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(12) **United States Design Patent**
Banik et al.

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(54) **FOOTWEAR UPPER**

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D586,101 S * 2/2009 Banik D2/969

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OTHER PUBLICATIONS

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Merrell Spring 2008 Catalog, pp. 5, 6, 10, 42 and 43.

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

* cited by examiner

(21) Appl. No.: **29/293,058**

Primary Examiner—Dominic Simone

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(74) *Attorney, Agent, or Firm*—Warner Norcross & Judd LLP

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

(52) **U.S. Cl.** **D2/972; D2/969**

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

See application file for complete search history.

(57) **CLAIM**

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

(56) **References Cited**

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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;

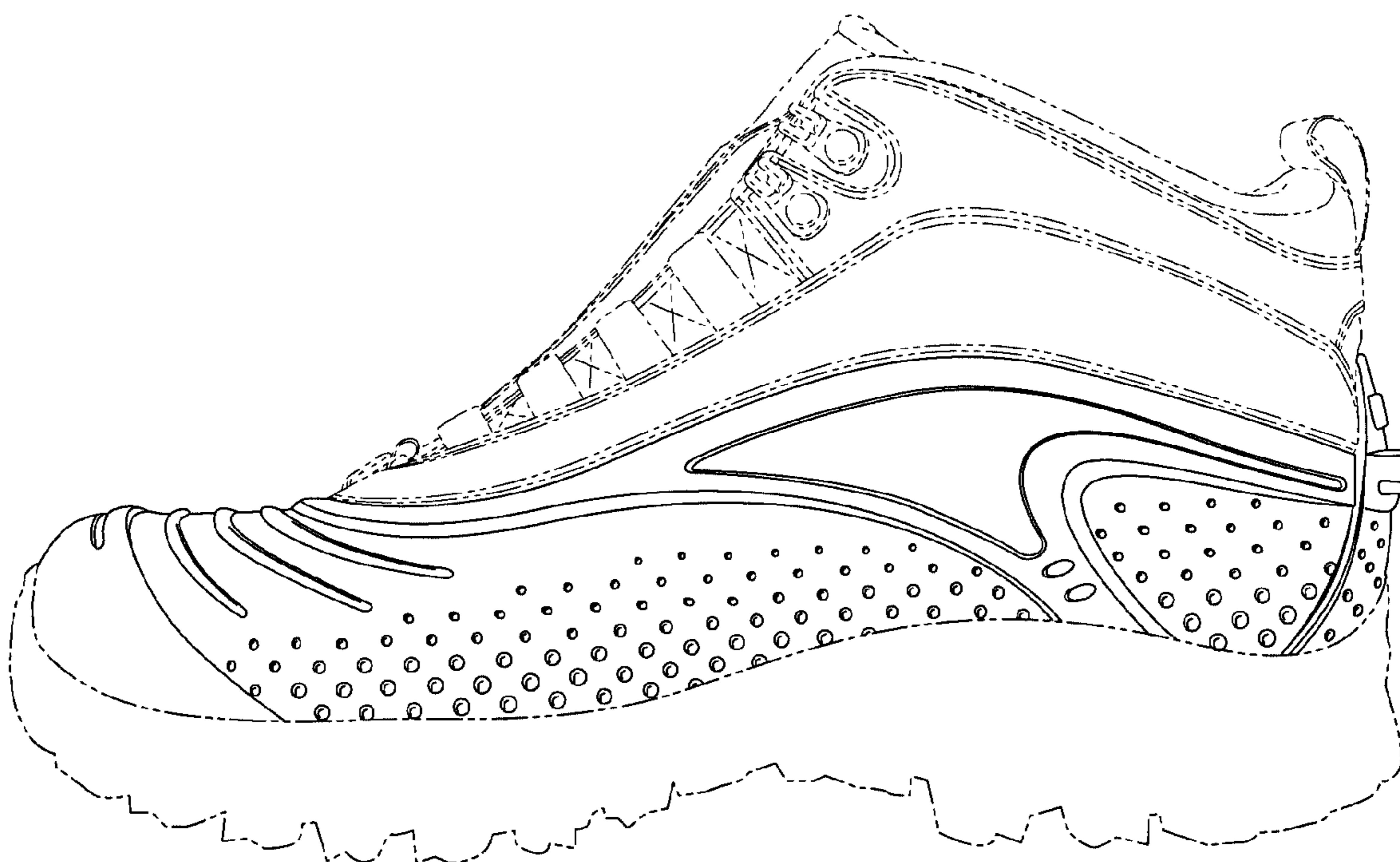
FIG. 4 is a left side view thereof;

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



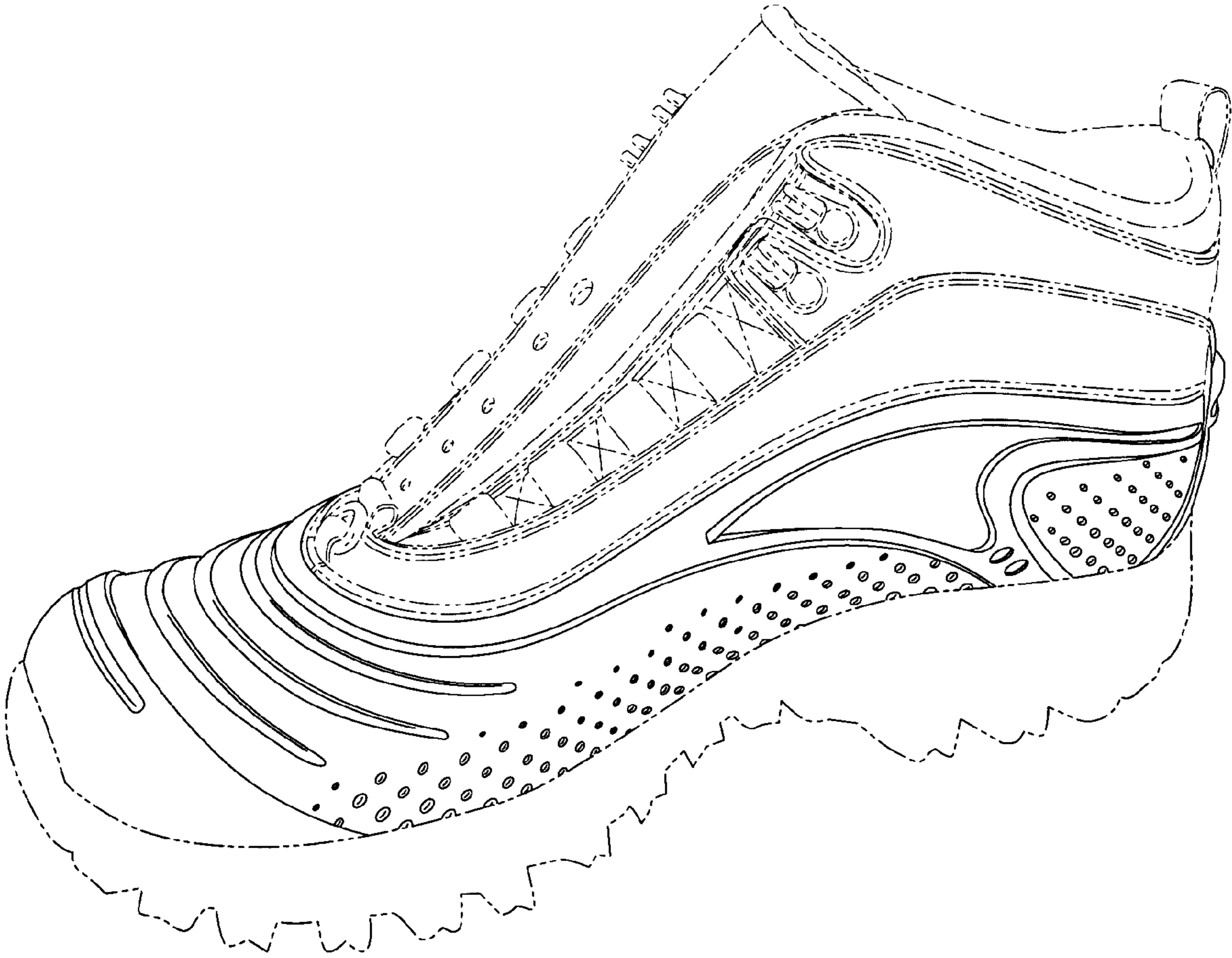


Fig. 1

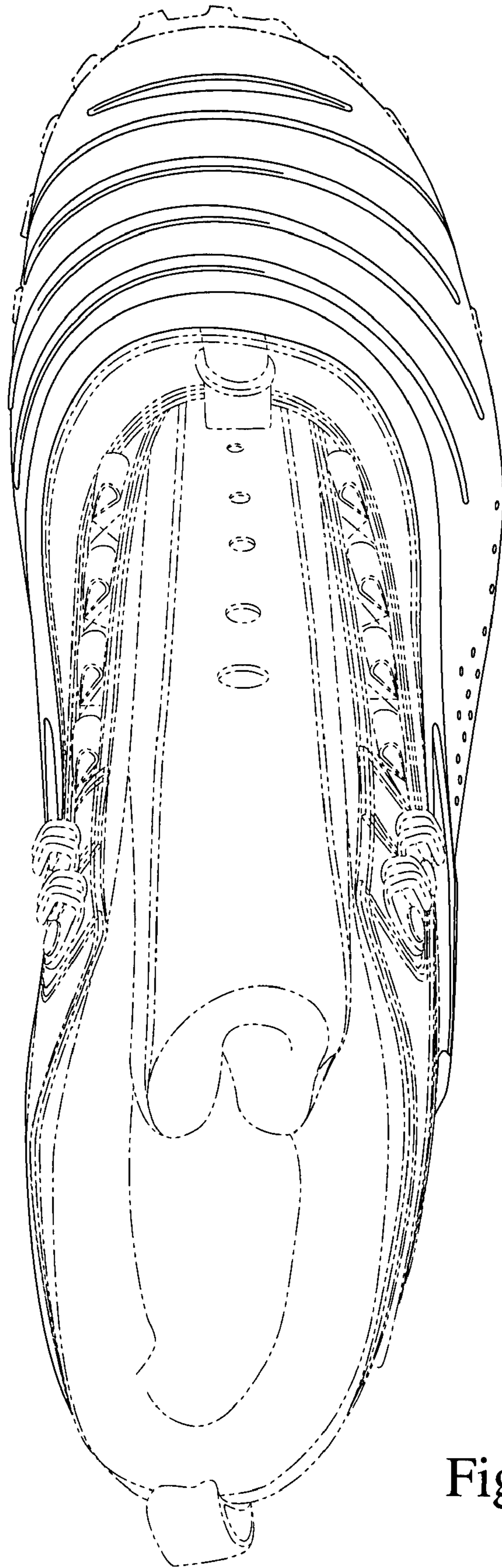


Fig.2

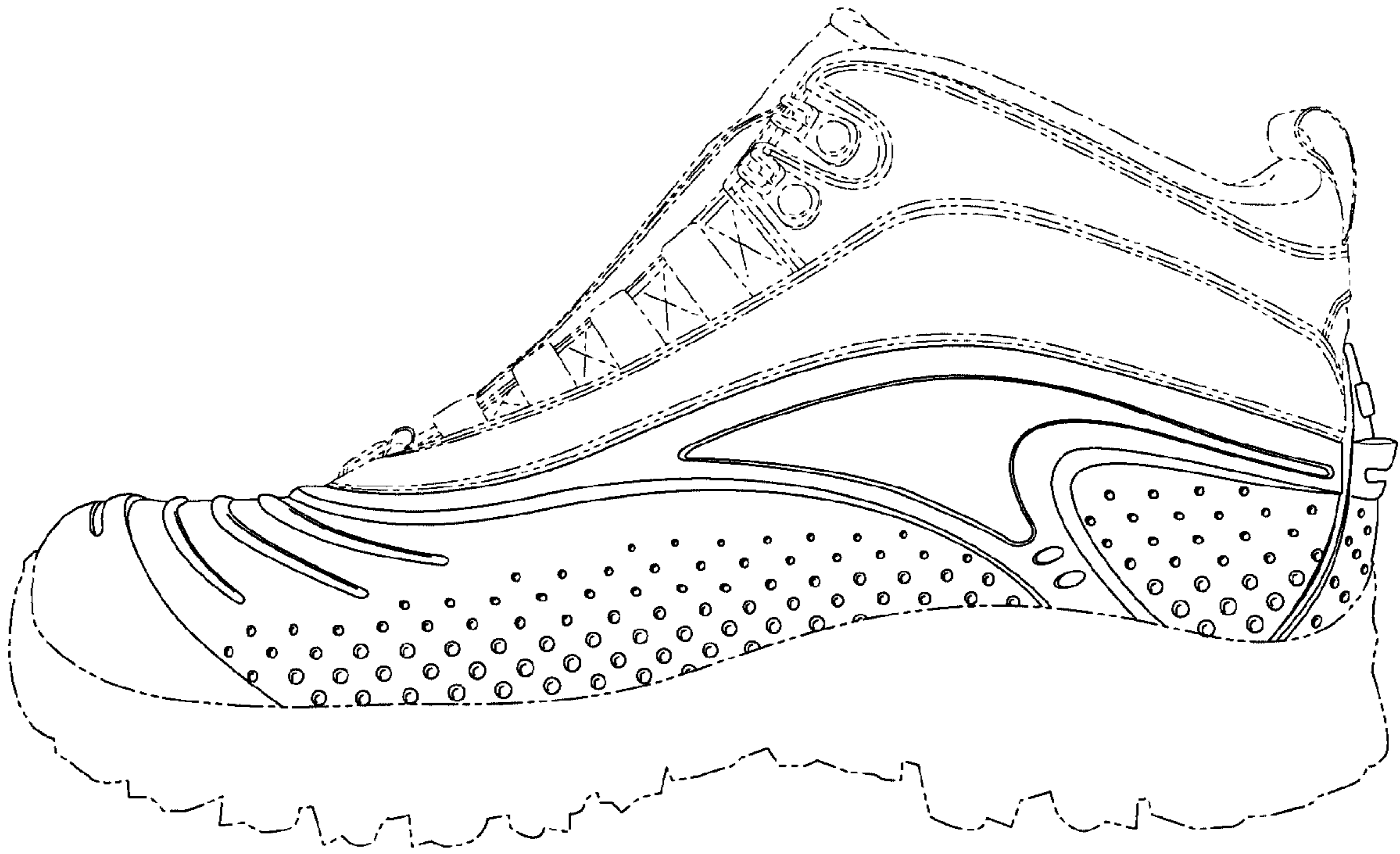


Fig.3

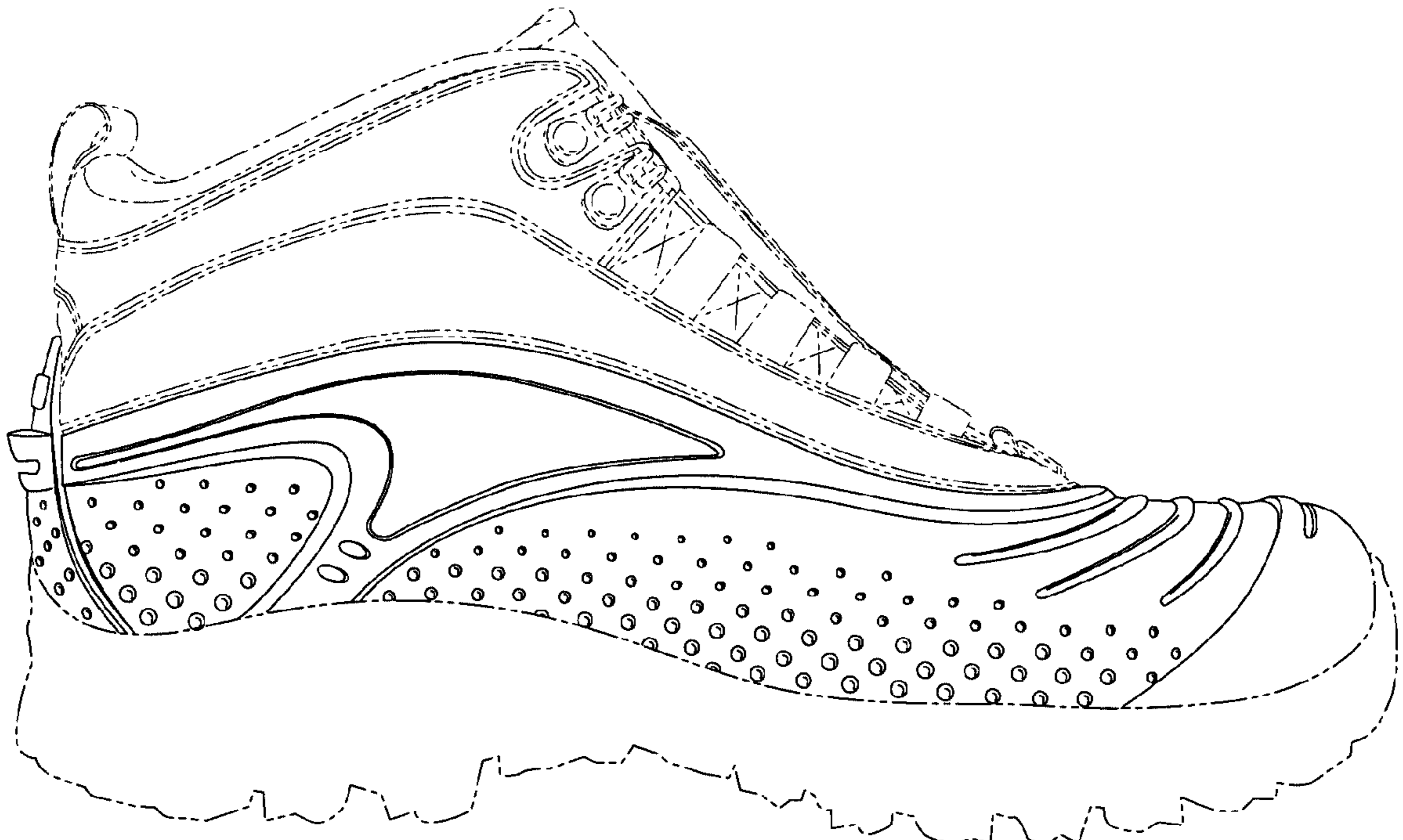


Fig.4

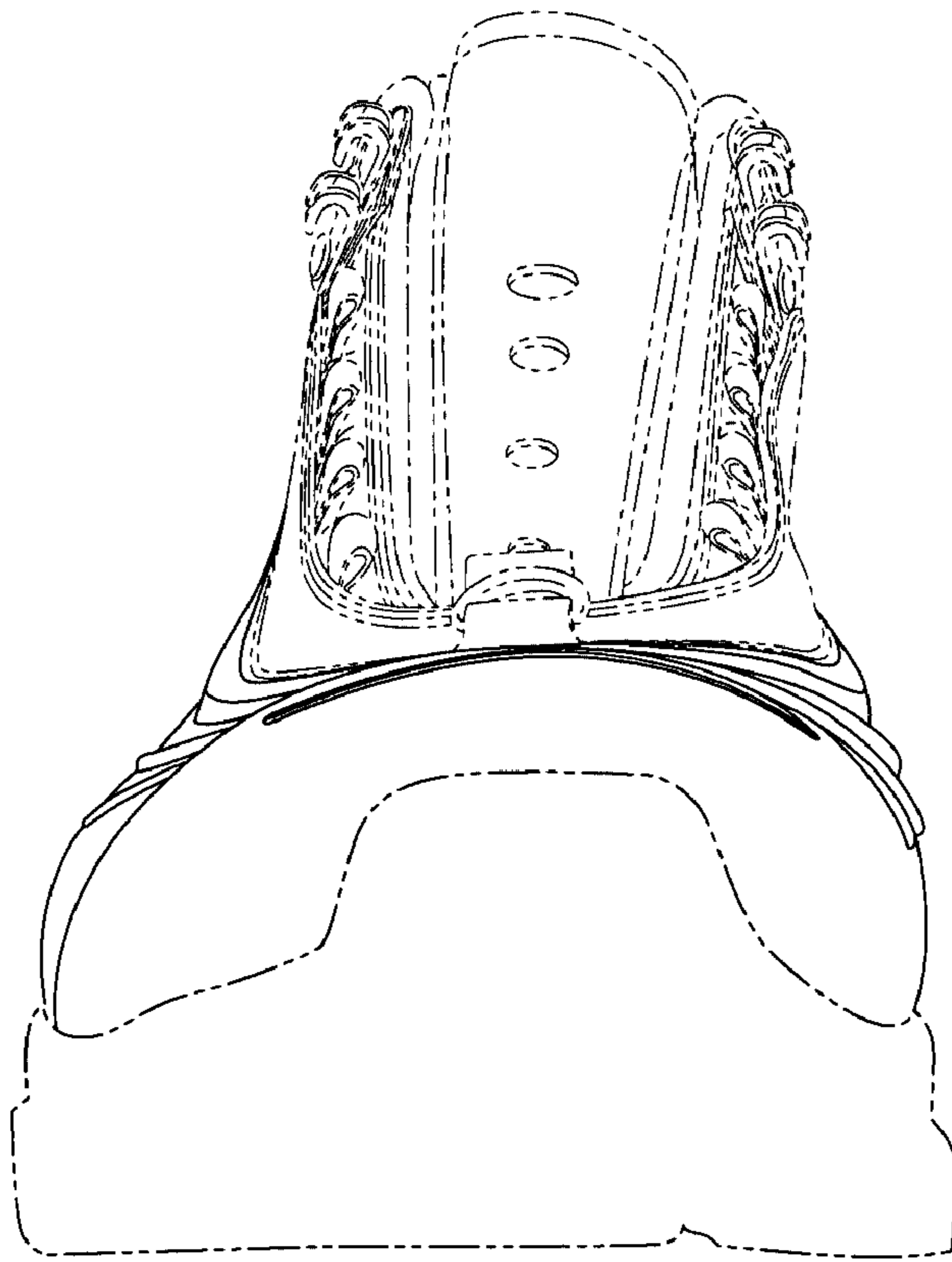


Fig.5

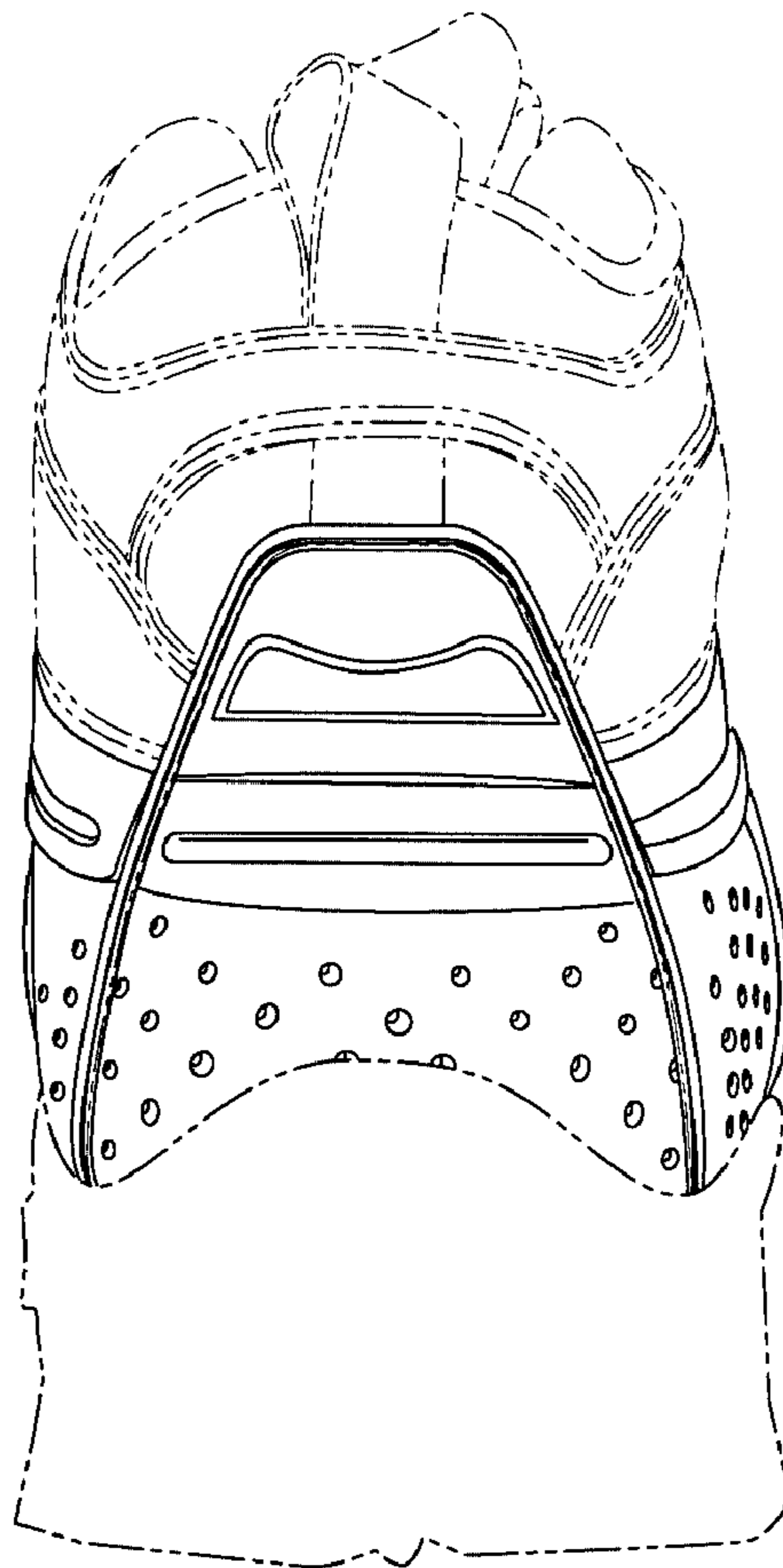


Fig.6