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(12) **United States Design Patent** (10) **Patent No.:** **US D528,760 S**
Wilken (45) **Date of Patent:** **** Sep. 26, 2006**

(54) **PORTION OF A SHOE UPPER**

D500,407 S * 1/2005 Smith D2/972
D504,212 S 4/2005 Schoenborn et al.

(75) Inventor: **Doug Donald Wilken**, Hillsboro, OR
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OTHER PUBLICATIONS

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

Nike Footwear Catalog Late Spring 2005, p. 192, published Aug. 2004.

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

Nike Footwear Catalog Spring 2005, p. 71, published Jun. 2004.

(21) Appl. No.: **29/229,859**

Nike Footwear Catalog Fall 2004, p. 63, published Nov. 2003.

(22) Filed: **May 13, 2005**

Nike Footwear Catalog Late Spring 2003, p. 7, published Sep. 2002.

(51) **LOC (8) Cl.** **02-99**

Nike Footwear Catalog Fall 2003, p. W26, published Nov. 2002.

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

(58) **Field of Classification Search** D2/902,
D2/907, 908, 943, 944, 969, 972-974; 36/45,
36/50.1, 77 M, 77 R, 83, 88, 113, 114, 126-131
See application file for complete search history.

Nike Footwear Catalog Late Spring 2002, p. 40, published Sep. 2001.

(Continued)

(56) **References Cited**

Primary Examiner—Dominic Simone

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

U.S. PATENT DOCUMENTS

(57) **CLAIM**

D315,054 S 3/1991 Hatfield
D318,944 S 8/1991 Lucas
D331,141 S 11/1992 Smith, III
D337,873 S 8/1993 Backus
D347,725 S 6/1994 Brown et al.
5,381,609 A 1/1995 Hieblinger
D377,414 S 1/1997 Hatfield
D383,915 S 9/1997 Tresser
D384,799 S 10/1997 Teague
D393,355 S 4/1998 Doxey
D395,345 S 6/1998 Doxey
D416,129 S 11/1999 Lotti
D431,712 S 10/2000 Wilson
D441,183 S 5/2001 McDowell
D452,992 S * 1/2002 Smith D2/972
D495,867 S * 9/2004 Avar D2/972
D499,249 S * 12/2004 Hlavacs D2/972

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

DESCRIPTION

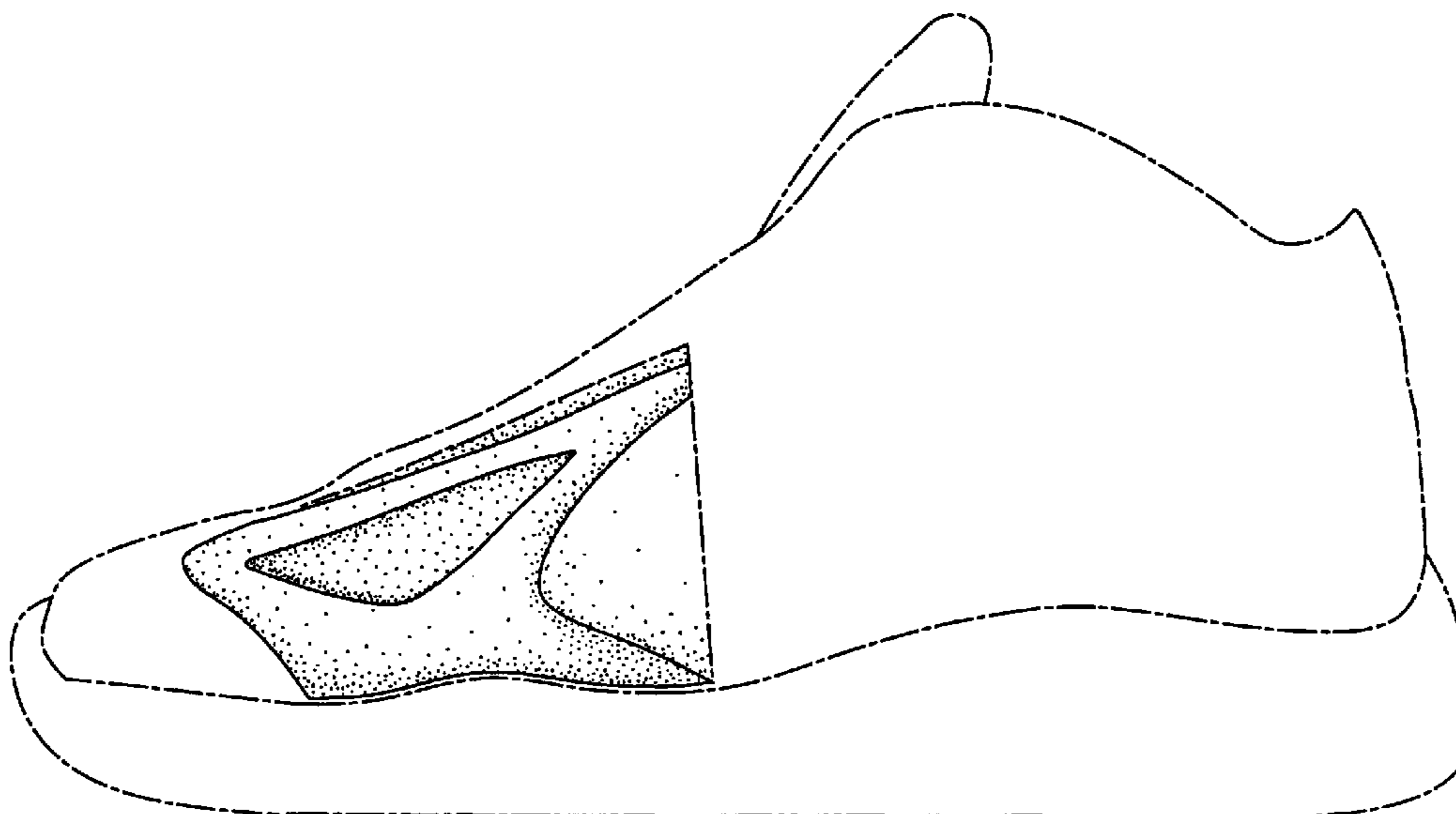
FIG. 1 is a first perspective view of a portion of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a second perspective view thereof.

The uneven broken lines immediately adjacent to the shaded area represent unclaimed boundaries 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, 3 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog Spring 2001, p. 5, published Jun. 2000.

Nike Footwear Catalog Spring 2000 #2, p. W48, published Jul. 1999.

Nike Footwear Catalog Late Spring 1999, p. M42, published Sep. 1998.

Nike Footwear Catalog Spring 1999, p. M45, published Jun. 1998.

Nike Footwear Catalog Holiday 1998, p. M41, published Feb. 1998.

Nike Footwear Catalog Spring, p. 113, published Jun. 1997.

Nike Footwear Catalog Late Spring 1997, p. 170, published Sep. 1996.

Nike Footwear Catalog Fall 1995, pp. 17, 47 & 76, published Nov. 1994.

Nike Footwear Catalog Late Spring 1995, p. 5, published Sep. 1994.

Nike Footwear Catalog Late Spring 1994, pp. 12 & 56, published Sep. 1993.

Nike Footwear Catalog Spring 1994, p. 152, published Jun. 1993.

Nike Footwear Catalog Fall 1993, p. 28, published Dec. 1992.

* cited by examiner

FIG. 1

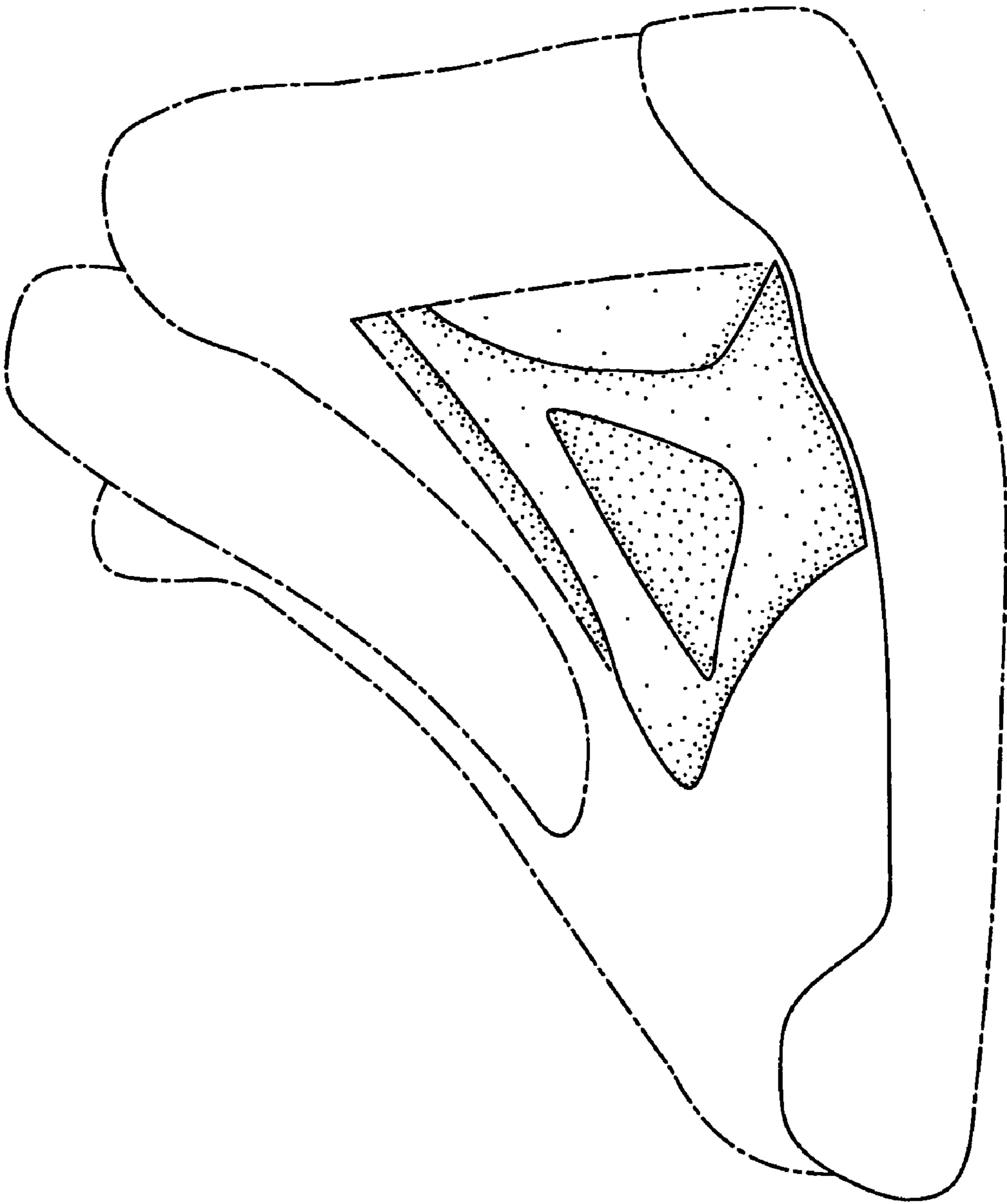


FIG. 2

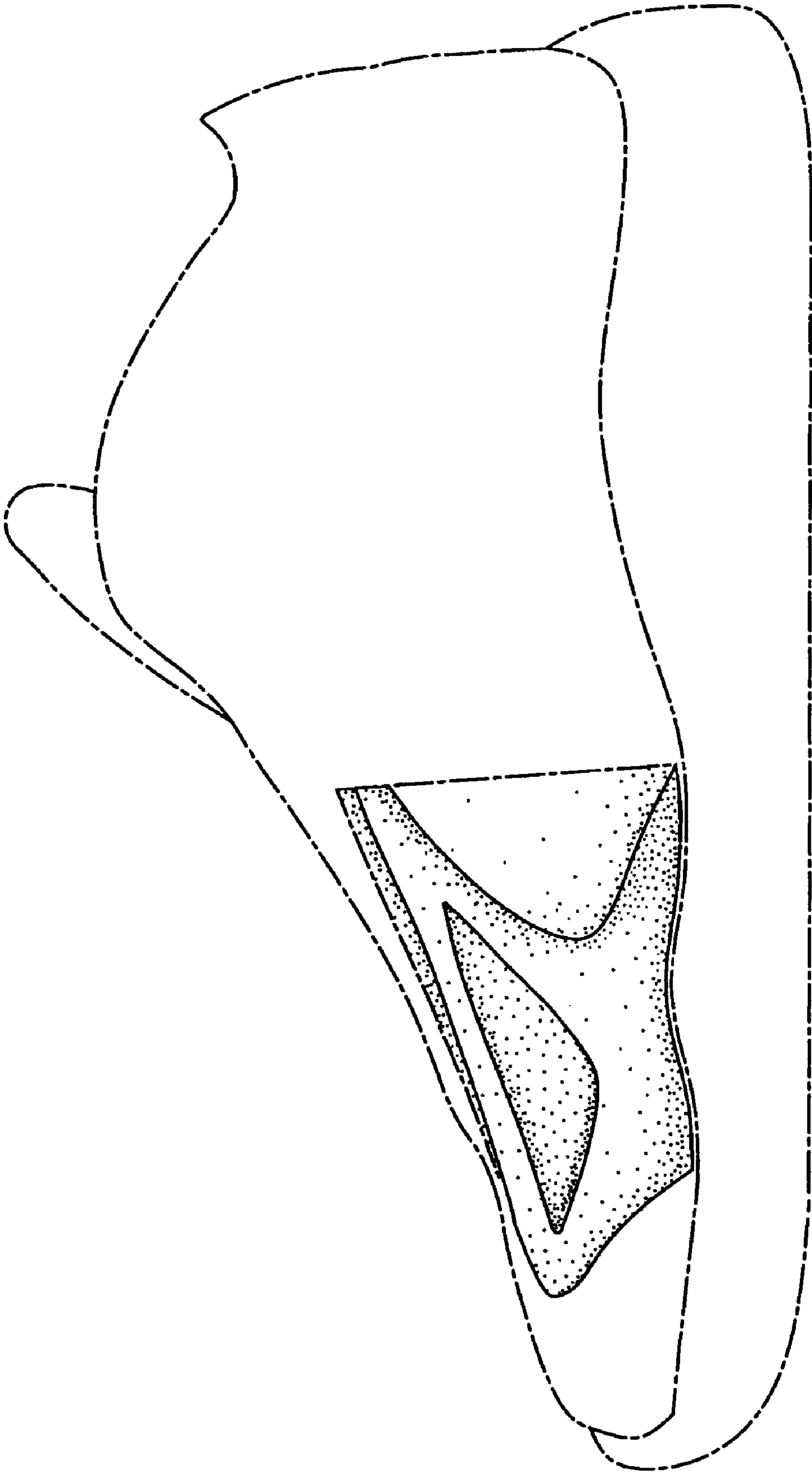
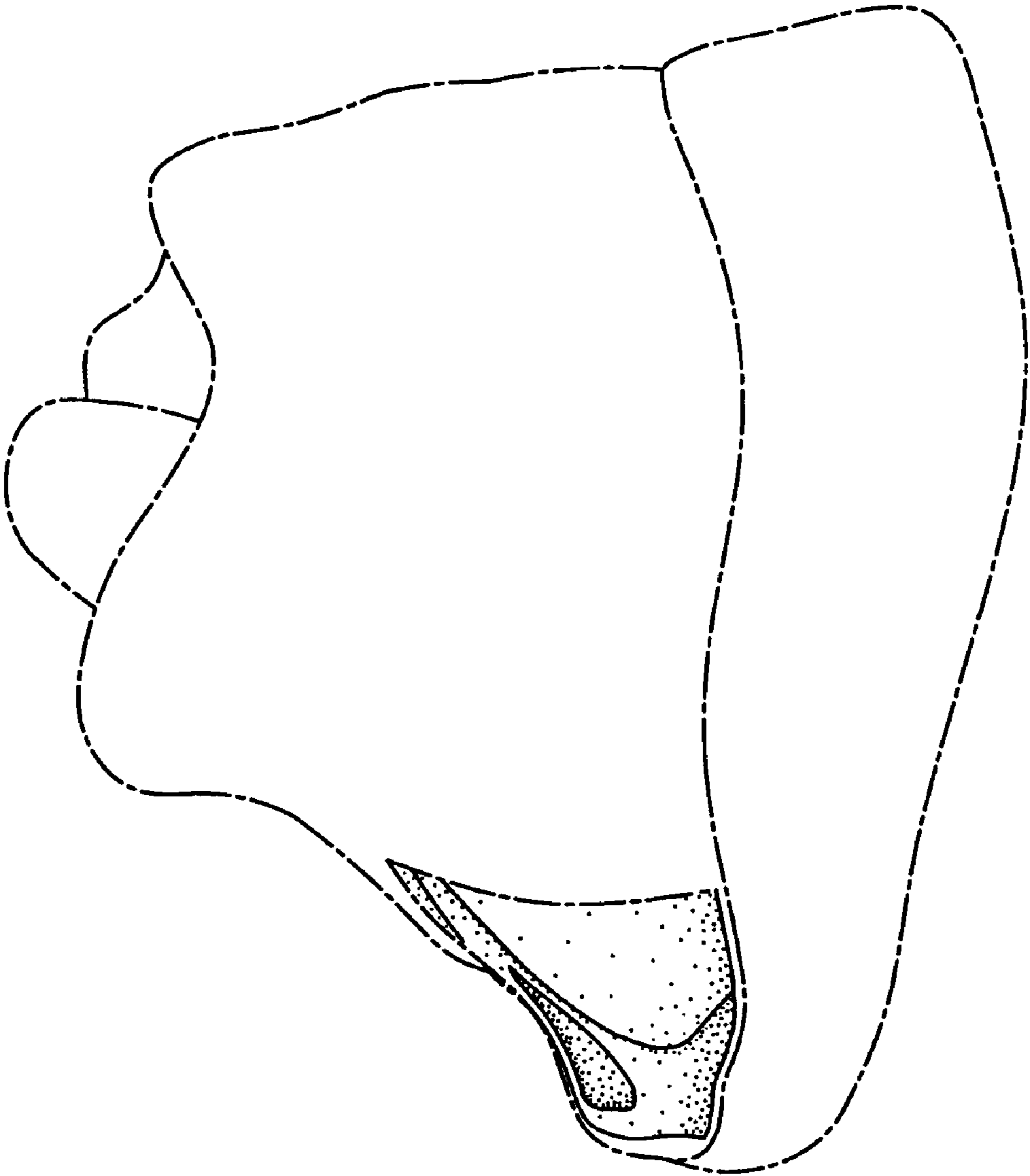


FIG. 3



UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Des. 528,760 S
APPLICATION NO. : 29/229859
DATED : September 26, 2006
INVENTOR(S) : Doug Donald Wilken

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:


On the Title Page, Item (56) References Cited section, under Other Publications:

“Nike Footwear Catalog Spring, p.113, published Jun. 1997” has been replaced with

--Nike Footwear Catalog Spring 1998, p.113, published Jun. 1997--.

Signed and Sealed this

Twenty-first Day of August, 2007

A handwritten signature in black ink, reading "Jon W. Dudas", is written over a rectangular area with a light gray dotted background.

JON W. DUDAS

Director of the United States Patent and Trademark Office