

US00D499244S

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

(10) **Patent No.:** **US D499,244 S**
(45) **Date of Patent:** **** Dec. 7, 2004**

- (54) **PORTION OF A SHOE UPPER**
- (75) Inventor: **David Dombrow**, Santa Barbara, CA (US)
- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
- (21) Appl. No.: **29/200,779**
- (22) Filed: **Mar. 5, 2004**
- (51) **LOC (7) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/972; D2/973**
- (58) **Field of Search** D2/907, 908, 943, D2/944, 969, 972-974; 36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114, 126-130

- D413,195 S 8/1999 Smith, III
- D460,609 S 7/2002 Belley
- D468,519 S 1/2003 Garcia
- D483,935 S 12/2003 Kuerbis
- D492,098 S * 6/2004 Magro D2/907

OTHER PUBLICATIONS

- Nike Footwear Catalog Spring 1985 Athletic, p. 16, published 1985.
- Nike Footwear Catalog Spring 1986, p. 2, published Jun. 1985.
- Nike Footwear Catalog Fall 1988, p. 60, published Dec. 1987.
- Nike Footwear Catalog Spring 1996, p. 166, published Jun. 1995.
- Nike Footwear Catalog Late Spring 1997, p. 46, published Sep. 1996.
- Nike Footwear Catalog Fall 1997, p. 216, published Dec. 1996.
- Nike Footwear Catalog Fall 1999, p. W108, published Nov. 1998.
- Nike Footwear Catalog Spring 2003, pp. M29, M65, published Jun. 2002.

* cited by examiner

Primary Examiner—Dominic Simone
(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **CLAIM**

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

DESCRIPTION

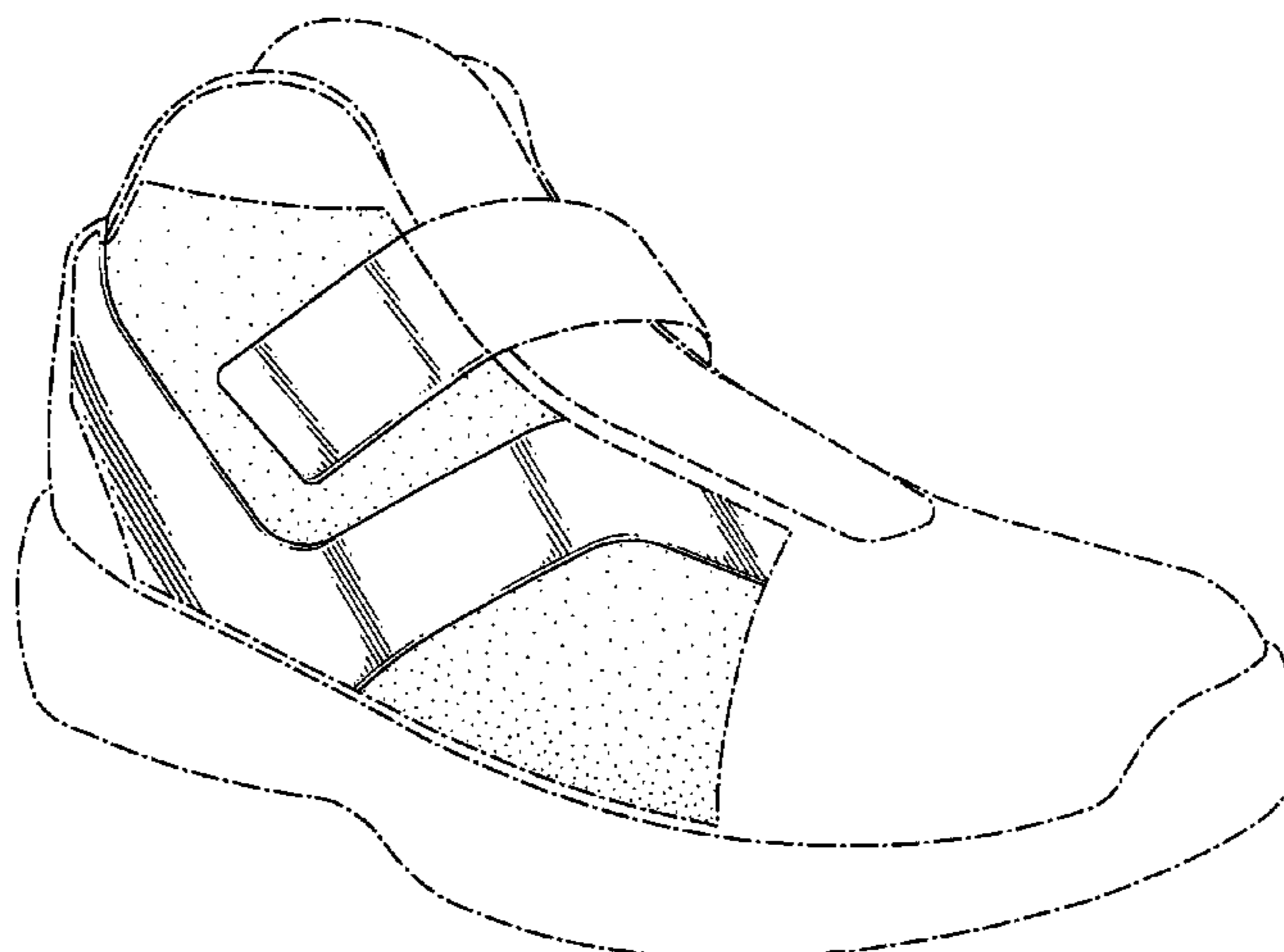
FIG. 1 is a front perspective view of a portion of a shoe upper showing my new design; FIG. 2 is a side view thereof; and, FIG. 3 is a rear perspective view thereof. The difference in shading indicates a contrast of appearance and does not depict any particular color, texture, or material. The broken lines immediately adjacent to the shaded area represent an unclaimed boundary of the design. The broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets

(56) **References Cited**

U.S. PATENT DOCUMENTS

- D175,203 S * 7/1955 Wall D2/944
- D239,217 S 3/1976 Lloyd
- D239,478 S 4/1976 Senter
- D239,479 S 4/1976 Senter
- D241,383 S 9/1976 Dolinsky
- D268,710 S 4/1983 Anderie
- D272,771 S 2/1984 Muller Feigelstock
- D272,963 S 3/1984 Muller
- D272,964 S 3/1984 Muller Feigelstock
- D276,190 S 11/1984 Hess
- D276,569 S 12/1984 Kohno
- D281,457 S 11/1985 Po
- 4,670,998 A 6/1987 Pasternak
- D296,491 S 7/1988 Diaz
- D296,721 S 7/1988 Brown
- D297,591 S 9/1988 Brown et al.
- D297,781 S 9/1988 Diaz et al.
- D300,083 S 3/1989 Tonkel
- 5,109,613 A 5/1992 Van Dyke
- D335,385 S 5/1993 Kawabata
- D356,663 S 3/1995 Ueda
- D363,151 S 10/1995 Vitrac
- D367,952 S 3/1996 Shea
- D373,456 S 9/1996 Gibson
- D406,452 S 3/1999 Fogg



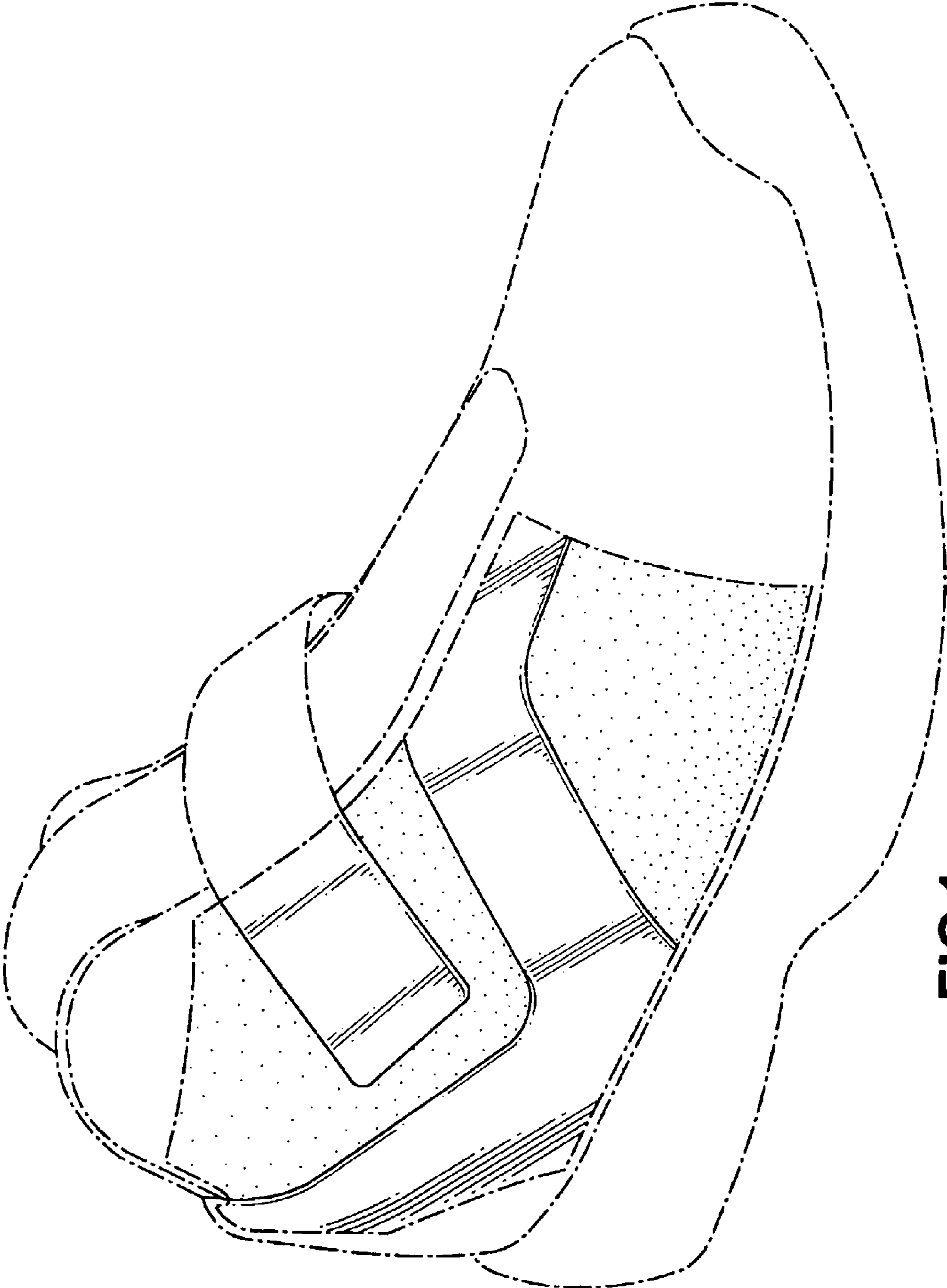


FIG.1

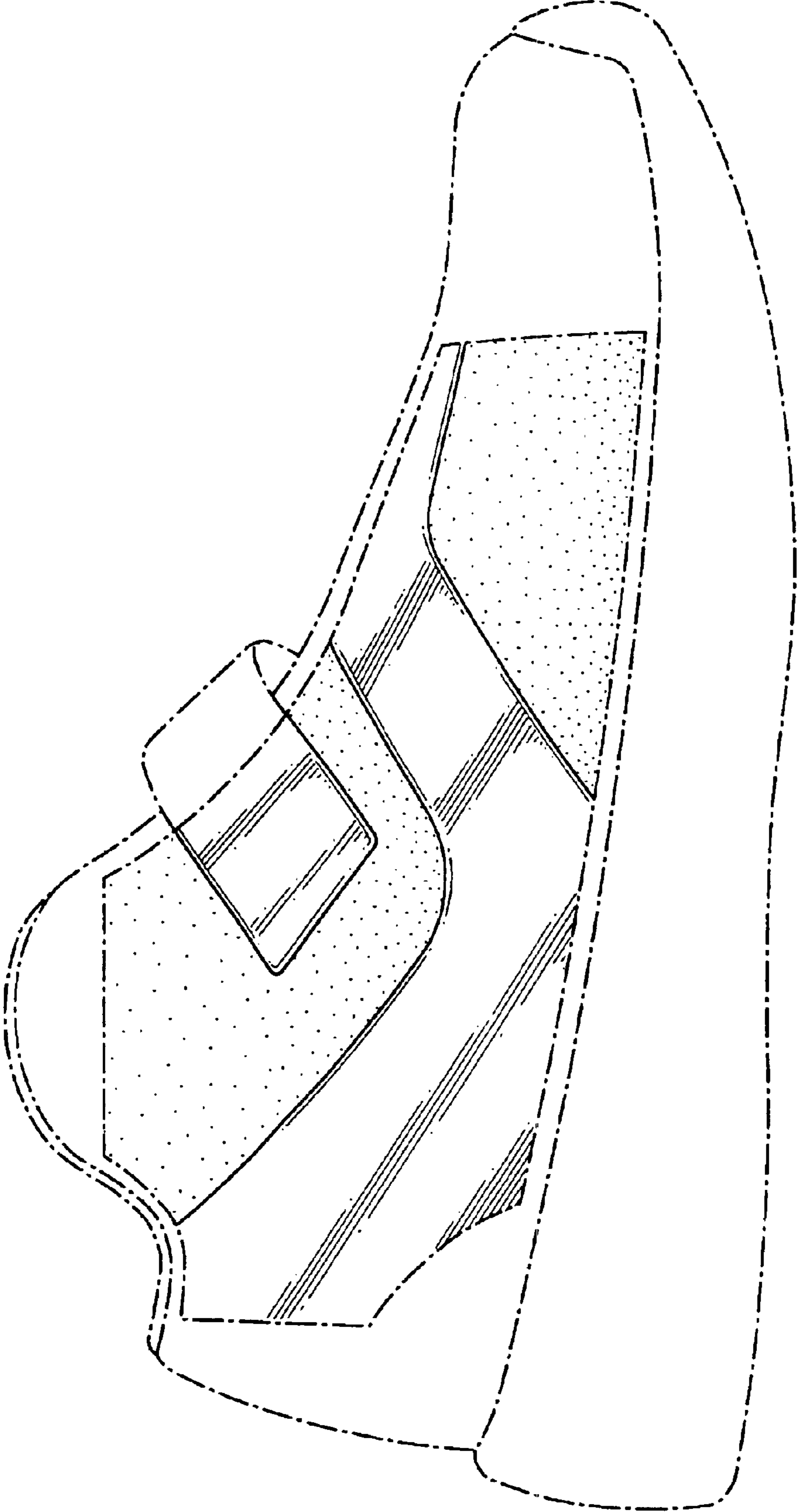


FIG. 2

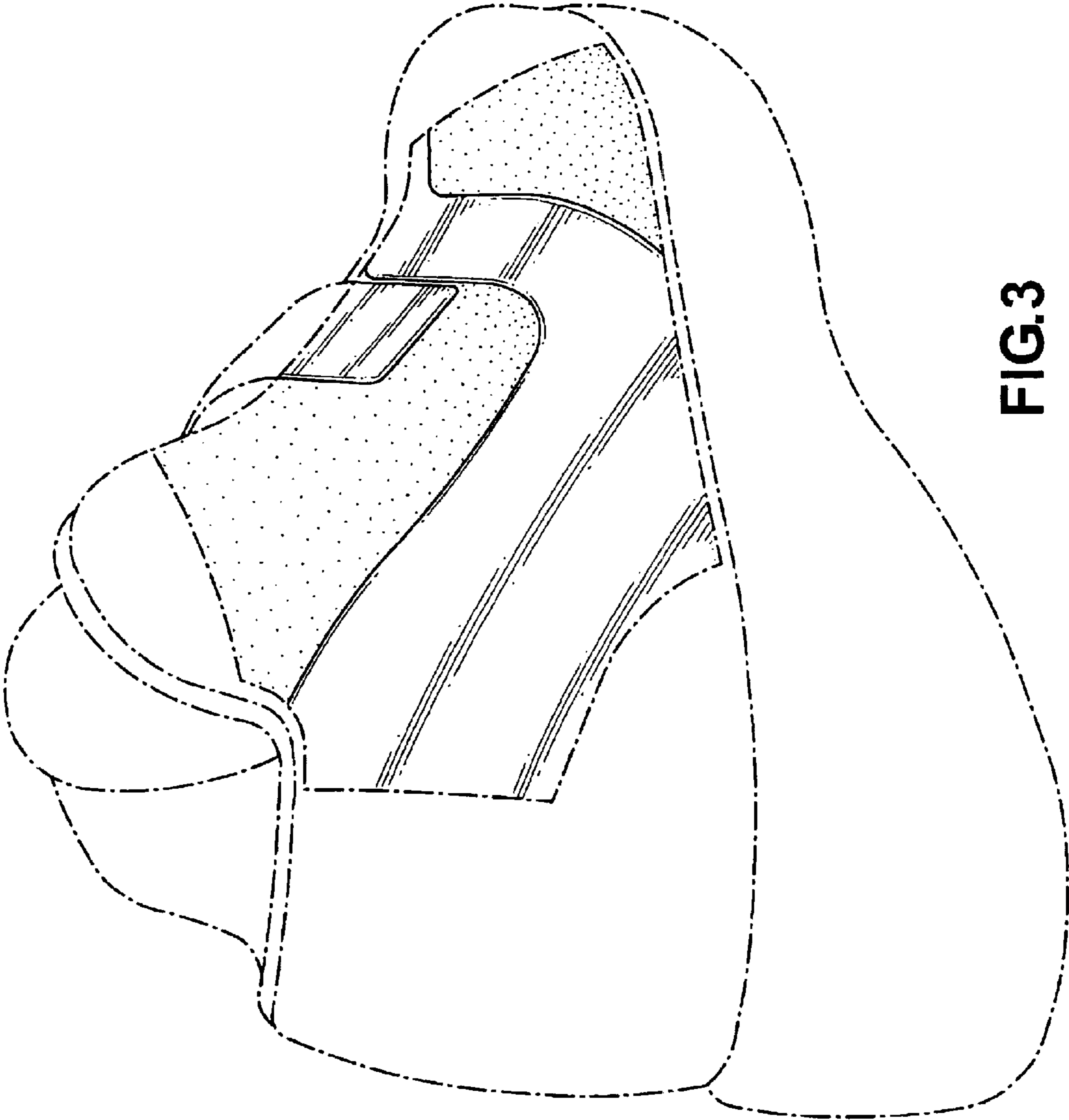


FIG. 3