



US00D573337S

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

(10) **Patent No.:** **US D573,337 S**
(45) **Date of Patent:** **** Jul. 22, 2008**

(54) **SHOE UPPER**

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

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

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

(21) Appl. No.: **29/317,251**

(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

2,001,962 A	5/1935	Kantrow	
D326,953 S	6/1992	Hatfield	
D329,531 S	9/1992	Smith	
D349,394 S	8/1994	Hatfield	
D395,745 S	7/1998	Rask	
D398,754 S	9/1998	McCourt	
D406,454 S	3/1999	Blakeslee	
D412,241 S	7/1999	Hatfield et al.	
D414,321 S	9/1999	Blakeslee	
D422,132 S	4/2000	Fogg	
D424,798 S	5/2000	McDowell	
D448,548 S	10/2001	Simpson	
D456,985 S	5/2002	Clegg	
D457,296 S	5/2002	Burt	
D458,015 S	6/2002	Dolan et al.	
D461,302 S	8/2002	Neely et al.	
D461,628 S *	8/2002	Neely et al.	D2/972
D500,408 S	1/2005	Rask	
D504,012 S *	4/2005	Fullum	D2/972
D515,801 S *	2/2006	Smith, III	D2/972
D525,420 S	7/2006	Cass	
D529,276 S	10/2006	Fogg	
D544,693 S *	6/2007	Caine	D2/972
D544,700 S	6/2007	Link	

D562,541 S	2/2008	Avar	
D568,037 S *	5/2008	Kuerbis	D2/972
D568,039 S *	5/2008	Kuerbis	D2/972
D568,599 S *	5/2008	Avar	D2/972

FOREIGN PATENT DOCUMENTS

DE 830912 2/1952

OTHER PUBLICATIONS

Nike Footwear Catalog, Spring 1995, p. 95, published Jun. 1994.
 Nike Footwear Catalog, Fall 1995, p. 26, published Nov. 1994.
 Nike Footwear Catalog, Spring 1996, pp. 41 and 147, published Jun. 1995.
 Nike Footwear Catalog, Late Spring 1997, p. 204, published Sep. 1996.
 Nike Footwear Catalog, Holiday 1998, p. M64, published Feb. 1998.
 Nike Footwear Catalog, Spring 2000, pp. M28 and M80, published May 2007.
 Nike Footwear Catalog, Fall 2000, pp. M10 and M11, published Nov. 1999.
 Nike Footwear Catalog, Holiday 2000, pp. M16 and W21, published Mar. 2000.

(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

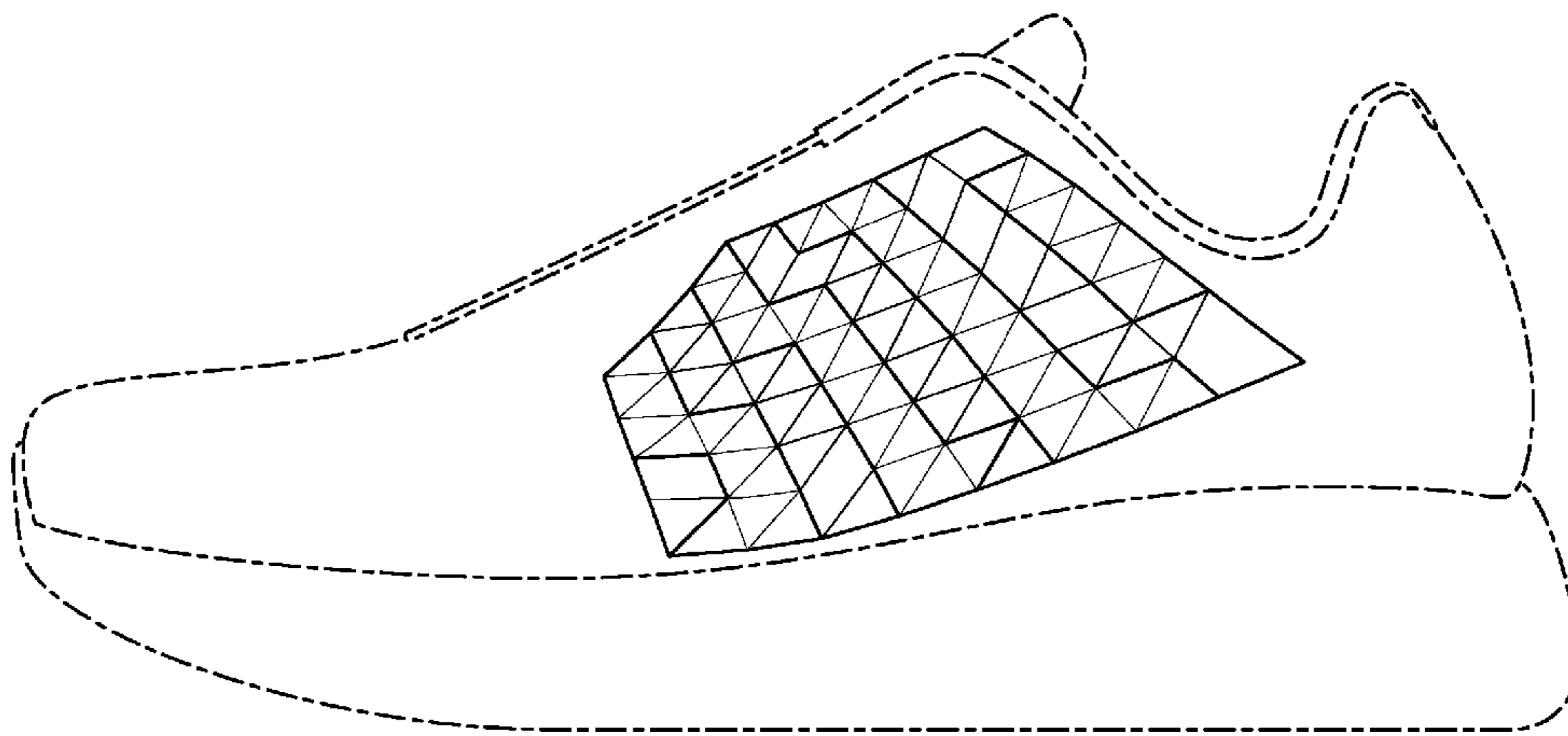
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a rear perspective view thereof; and,

FIG. 3 is a side view thereof.

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, 3 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog, Late Spring 2001, p. M125, published Sep. 2000.

Nike Footwear Catalog, Late Spring 2002, p. M12, published Sep. 2001.

Nike Footwear Catalog, Fall 2002, p. M13, published Nov. 2001.

Nike Footwear Catalog, Late Spring 2004, p. W66, published Sep. 2003.

Nike Footwear Catalog, Late Spring 2005, p. 168, published Aug. 2004.

* cited by examiner

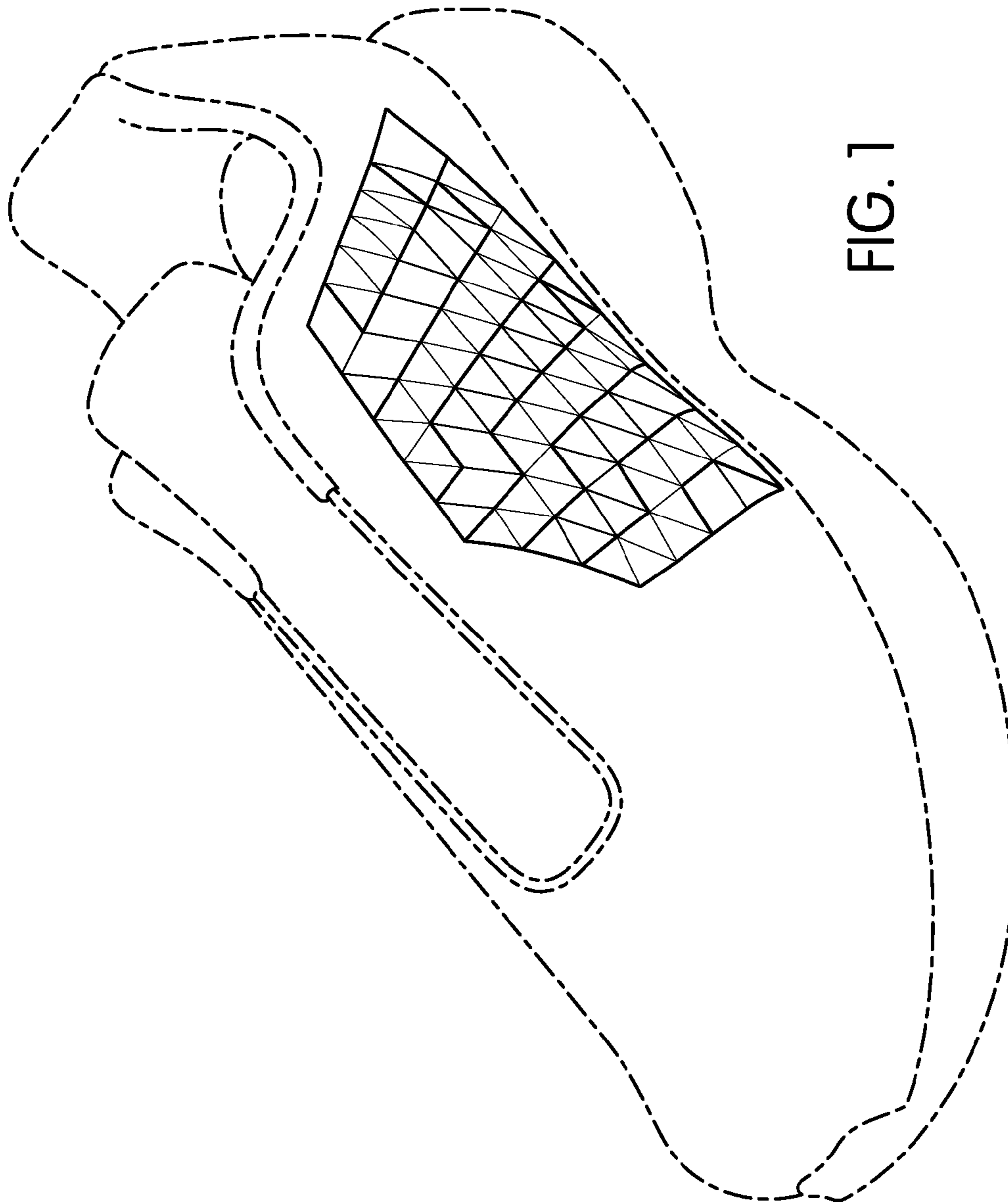


FIG. 1

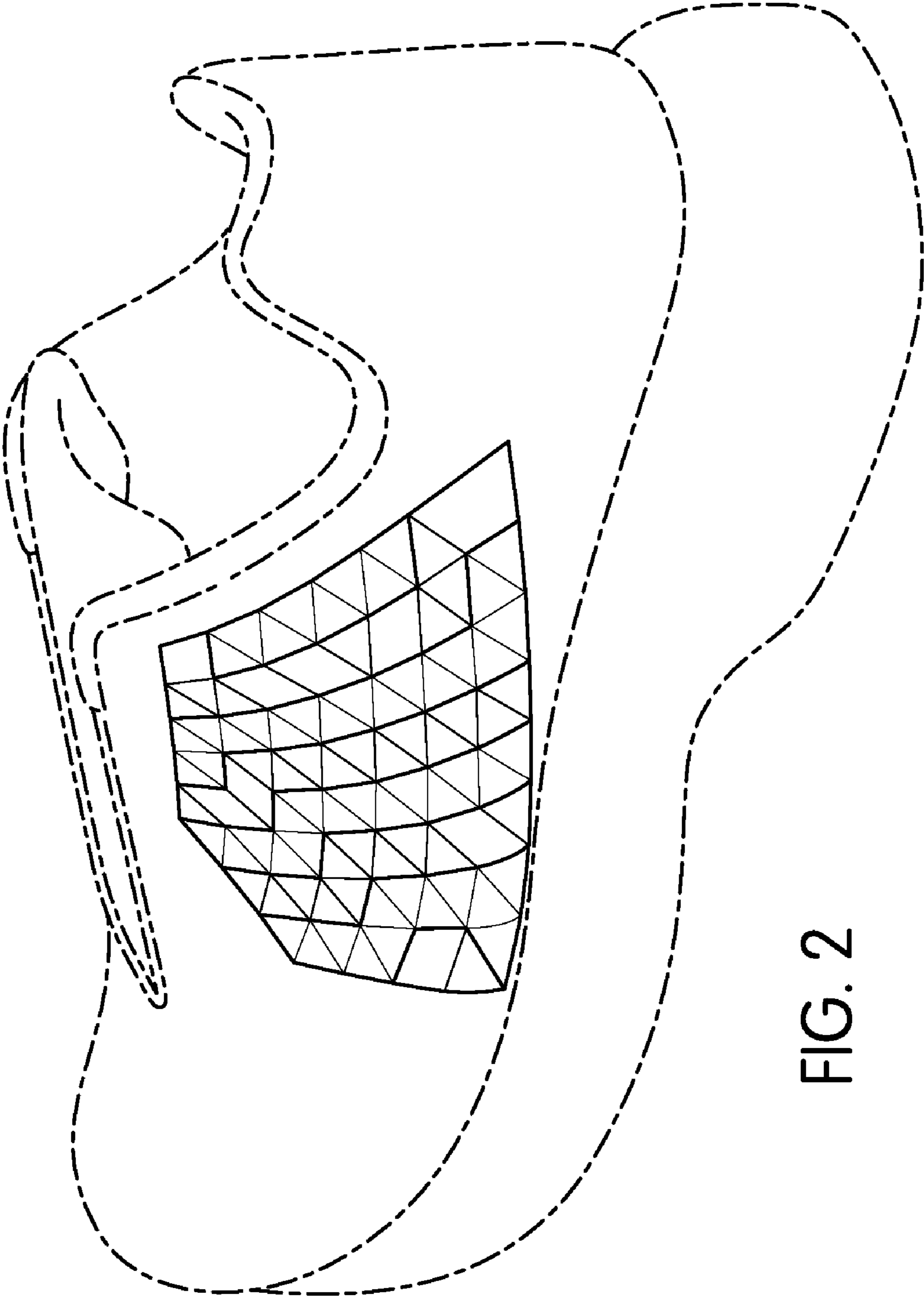


FIG. 2

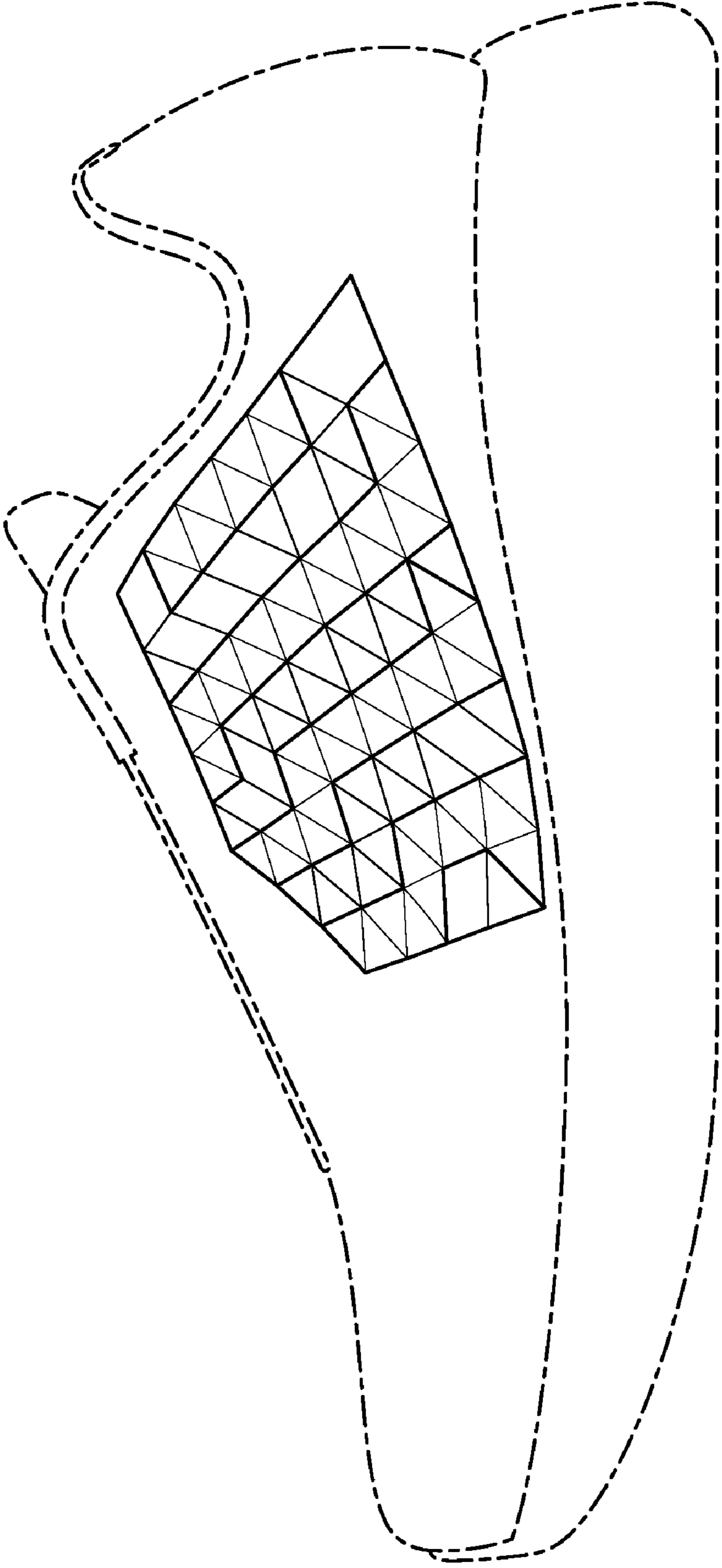


FIG. 3