

US00D643616S

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

(10) **Patent No.:** **US D643,616 S**

(45) **Date of Patent:** **\*\* Aug. 23, 2011**

(54) **SHOE UPPER**

(75) Inventor: **Andrew Caine**, Portland, OR (US)

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

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

(21) Appl. No.: **29/394,573**

(22) Filed: **Jun. 17, 2011**

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

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

(58) **Field of Classification Search** ..... D2/896,  
D2/902, 906-908, 943, 944, 969, 972-974;  
36/45-49, 50.1, 77 M, 77 R, 83, 88, 113,  
36/114, 126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D149,139 S *	3/1948	Parker	.....	D2/902
D176,315 S *	12/1955	Evins	.....	D2/969
D233,805 S *	12/1974	Kubo	.....	D2/902
D292,343 S *	10/1987	MacGregor et al.	.....	D2/969
D292,941 S *	12/1987	Kelley	.....	D2/969
D312,527 S	12/1990	Hatfield		
D312,919 S	12/1990	Aveni		
D313,498 S	1/1991	Aveni		
D330,967 S	11/1992	Aveni et al.		
D361,883 S	9/1995	Adams et al.		
D440,389 S	4/2001	Lozano		
D461,304 S	8/2002	Clegg		
D505,254 S *	5/2005	Link	.....	D2/972
D508,766 S	8/2005	McDowell		
D526,772 S	8/2006	Cass		
D546,544 S	7/2007	DiTullo, Jr.		
D546,545 S	7/2007	DiTullo, Jr.		
D549,948 S	9/2007	Hui		
D550,946 S	9/2007	Lotti		
D570,091 S *	6/2008	Hatfield et al.	.....	D2/972
D574,581 S *	8/2008	Cooper	.....	D2/902
D583,546 S	12/2008	Henderson		

D595,496 S	7/2009	Mayden
D595,950 S	7/2009	Mayden
D603,587 S	11/2009	Boone et al.
D613,933 S	4/2010	Chang

OTHER PUBLICATIONS

Nike Footwear Catalog, Shoe Show 1984, p. 6, published Nov. 1983, Nike, Inc., USA.  
 Nike Footwear Catalog, Footwear: 1985, p. 63, published Dec. 1984, Nike, Inc., USA.  
 Nike Footwear Catalog, Footwear: Fall 1989, p. 114, published Dec. 1988, Nike, Inc., USA.  
 Nike Footwear Catalog, Footwear: Fall 1991, p. 130, published Dec. 1990, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's and Women's Footwear (red cover): Late Spring 2001, p. W22, published Sep. 2000, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's and Women's Footwear: Fall 2002, pp. M39 and M85, published Nov. 2001, Nike, Inc., USA.  
 Nike Footwear Catalog, Footwear: Fall 2005, pp. 117 and 140, published Nov. 2004, Nike, Inc., USA.

(Continued)

*Primary Examiner* — Dominic Simone

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

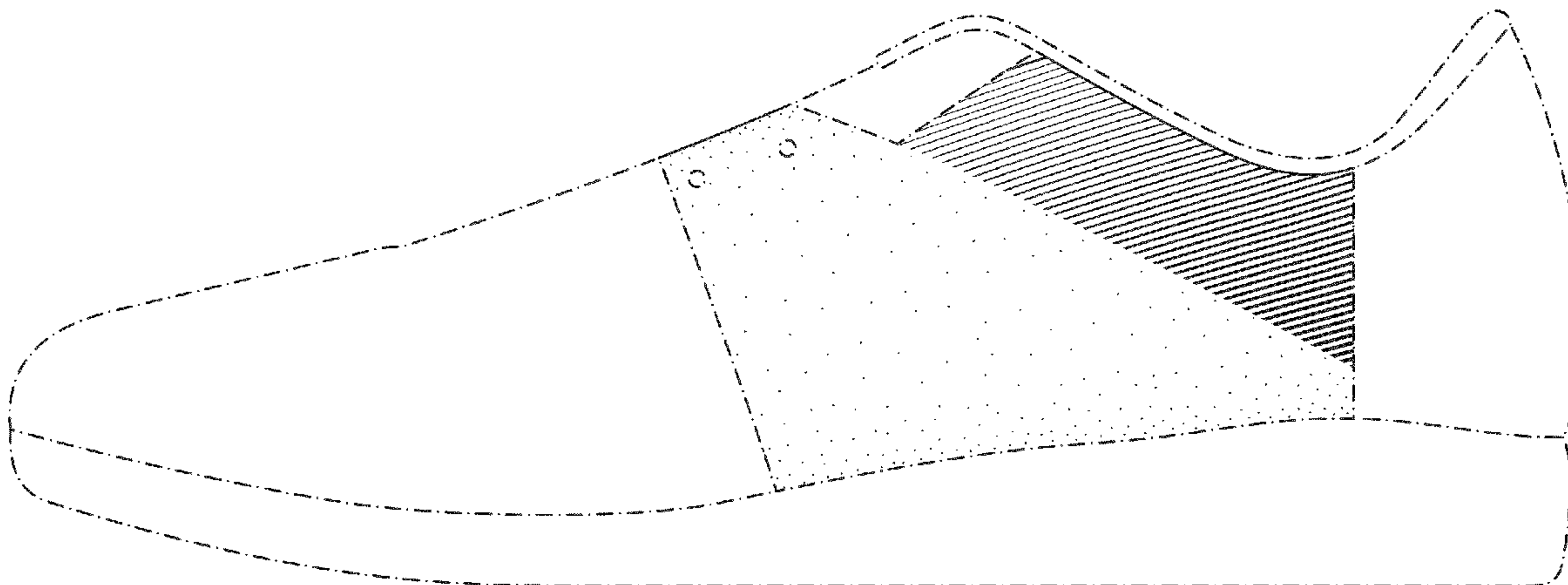
(57) **CLAIM**

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 side view thereof; and,  
 FIG. 3 is a rear perspective view thereof.  
 The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The two unshaded eyelet regions demarcated by broken lines form no part of the claimed design. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Fall 2006, p. 158, published Nov. 2005, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Holiday 2006, p. 23, published Mar. 2006, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Spring 2007, p. 114, published Jun. 2006, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Summer 2007, p. 5, published Sep. 2006, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Spring 2008, p. 206, published May 2007, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Summer 2008, p. 10, published Aug. 2007, Nike, Inc., USA.

Nike Footwear Catalog, Sport Performance Footwear: Fall 2009, p. 200, published Nov. 2008, Nike, Inc., USA.

Nike Footwear Catalog, Performance Footwear: Spring 2010, p. 64, published May 2009, Nike, Inc., USA.

Nike Footwear Catalog, Soccer: Spring 2010, pp. 11 and 17, published Aug. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Nike Sportswear: Summer 2011, p. 38, published Aug. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Soccer Footwear: Holiday 2011, p. 2, published Feb. 2010, Nike, Inc., USA.

\* cited by examiner

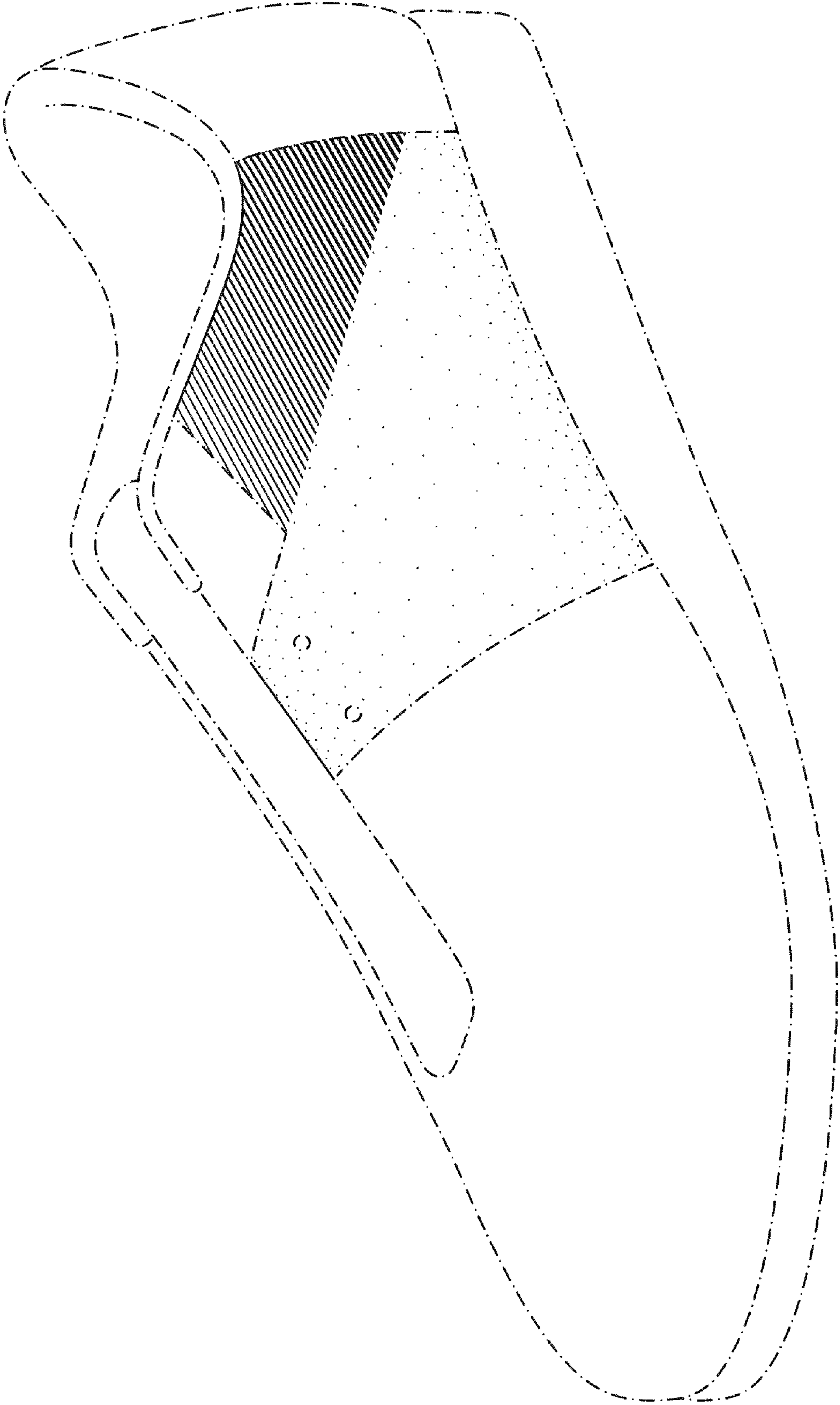


FIG. 1

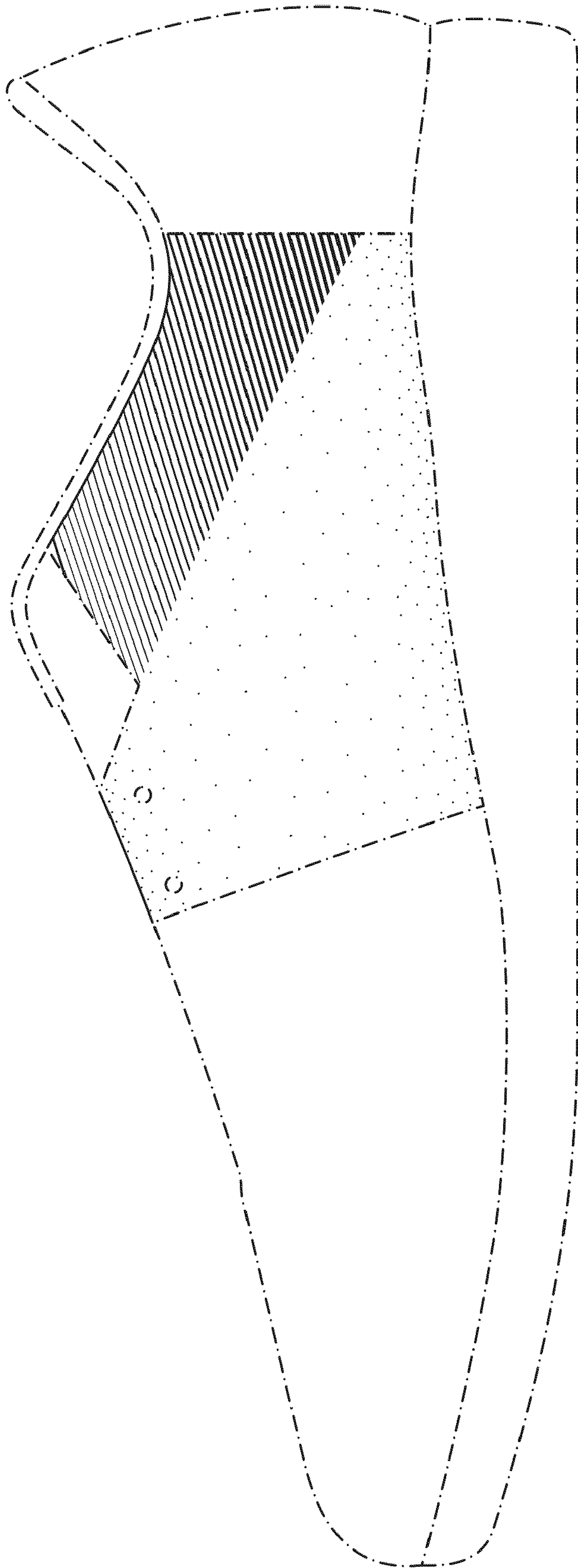


FIG. 2



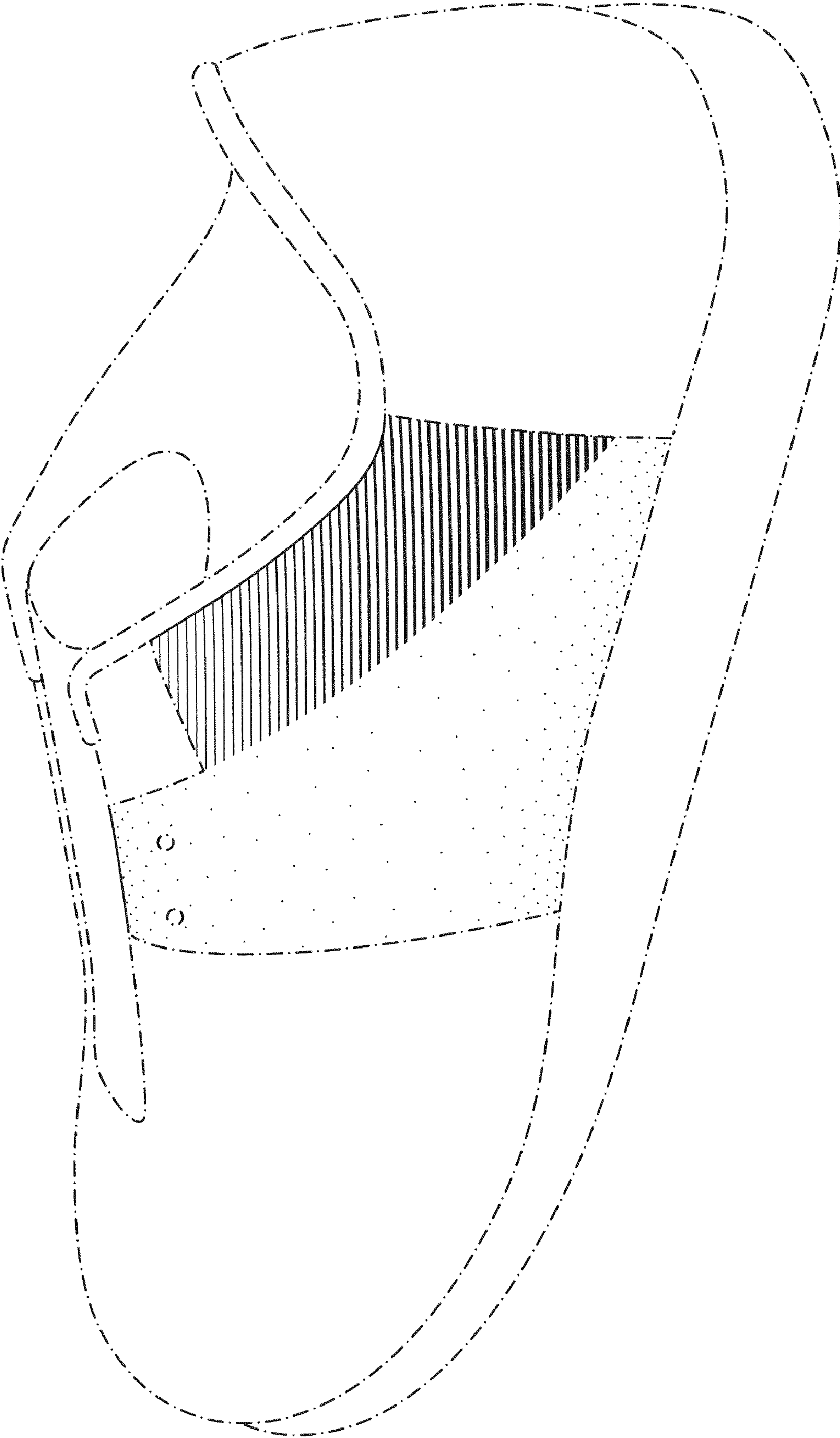


FIG. 3