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(12) **United States Design Patent** (10) **Patent No.:** **US D546,048 S**
Keen (45) **Date of Patent:** **** Jul. 10, 2007**

(54) SHOE UPPER TOE CAP	4,107,857 A	8/1978	Devlin
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(73) Assignee: The Timberland Company , Stratham, NH (US)	4,619,058 A	10/1986	Gumbert
(**) Term: 14 Years	4,942,678 A	7/1990	Gumbert
(21) Appl. No.: 29/267,654	D363,815 S *	11/1995	Lucarelli D2/960
(22) Filed: Oct. 19, 2006	5,651,195 A	7/1997	Clancy
	D394,947 S *	6/1998	Avar D2/960
	D406,688 S	3/1999	Winters et al.
	6,052,921 A	4/2000	Oreck
	D433,220 S *	11/2000	Fogg D2/972

(Continued)

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Related U.S. Application Data
(62) Division of application No. 29/251,786, filed on Jan. 12, 2006, now Pat. No. Des. 534,719, which is a division of application No. 11/182,970, filed on Jul. 15, 2005, and a division of application No. 29/234,283, filed on Jul. 15, 2005, now Pat. No. Des. 528,270.

(57) **CLAIM**

The ornamental design for a shoe upper toe cap, as shown and described.

(51) **LOC (8) Cl.** **02-99**
(52) **U.S. Cl.** **D2/972**
(58) **Field of Classification Search** D2/896,
D2/916, 903, 907, 908, 943, 944, 969, 972-974,
D2/947, 951, 954, 960; 36/7.3, 4, 8.1, 11.5
See application file for complete search history.

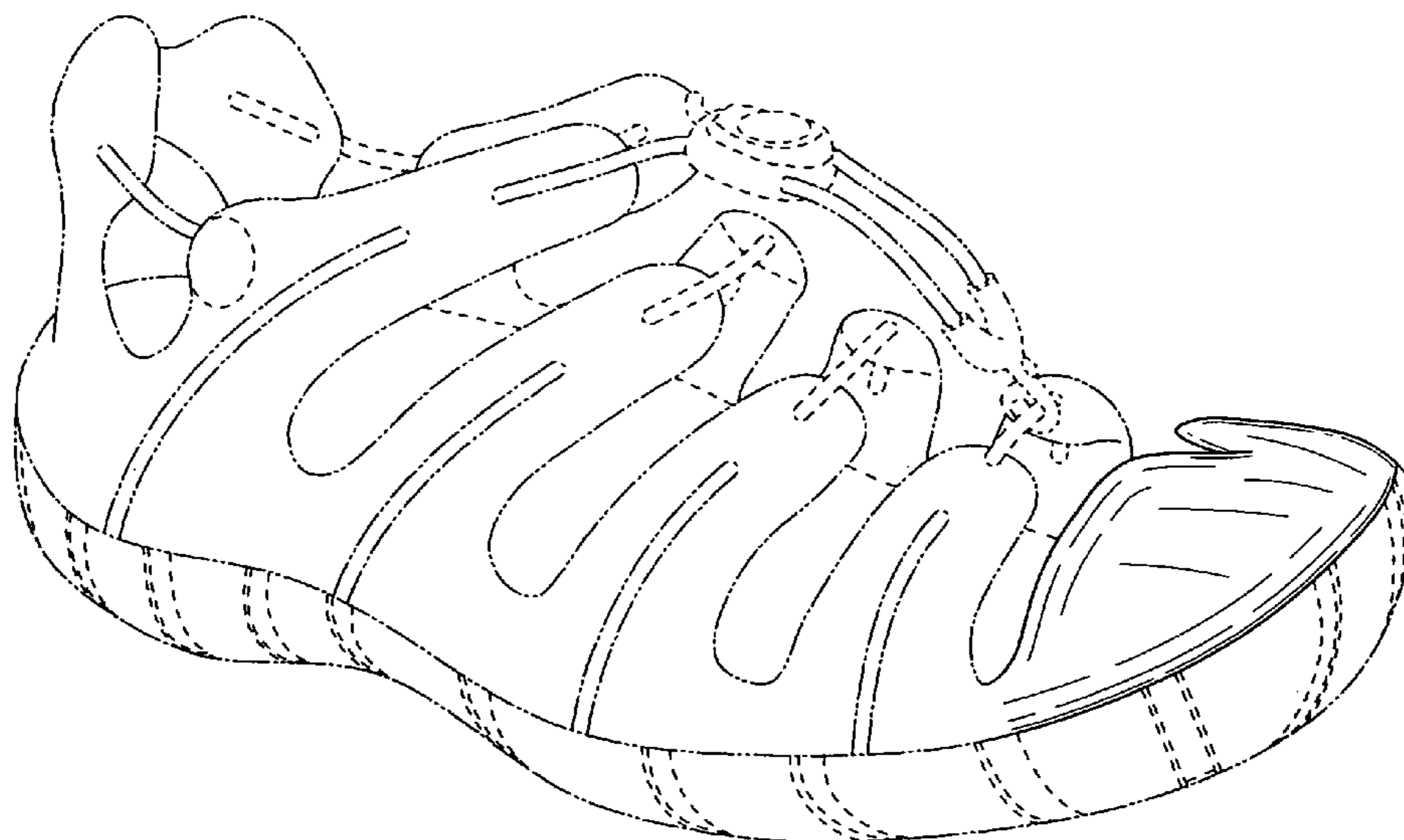
DESCRIPTION

FIG. 1 is a perspective view of a shoe upper toe cap in accordance with the present invention;
FIG. 2 is a right side elevational view of the shoe upper toe cap of FIG. 1;
FIG. 3 is a left side elevational view of the shoe upper toe cap of FIG. 1;
FIG. 4 is a top plan view of the shoe upper toe cap of FIG. 1;
FIG. 5 is a front elevational view of the shoe upper toe cap of FIG. 1; and,
FIG. 6 is a rear elevational view of the shoe upper toe cap of FIG. 1.

The appearance of the elements presented in broken line format form no part of the claimed invention.

(56) **References Cited**
U.S. PATENT DOCUMENTS
D35,490 S * 12/1901 Hatheway D2/916
D37,359 S * 2/1905 Borchardt D2/916
1,386,684 A * 8/1921 Bradford 36/11.5
2,169,337 A 8/1939 Davis
D135,155 S * 3/1943 Huff D2/916
2,496,782 A 2/1950 Engel
D158,653 S * 5/1950 Fenlason D2/916
D163,359 S * 5/1951 Braun D2/916
D163,615 S * 6/1951 Laughlin D2/916
3,002,297 A * 10/1961 Neilson 36/11.5

1 Claim, 4 Drawing Sheets



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U.S. PATENT DOCUMENTS

D440,033 S *	4/2001	Neely	D2/954	D513,838 S *	1/2006	Birkenstock	D2/916
D475,180 S	6/2003	Cosentino		D514,294 S *	2/2006	Matis	D2/969
D487,334 S *	3/2004	Issler	D2/960	D515,299 S *	2/2006	Burg	D2/969
D487,613 S *	3/2004	Urie et al.	D2/960	D517,302 S *	3/2006	Ardissono	D2/969
6,701,644 B2	3/2004	Oorei et al.		2003/0182820 A1	10/2003	Fuerst et al.	
D505,250 S *	5/2005	Adams et al.	D2/969	2004/0128863 A1	7/2004	Hong et al.	
D509,049 S *	9/2005	McClaskie	D2/960	2005/0060914 A1	3/2005	Fuerst	
D511,883 S *	11/2005	Matis	D2/969	2005/0274040 A1	12/2005	Fuerst	

* cited by examiner

FIG. 1

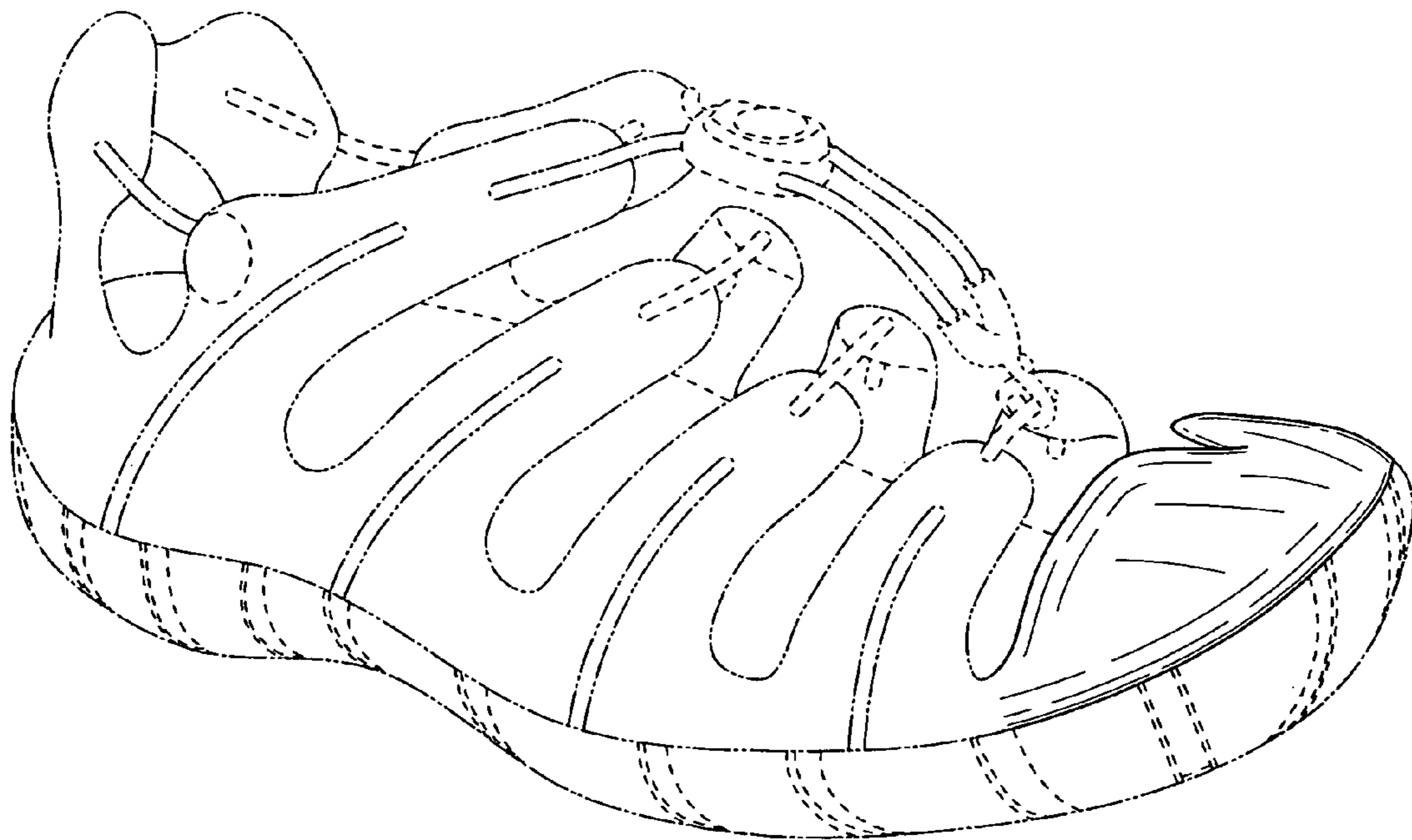


FIG. 2

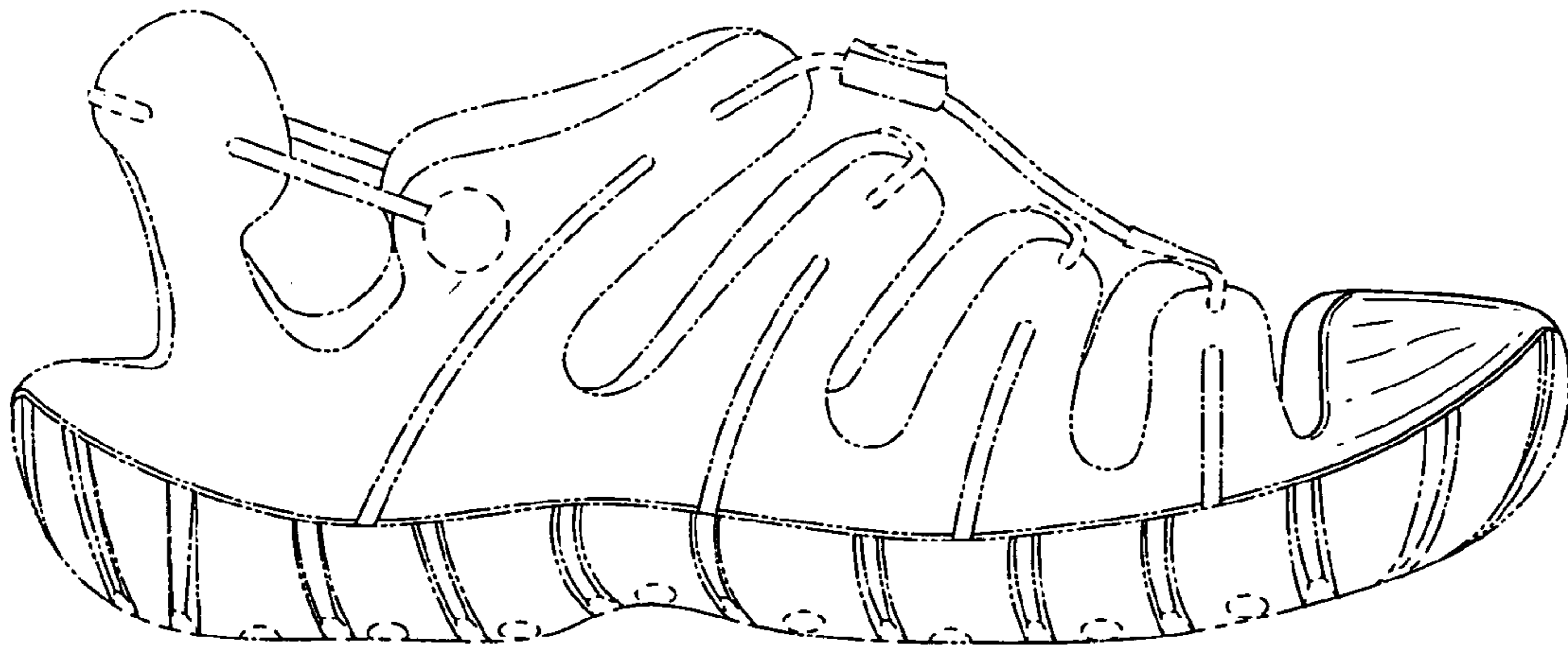


FIG. 3

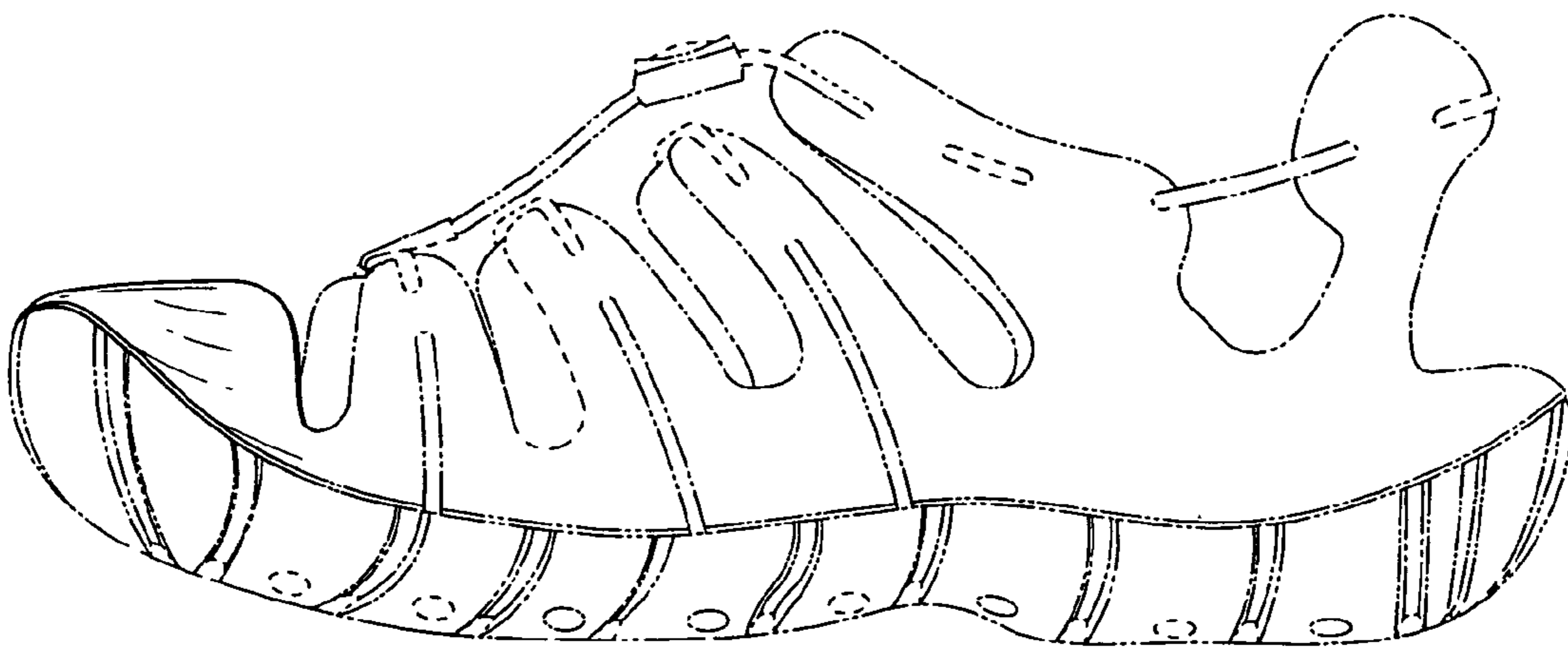


FIG. 4

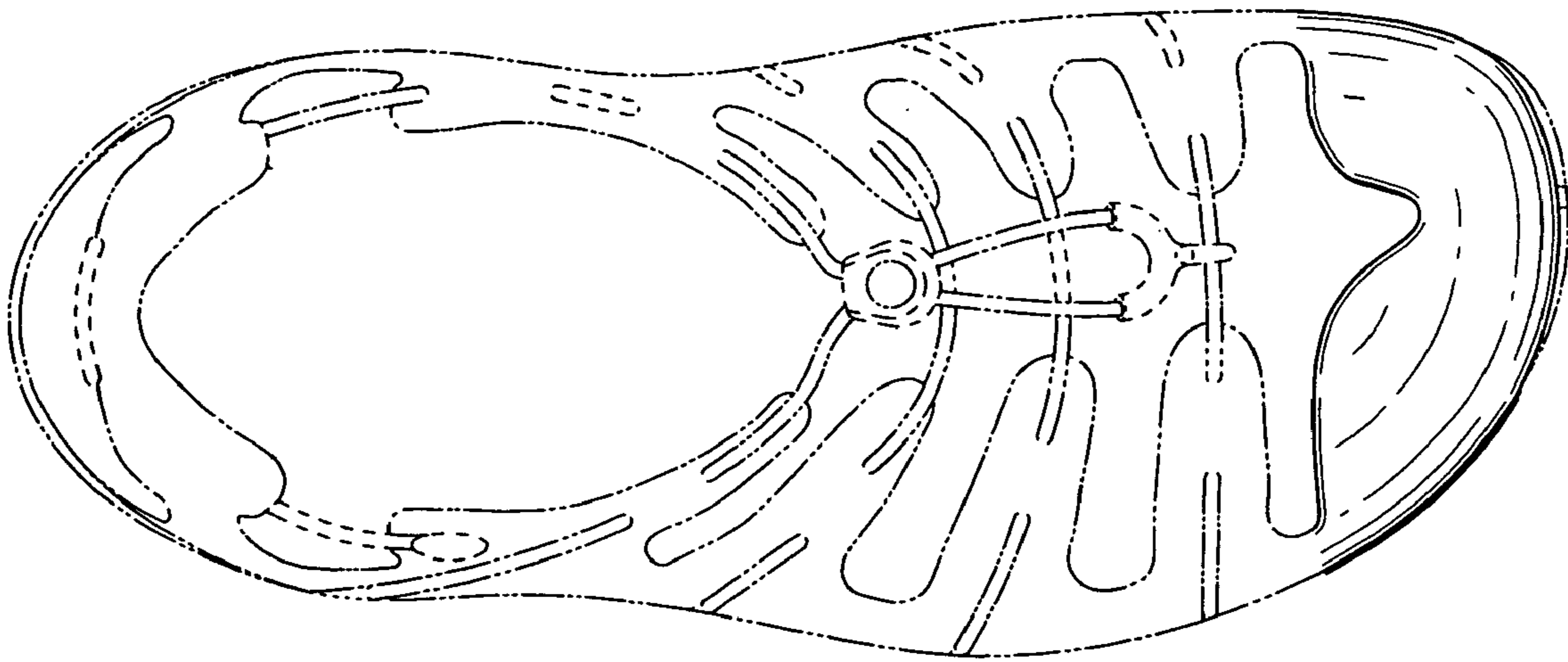


FIG. 5

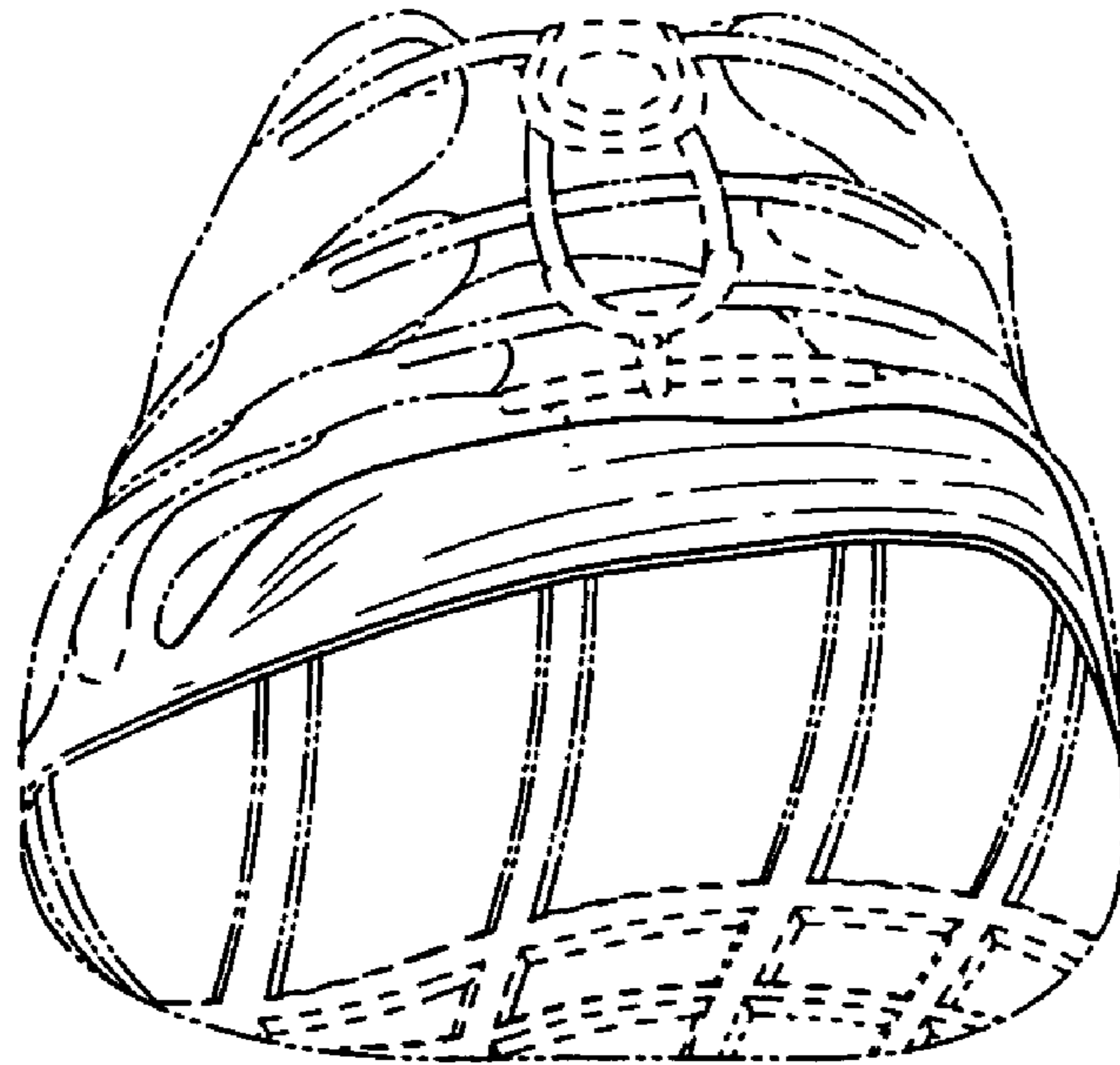


FIG. 6

