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(12) **United States Design Patent** (10) **Patent No.:** **US D528,764 S**
Clancy (45) **Date of Patent:** **** Sep. 26, 2006**

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

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

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

(21) Appl. No.: **29/251,611**

(22) Filed: **Jan. 9, 2006**

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

(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.

(56) **References Cited**

U.S. PATENT DOCUMENTS

566,407 A 8/1896 Nicklin
D92,923 S 7/1934 Pape

(Continued)

OTHER PUBLICATIONS

"Nike Footwear Catalog," Spring 1989, published Jun. 1988 (p. 30), Beaverton, OR.
"Nike Footwear Catalog," Fall 1990, published Dec. 1989 (p. 30), Beaverton, OR.
"Nike Footwear Catalog," Spring 1993, published Jun. 1992 (p. 20), Beaverton, OR.
"Nike Footwear Catalog," Spring 1994, published Jun. 1993 (p. 22), Beaverton, OR.
"Nike Footwear Catalog," Holiday 1994, published Mar. 1994 (p. 12), Beaverton, OR.
"Nike Footwear Catalog," Late Spring 1995, published Sep. 1994 (p. 58), Beaverton, OR.
"Nike Footwear Catalog," Fall 1995, published Nov. 1994 (p. 9, 28, 102), Beaverton, OR.
"Nike Footwear Catalog," Holiday 1995, published Mar. 1995 (p. 20), Beaverton, OR.

"Nike Footwear Catalog," Spring 1996, published Jun. 1995 (pp. 10, 24), Beaverton, OR.

"Nike Footwear Catalog," Late Spring 1996, published Aug. 1995 (p. 26), Beaverton, OR.

"Nike Footwear Catalog," Fall 1996, published Dec. 1995 (p. 24), Beaverton, OR.

"Nike Footwear Catalog," Spring 1997, published Jun. 1996 (pp. 6, 92, 127), Beaverton, OR.

"Nike Footwear Catalog," Fall 1997, published Dec. 1996 (pp. 7, 9, 12, 31), Beaverton, OR.

"Nike Footwear Catalog," Spring 1998, published Jun. 1997 (pp. 8, 177), Beaverton, OR.

"Nike Men's/Spec. Footwear Catalog," Fall 1998, published Nov. 1997 (p. 67), Beaverton, OR.

(Continued)

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(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 view of the portion of a shoe upper shown in FIG. 1;

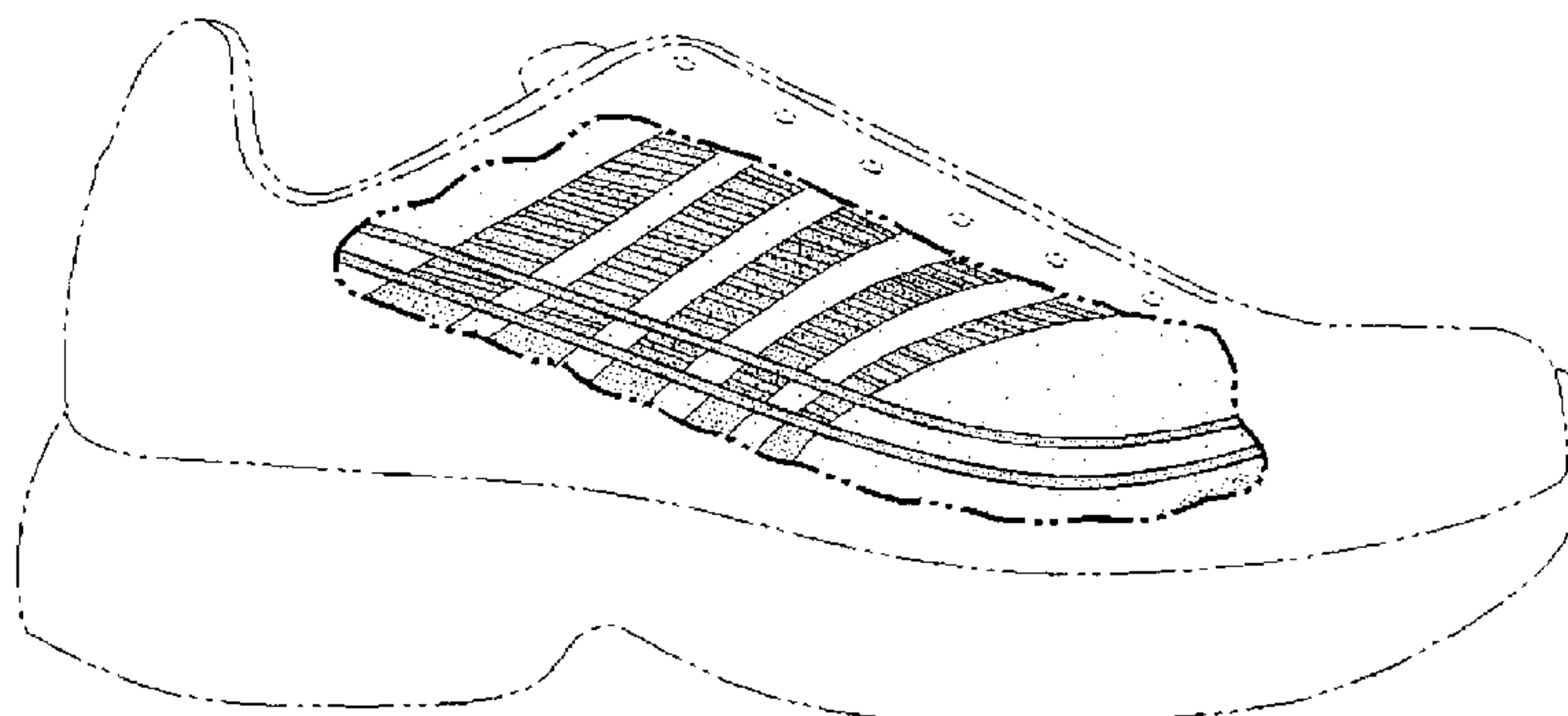
FIG. 3 is a front view of the portion of a shoe upper shown in FIG. 1;

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

FIG. 5 is a top view of the portion 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



U.S. PATENT DOCUMENTS

D94,271 S	1/1935	Hertzig	
D98,307 S	1/1936	Fishman	
D99,353 S	4/1936	Kyros	
D104,975 S	6/1937	Turiansky	
D188,038 S	5/1960	Dassler	
D286,820 S	11/1986	Lu	
D307,509 S	* 5/1990	Kittle	D2/969
D315,824 S	* 4/1991	Backus et al.	D2/969
D319,529 S	9/1991	Hatfield	
D370,554 S	6/1996	Greene	
D392,456 S	3/1998	Yun	
D392,794 S	3/1998	Greene	
D393,356 S	4/1998	Cooper	
D405,950 S	2/1999	Lozano	
D413,196 S	8/1999	Hatfield	
D421,836 S	3/2000	Berend	
D473,704 S	4/2003	Wilson	
D487,339 S	3/2004	Laberge	
D491,346 S	6/2004	Roulo	
D493,956 S	8/2004	Costantini	
6,807,752 B1	10/2004	Nakano et al.	
D498,913 S	11/2004	Cass	
D499,876 S	12/2004	Lozano	
D501,984 S	* 2/2005	Allen	D2/972
6,871,424 B1	3/2005	Labonté et al.	
D507,865 S	* 8/2005	McDowell	D2/972
D508,310 S	8/2005	O'Connor	

OTHER PUBLICATIONS

“Nike Women’s/Kids Footwear Catalog,” Fall 1998, published Nov. 1997 (p. 52), Beaverton, OR.
“Nike Women’s/Kids Footwear Catalog,” Holiday 1998, published Feb. 1998 (p. 19), Beaverton, OR.
“Nike Men’s/Spec. Footwear Catalog,” Holiday 1998, published Feb. 1998 (pp. 31, 133), Beaverton, OR.

“Nike Footwear Catalog,” Spring 1999, published Jun. 1998 (pp. 18, 52, 58), Beaverton, OR.

“Nike Footwear Catalog,” Fall 1999, published Nov. 1998 (p. 11), Beaverton, OR.

“Nike Footwear Catalog,” Holiday 1999, published Mar. 1999 (p. 10), Beaverton, OR.

“Nike Footwear Catalog,” Holiday 2000, published Mar. 2000 (p. 8), Beaverton, OR.

“Nike Men’s Footwear Catalog,” Spring 2001, published Jun. 2000 (pp. 7, 11, 35, 88, 91), Beaverton, OR.

“Nike Women’s Footwear Catalog,” Spring 2001, published Jun. 2000 (pp. 13, 19, 132, 133), Beaverton, OR.

“Nike Footwear Catalog,” Late Spring 2001, published Sep. 2000 (pp. 27, 31, 36, 79, 136), Beaverton, OR.

“Nike Men’s Footwear Catalog,” Fall 2001, published Nov. 2000 (pp. 8, 40, 64–66, 89), Beaverton, OR.

“Nike Women’s Footwear Catalog,” Fall 2001, published Nov. 2000 (pp. 17, 67), Beaverton, OR.

“Nike Footwear Catalog,” Holiday 2001, published Feb. 2001 (pp. 4, 68), Beaverton, OR.

“Nike Footwear Catalog,” Spring 2002, published Jun. 2001 (pp. 33, 34, 44, 55), Beaverton, OR.

“Nike Footwear Catalog,” Late Spring 2002, published Sep. 2001 (pp. 38, 85), Beaverton, OR.

“Nike Footwear Catalog,” Fall 2002, published Nov. 2001 (pp. 9, 11, 42, 43), Beaverton, OR.

“Nike Footwear Catalog,” Spring 2004, published Jun. 2003 (pp. 8, 33), Beaverton, OR.

“Nike Footwear Catalog,” Spring 2005, published Jun. 2004 (p. 31), Beaverton, OR.

“Nike Footwear Catalog,” Spring 2006, published Jun. 2005 (p. 124), Beaverton, OR.

* cited by examiner

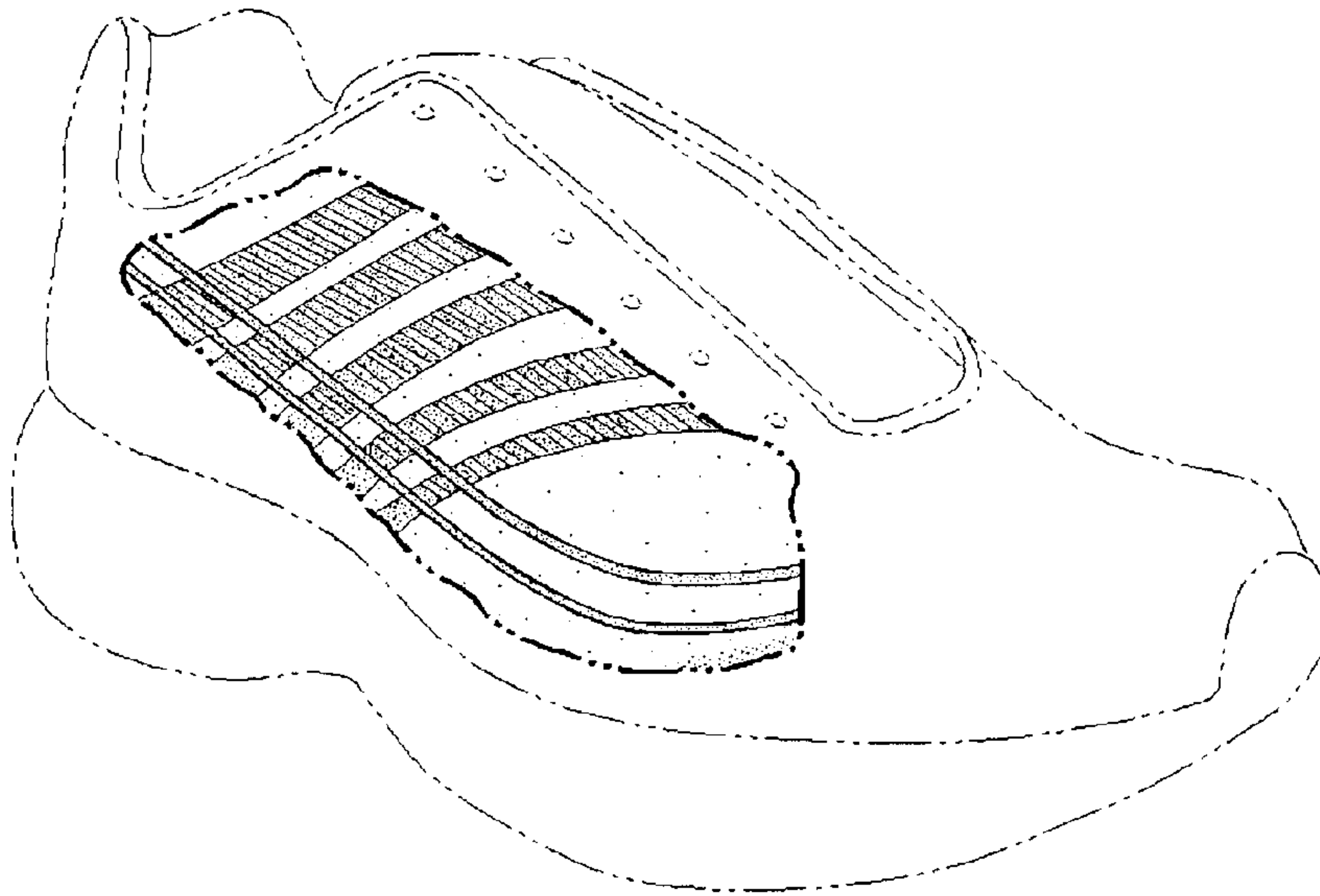


FIG. 1

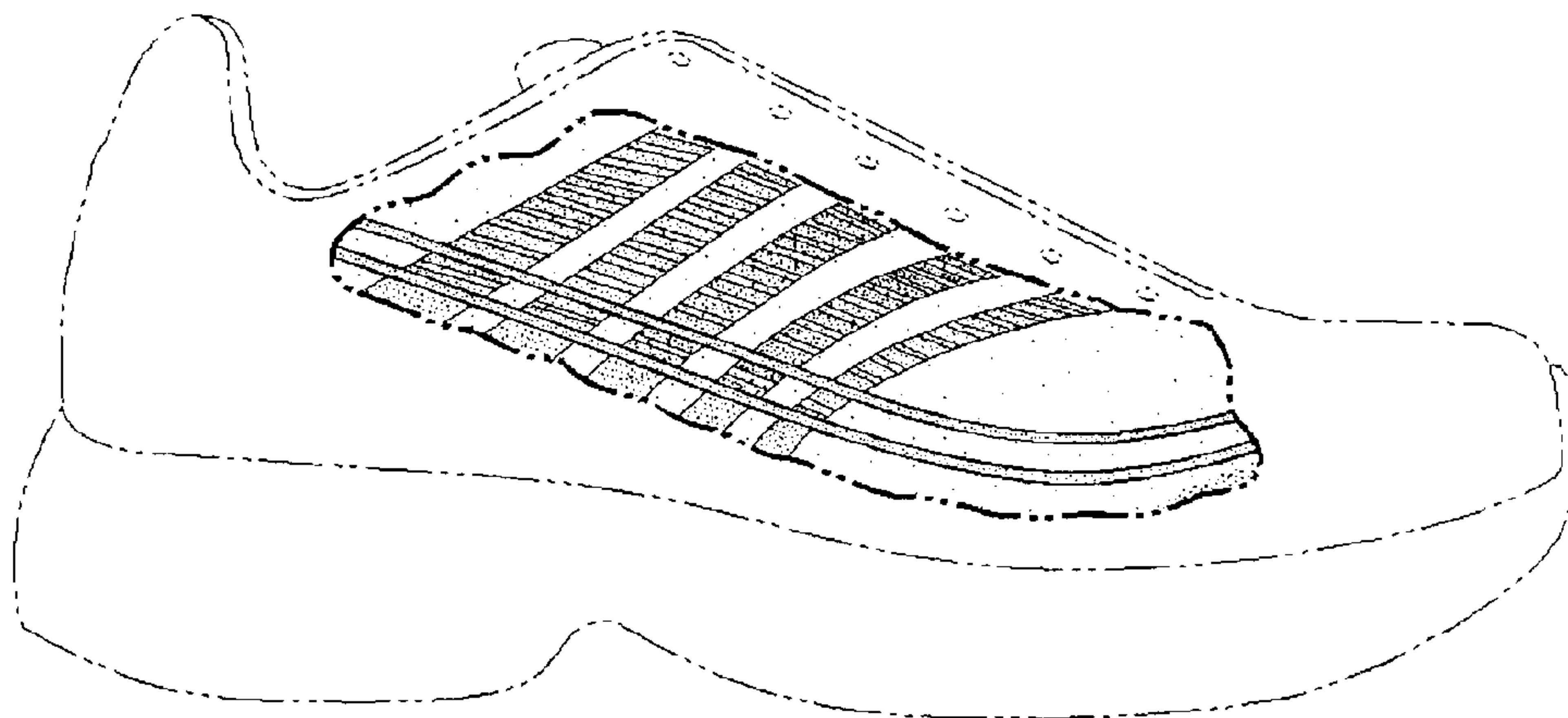


FIG. 2

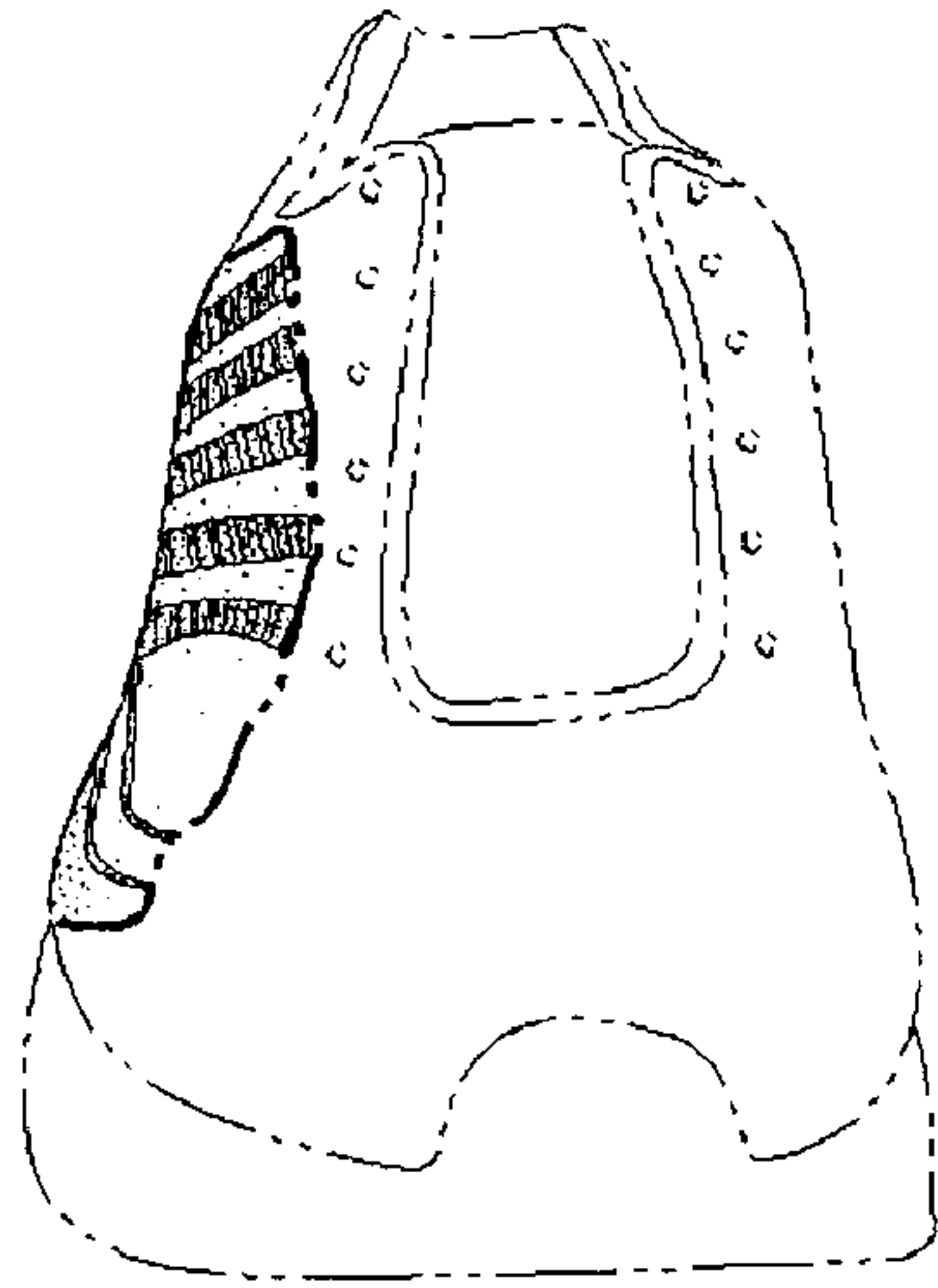


FIG. 3

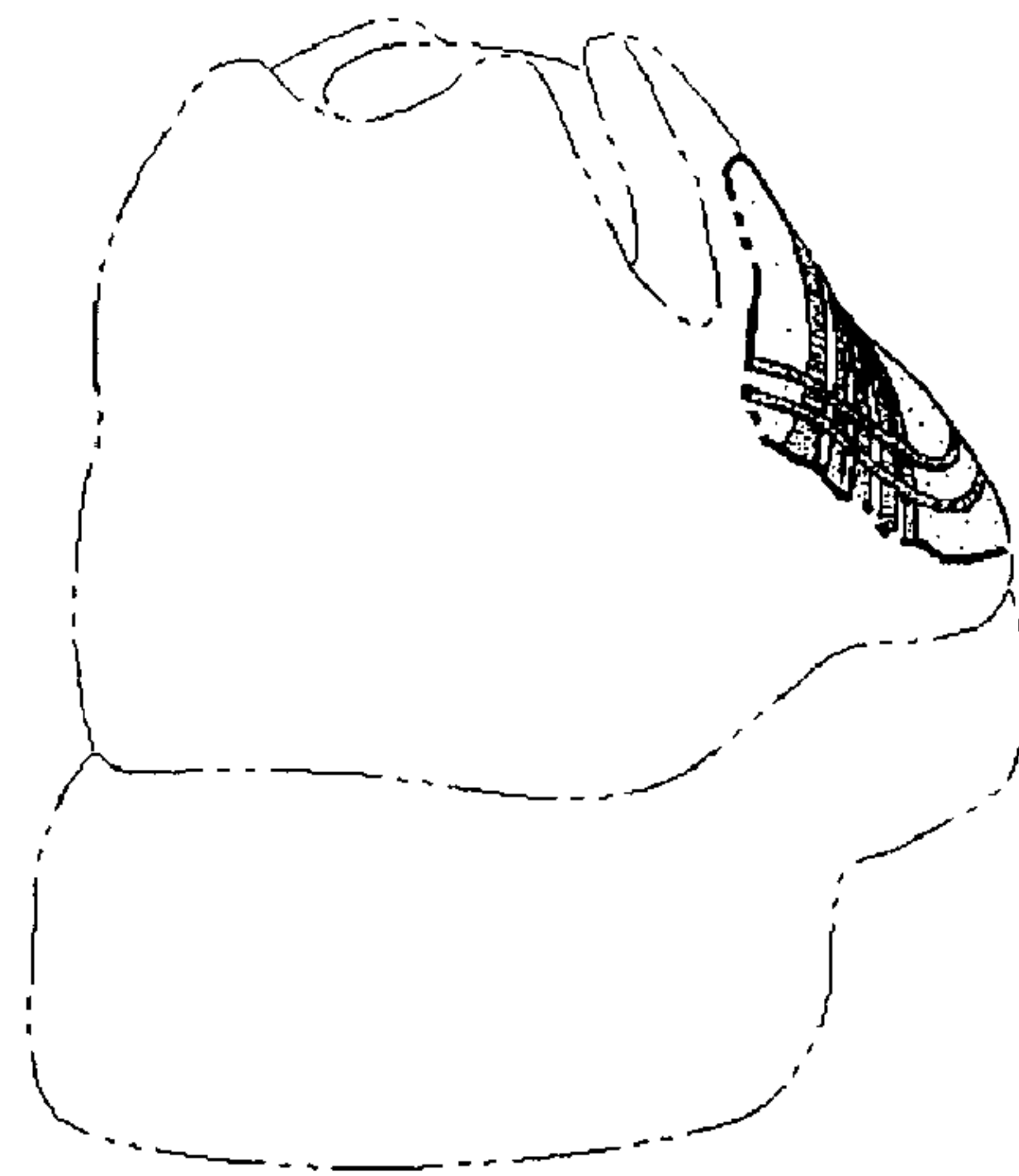


FIG. 4

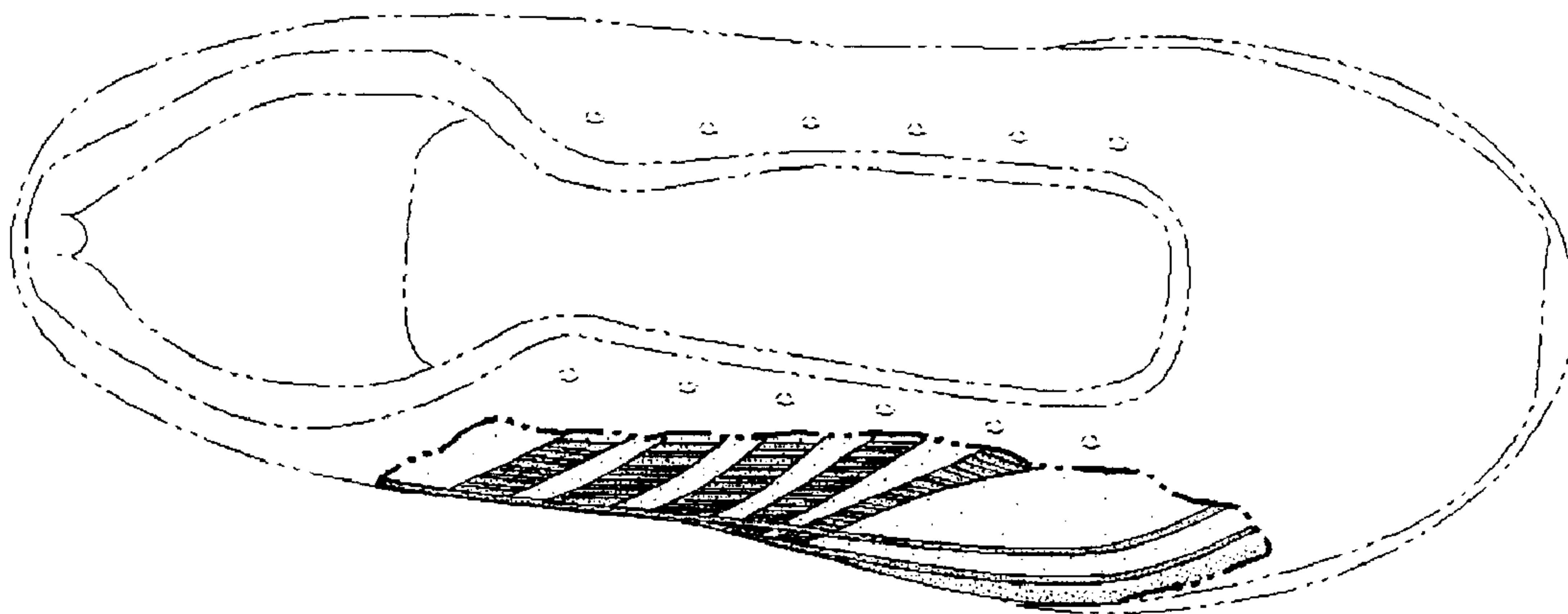


FIG. 5