

US00D498354S

(12) **United States Design Patent** (10) **Patent No.:** **US D498,354 S**
Smith (45) **Date of Patent:** **** Nov. 16, 2004**

(54) **PORTION OF A SHOE UPPER**
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(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
(**) Term: **14 Years**
(21) Appl. No.: **29/194,025**
(22) Filed: **Nov. 19, 2003**
(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

Nike Footwear Catalog Spring 1996, p. 12, published Jun. 1995.
Nike Footwear Catalog Spring 1997, p. 5, published Jun. 1996.
Nike Footwear Catalog Holiday 1997, p. 160, published Mar. 1997.
Nike Footwear Catalog Spring 1998, p. 12, published Jun. 1997.
Nike Footwear Catalog Spring 2000, p. W15, published Jul. 1999.
Nike Footwear Catalog Fall 2003, p. M49, published Nov. 2002.
Nike Footwear Catalog Fall 2003, p. M104, published Nov. 2002.

* cited by examiner

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(56) **References Cited**

U.S. PATENT DOCUMENTS

D262,496 S	1/1982	DeCoster	
D265,435 S	7/1982	Vermonet	
D332,343 S	1/1993	Earle et al.	
D332,689 S	1/1993	Worthington	
D344,397 S	* 2/1994	Zelenko D2/972
D345,047 S	3/1994	DiSilvio	
D351,722 S	10/1994	Earle	
D372,577 S	8/1996	Lozano	
D386,296 S	11/1997	Lozano	
D391,067 S	* 2/1998	Hatfield D2/972
D446,004 S	8/2001	Burt	
D452,992 S	1/2002	Smith	

OTHER PUBLICATIONS

Nike Footwear Catalog Fall 1986, p. 52, published Jan. 1986.
Nike Footwear Catalog Late Spring 1995, p. 77, published Sep. 1994.

(57) **CLAIM**

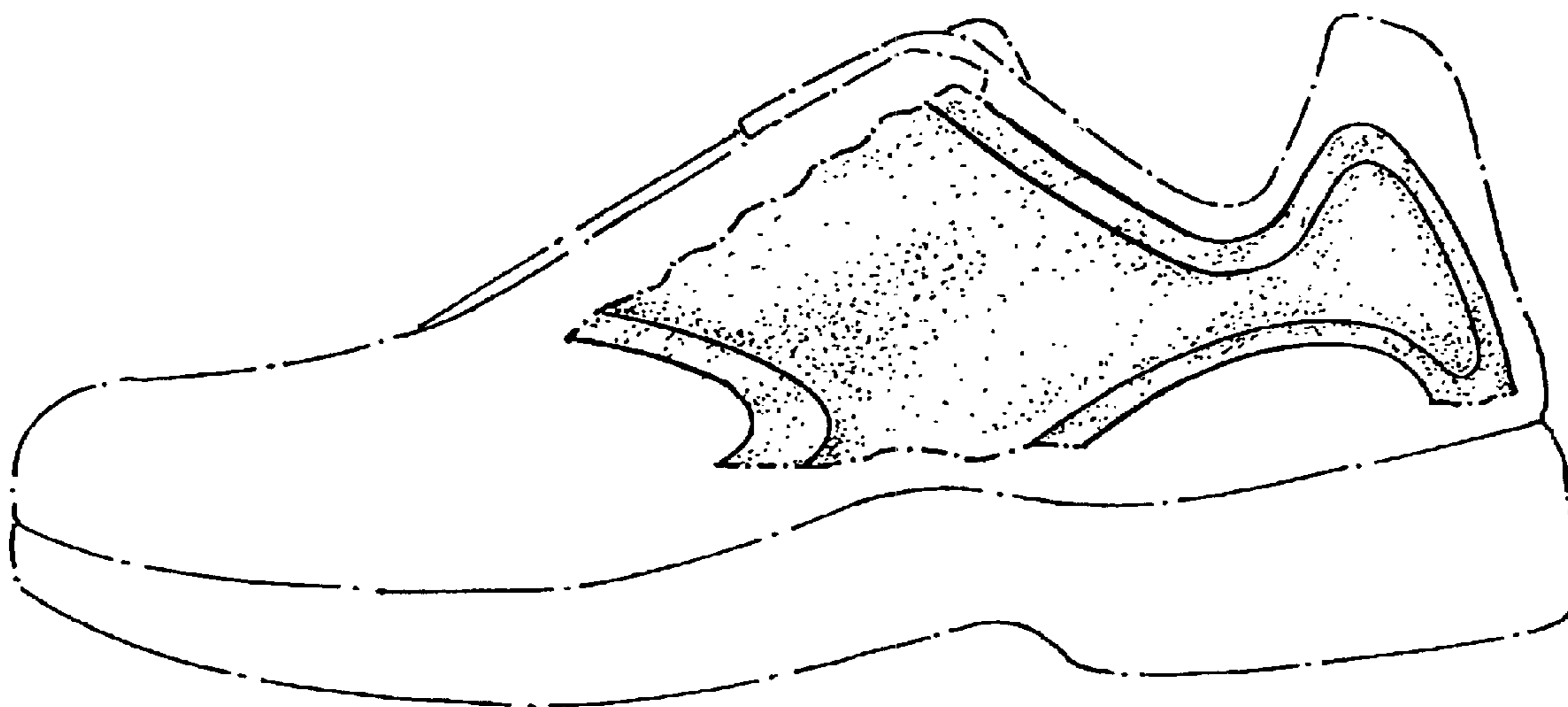
The ornamental design for a portion of a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a portion of a shoe upper showing my new design;
FIG. 2 is a side elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a front elevational view thereof; and,
FIG. 5 is a top plan 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, 2 Drawing Sheets



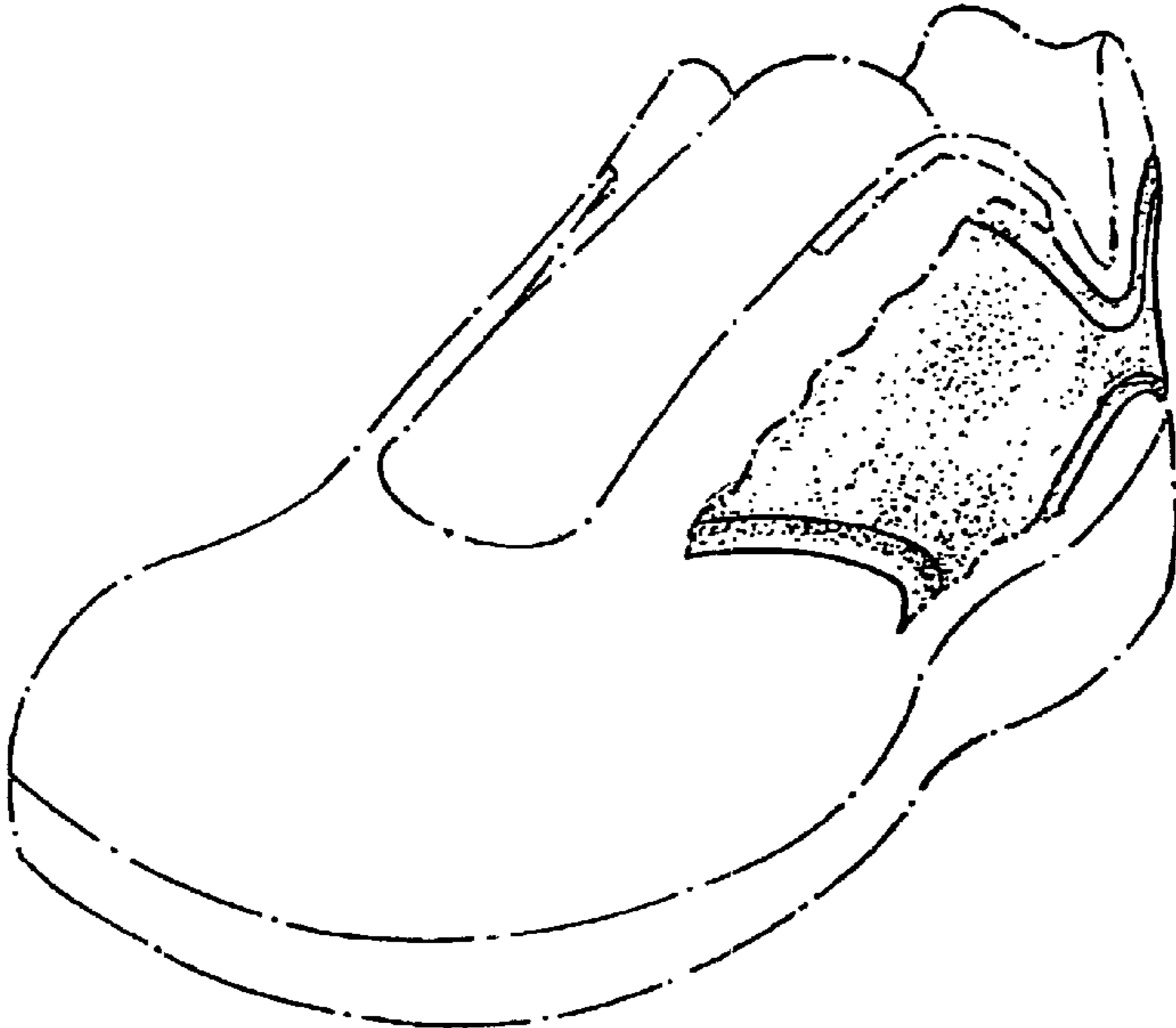


FIG. 1

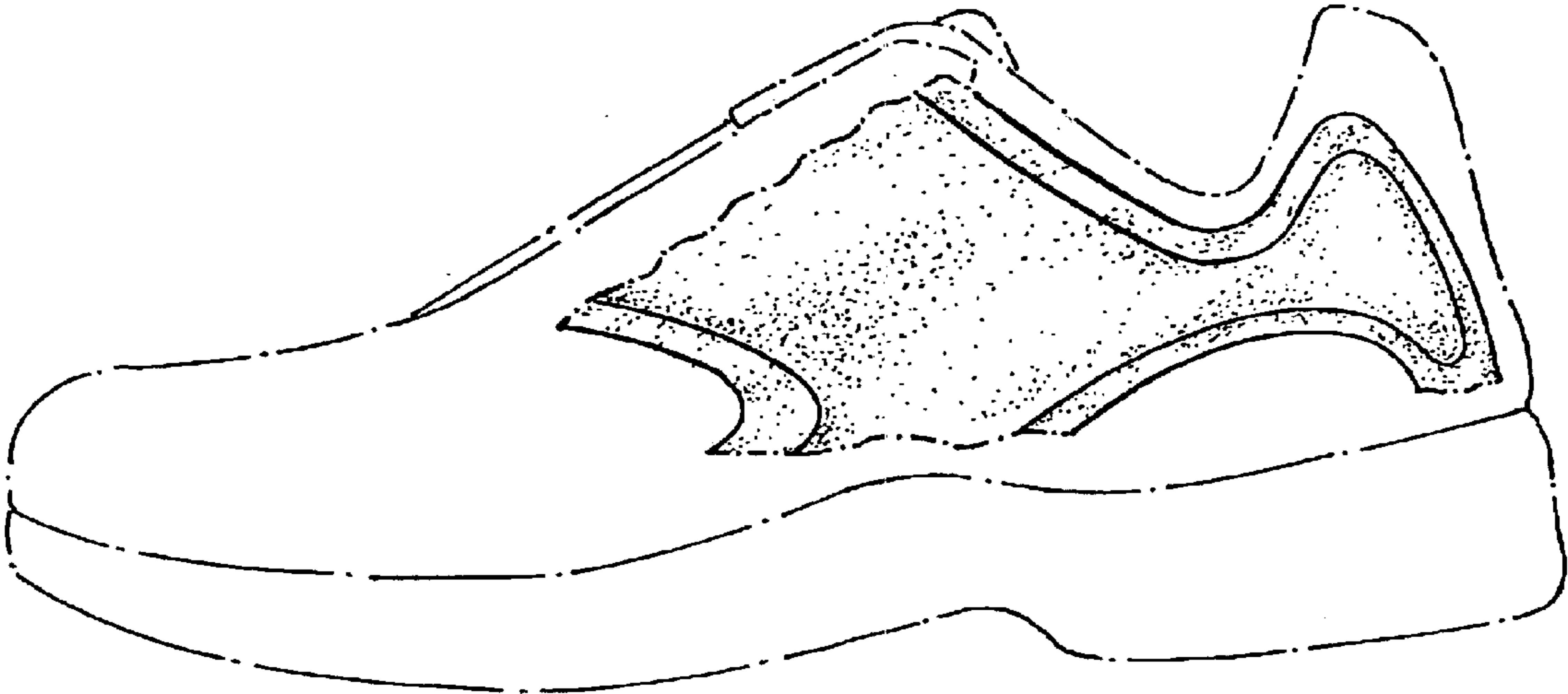


FIG. 2

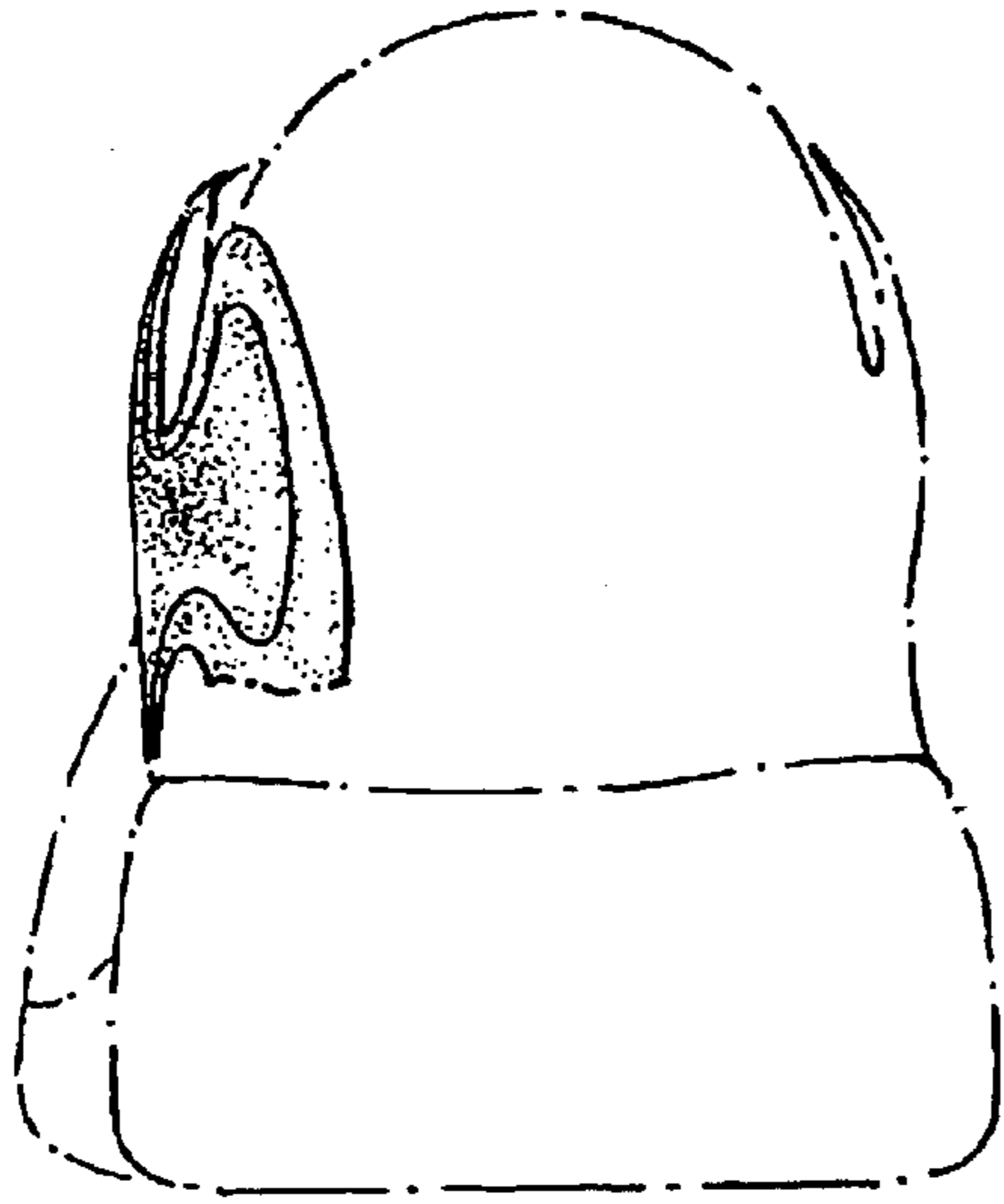


FIG. 3

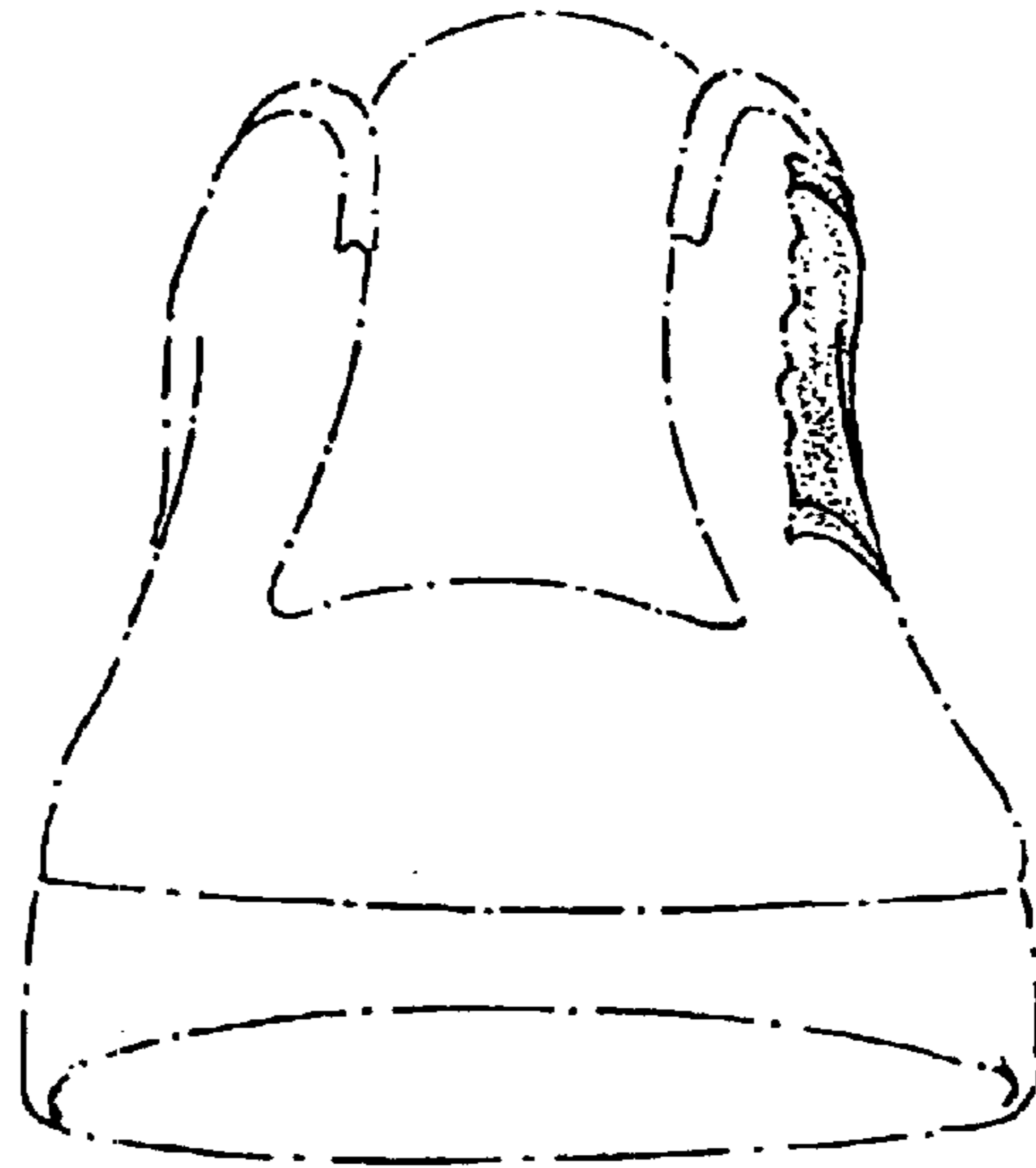


FIG. 4

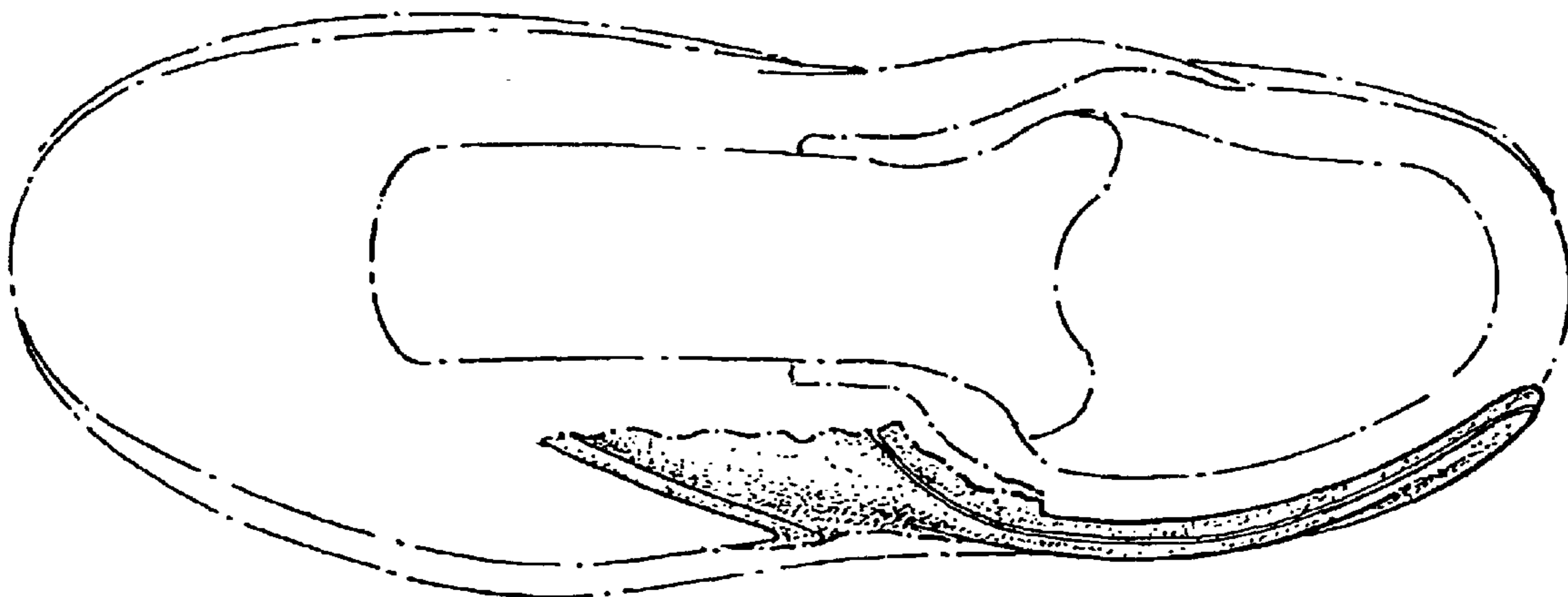


FIG. 5