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

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(54) **FOOTWEAR UPPER**

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

(21) Appl. No.: **29/307,920**

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(51) **LOC (9) Cl.** ..... **02-99**

(52) **U.S. Cl.** ..... **D2/969**

(58) **Field of Classification Search** ..... D2/896,  
D2/902, 906-908, 943, 944, 969, 972-974,  
D2/946, 903, 916; 36/45, 50.1, 77 M, 77 R,  
36/83, 88, 113, 114, 126-131

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D350,021 S *	8/1994	Stein	.....	D2/969
D438,698 S	3/2001	Matis et al.		
D440,034 S	4/2001	Matis		
D447,620 S	9/2001	Matis et al.		
D447,859 S	9/2001	Matis et al.		
D448,549 S *	10/2001	Duclos	.....	D2/969
D452,067 S	12/2001	Matis et al.		
D480,545 S	10/2003	Matis et al.		
D480,551 S	10/2003	Matis et al.		
D486,627 S	2/2004	Rogers et al.		
D503,268 S	3/2005	Belley et al.		
D504,762 S	5/2005	Matis et al.		
D504,763 S	5/2005	Matis et al.		
D511,883 S	11/2005	Matis		
D532,588 S	11/2006	Matis et al.		
D533,987 S	12/2006	Matis et al.		

D540,018 S *	4/2007	Belley et al.	.....	D2/969
D546,042 S *	7/2007	Matis	.....	D2/969
D563,658 S *	3/2008	St-Louis et al.	.....	D2/969
D566,930 S *	4/2008	Liow	.....	D2/916
D575,494 S *	8/2008	St-Louis	.....	D2/969
D586,101 S *	2/2009	Banik	.....	D2/969

**OTHER PUBLICATIONS**

Merrell Fall 2007 Catalog, pp. 8, 9 and 20.  
Merrell Spring 2008 Catalog, pp. 8, 11, 12, 13 and 15.  
Merrell Fall 2008 Catalog, pp. 14, 15 and 18.

\* cited by examiner

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(57) **CLAIM**

The ornamental design for footwear upper, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of the footwear upper embodying the new design;

FIG. 2 is a top view thereof;

FIG. 3 is a right side view thereof;

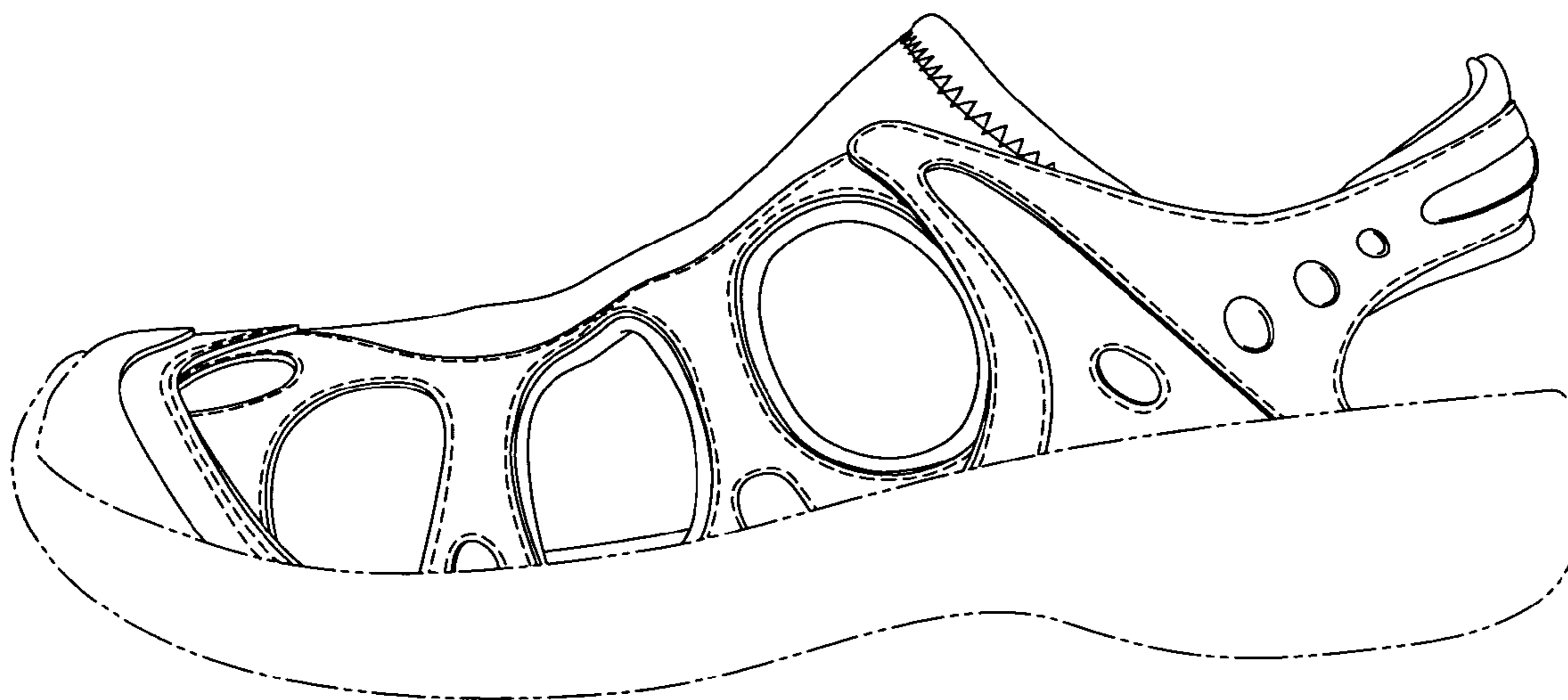
FIG. 4 is a left side view thereof;

FIG. 5 is a front view thereof; and,

FIG. 6 is a rear view thereof.

FIGS. 1-6 show features of an article of footwear in phantom lines. These features are shown for environmental purposes and do not form any part of the claimed design. Further, the phantom lines immediately adjacent the solid-line portions of the design form the boundary of the design, with the phantom lines forming no part of the claimed design.

**1 Claim, 4 Drawing Sheets**



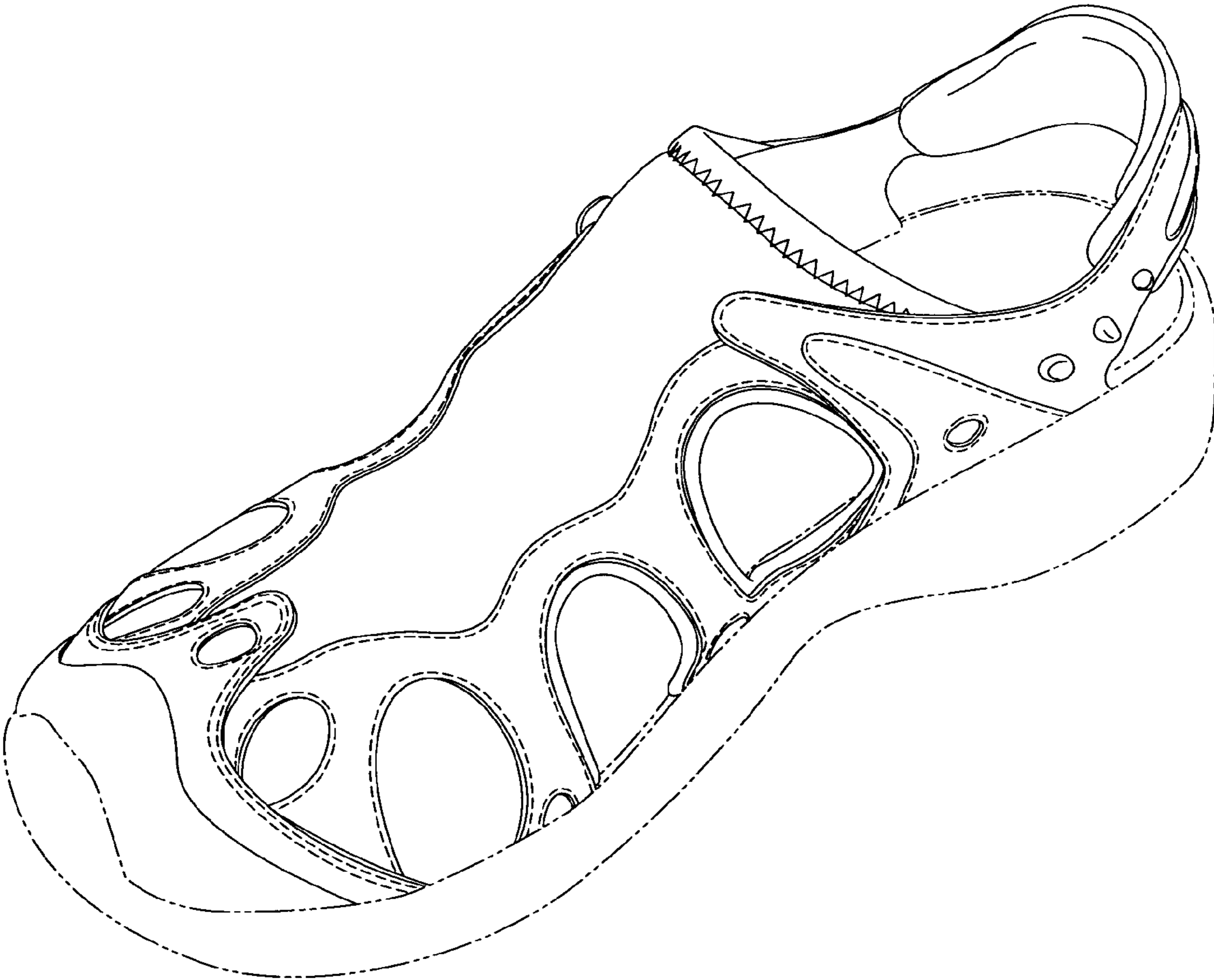


Fig. 1

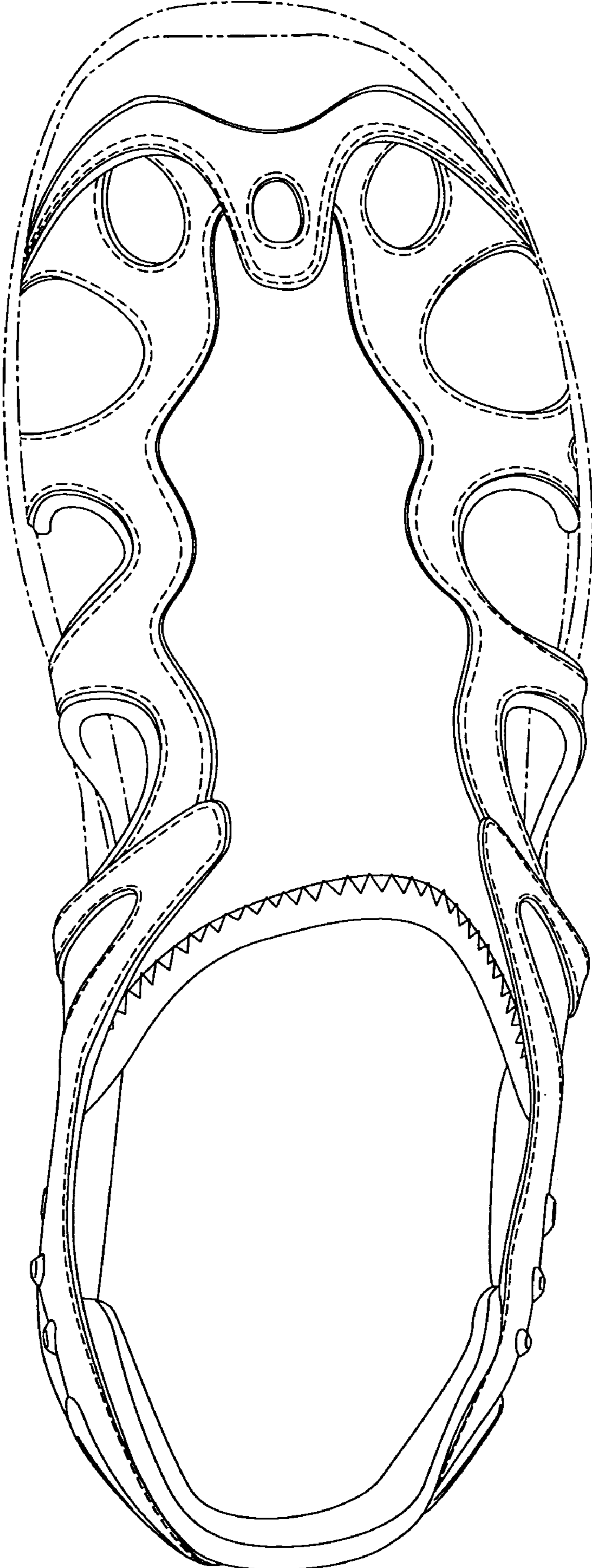


Fig. 2

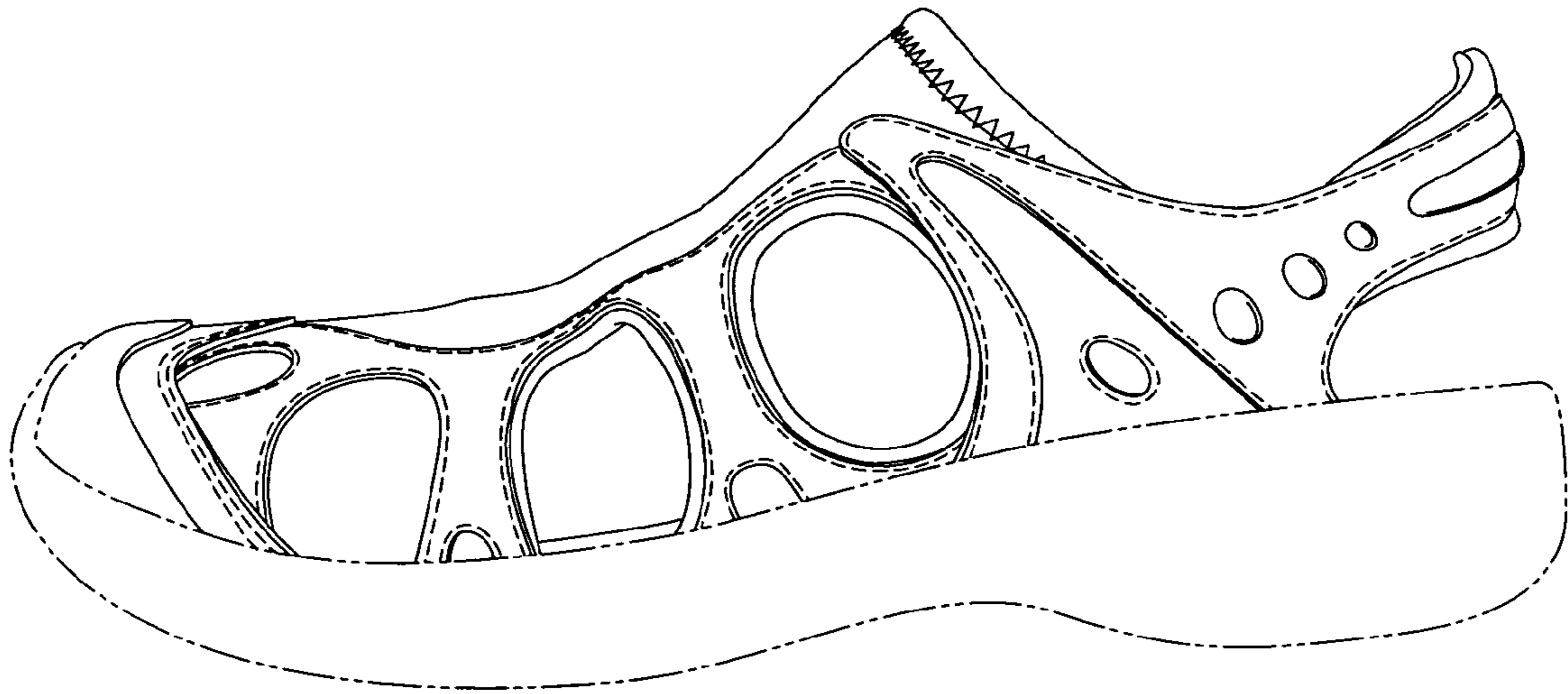


Fig. 3

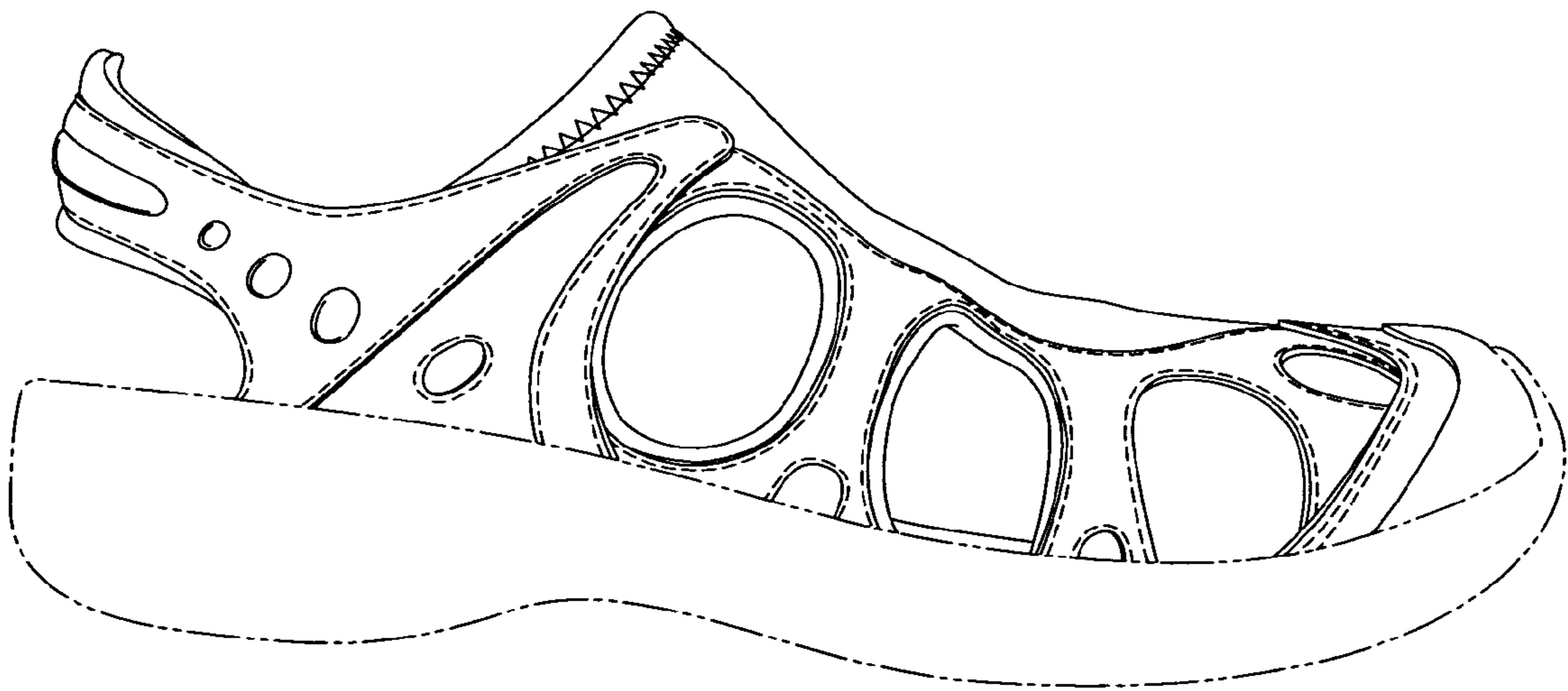


Fig. 4

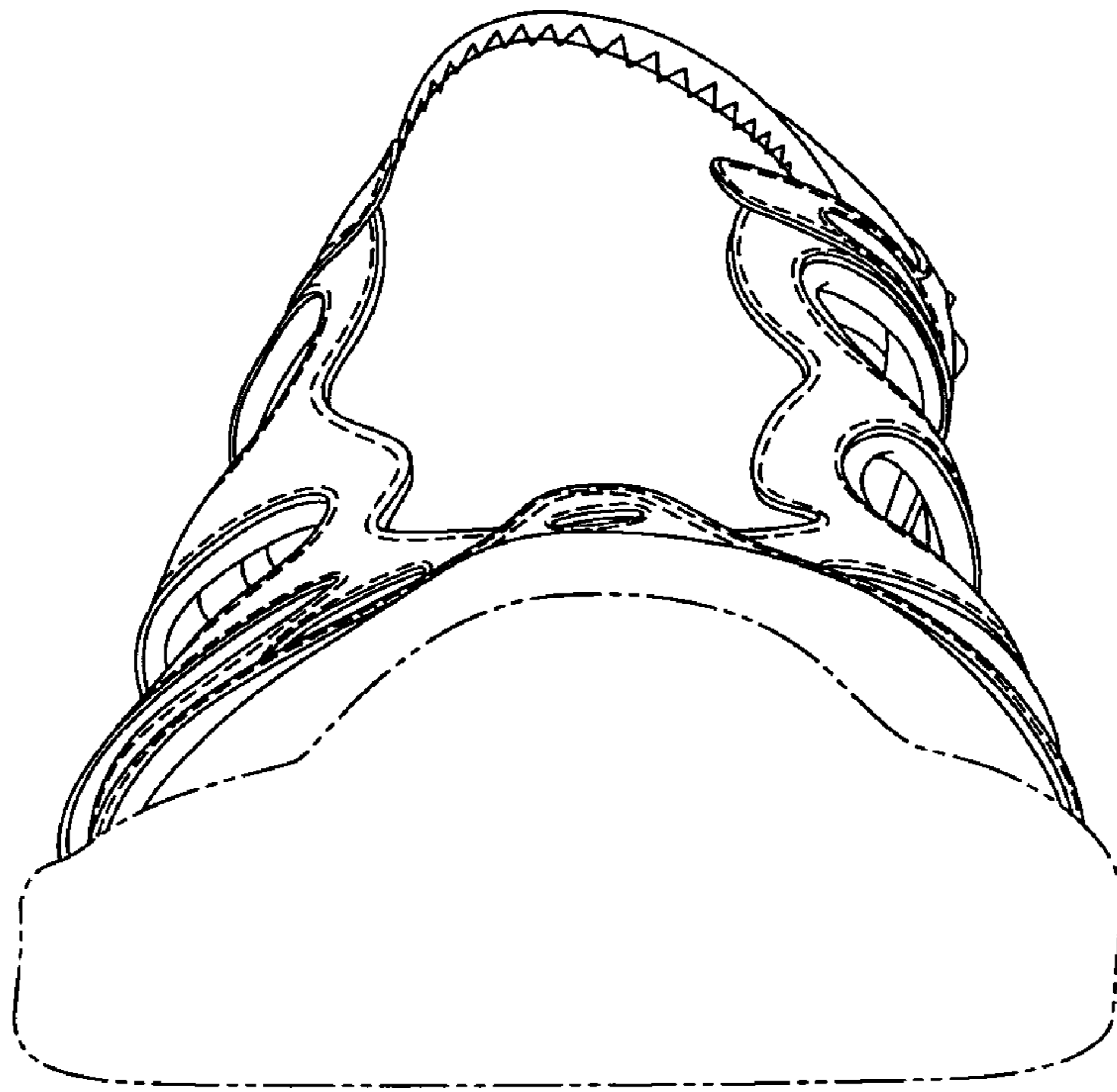


Fig. 5

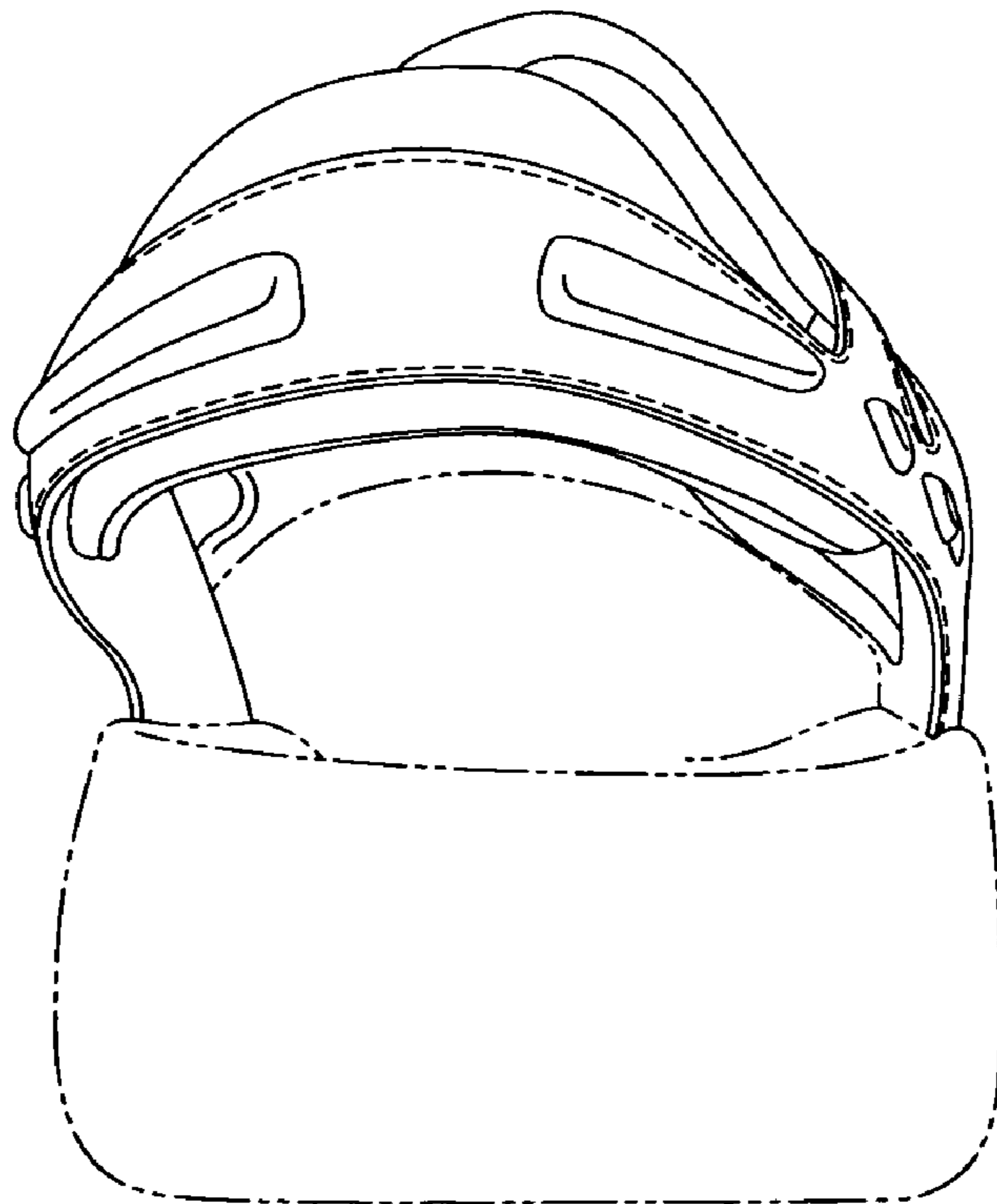


Fig. 6