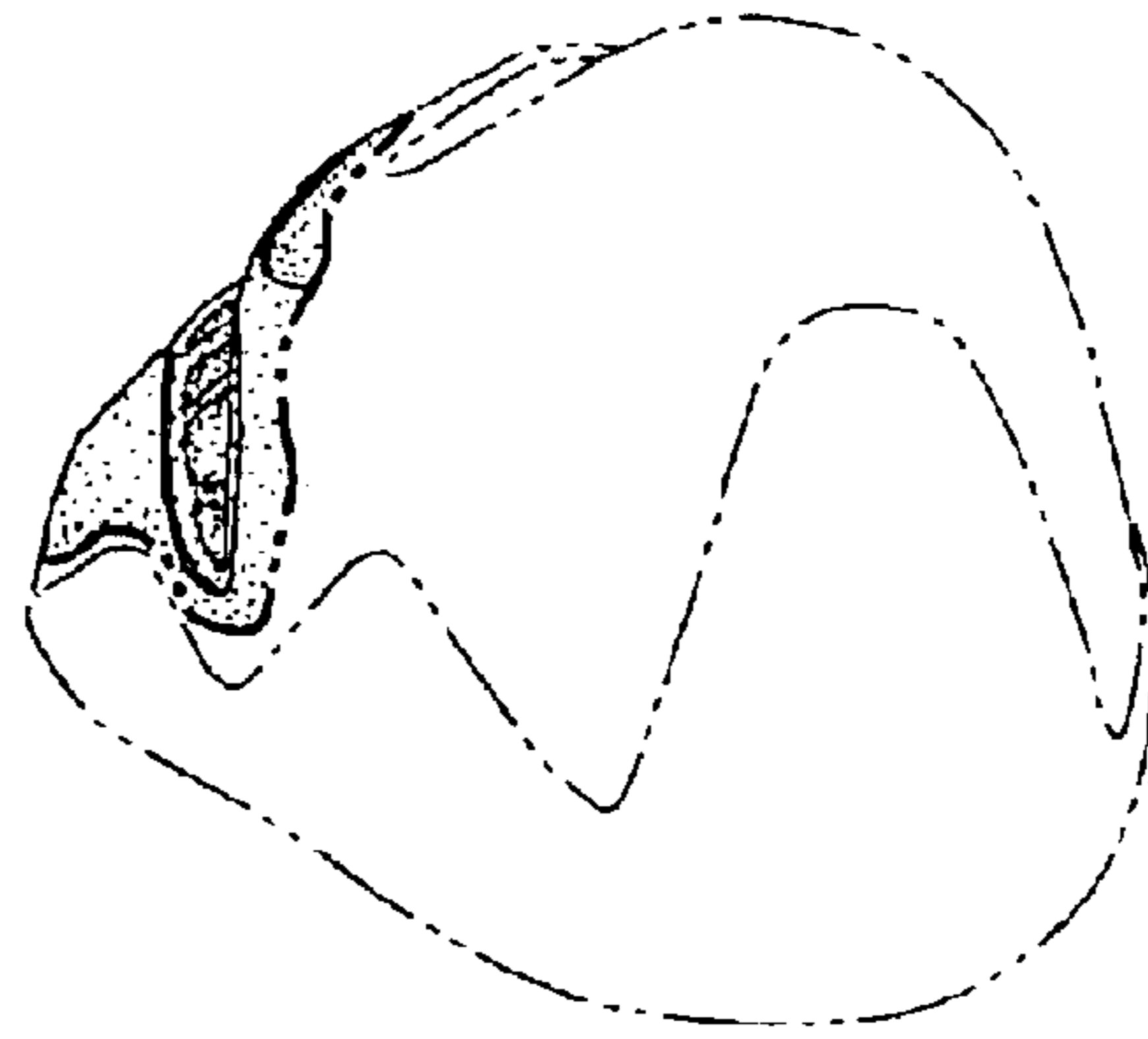
**FIG. 1**



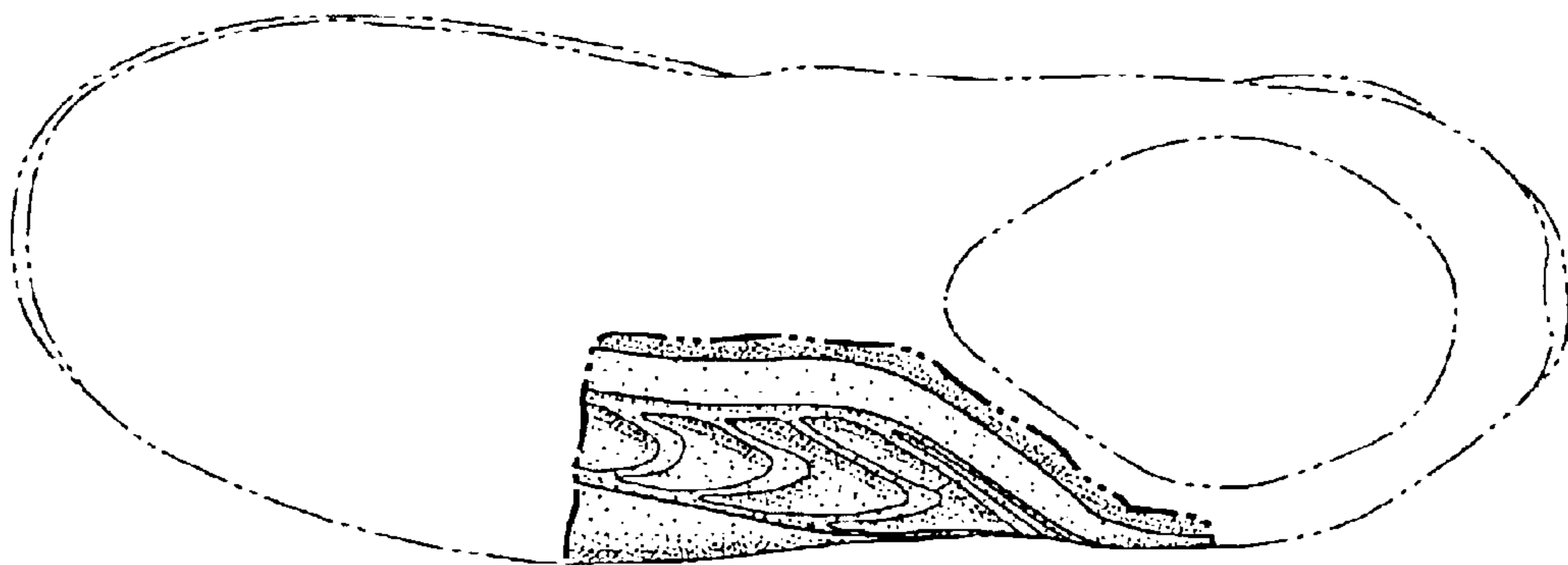
**FIG. 2**



**FIG. 3**



**FIG. 4**



**FIG. 5**