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

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(54) **SHOE UPPER**

(75) Inventor: **Benjamin A. Shaffer**, Portland, OR  
(US)

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

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

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

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(58) **Field of Classification Search** ..... D2/896,  
D2/902, 906-908, 923, 943-945, 969, 972-975;  
36/45-49, 50.1, 54, 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

601,192 A	3/1898	Woodside
1,215,198 A	2/1917	Rothstein
D54,215 S	11/1919	Johnson
D63,302 S	11/1923	Kukovec
1,597,934 A	8/1926	Stimpson
1,888,172 A	11/1932	Joha
1,902,780 A	3/1933	Holden et al.
1,910,251 A	5/1933	Joha
D90,233 S	7/1933	Daniels
D92,737 S	7/1934	Miller
2,001,293 A	5/1935	Wilson
2,047,724 A	7/1936	Zuckerman
2,147,197 A	2/1939	Glidden
2,330,199 A	9/1943	Basch
2,400,692 A	5/1946	Herbert
2,586,045 A	2/1952	Hoza
2,641,004 A	6/1953	Whiting et al.
2,675,631 A	4/1954	Doughty
3,694,940 A	10/1972	Stohr
3,704,474 A	12/1972	Winkler
3,766,566 A	10/1973	Tadokoro
3,778,856 A	12/1973	Christie et al.

3,952,427 A	4/1976	von den Benken et al.
3,972,086 A	8/1976	Belli et al.
4,027,402 A	6/1977	Liu et al.
4,031,586 A	6/1977	von den Benken et al.
4,211,806 A	7/1980	Civardi et al.
4,255,949 A	3/1981	Thorneburg
4,317,292 A	3/1982	Melton
4,373,361 A	2/1983	Thorneburg
4,447,967 A	5/1984	Zaino
4,465,448 A	8/1984	Aldridge
D278,186 S *	4/1985	Michaeli ..... D2/969
D278,758 S *	5/1985	Michaeli ..... D2/969
D278,850 S *	5/1985	Michaeli ..... D2/969
D283,364 S	4/1986	Gamm

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Fall 1994, p. 96, published Nov. 1993, 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**

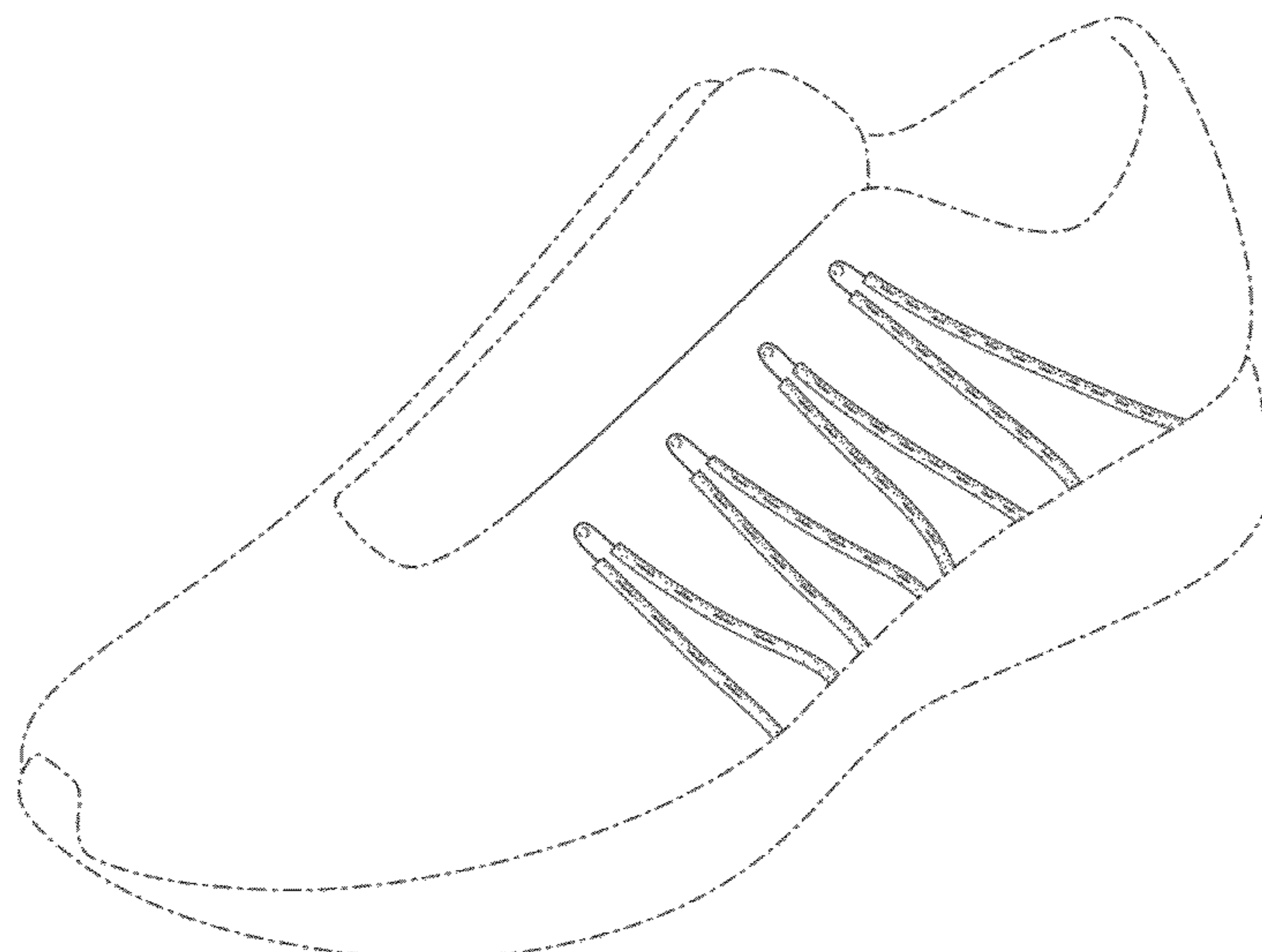
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a rear perspective view thereof.

The spaced line segments within the shaded area constitute part of the claimed design. The uneven-length broken lines immediately adjacent to the bottom of the shaded areas represent unclaimed boundaries of the design. The uneven-length 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

4,607,439 A 8/1986 Harada  
 4,737,396 A 4/1988 Kamat  
 4,785,558 A 11/1988 Shiomura  
 4,813,158 A 3/1989 Brown  
 D312,919 S \* 12/1990 Aveni ..... D2/973  
 D319,722 S 9/1991 Hatfield  
 5,095,720 A 3/1992 Tibbals, Jr.  
 5,152,025 A 10/1992 Hirnas  
 5,192,601 A 3/1993 Neisler  
 D348,765 S 7/1994 Lozano  
 D348,976 S \* 7/1994 Van Noy ..... D2/969  
 5,345,638 A 9/1994 Nishida  
 5,353,524 A 10/1994 Brier  
 5,461,884 A 10/1995 Depoe et al.  
 5,511,323 A 4/1996 Dahlgren  
 5,572,860 A 11/1996 Mitsumoto et al.  
 5,575,090 A 11/1996 Conдини  
 D378,242 S \* 3/1997 Smith ..... D2/972  
 D381,800 S \* 8/1997 Greene ..... D2/972  
 D385,043 S \* 10/1997 Worthington ..... D2/972  
 5,729,918 A 3/1998 Smets  
 5,735,145 A 4/1998 Pernick  
 5,746,013 A 5/1998 Fay, Sr.  
 D398,771 S \* 9/1998 Doxey ..... D2/972  
 D404,904 S \* 2/1999 Greenberg ..... D2/969  
 D447,860 S \* 9/2001 Matis et al. .... D2/969  
 6,308,438 B1 10/2001 Throneburg et al.  
 D467,714 S \* 12/2002 Wilson ..... D2/969  
 6,558,784 B1 5/2003 Norton et al.  
 6,588,237 B2 7/2003 Cole et al.  
 D498,910 S \* 11/2004 Link ..... D2/972  
 D503,524 S 4/2005 Belley et al.  
 6,910,288 B2 6/2005 Dua  
 6,931,762 B1 8/2005 Dua  
 D513,858 S 1/2006 O'Connor  
 D514,291 S 2/2006 Whiteman et al.  
 D515,299 S 2/2006 Burg  
 D516,796 S \* 3/2006 Delgorgue et al. .... D2/972  
 D517,300 S 3/2006 Carr et al.  
 7,051,460 B2 5/2006 Orei et al.  
 D522,732 S \* 6/2006 Cooper ..... D2/972  
 D523,619 S \* 6/2006 Mermet ..... D2/972  
 7,056,402 B2 6/2006 Koerwien et al.  
 D524,028 S \* 7/2006 Fullum ..... D2/972  
 D524,031 S \* 7/2006 Shaffer ..... D2/972  
 D524,525 S 7/2006 Shin  
 D524,526 S 7/2006 Chang et al.  
 D527,885 S 9/2006 Young  
 D528,771 S \* 9/2006 Lupo ..... D2/972  
 D529,273 S \* 10/2006 Lotti ..... D2/972  
 D529,707 S \* 10/2006 Shaffer ..... D2/972  
 D532,592 S 11/2006 Chang  
 D539,018 S 3/2007 Belley et al.  
 D539,020 S 3/2007 Belley et al.  
 D543,682 S 6/2007 Matis et al.  
 D544,686 S 6/2007 Shin  
 D544,696 S 6/2007 Huthmaker  
 D544,697 S 6/2007 Huthmaker  
 D548,940 S 8/2007 Hulbert  
 D548,941 S 8/2007 Hulbert  
 7,347,011 B2 3/2008 Dua et al.  
 D570,581 S 6/2008 Polegato Moretti  
 D572,440 S 7/2008 Polegato Moretti  
 D572,441 S 7/2008 Polegato Moretti  
 D572,442 S 7/2008 Polegato Moretti  
 D574,590 S 8/2008 Maejima  
 D574,592 S 8/2008 St-Louis et al.  
 D575,492 S 8/2008 St-Louis et al.  
 D575,494 S 8/2008 St-Louis

D580,155 S \* 11/2008 Banik ..... D2/969  
 D594,214 S 6/2009 Matis et al.  
 D599,995 S 9/2009 Brambilla  
 D600,899 S 9/2009 St-Louis et al.  
 D605,388 S 12/2009 St-Louis et al.  
 D612,144 S \* 3/2010 Bosomworth ..... D2/972  
 7,682,219 B2 3/2010 Falla  
 D623,841 S 9/2010 Maejima  
 D632,882 S \* 2/2011 O'Rorke ..... D2/969  
 D636,582 S 4/2011 Petrie  
 D649,338 S 11/2011 Bradford  
 D651,787 S 1/2012 Mahoney  
 2002/0078599 A1 6/2002 Delgorgue et al.  
 2003/0126762 A1 7/2003 Tseng  
 2003/0191427 A1 10/2003 Jay et al.  
 2004/0118018 A1 6/2004 Dua  
 2005/0115284 A1 6/2005 Dua  
 2005/0193592 A1 9/2005 Dua et al.  
 2005/0284000 A1 12/2005 Kerns  
 2007/0180730 A1 8/2007 Greene et al.  
 2007/0294920 A1 12/2007 Baychar  
 2008/0017294 A1 1/2008 Bailey et al.  
 2008/0110048 A1 5/2008 Dua et al.  
 2008/0189830 A1 8/2008 Eggesfield  
 2008/0313939 A1 12/2008 Ardill  
 2009/0068908 A1 3/2009 Hinchcliff  
 2010/0051132 A1 3/2010 Glenn  
 2010/0154256 A1 6/2010 Dua  
 2010/0170651 A1 7/2010 Scherb et al.  
 2011/0078921 A1 4/2011 Greene et al.

OTHER PUBLICATIONS

Nike Footwear Catalog, Men's and Women's Footwear: Holiday 1999, p. W44, published Mar. 1999, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's and Women's Footwear (feet): Spring 2000, p. 11, published Jul. 1999, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's and Women's Footwear (red cover): Late Spring 2001, p. 18, published Sep. 2000, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's and Women's Footwear: Fall 2001, p. 20, published Nov. 2000, Nike, Inc., USA.  
 Nike Footwear Catalog, Footwear: Holiday 2005, P. 37, published Mar. 2005, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Holiday 2010, p. 20, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.  
 Nike Footwear Catalog, Men's Footwear: Sportswear: Spring 2011, p. 81, published May 2010, Nike, Inc., USA.  
 Nike Footwear Catalog, Women's Footwear: Performance: Summer 2011, p. 3, published Aug. 2010, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 26, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 35, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 61, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Spring 2012, p. 4, published May 2011, Nike, Inc., USA.  
 Nike Footwear Catalog, Core Footwear: Spring 2012, p. W13, published May 2011, Nike, Inc., USA.  
 Zoom Victory XC by Nike, Inc., 1 page of full-color photographs, published 2010.  
 Various shoes by Salomon, 12 pages included, disclosure date unknown but prior to filing date of the instant application.

\* cited by examiner

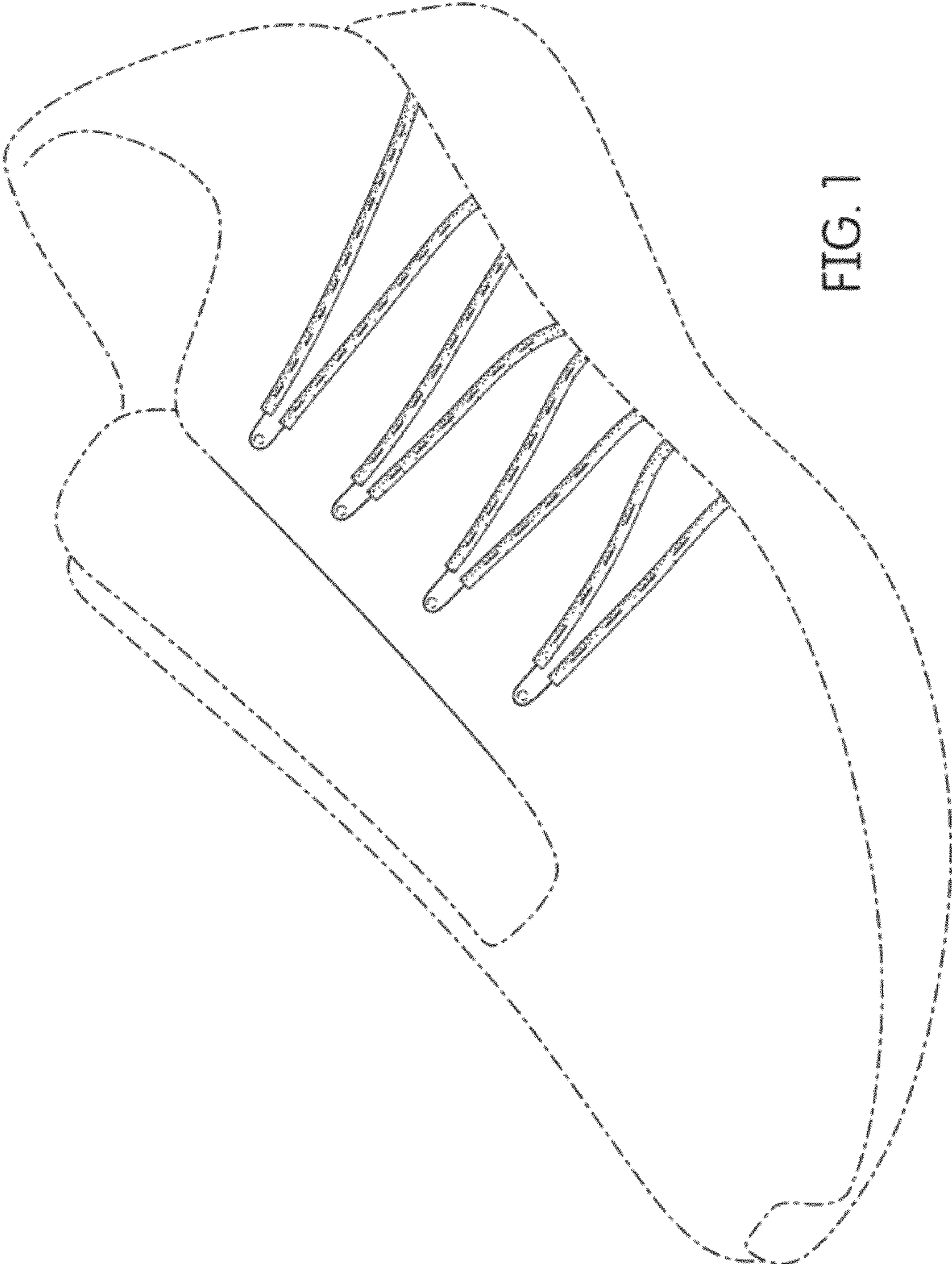


FIG. 1

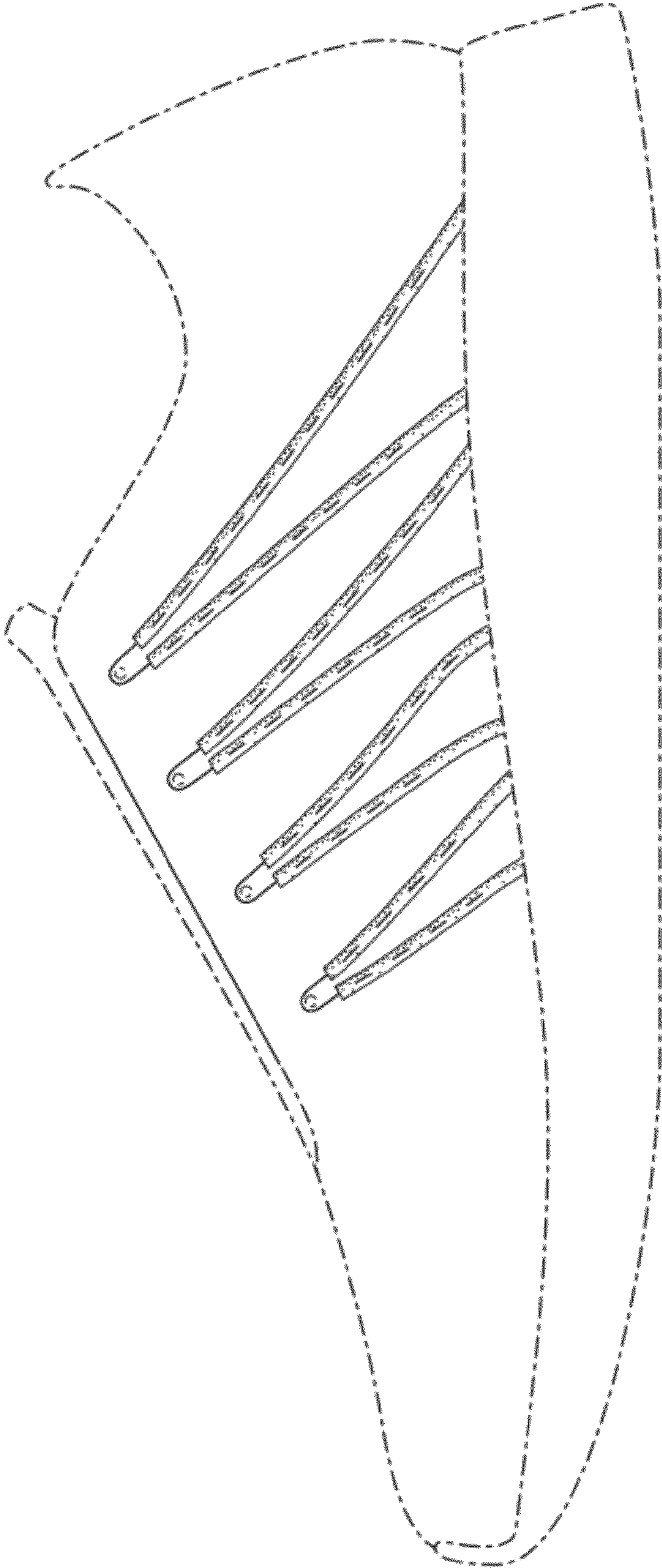


FIG. 2

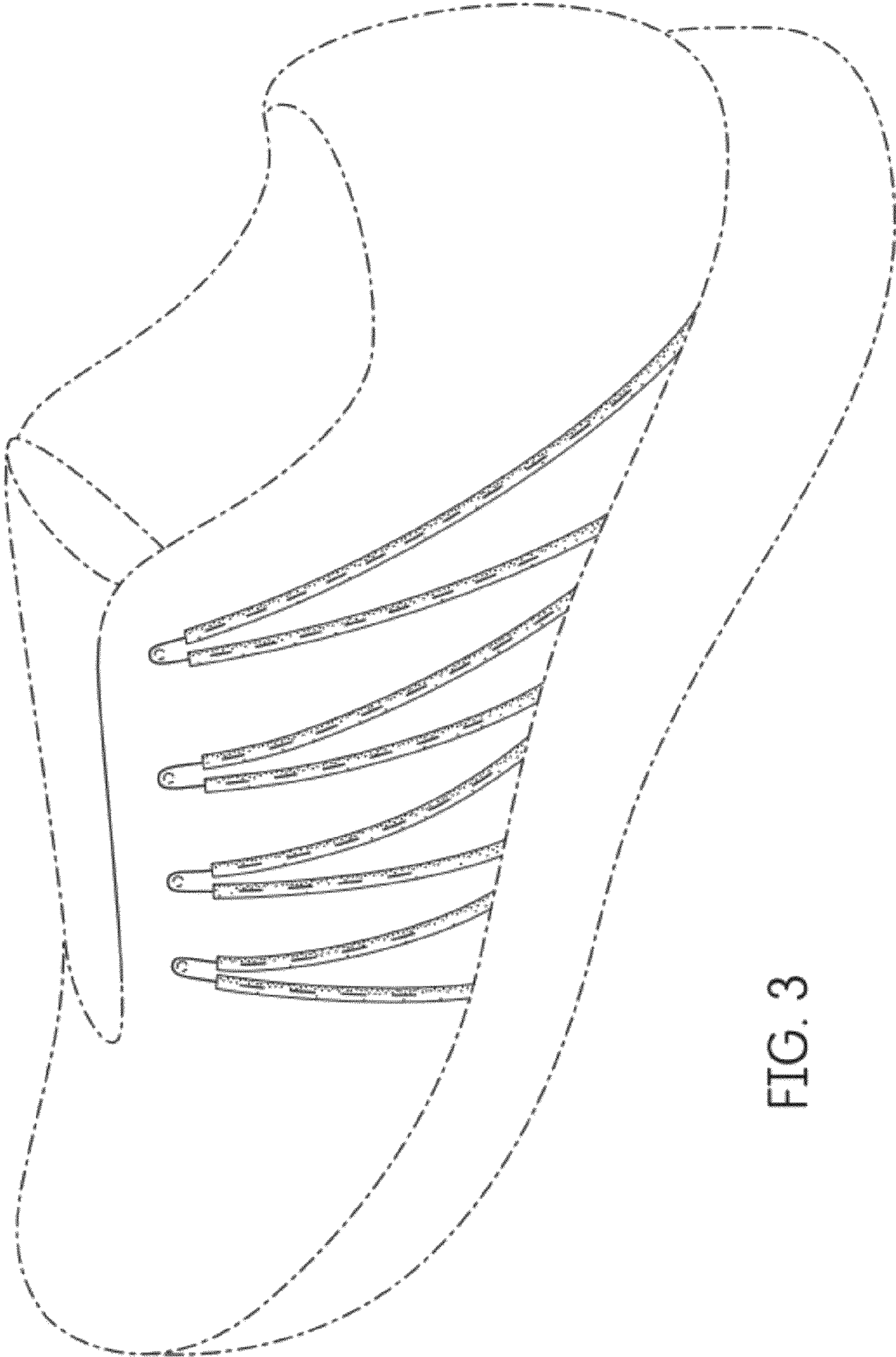


FIG. 3