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

(10) **Patent No.:** **US D658,869 S**
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- (54) **SHOE UPPER**
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- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
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- (51) **LOC (9) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/972**
- (58) **Field of Classification Search** D2/896,
D2/902, 906-908, 935, 937, 938, 942-946,
D2/969, 972-974; 36/45-49, 50.1, 77 M,
36/77 R, 83, 88, 113, 114, 126-131; D5/1-3,
D5/41, 47, 50, 54, 58
See application file for complete search history.

- D534,341 S 1/2007 Choi
- D544,694 S * 6/2007 Glover D2/972
- D544,699 S 6/2007 Link
- D544,700 S 6/2007 Link
- D546,053 S 7/2007 Mayden
- D546,544 S 7/2007 DiTullo, Jr.
- D546,545 S 7/2007 DiTullo, Jr.
- D548,939 S 8/2007 Hulbert
- D575,044 S 8/2008 Alfaro
- D577,895 S 10/2008 St-Louis
- D584,040 S 1/2009 McDade
- D594,641 S 6/2009 McDade
- D600,435 S 9/2009 St-Louis
- D624,297 S 9/2010 Henderson
- D625,491 S 10/2010 Morton

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Spring 1989, p. 76, published Jun. 1988, Nike, Inc., USA.

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

- D87,020 S * 5/1932 Packard D2/935
- D88,743 S * 12/1932 Andrews D2/937
- D90,233 S 7/1933 Daniels
- D184,731 S * 3/1959 Hart, Jr. D5/3
- D188,161 S * 6/1960 Solowij D5/41
- D189,515 S * 12/1960 Rock D5/41
- D195,499 S * 6/1963 Nikolich D5/1
- D218,735 S * 9/1970 Bogan, Jr. D5/2
- D290,541 S 6/1987 O'Rourke
- D318,751 S 8/1991 Logan
- D333,204 S 2/1993 Terrell
- D335,568 S 5/1993 Kilgore
- D342,600 S 12/1993 Hatfield
- D385,996 S 11/1997 Tresser
- D467,722 S * 12/2002 Wahoske D2/972
- D494,753 S * 8/2004 Kozo D2/972
- D496,153 S * 9/2004 Morris D2/972
- D499,875 S 12/2004 Lozano
- D514,791 S 2/2006 Ardissono
- D522,722 S 6/2006 Wilkenfeld et al.
- D523,220 S 6/2006 Link

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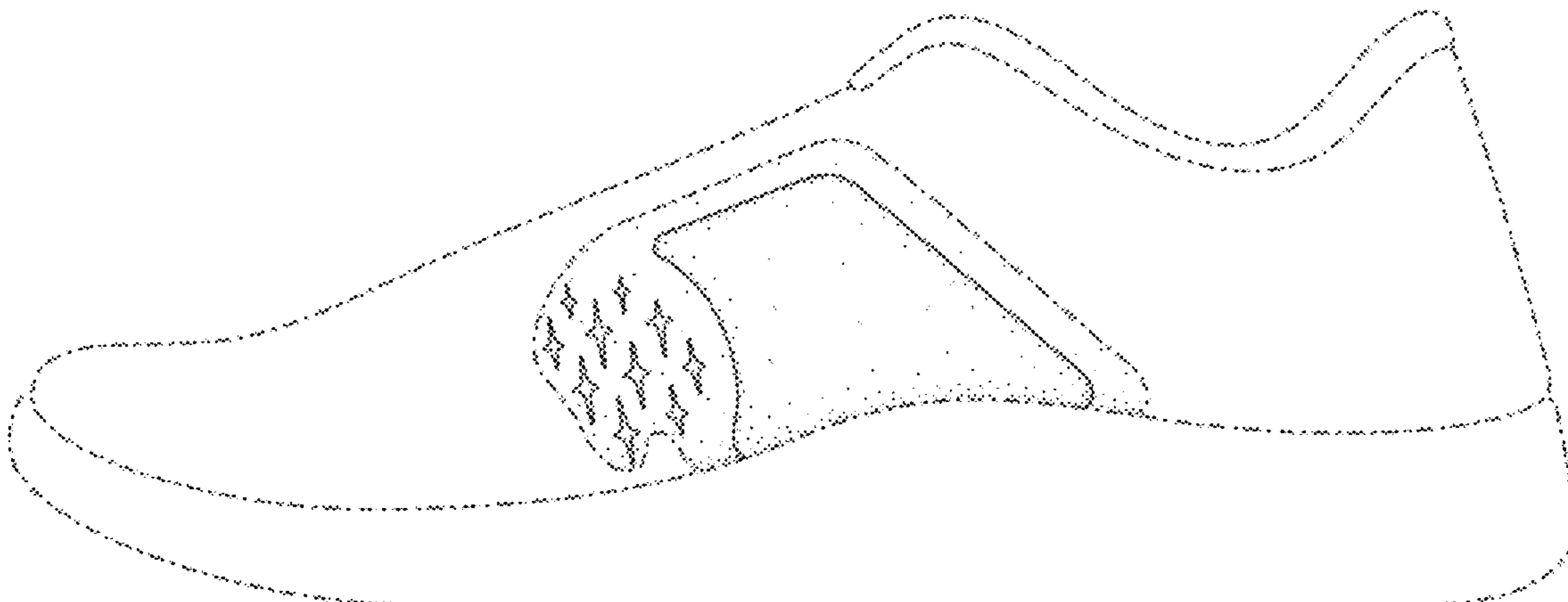
(57) **CLAIM**

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 ten unshaded regions within the shaded area 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



U.S. PATENT DOCUMENTS

D634,918 S 3/2011 Katz
D635,748 S 4/2011 Katz
D639,543 S 6/2011 Lamont
D648,110 S 11/2011 Rasmussen
D651,388 S 1/2012 Van Zyll De Jong

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Fall 1990, p. 34, published Dec. 1989, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Spring 1998, p. 18, published Jun. 1997, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Fall 1998, p. 56, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Fall 1999, p. M133, published Nov. 1998, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear (red cover): Fall 2000, p. M2, published Nov. 1999, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Late Spring 2003, p. M41, published Sep. 2002, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, Boy's, and Girl's Footwear: Spring 2005, p. M44, published Jun. 2004, Nike, Inc., USA.

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

Nike Footwear Catalog, Footwear: Fall 2005, p. 40, published Nov. 2004, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Late Spring 2006, p. 8, published Sep. 2005, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Summer 2007, p. 174, published Sep. 2006, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Summer 2010, pp. 47 and 51, published Aug. 2009, Nike, Inc., USA.

Nike Footwear Catalog, Women's Performance Footwear: Holiday 2011, p. 26, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Air Zoom Kobe II Sheath, 1 page of full-color photographs, published 2007, Nike, Inc., USA.

* cited by examiner

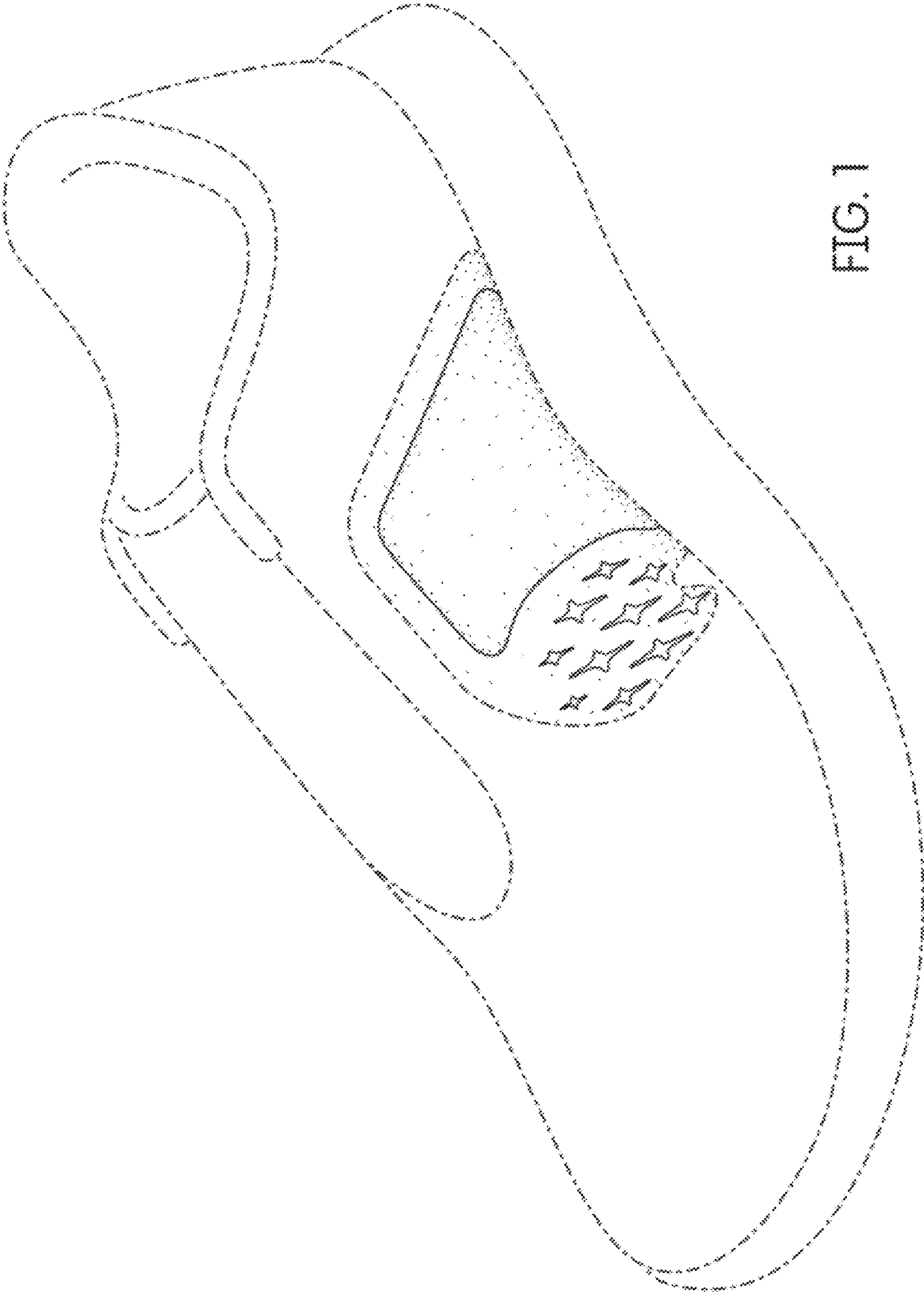


FIG. 1

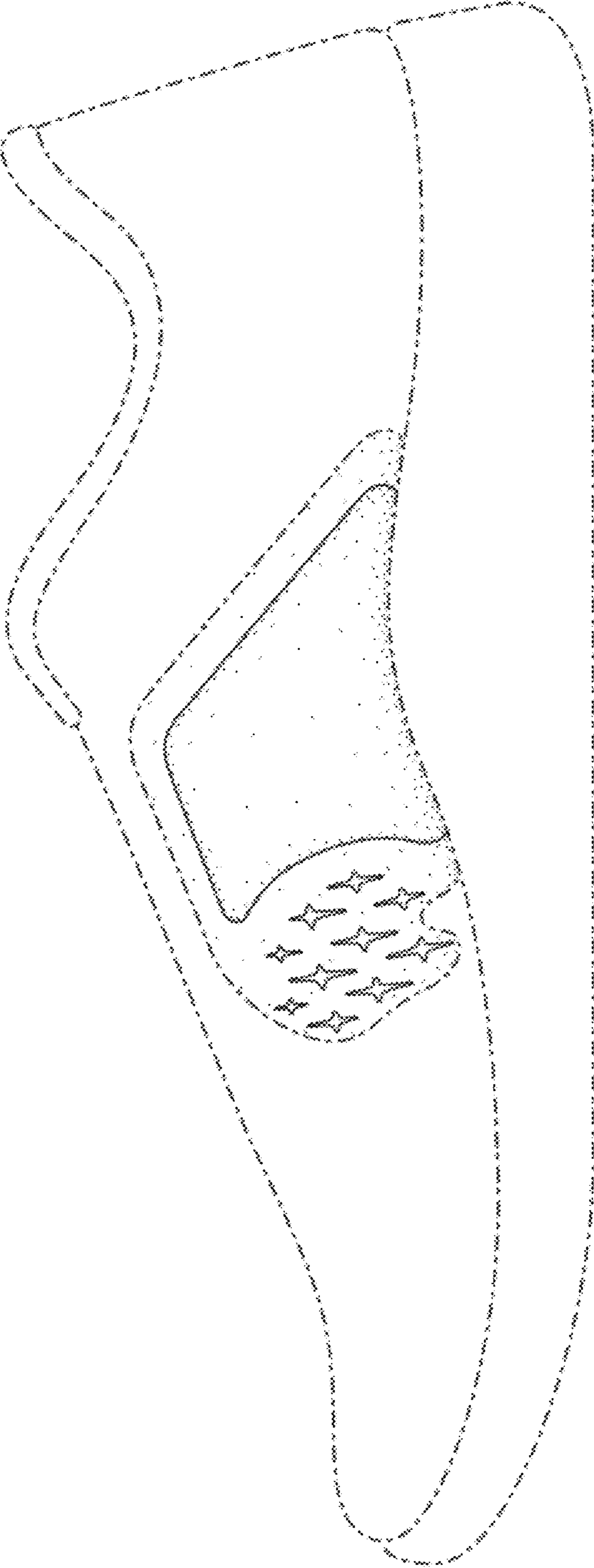


FIG. 2

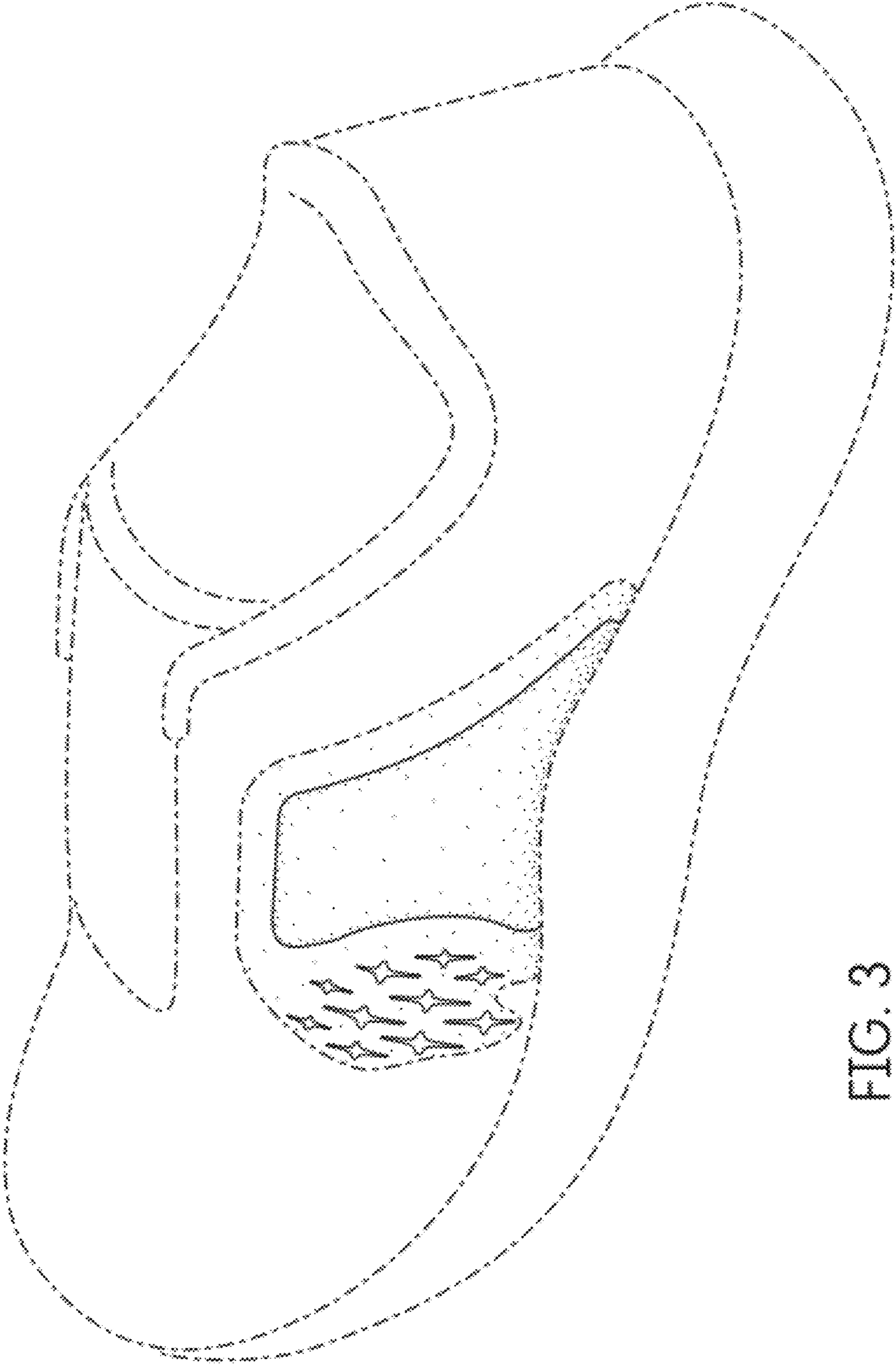


FIG. 3