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

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

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

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

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

(58) **Field of Classification Search** D2/902,
D2/906-908, 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

D108,128 S	1/1938	Pick	
D112,790 S	1/1939	Prossack	
D294,998 S *	4/1988	Brown et al.	D2/973
D305,380 S	1/1990	Claveria	
D313,305 S *	1/1991	Quan et al.	D2/973
D349,601 S	8/1994	Buck, IV	
D373,460 S	9/1996	Crowley	
D380,077 S	6/1997	Preskar et al.	
D431,899 S *	10/2000	Cooper	D2/972
D442,773 S	5/2001	Smith	
D463,656 S	10/2002	Hudson	
D467,411 S *	12/2002	Dombrow	D2/972
D475,191 S	6/2003	Cass	
D475,518 S	6/2003	Lotti	
D476,473 S *	7/2003	Clegg	D2/972
D477,456 S	7/2003	Burg et al.	
D485,430 S	1/2004	McDowell	
D487,187 S	3/2004	Goldman	
D498,579 S	11/2004	Lemaster	
D501,709 S	2/2005	Kelsey	
D503,262 S	3/2005	Della Valle	
D508,306 S	8/2005	Amado et al.	
D508,765 S	8/2005	Lotti	
D519,274 S	4/2006	Chang	
D521,718 S	5/2006	Young	

D523,222 S	6/2006	Savage	
D523,228 S	6/2006	Henderson	
D523,619 S	6/2006	Mermet	
D524,527 S *	7/2006	Shin	D2/972
D527,517 S *	9/2006	Gajowskyj	D2/972
D532,194 S *	11/2006	Cessor	D2/972
D537,618 S *	3/2007	Huthmaker	D2/972
D538,027 S *	3/2007	Kohastu et al.	D2/972
D538,028 S *	3/2007	Caron	D2/972

OTHER PUBLICATIONS

NIKE Footwear Catalog, Holiday 1997, p. W159, published Mar. 1997.
 NIKE Footwear Catalog, Late Spring 1997, p. 160, published Sep. 1996.
 NIKE Footwear Catalog, Fall 1998, pp. W134, W141 and kids249, published Dec. 1997.
 NIKE Footwear Catalog, Holiday 1998, pp. W19 and W49, published Feb. 1998.
 NIKE Footwear Catalog, Holiday 2001, p. M47, published Feb. 2001.

(Continued)

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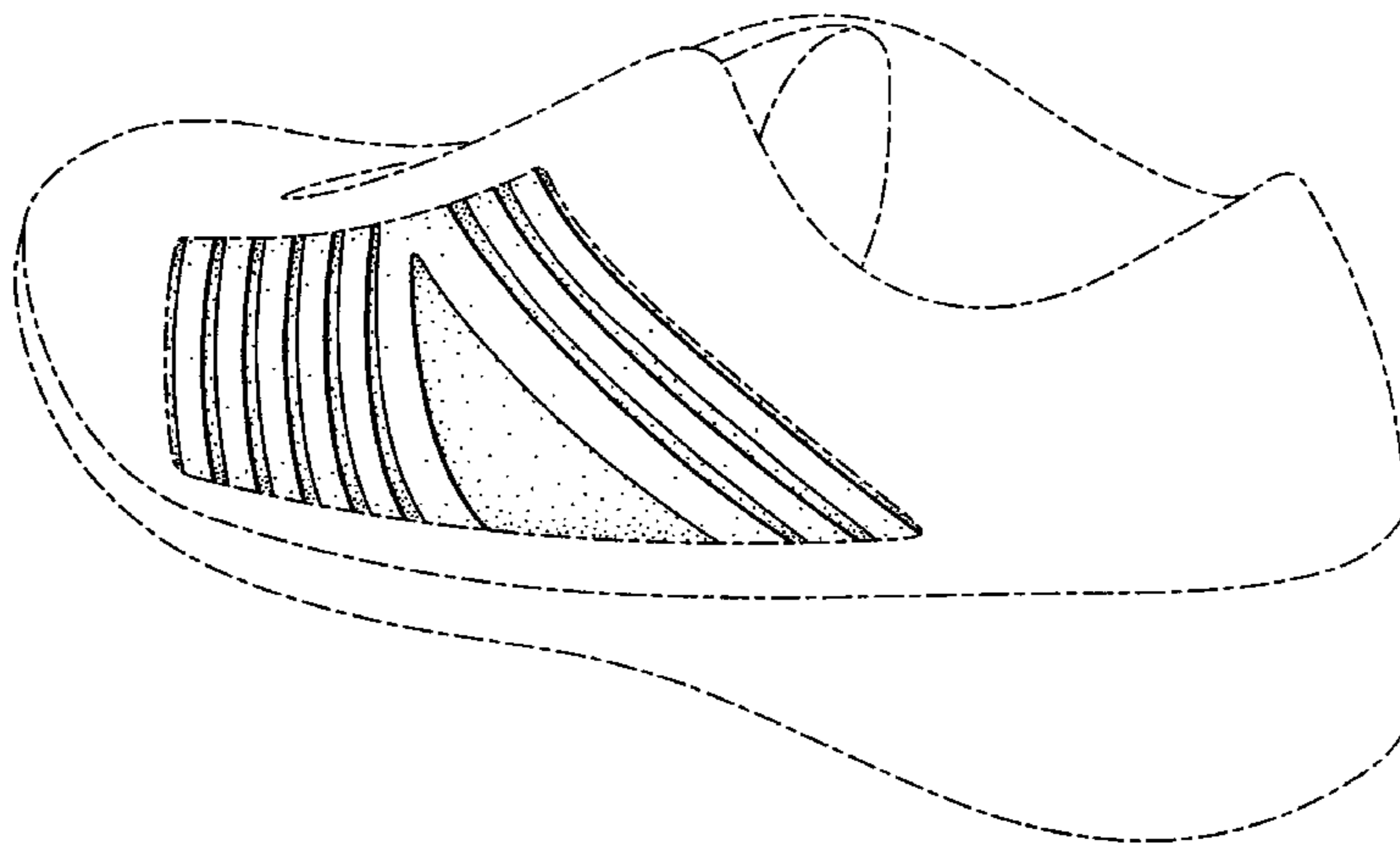
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a portion of a shoe upper showing my new design;
 FIG. 2 is a rear perspective view thereof; and,
 FIG. 3 is a side elevational view thereof.
 The broken lines immediately adjacent to the shaded areas 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



OTHER PUBLICATIONS

NIKE Footwear Catalog, Fall 2003, p. M11, published Nov. 2002.
NIKE Footwear Catalog, Holiday 2004, p. W5, published Mar. 2004.
NIKE Footwear Catalog, Fall 2005, p. M11, published Nov. 2004.
NIKE Footwear Catalog, Late Spring 2005, p. M60, published Aug. 2004.

NIKE Footwear Catalog, Holiday 2006, p. 133, published Mar. 2006.

Golfsmith 2006 Holiday Drive Insert, p. 13, ECCO Casual Pitch Hydromax shoe, date unknown but sometime in 2006 prior to the filing of the current application.

* cited by examiner

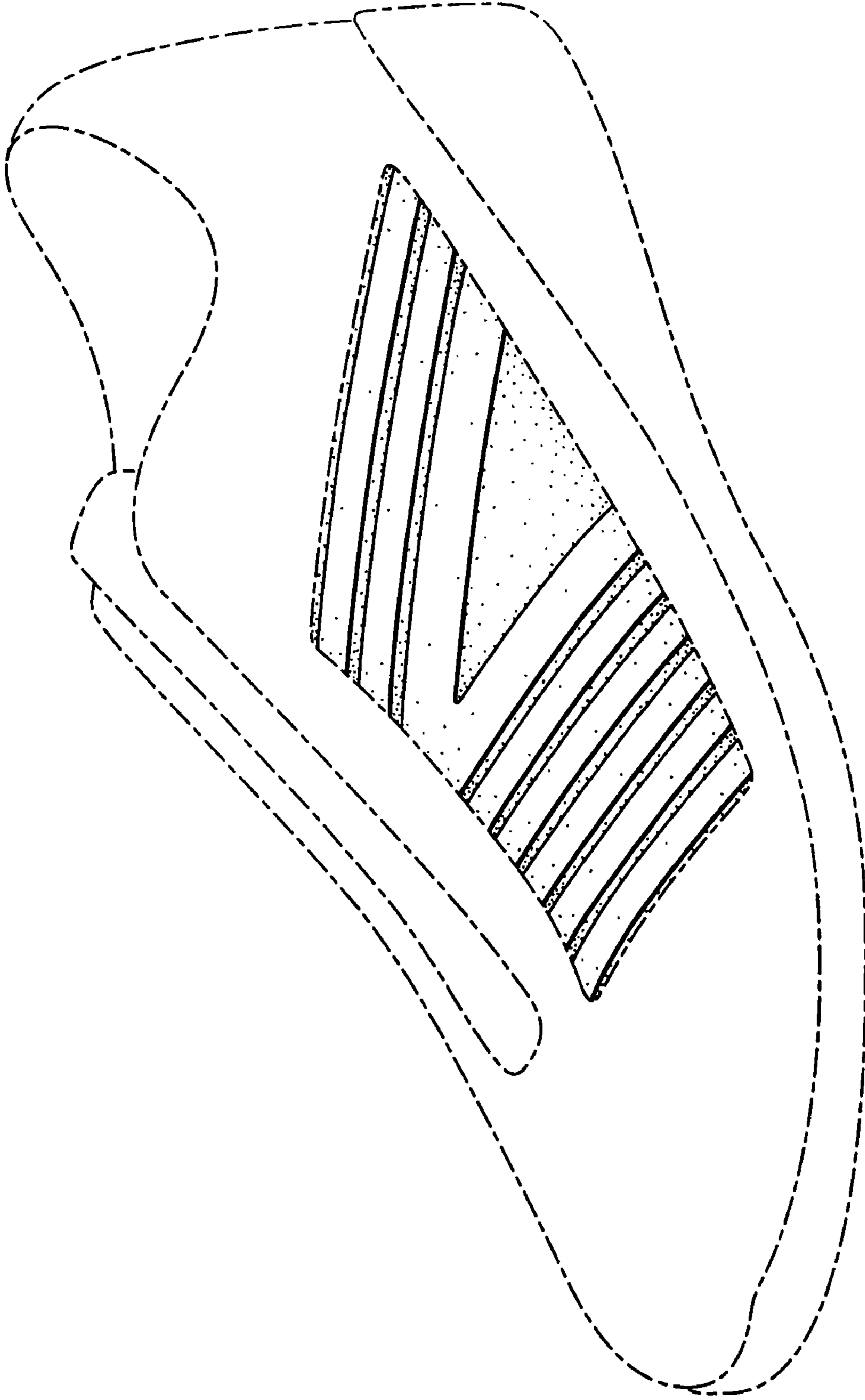


FIG. 1

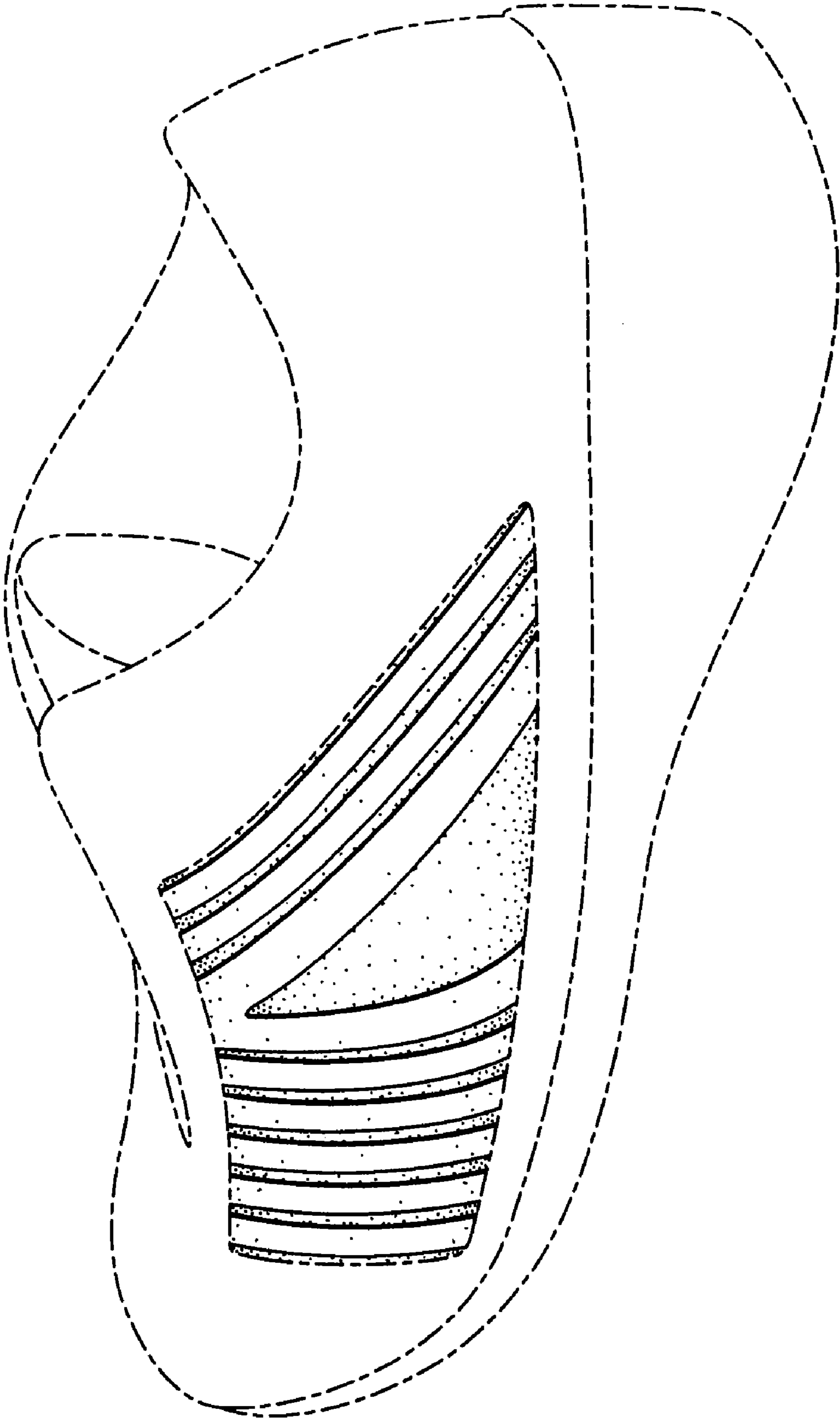


FIG. 2

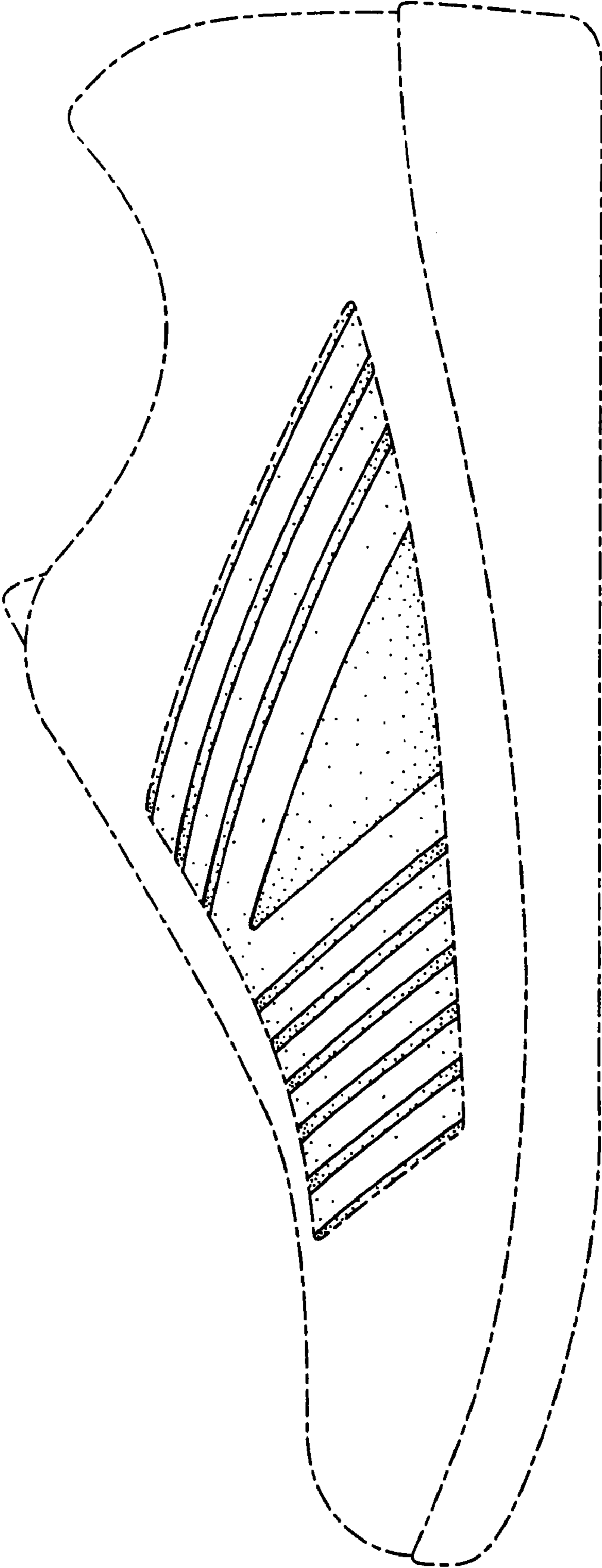


FIG. 3