



US00D528766S

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

(10) **Patent No.:** **US D528,766 S**

(45) **Date of Patent:** **** Sep. 26, 2006**

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

(75) Inventor: **Jane Savage**, Portland, OR (US)

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

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

(21) Appl. No.: **29/253,139**

(22) Filed: **Feb. 2, 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

D47,238 S	4/1915	Miller	
D93,590 S	10/1934	Werthiem	
D94,437 S	1/1935	Napier	
D188,037 S	5/1960	Dassler	
D220,464 S	4/1971	Hayashi	
D364,498 S	11/1995	Teague	
D373,460 S	9/1996	Crowley	
D377,414 S	1/1997	Hatfield	
D380,077 S	6/1997	Preskar et al.	
D391,066 S	2/1998	Smith, III	
D392,456 S	3/1998	Yun	
D393,360 S	4/1998	Aveni et al.	
D395,346 S	6/1998	Doxey	
D395,944 S	7/1998	Avar	
D400,001 S	10/1998	Lozano	
D405,950 S	* 2/1999	Lozano D2/972
D409,366 S	5/1999	Duggan	
D419,756 S	2/2000	Edwards	
D431,713 S	10/2000	Wilson	
D471,349 S	3/2003	Nason	
D487,337 S	3/2004	Rogers	
D487,610 S	3/2004	Lin	

D496,527 S	9/2004	Roulo	
D497,709 S	* 11/2004	Henderson D2/972
D502,752 S	3/2005	Howard	
D504,009 S	4/2005	Matis et al.	
D509,350 S	9/2005	Holmes	
D511,608 S	11/2005	Carnes	
D511,879 S	11/2005	Caine	
D511,880 S	11/2005	Caine	
D512,476 S	12/2005	Howard	
D513,111 S	12/2005	Caine	
D513,449 S	* 1/2006	Caron et al. D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog Spring 2006, pp. 14, 16, 19, 21, 38, 47, 65, and 132 published Jun. 2005.
Nike Footwear Catalog Holiday 2005, pp. 115 and 131, published Mar. 2005.
Nike Footwear Catalog Spring 2004, pp. M8, M33 and 122, published Jun. 2003.

(Continued)

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

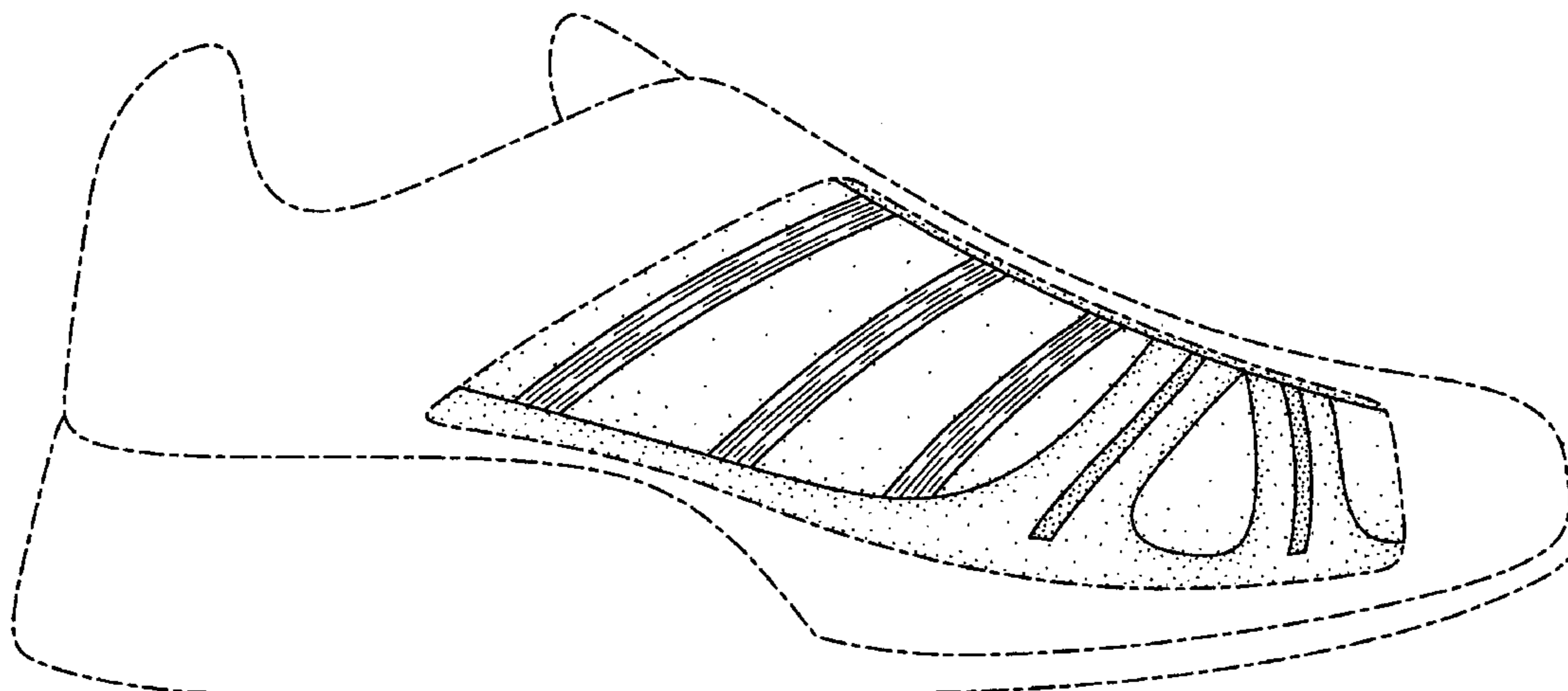
(57) **CLAIM**

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 elevational view of one side thereof;
FIG. 3 is a front view thereof; and,
FIG. 4 is a top view thereof.
The uneven broken line immediately adjacent to the shaded area represents an unclaimed boundary of the design. The uneven broken line showing the remainder of the shoe upper and the shoe sole is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog Holiday 2003, pp. 15, 20, 48 and W28, published Mar. 2003.

Nike Footwear Catalog Late Spring 2003, p. M11, published Sep. 2002.

Nike Footwear Catalog Holiday 2002, p. M43, published Mar. 2002.

Nike Footwear Catalog Spring 2001, p. W24, published Jun. 2000.

Nike Footwear Catalog Holiday 2001, p. W53, published Feb. 2001.

Nike Footwear Catalog Late Spring 2001, p. M27, published Sep. 2000.

Nike Footwear Catalog Spring 2000#1, p. M52, published Jul. 1999.

Nike Footwear Catalog Fall 1999, p. W13, published Nov. 1998.

Nike Footwear Catalog Late Spring 1999, pp. W31 and W45, published Sep. 1999.

Nike Footwear Catalog Late Spring 1998, pp. M31, M32, and 213, published Sep. 1997.

Nike Footwear Catalog Late Fall 1998, p. 60, published Mar. 1998.

Nike Footwear Catalog Holiday 1996, p. 32, published Mar. 1996.

* cited by examiner

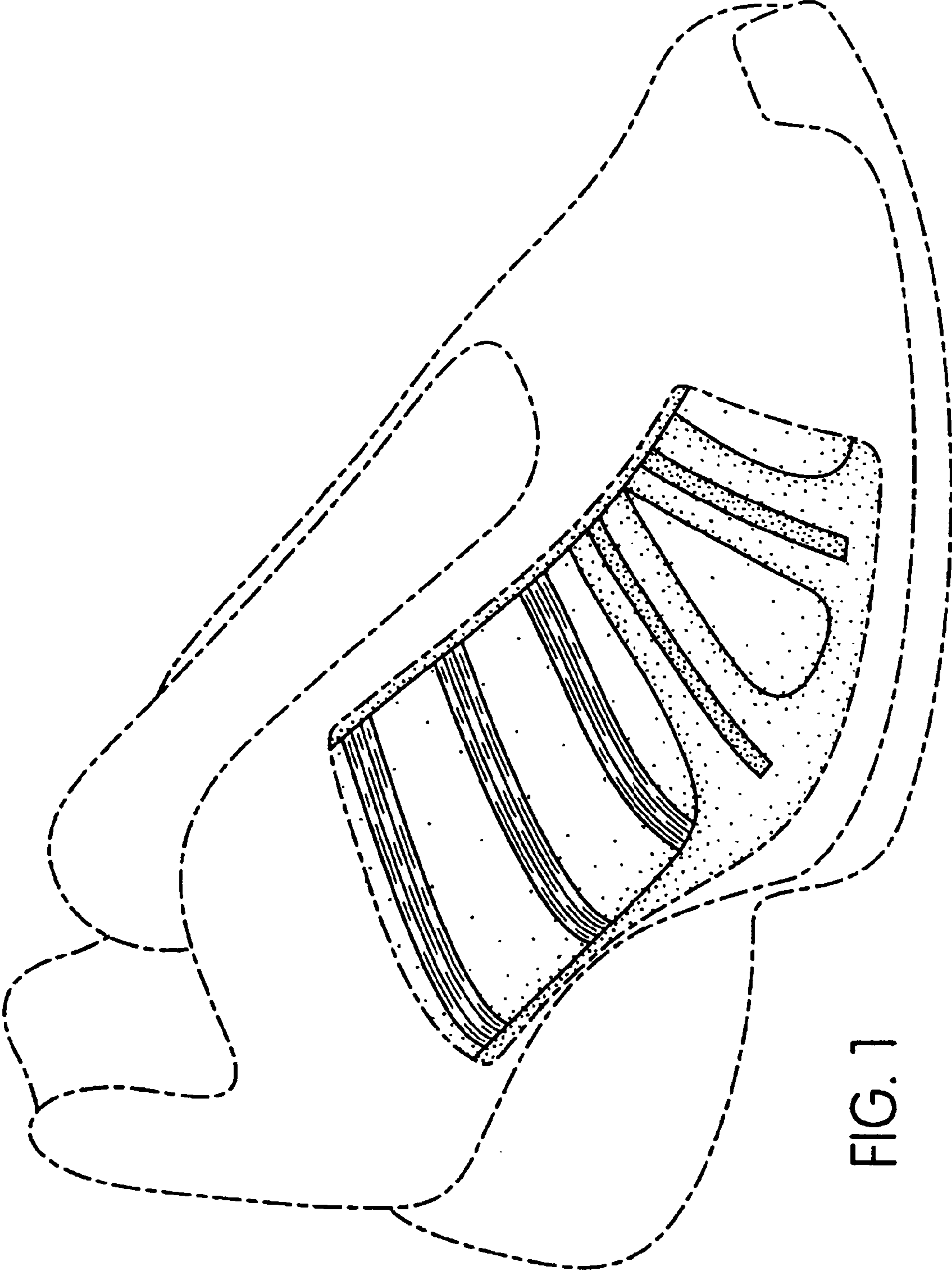


FIG. 1

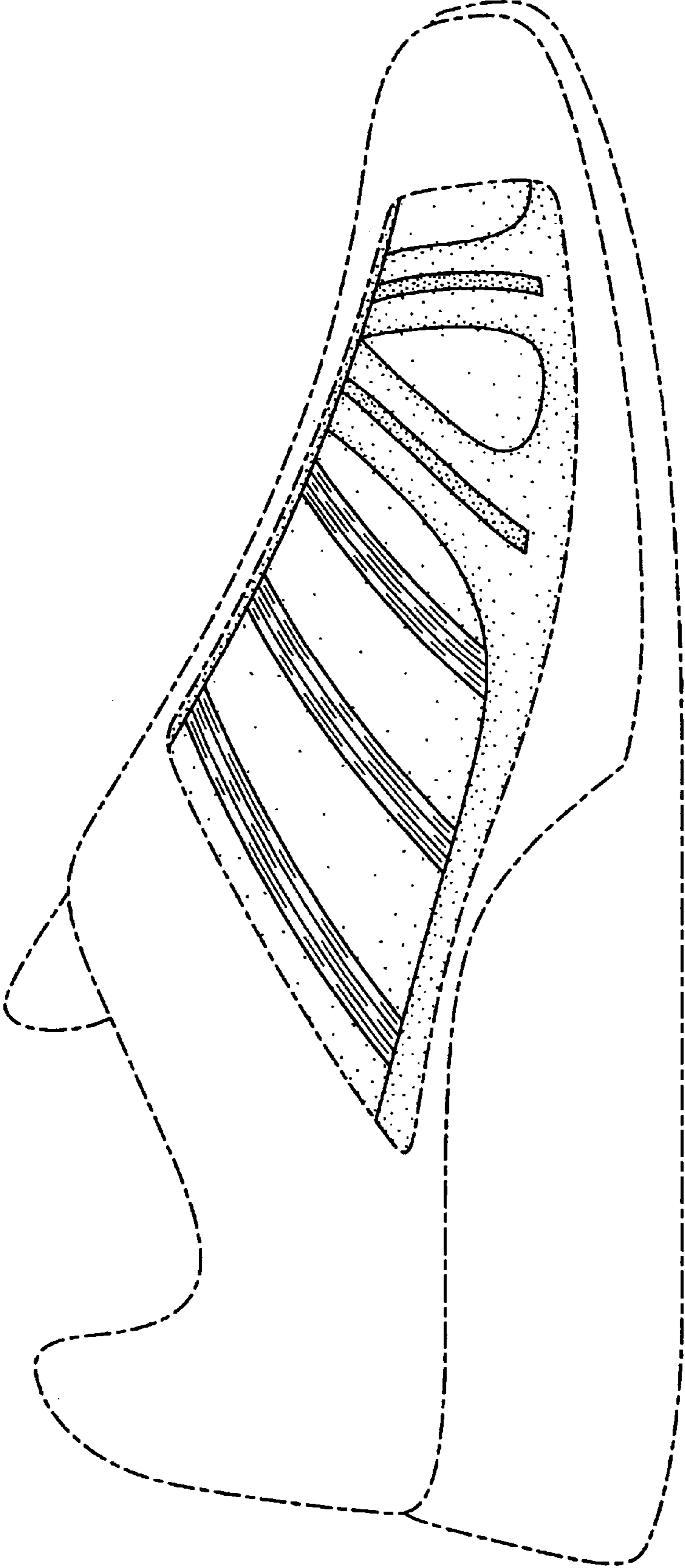


FIG. 2

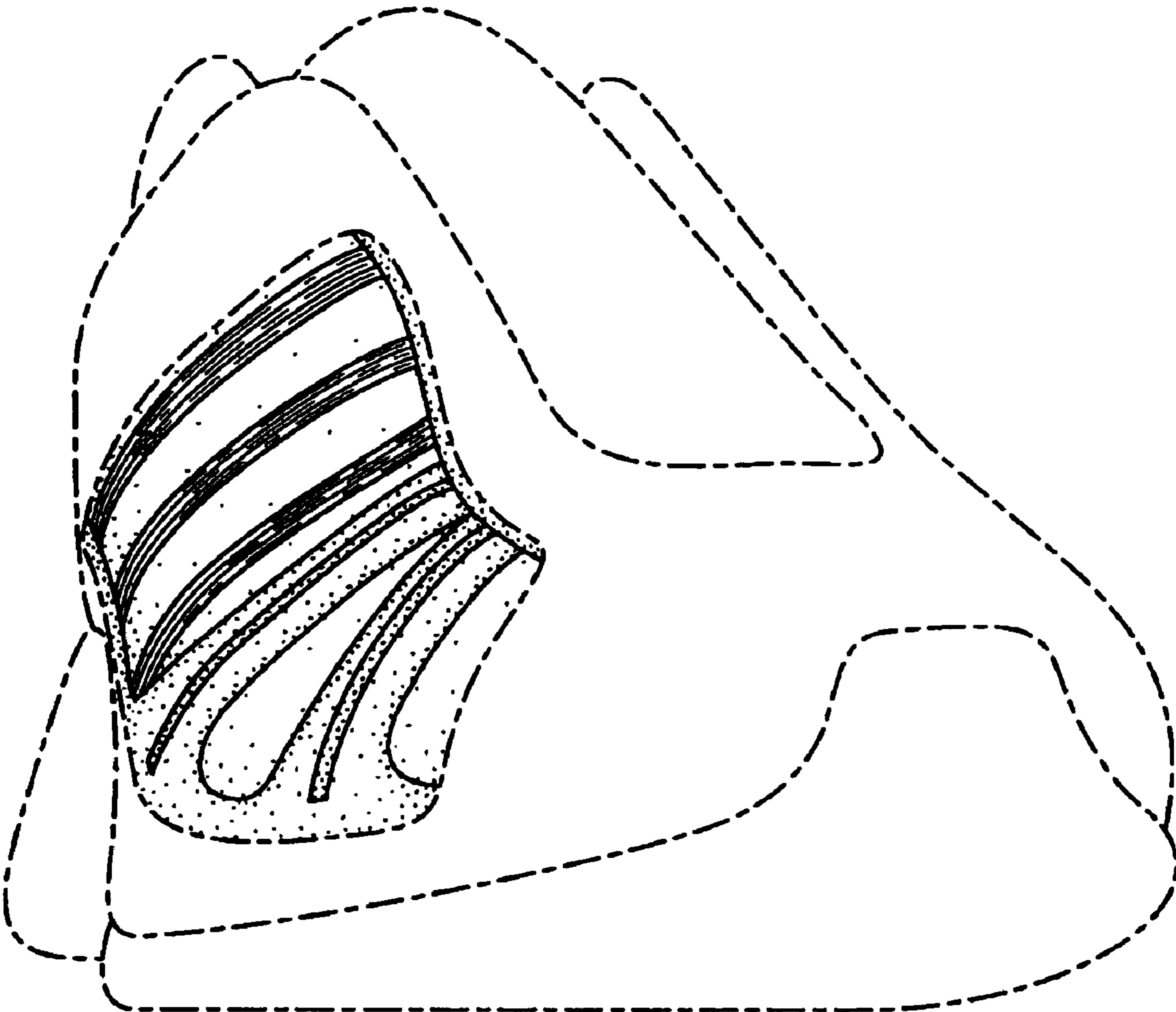


FIG. 3

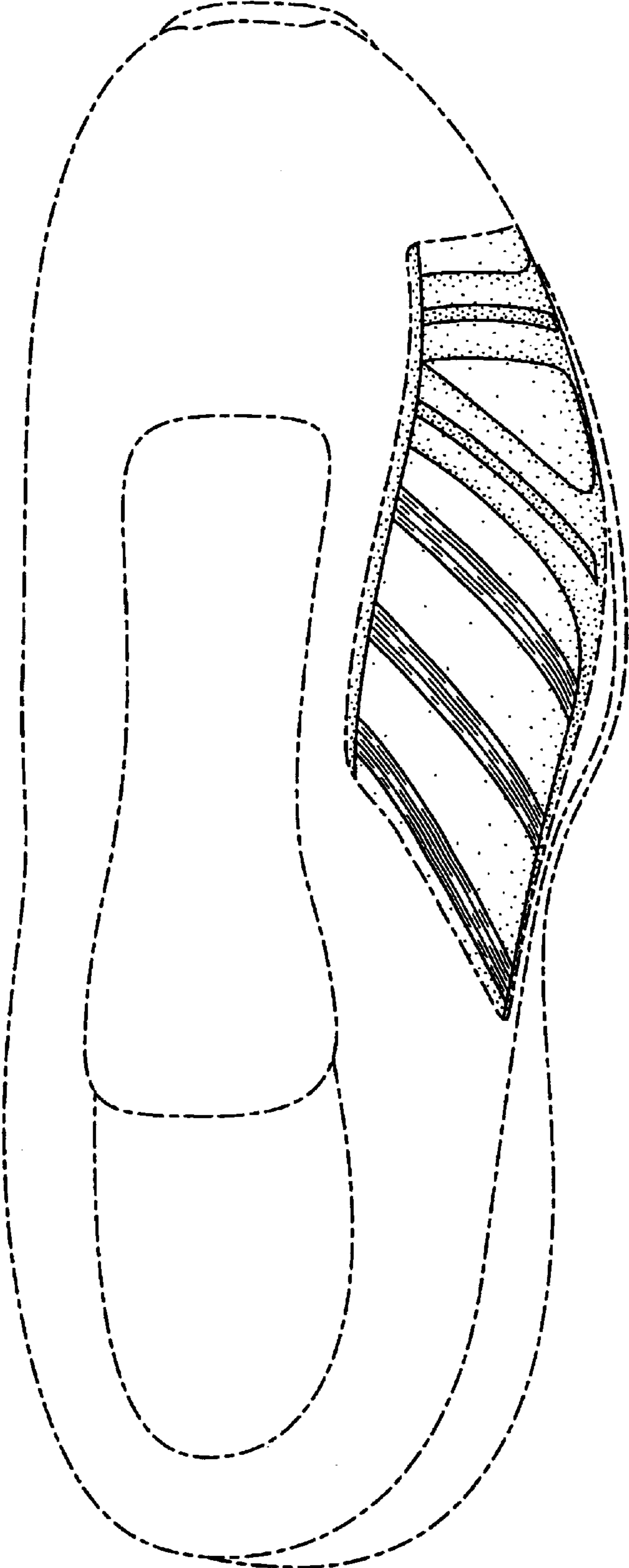


FIG. 4