



US00D535085S

(12) **United States Design Patent**  
**Berg et al.**

(10) **Patent No.:** **US D535,085 S**

(45) **Date of Patent:** **\*\* Jan. 16, 2007**

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

(76) Inventors: **David Berg**, 218 Dumaire, White Lake, MI (US) 48383; **Thomas E. McGann, III**, 2349 Ethel, White Lake, MI (US) 48383

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

(21) **Appl. No.:** **29/215,321**

(22) **Filed:** **Oct. 18, 2004**

**Related U.S. Application Data**

(63) Continuation-in-part of application No. 10/911,069, filed on Aug. 4, 2004, which is a continuation-in-part of application No. 10/011,117, filed on Nov. 13, 2001, now Pat. No. 6,792,696.

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

(52) **U.S. Cl.** ..... **D2/946; D2/972**

(58) **Field of Classification Search** ..... D2/916, D2/946, 972; 36/101, 11.5  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2,253,860 A	8/1941	Martin	36/50.1
2,343,701 A	3/1944	Pickens	36/11.5
2,491,297 A	12/1949	Brown	36/2.5
2,495,984 A	1/1950	Roy	36/15
2,590,648 A	3/1952	Pitz	36/11.5
2,607,133 A	8/1952	Marlowe	36/11.5
2,873,540 A	2/1959	Murphy	36/2.5
3,228,124 A	1/1966	Schwarz	36/11.5
3,455,037 A	7/1969	Vlas et al.	36/11.5
3,983,642 A	10/1976	Liao	36/101
4,114,295 A	9/1978	Schaefer	36/100
4,114,296 A	9/1978	Smith	36/101
4,172,330 A	10/1979	Kao	36/11.5
4,193,214 A	3/1980	Wang	36/11.5
4,267,649 A	5/1981	Smith	36/101
4,279,083 A	7/1981	Dilg	36/101
4,297,798 A	11/1981	Colan	36/101
4,300,294 A	11/1981	Riecken	36/97
4,314,412 A	2/1982	Anderson et al.	36/100

4,343,057 A	8/1982	Bensley	12/142 D
4,348,820 A	9/1982	D'Alessio	36/101
4,363,177 A	12/1982	Boros	36/101
4,370,818 A	2/1983	Simoglou	36/100
4,439,935 A	4/1984	Kelly	36/101
4,461,102 A	7/1984	DeVincentis	36/101
4,497,123 A	2/1985	Ehrlich	36/32 R
4,563,787 A	1/1986	Drew	12/142 N
4,745,693 A	5/1988	Brown	36/101
4,854,056 A	8/1989	Levin	36/58.5
4,869,000 A	9/1989	York, Jr.	36/11.5
4,887,369 A	12/1989	Bailey et al.	36/101
4,967,750 A	11/1990	Cherniak	36/140
5,052,131 A	10/1991	Rondini	36/137
5,065,531 A	11/1991	Prestridge	36/100
5,381,610 A	1/1995	Hanson	36/100
5,410,821 A	5/1995	Hilgendorf	36/100
5,423,134 A	6/1995	Bagnaia et al.	36/11.5
5,459,948 A	10/1995	Aveni	36/100

(Continued)

*Primary Examiner*—Dominic Simone

(74) *Attorney, Agent, or Firm*—Gifford, Krass, Groh, Sprinkle, Anderson & Citowski, PC

(57) **CLAIM**

We claim the ornamental design for a portion of a shoe upper, as shown and described.

**DESCRIPTION**

FIG. 1 is a plan view of one surface of a strap according to the present invention that forms a portion of a shoe upper with the ends of the strap joined in a use position, with the strap illustrated as laid flat;

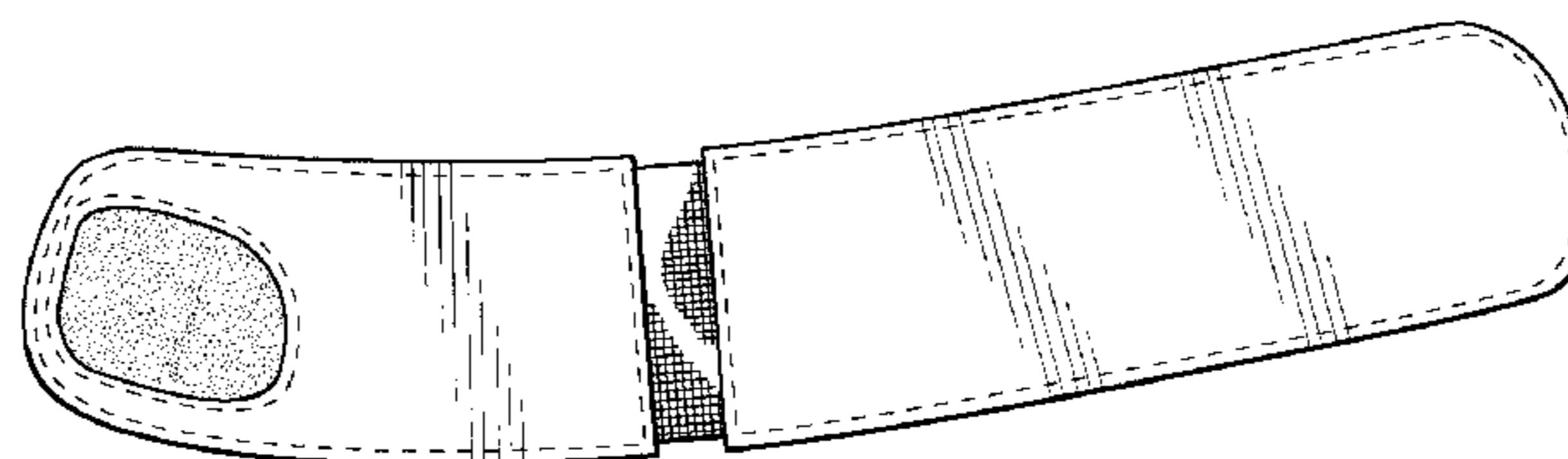
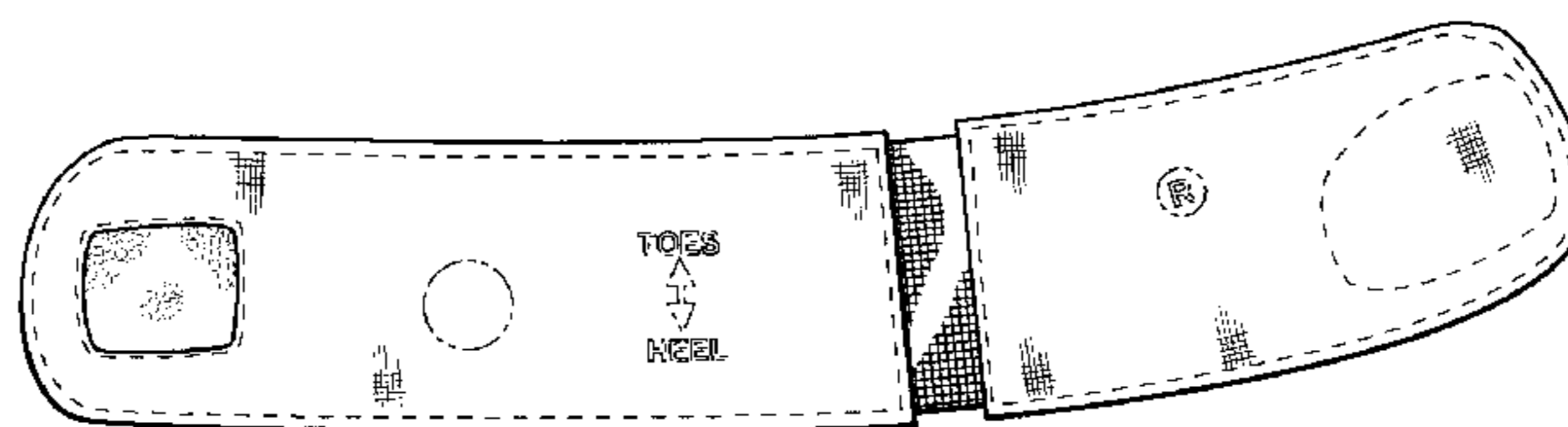
FIG. 2 is a plan view of the surface of the strap opposing the surface shown in FIG. 1, with the strap again laid flat;

FIG. 3 is a side elevational view of the strap of FIGS. 1 and 2

FIG. 4 is an opposite side view of the strap of FIGS. 1–3; FIG. 5 is an elevational view of one end of the strap of FIGS. 1–4; and,

FIG. 6 is an elevational view of the other end of the strap of FIGS. 1–5.

**1 Claim, 1 Drawing Sheet**



# US D535,085 S

Page 2

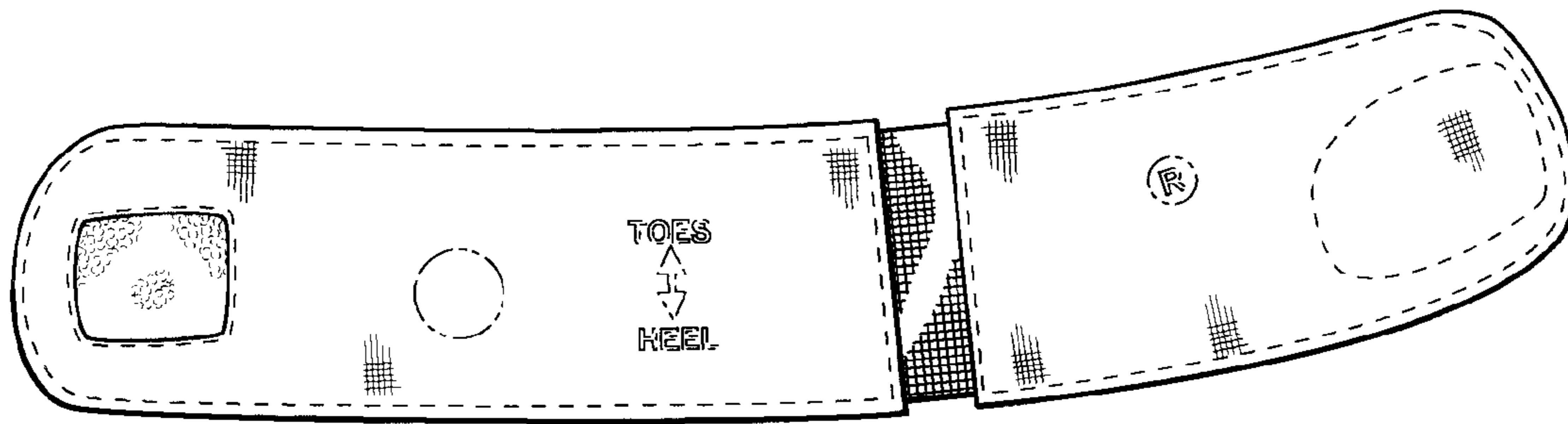
---

## U.S. PATENT DOCUMENTS

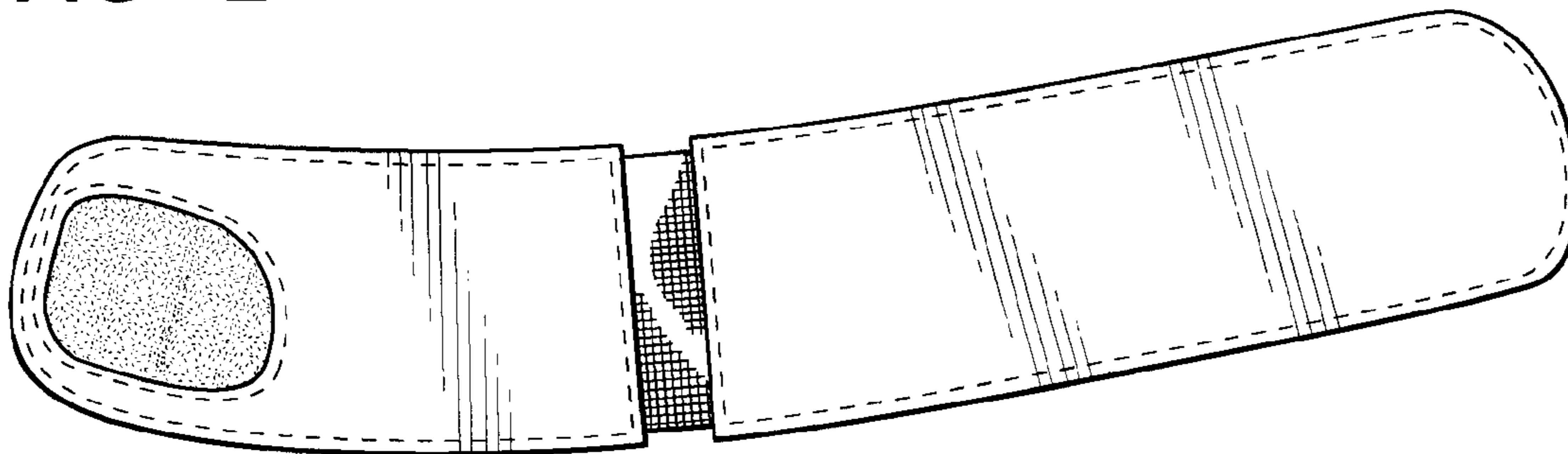
5,477,625	A	12/1995	Goldsmith et al.	.....	36/36	R	5,848,484	A	12/1998	Dupree et al.	.....	36/101
D365,923	S	*	1/1996	Crowley	.....	D2/974	5,852,885	A	12/1998	Ferniani	.....	36/11.5
5,483,757	A	1/1996	Frykberg	.....	36/101	5,896,684	A	4/1999	Lin	.....	36/101	
D374,335	S	*	10/1996	Grimes	.....	D2/909	5,946,823	A	9/1999	Yates	.....	36/11.5
5,611,156	A	3/1997	Chiu	.....	36/137	6,035,554	A	3/2000	Duncan	.....	36/11.5	
D385,999	S	*	11/1997	Tong	.....	D2/977	6,128,834	A	10/2000	Vecchiola et al.	.....	36/11.5
5,692,322	A	12/1997	Lombardino	.....	36/100	6,282,818	B1	9/2001	Lu	.....	36/110	
5,778,565	A	7/1998	Holt et al.	.....	36/110	D514,778	S	*	2/2006	Berg et al.	.....	D2/916
5,802,738	A	9/1998	Ferniani	.....	36/11.5	D518,947	S	*	4/2006	Choi	.....	D2/976
5,836,090	A	11/1998	Smith	.....	36/7.6	D521,214	S	*	5/2006	Choi	.....	D2/946

\* cited by examiner

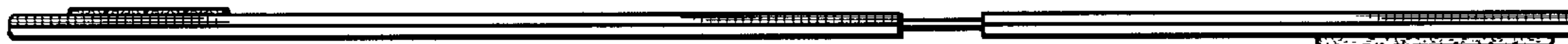
**FIG - 1**



**FIG - 2**



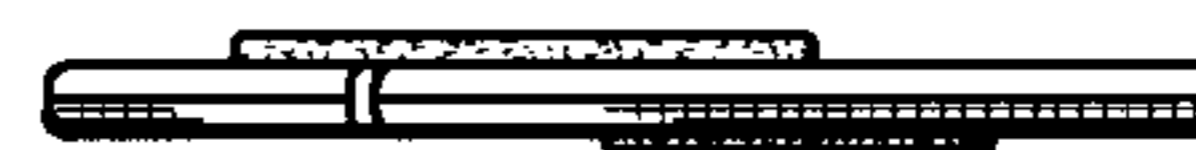
**FIG - 3**



**FIG - 4**



**FIG - 5**



**FIG - 6**