



US00D573339S

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

(10) **Patent No.:** **US D573,339 S**
(45) **Date of Patent:** **** Jul. 22, 2008**

(54) **SHOE UPPER**

(75) Inventor: **Morgan Stauffer**, Portland, OR (US)

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

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

(21) Appl. No.: **29/317,342**

(22) Filed: **Apr. 28, 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

D70,673 S	7/1926	Hoffman	
D87,275 S	6/1932	Morali	
D94,437 S	1/1935	Napier	
D98,431 S	2/1936	Goldberg	
5,313,718 A	5/1994	McMahon et al.	
D405,950 S *	2/1999	Lozano	D2/972
D415,879 S	11/1999	Lupo	
D420,504 S	2/2000	Avar	
D422,128 S *	4/2000	Adler	D2/907
D426,372 S *	6/2000	Price	D2/908
D446,640 S *	8/2001	Estey	D2/972
D476,473 S *	7/2003	Clegg	D2/972
D479,036 S	9/2003	Matis	
D485,668 S *	1/2004	Galway	D2/969
D501,984 S	2/2005	Allen	

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, Fall 1997, pp. 155; 167; 188, 216, published Dec. 1996.

Nike Footwear Catalog, Holiday 1997, pp. 79, 169, published Mar. 1997.

Nike Footwear Catalog, Spring 1997, pp. 25, 40, 47, 51, 131, 149, published Jun. 1996.

Nike Footwear Catalog, Fall 1998, pp. 107, 110, 153, 222, published Dec. 1997.

Nike Footwear Catalog, Late Spring 1998, pp. 242, 248, published Sep. 1997.

Nike Footwear Catalog, Spring 1998, p. 177, published Jun. 1997.

Nike Footwear Catalog, Spring 2000, Book 1, p. M52, published Jul. 1999.

Nike Footwear Catalog, Spring 2001, pp. W26, W59, published Jun. 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 first embodiment of a shoe upper showing my new design;

FIG. 2 is a first side view thereof;

FIG. 3 is a second side view thereof;

FIG. 4 is a front view thereof;

FIG. 5 is a top view thereof;

FIG. 6 is a front perspective view of a second embodiment of a shoe upper showing my new design;

FIG. 7 is a first side view thereof;

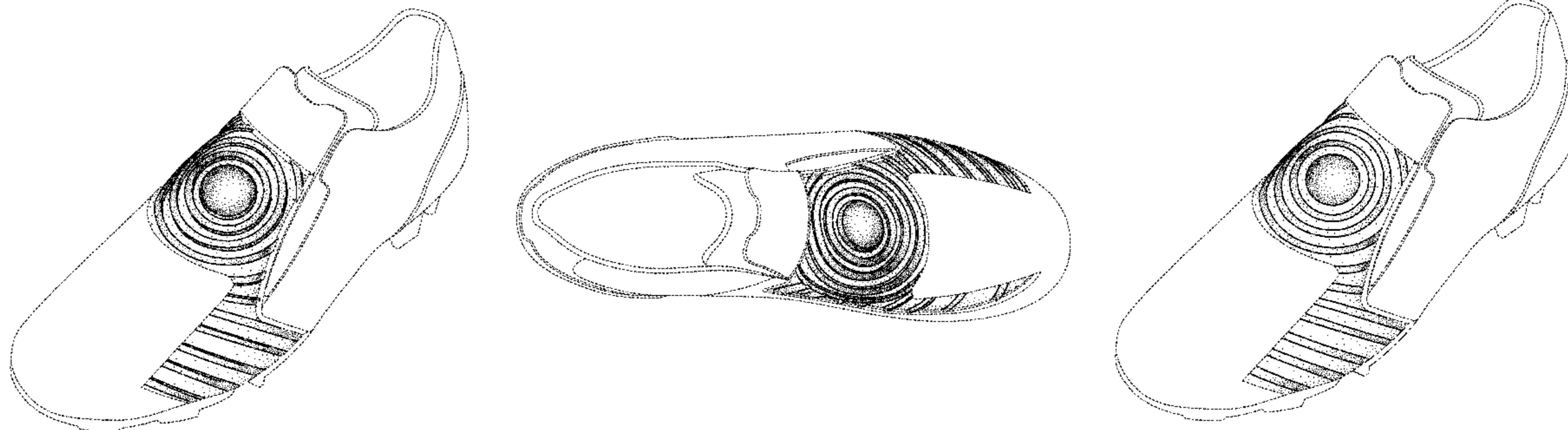
FIG. 8 is a second side view thereof;

FIG. 9 is a front view thereof; and,

FIG. 10 is a top view thereof.

The broken lines immediately adjacent to the shaded area represent unclaimed boundaries 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, 10 Drawing Sheets



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U.S. PATENT DOCUMENTS

D504,562 S * 5/2005 Kuerbis D2/972
D514,303 S * 2/2006 Wahoske D2/972
D519,720 S 5/2006 Lin
D523,222 S * 6/2006 Savage D2/972
D523,624 S 6/2006 Kuerbis
D524,027 S 7/2006 Cessor
D528,277 S 9/2006 Cessor
D529,270 S 10/2006 Cessor
D529,705 S 10/2006 Lupo
D532,596 S 11/2006 Choi
D535,810 S 1/2007 Simpson et al.
D544,688 S 6/2007 Fullum
D551,840 S 10/2007 Avar
D554,846 S 11/2007 Tetsuya
2004/0159022 A1 8/2004 Winford et al.

OTHER PUBLICATIONS

Nike Footwear Catalog, Late Spring 2002, p. W26, published Sep. 2001.
Nike Footwear Catalog, Fall 2003, p. M27, published Nov. 2002.
Nike Footwear Catalog, Fall 2004, pp. M87, W65, published Nov. 2003.
Nike Footwear Catalog, Late Spring 2004, p. M78, published Sep. 2003.
Nike Footwear Catalog, Fall 2006, p. 142, published Nov. 2005.
Nike Footwear Catalog, Spring 2006, pp. 125, 142, published Jun. 2005.
Nike Footwear Catalog, Fall 2007, p. 162, published Nov. 2006.
Nike Footwear Catalog, Spring 2007, p. 8, published Jun. 2006.
Nike Footwear Catalog, Spring 2008, pp. 47, 166, published May 2007.

* cited by examiner

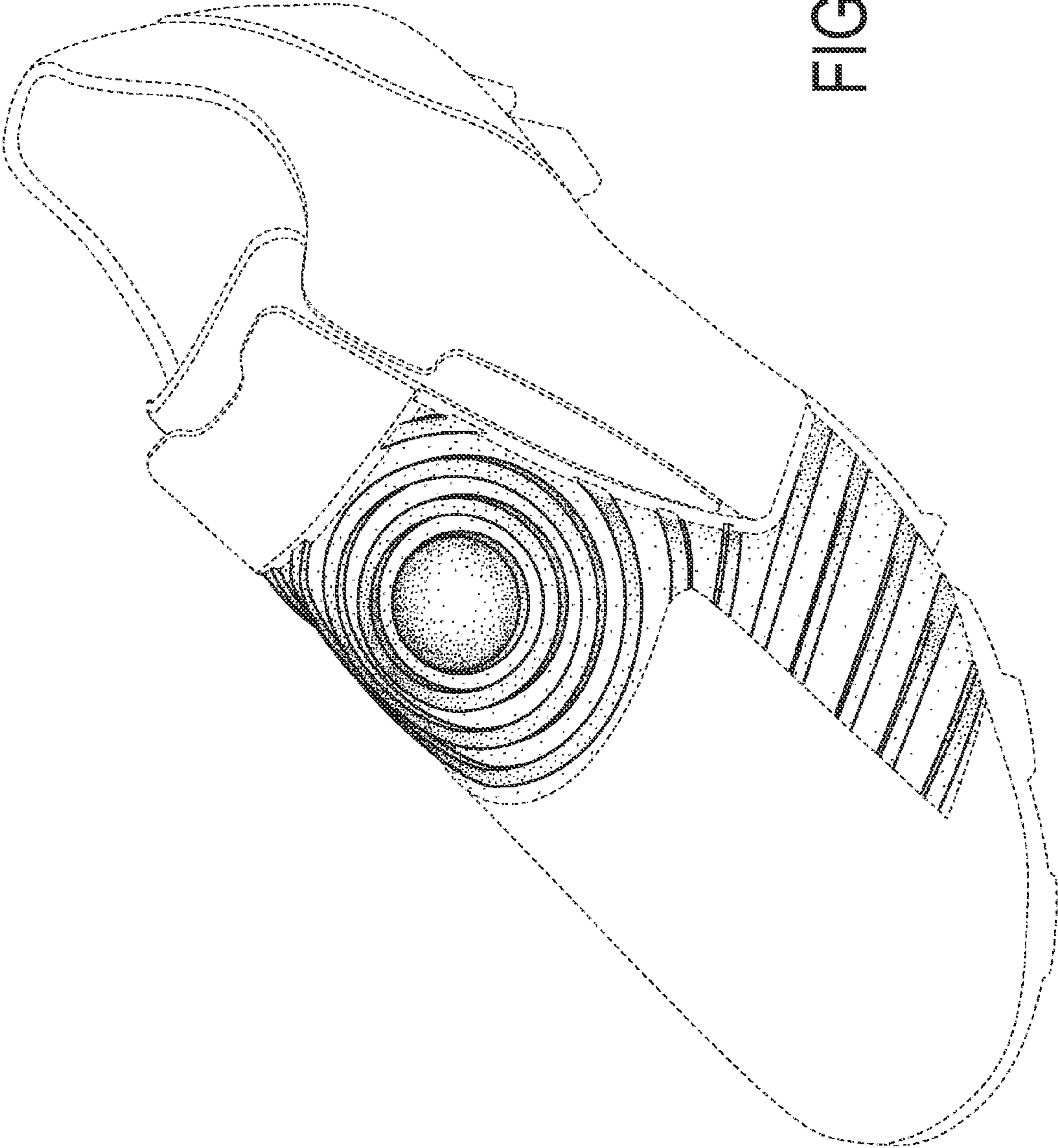


FIG. 1

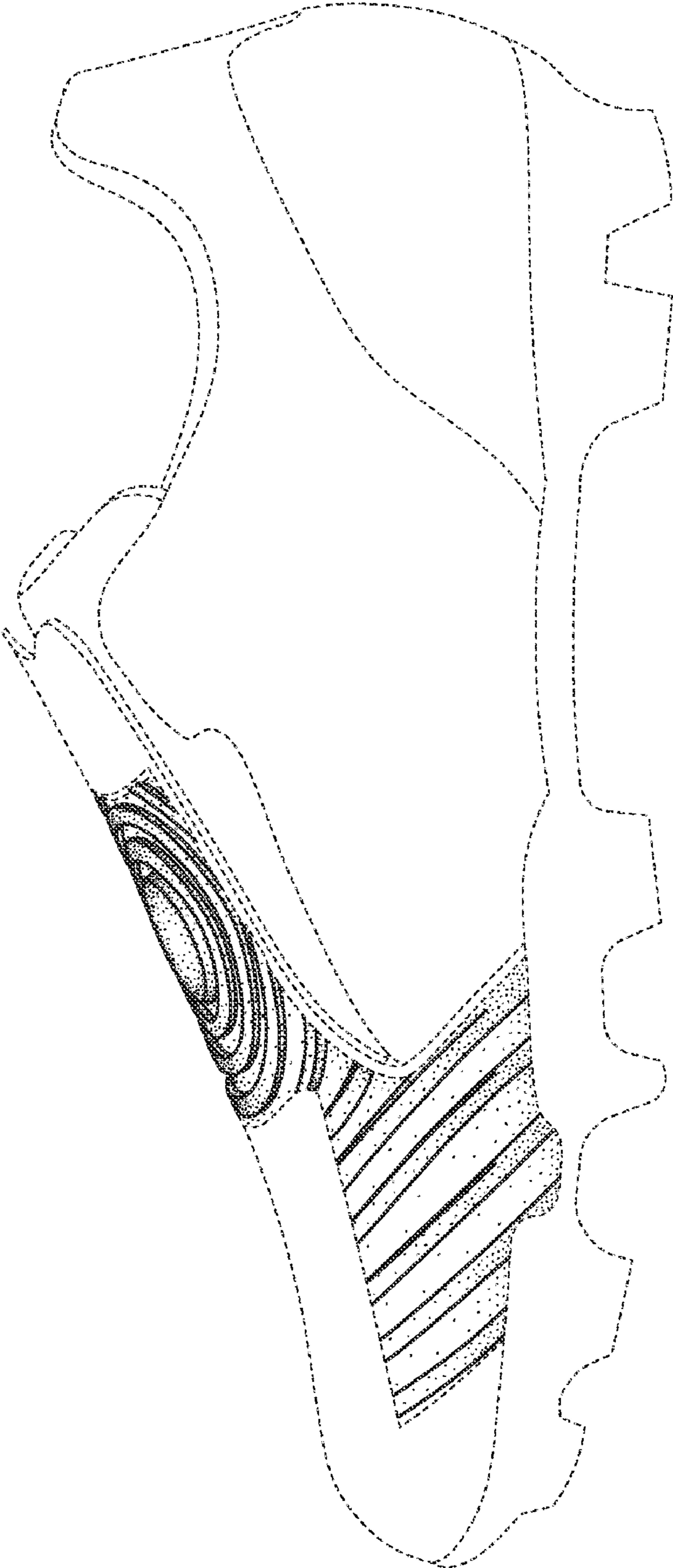


FIG. 2

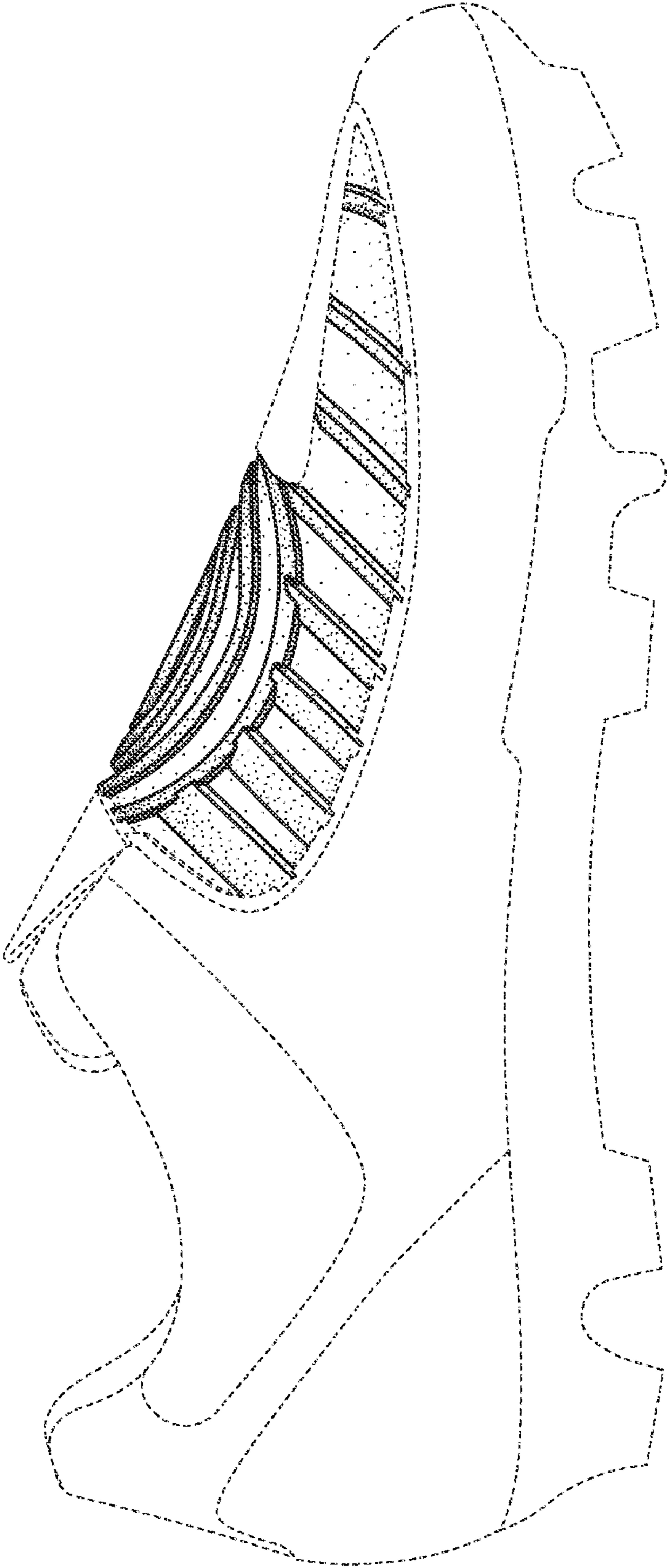


FIG. 3

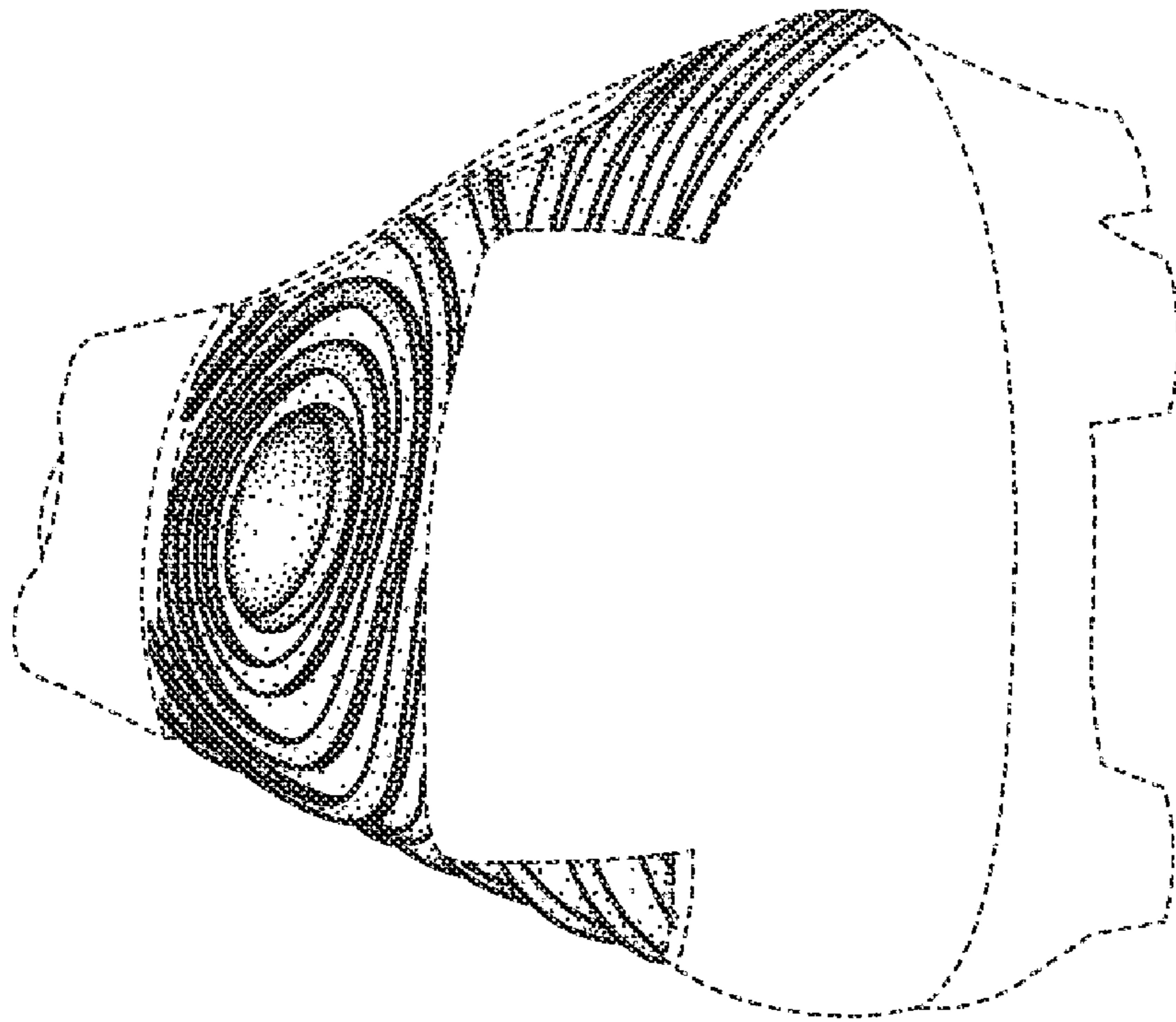


FIG. 4

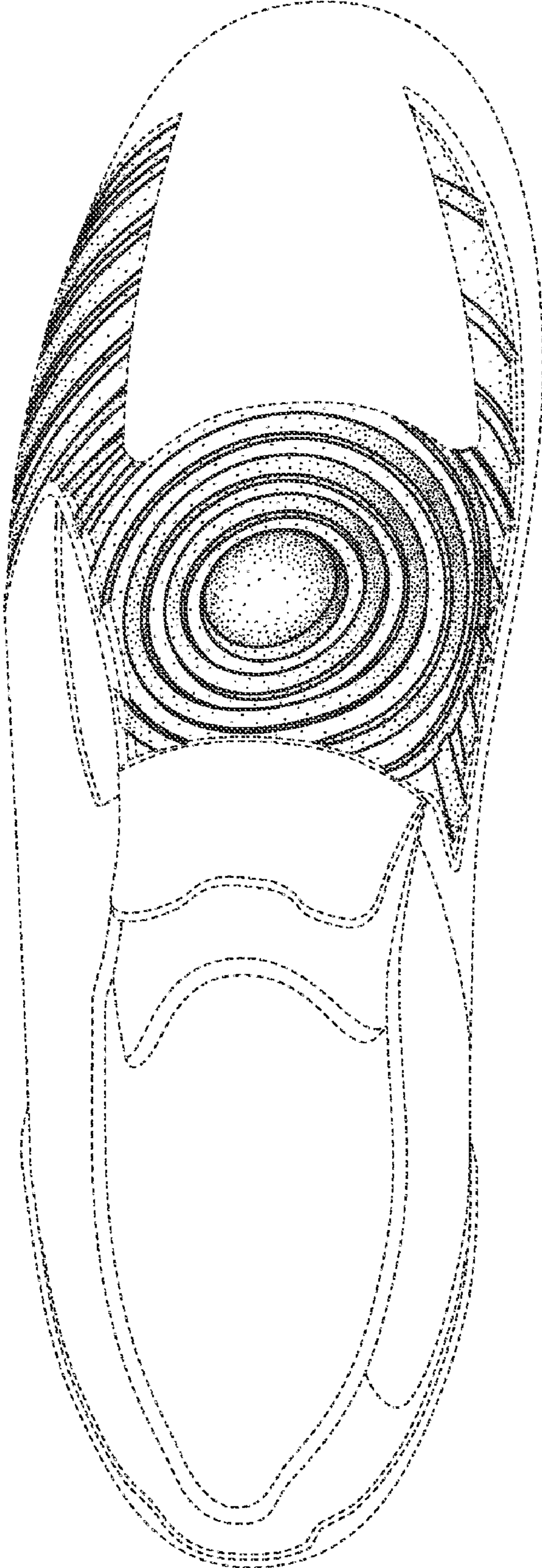


FIG. 5

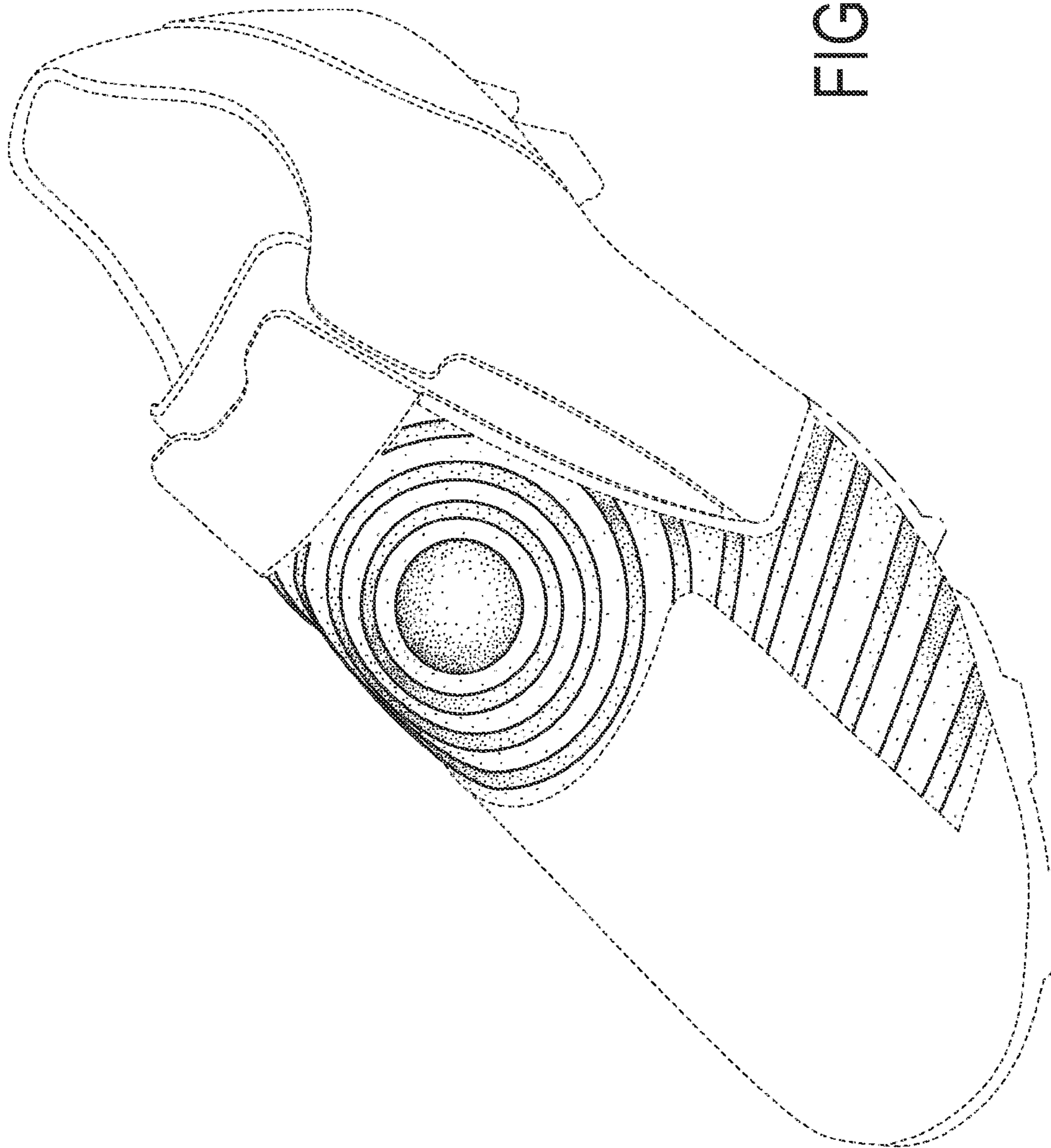


FIG. 6

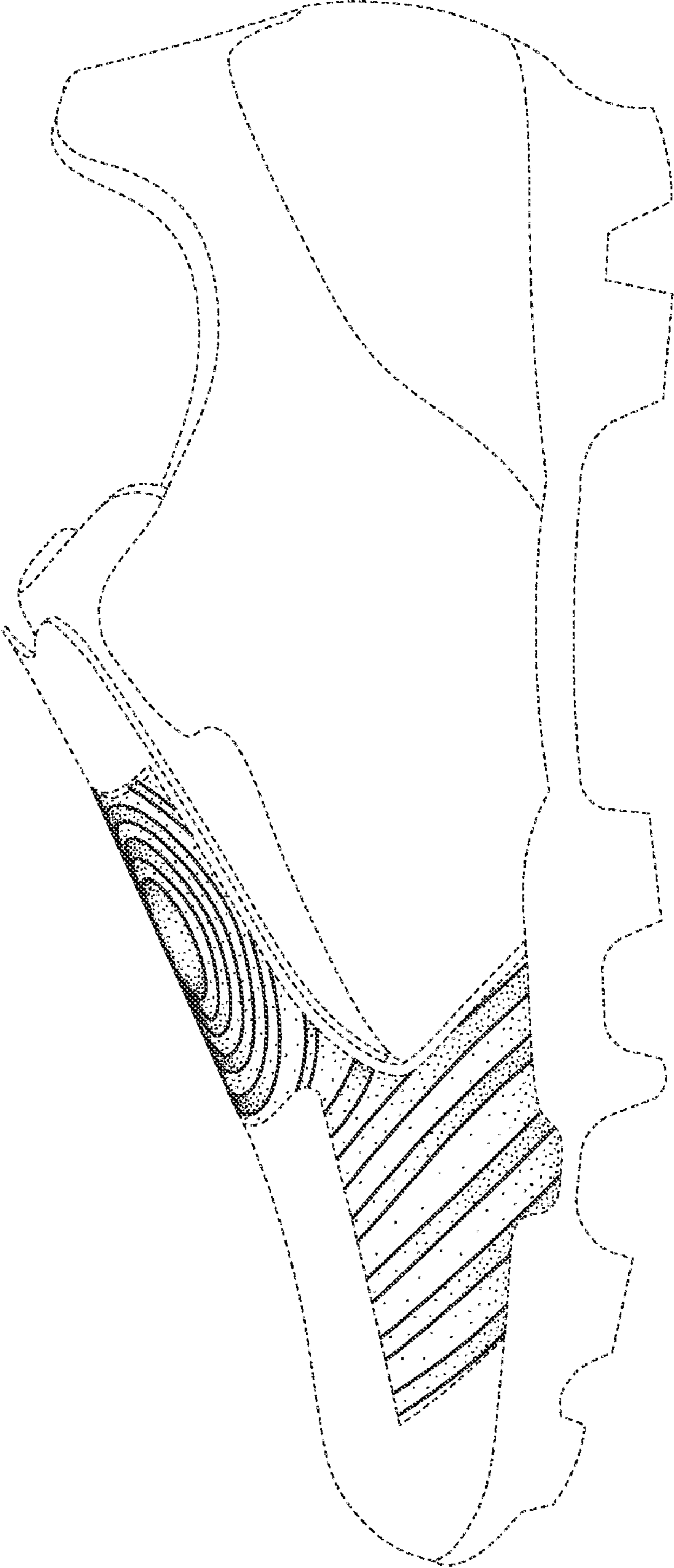


FIG. 7

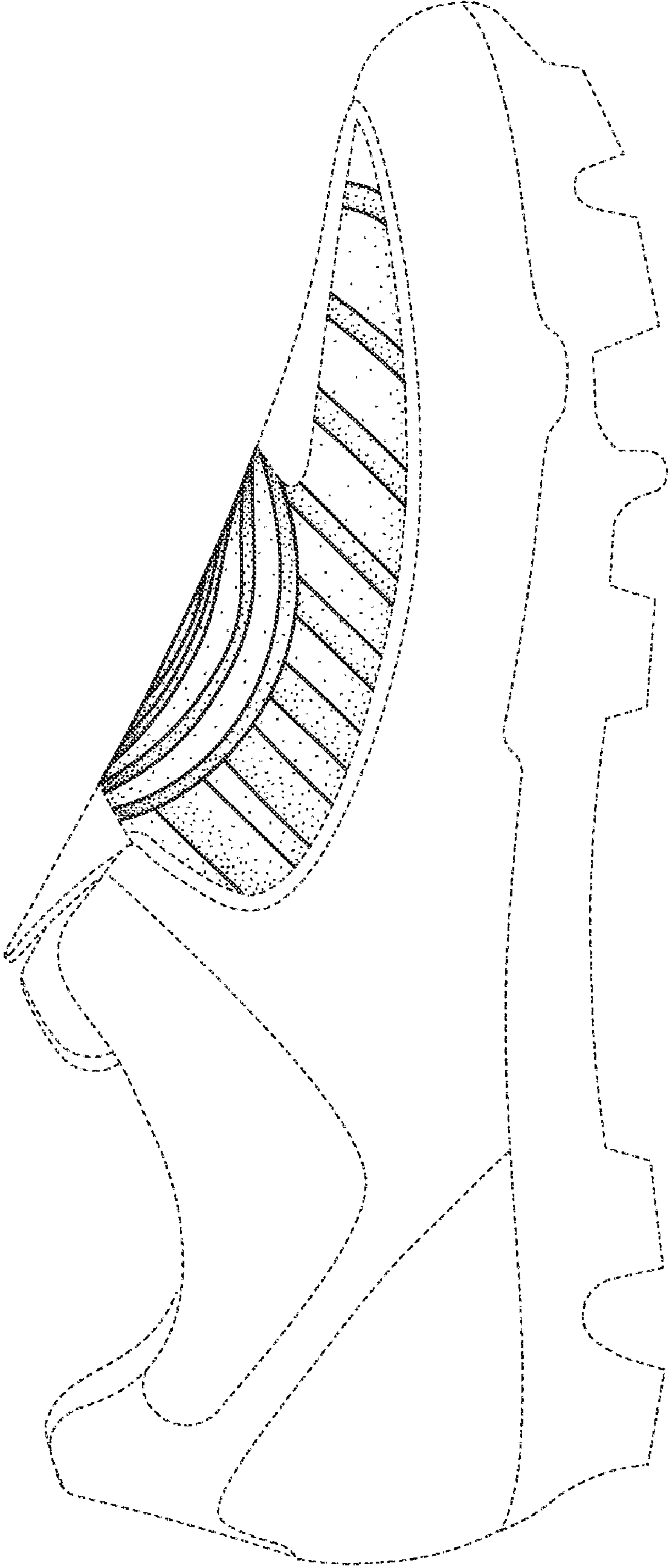


FIG. 8

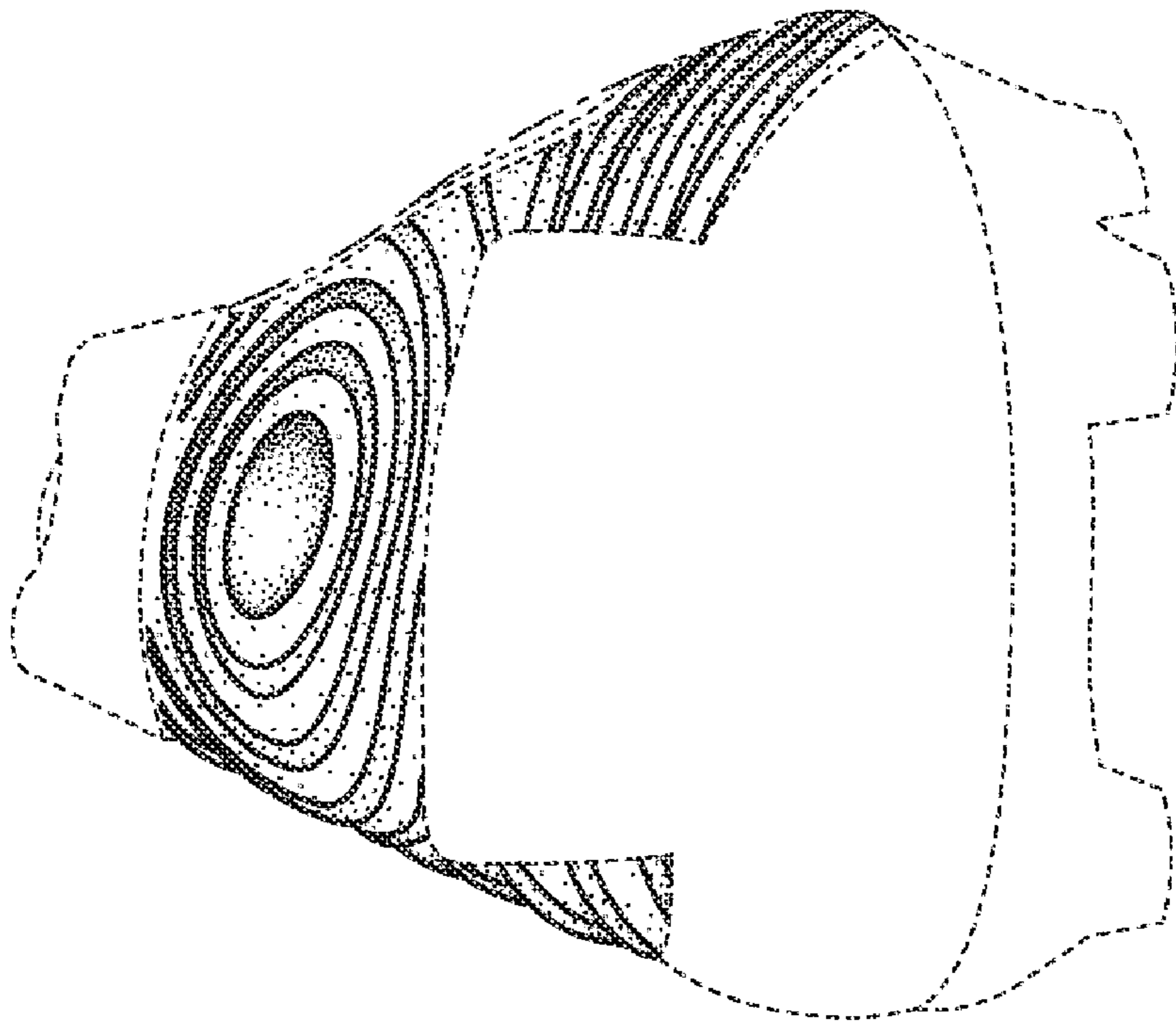


FIG. 9

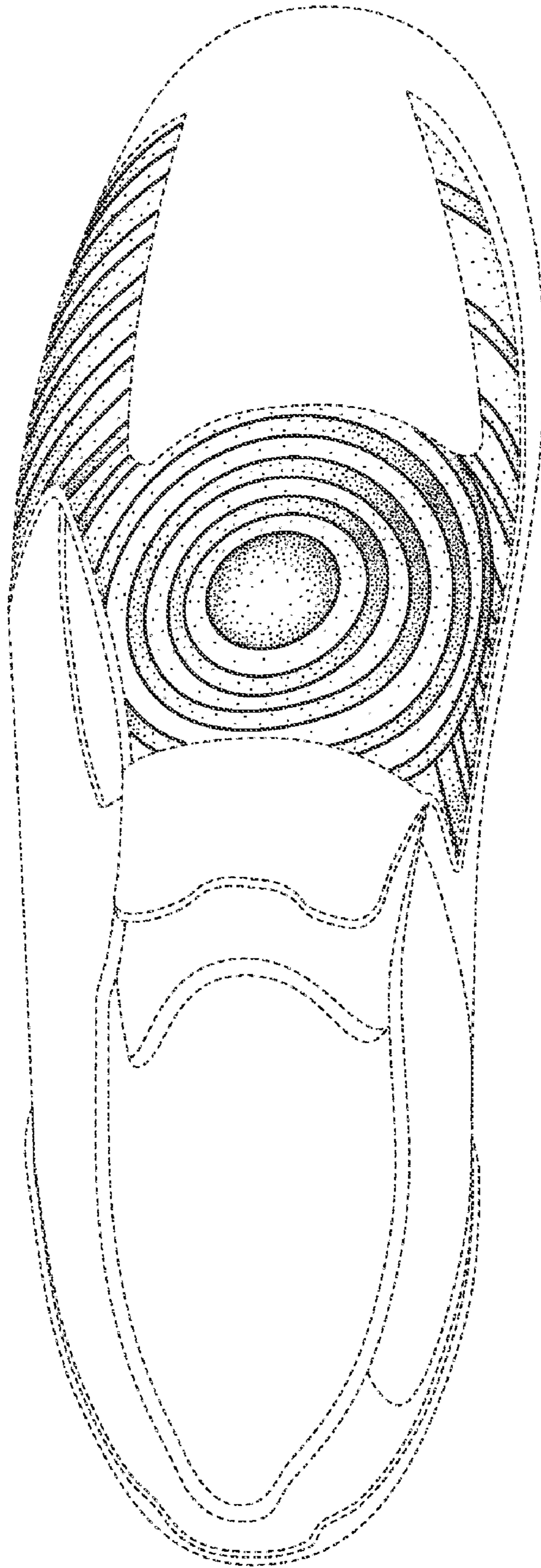


FIG. 10