

US00D572460S

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

(10) **Patent No.:** **US D572,460 S**
(45) **Date of Patent:** **** Jul. 8, 2008**

(54) **SHOE UPPER**

D556,980 S 12/2007 Bramani
D568,037 S * 5/2008 Kuerbis D2/972

(75) Inventor: **Graeme McMillan**, Beaverton, OR (US)

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

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

(21) Appl. No.: **29/317,250**

(22) Filed: **Apr. 25, 2008**

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

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

(58) **Field of Classification Search** D2/902,
D2/906-908, 943, 944, 946, 969, 972-974;
36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114,
36/126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

| | | | |
|--------------|---------|---------------|--------------|
| 3,742,622 A | 7/1973 | Dassler | |
| 4,217,705 A | 8/1980 | Donzis | |
| D258,546 S | 3/1981 | Famolare, Jr. | |
| D278,186 S | 4/1985 | Michaeli | |
| D278,757 S | 5/1985 | Werman | |
| D290,542 S | 6/1987 | O'Rourke | |
| D307,210 S | 4/1990 | Hatfield | |
| 4,949,476 A | 8/1990 | Anderie | |
| D312,916 S | 12/1990 | Hatfield | |
| 5,437,112 A | 8/1995 | Johnston | |
| D384,053 S | 9/1997 | Smith, III | |
| D412,612 S | 8/1999 | Boyer | |
| D448,550 S | 10/2001 | Yang | |
| D452,069 S | 12/2001 | Allen | |
| D468,089 S | 1/2003 | Smith | |
| D475,523 S | 6/2003 | McDowell | |
| D495,866 S | 9/2004 | Holmes | |
| D540,531 S * | 4/2007 | Lee | D2/972 |
| D541,520 S * | 5/2007 | Fogg | D2/972 |

FOREIGN PATENT DOCUMENTS

WO WO9004933 5/1990

OTHER PUBLICATIONS

Nike Footwear Catalog, Holiday 1994, pp. 12 and 30, published Mar. 1994.

(Continued)

Primary Examiner—Dominic Simone

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a rear perspective view thereof;

FIG. 3 is a side view thereof;

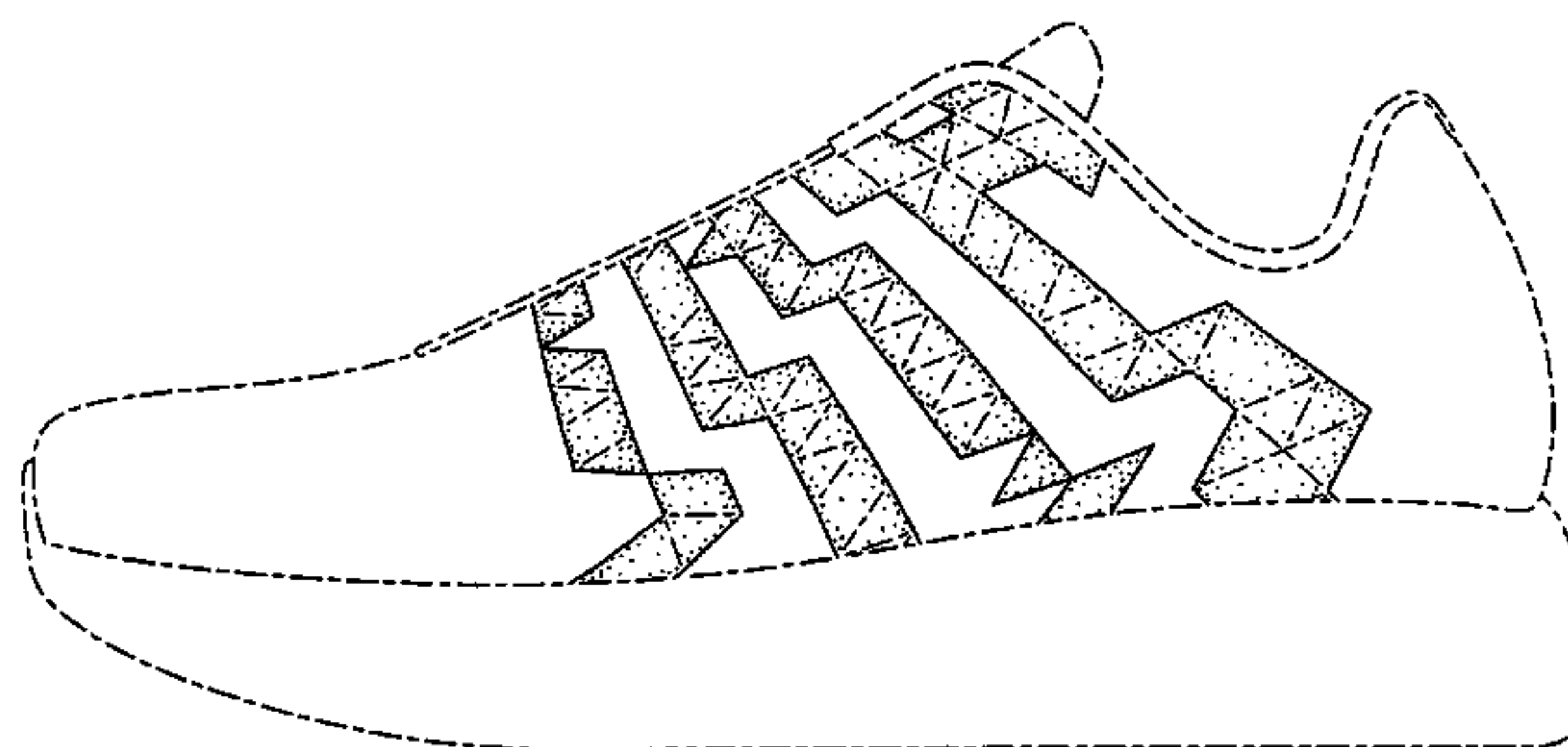
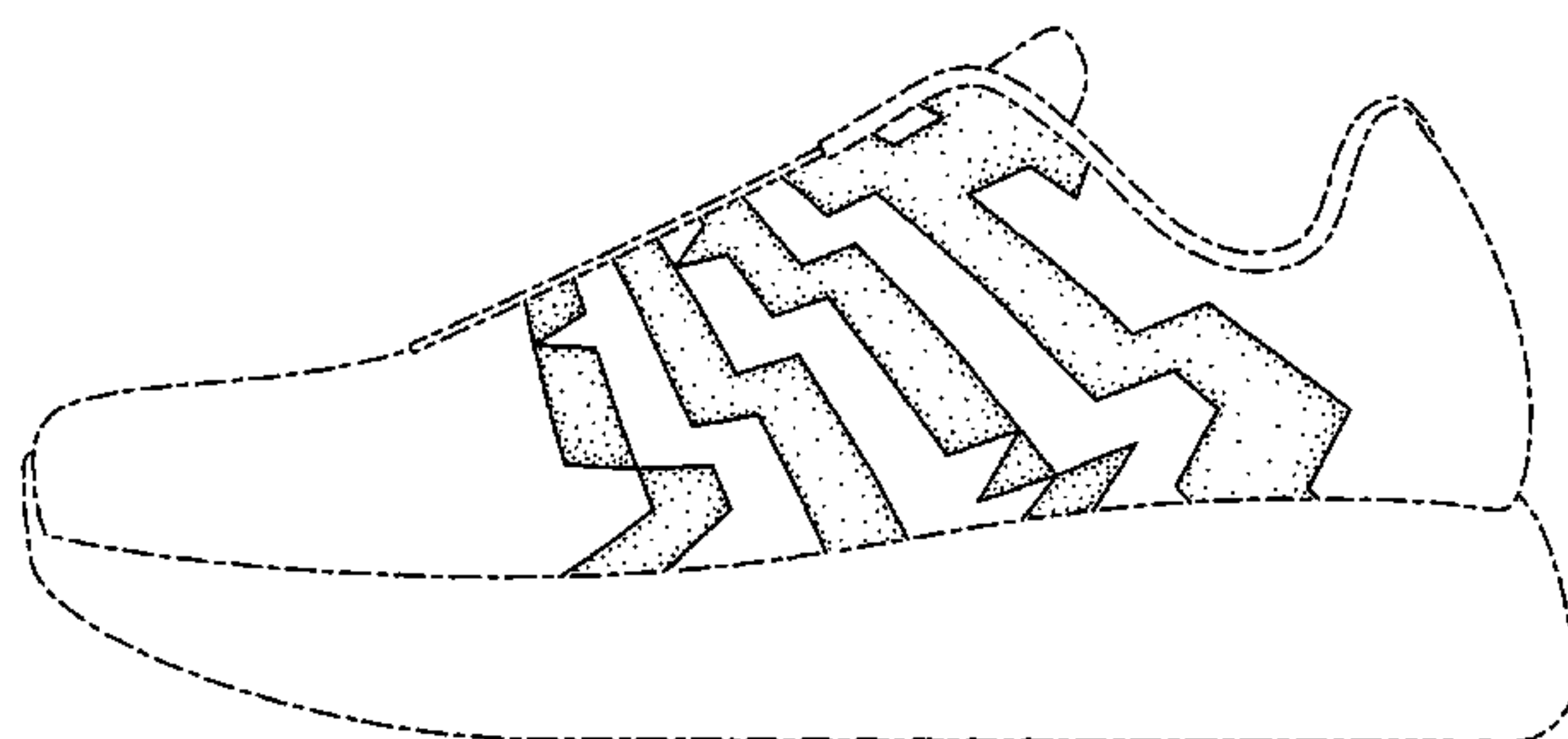
FIG. 4 is front perspective view of a second embodiment of an shoe upper showing my new design;

FIG. 5 is a rear perspective view thereof; and,

FIG. 6 is a side view thereof.

The uneven broken lines immediately adjacent to the top and bottom of the shaded areas represent unclaimed boundaries of the design. The uneven broken lines within the claimed regions in FIGS. 4-6 are for illustrative purposes only and forms no part of the claimed design. The uneven broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 6 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog, Spring 1995, p. 29, published Jun. 1994.
Nike Footwear Catalog, Fall 1995, pp. 27, 55 and 75, published Nov. 1994.
Nike Footwear Catalog, Spring 1996, pp. 133, 147 and 169, published Jun. 1995.
Nike Footwear Catalog, Late Spring 1996, pp. 24, 49, 89 and 166, published Aug. 1995.
Nike Footwear Catalog, Fall 1996, p. 151, published Nov. 1994.
Nike Footwear Catalog, Holiday 1996, p. 79, published Mar. 1996.
Nike Footwear Catalog, Late Spring 1997, pp. 32, 39 and 213, published Sep. 1996.
Nike Footwear Catalog, Holiday 1997, p. 55, published Mar. 1997.

Nike Footwear Catalog, Spring 1998, p. 178, published Jun. 1997.
Nike Footwear Catalog, Fall 1998, p. 93, published Dec. 1997.
Nike Footwear Catalog, Holiday 1998, p. W91, published Feb. 1998.
Nike Footwear Catalog, Spring 1999, pp. M43 and W31, published Jun. 1998.
Nike Footwear Catalog, Late Spring 1998, p. 52, published Sep. 1997.
Nike Footwear Catalog, Late Spring 1999, p. M9, published Sep. 1998.
Nike Footwear Catalog, Fall 1999, p. M33, published Nov. 1998.
Nike Footwear Catalog, Spring 2000, p. M44 and M70, published Jul. 1999.
Nike Footwear Catalog, Summer 2008, p. 42, published Aug. 2007.
* cited by examiner

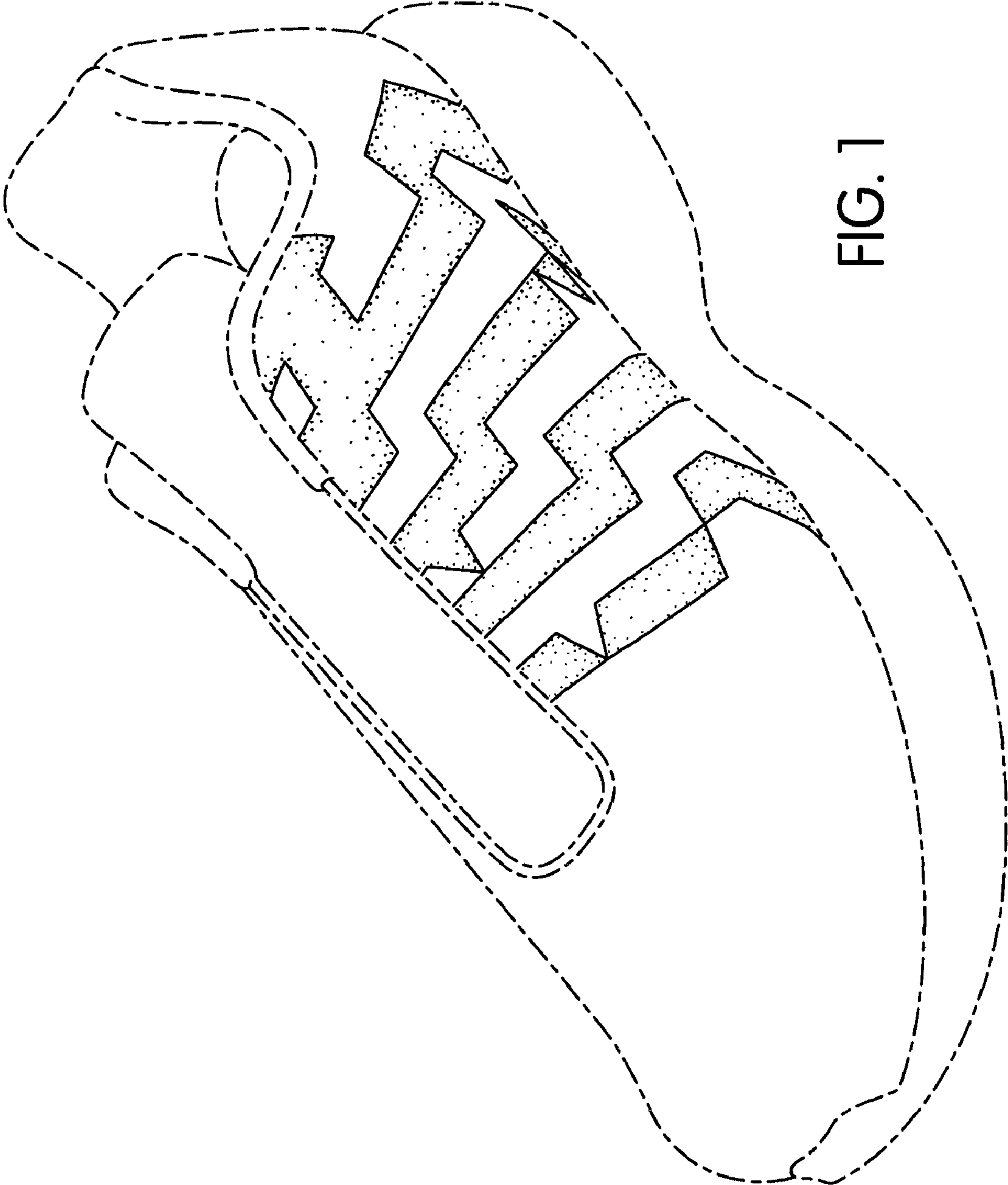


FIG. 1

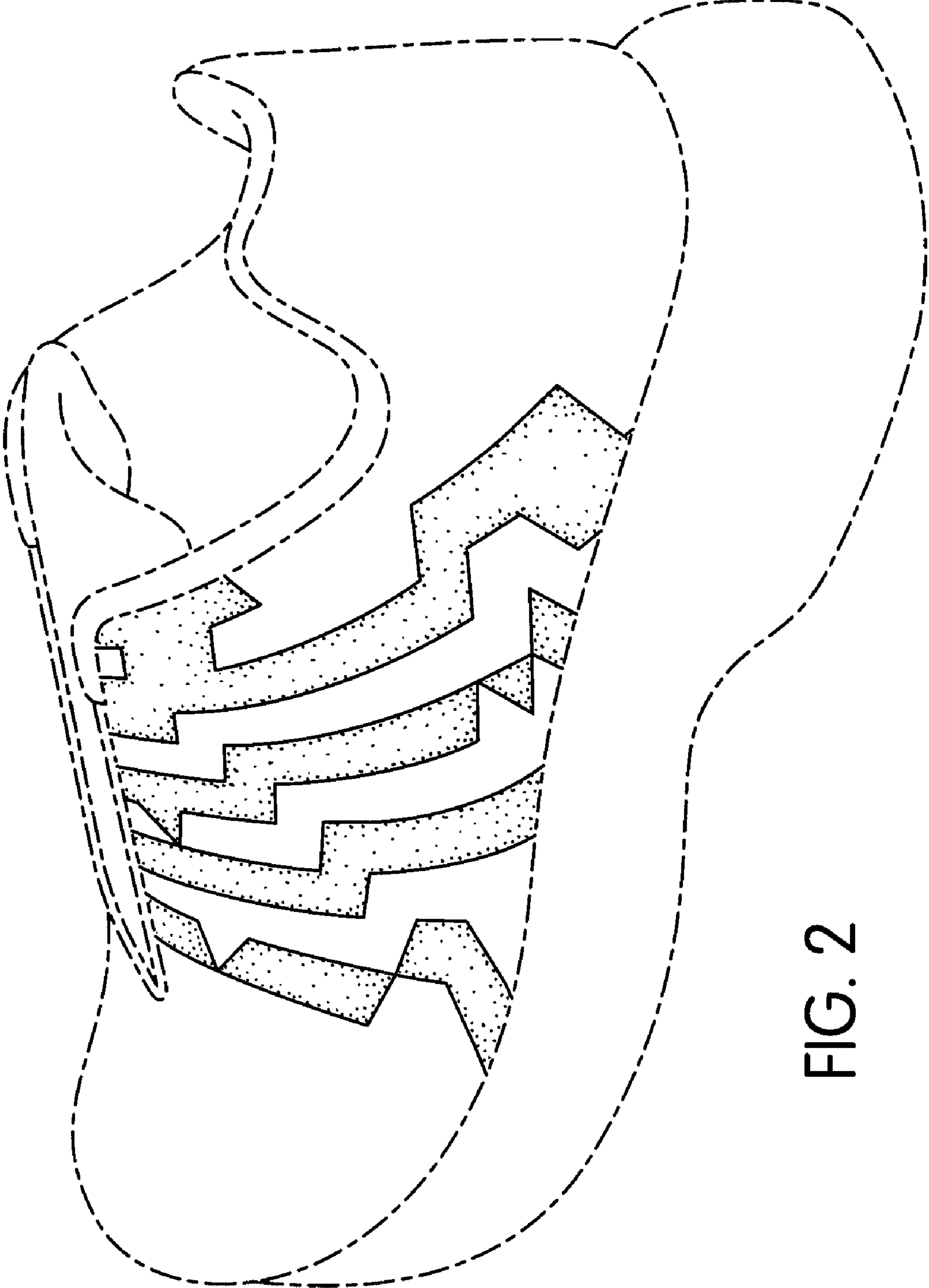


FIG. 2

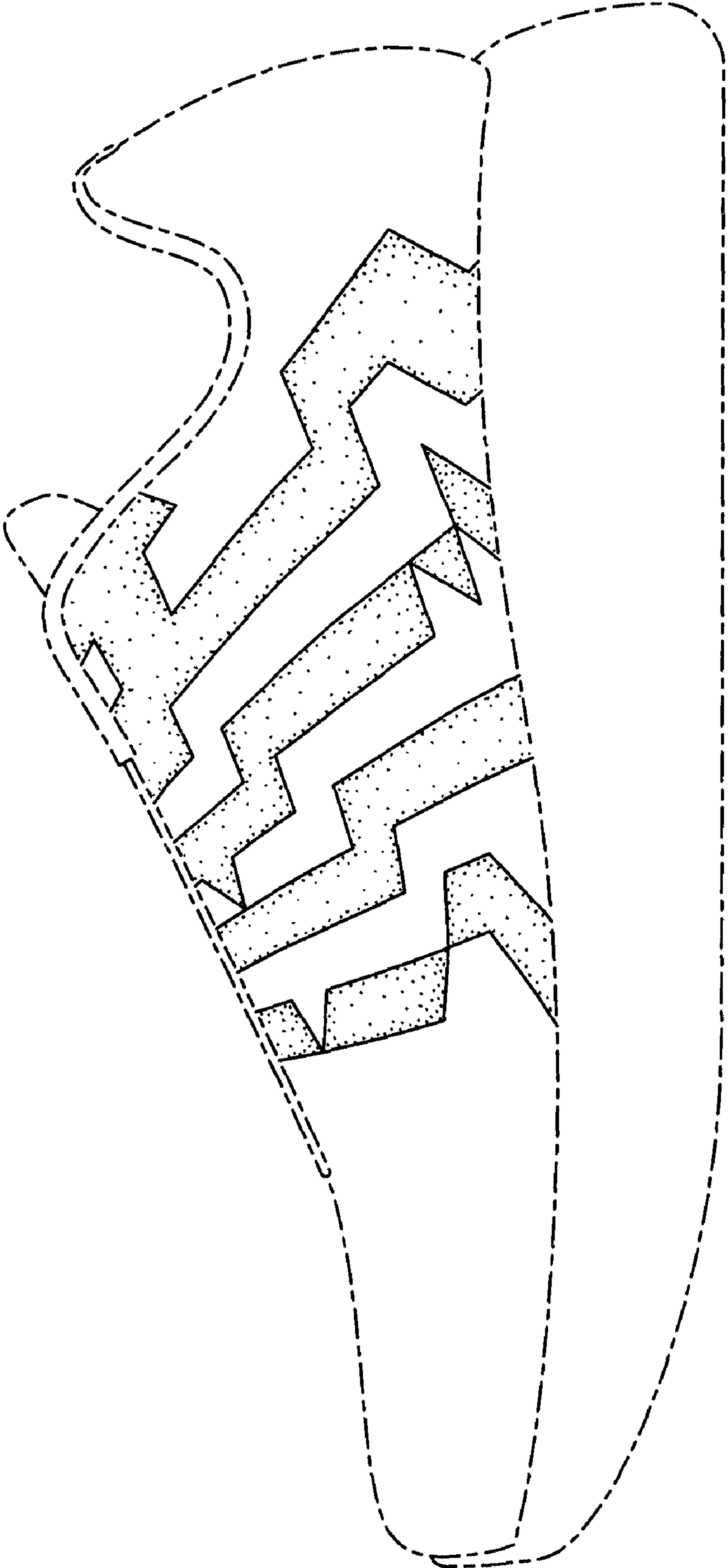


FIG. 3

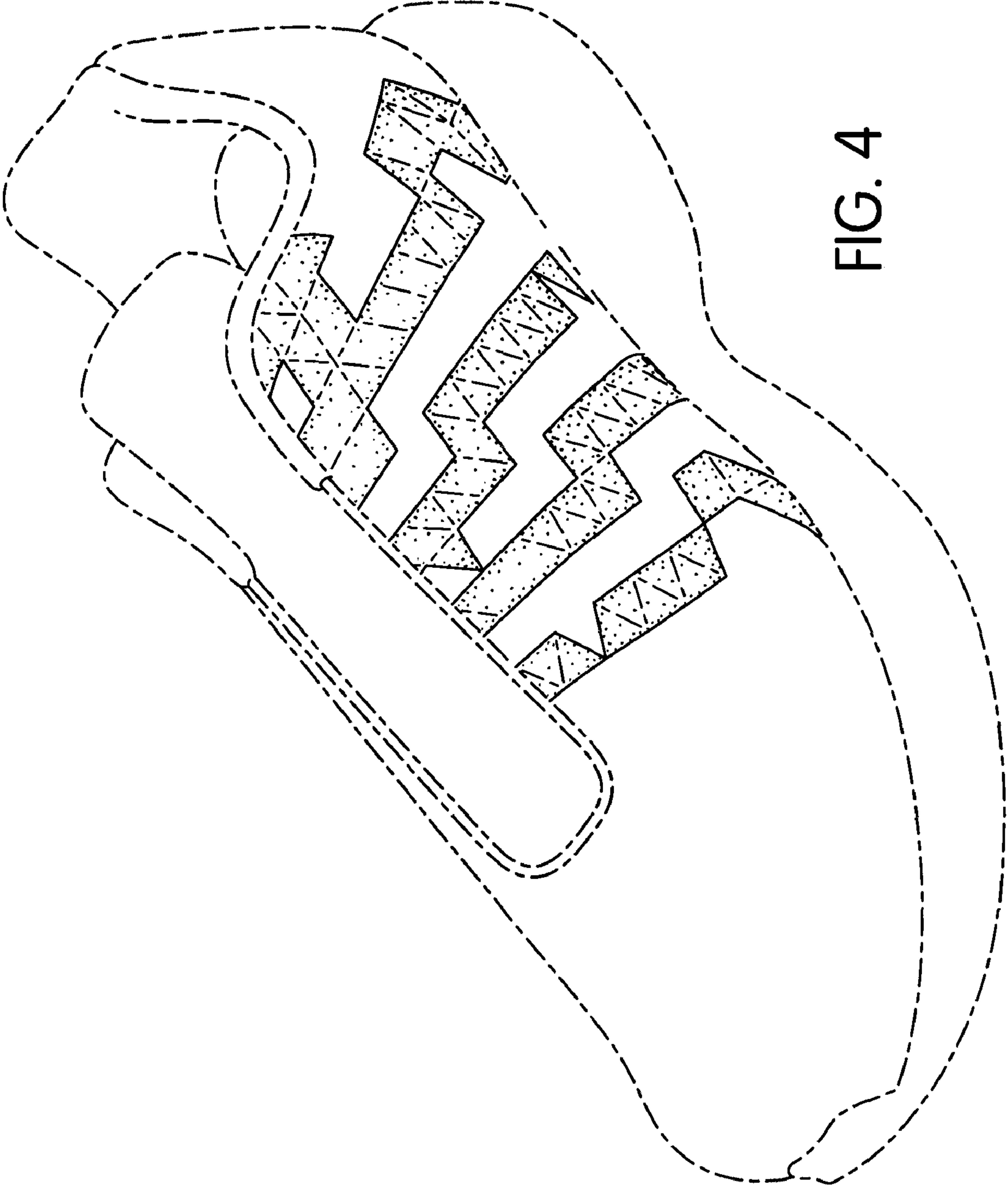


FIG. 4

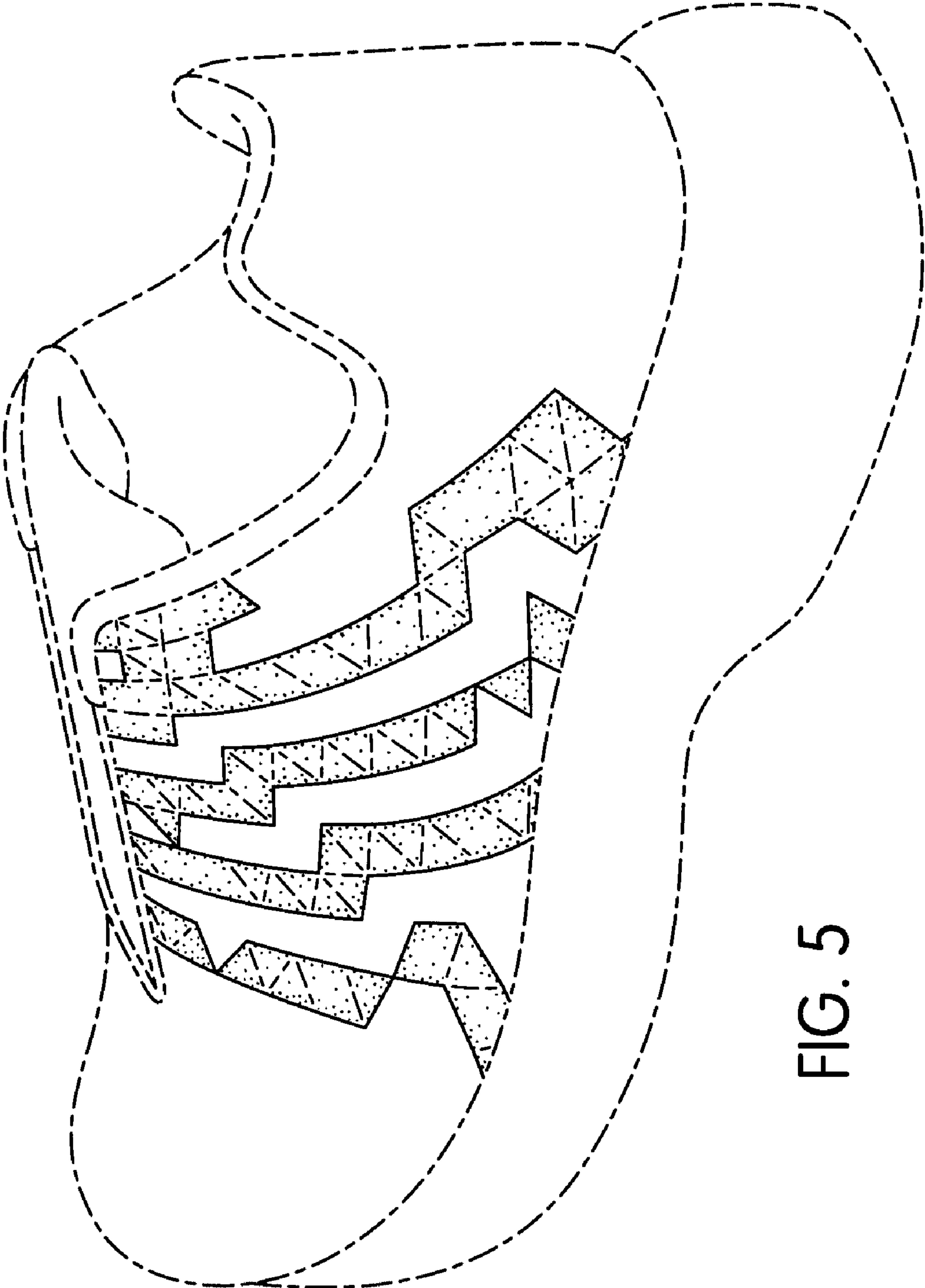


FIG. 5

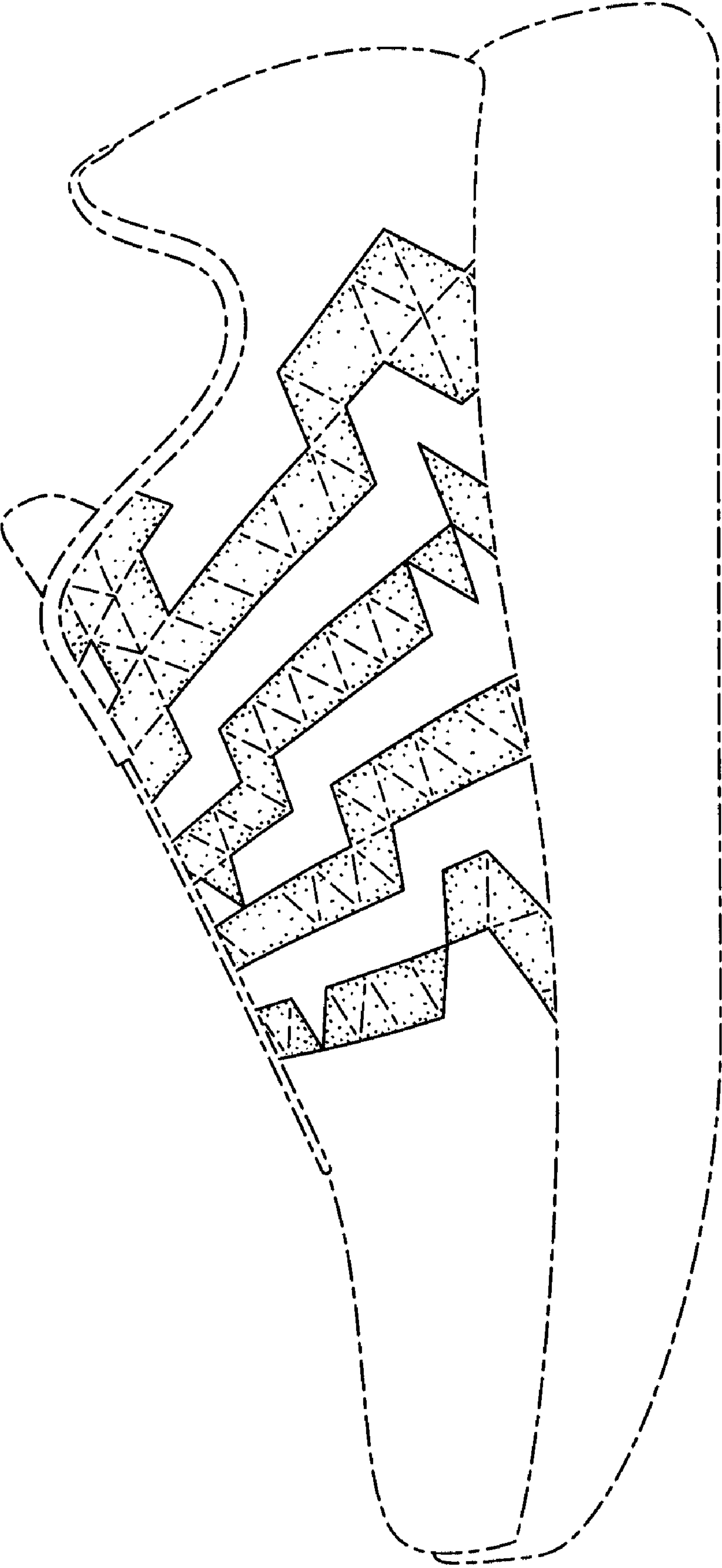


FIG. 6