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

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

(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)

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(57) **CLAIM**

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

DESCRIPTION

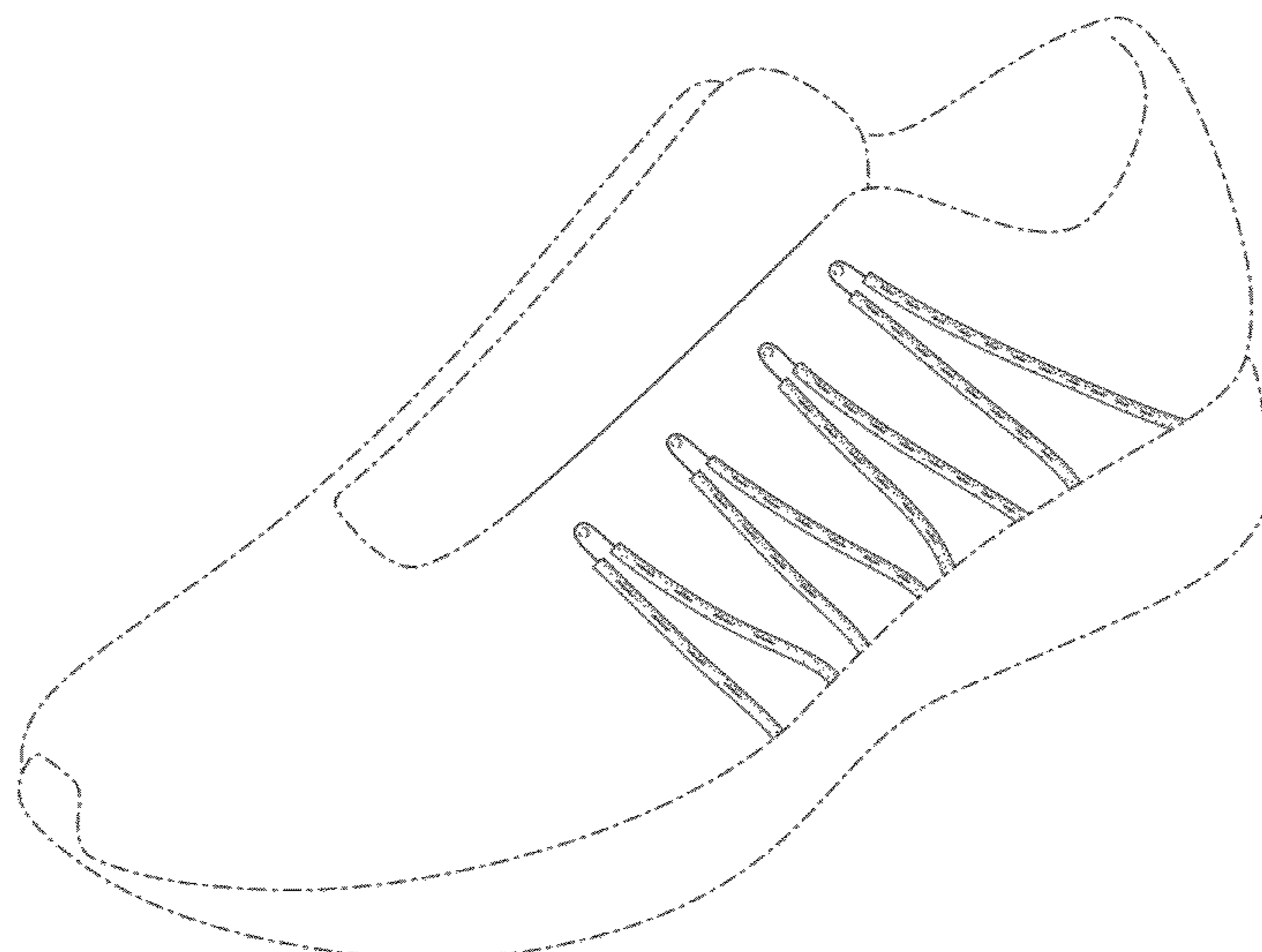
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a rear perspective view thereof.

The 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

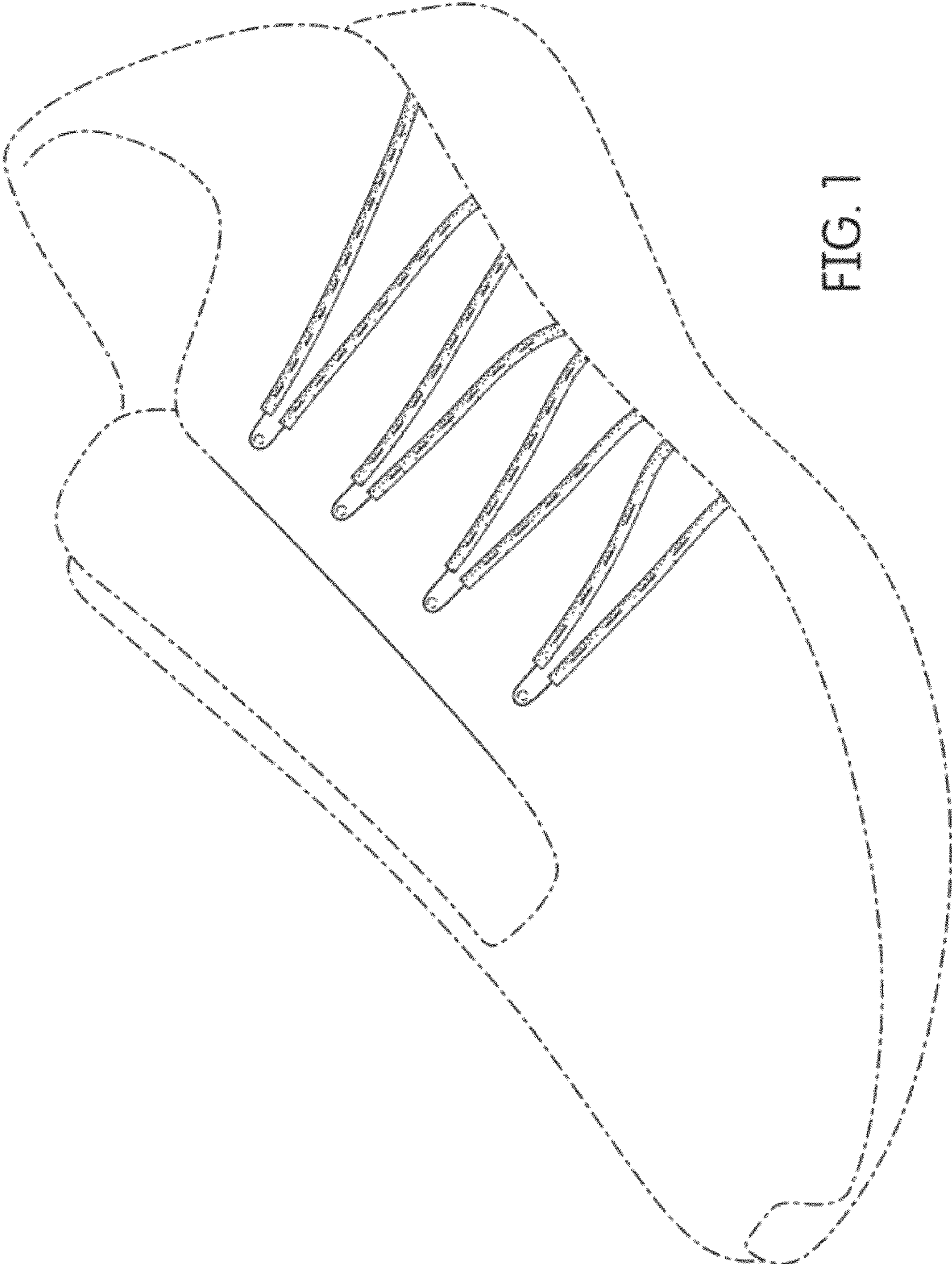


FIG. 1

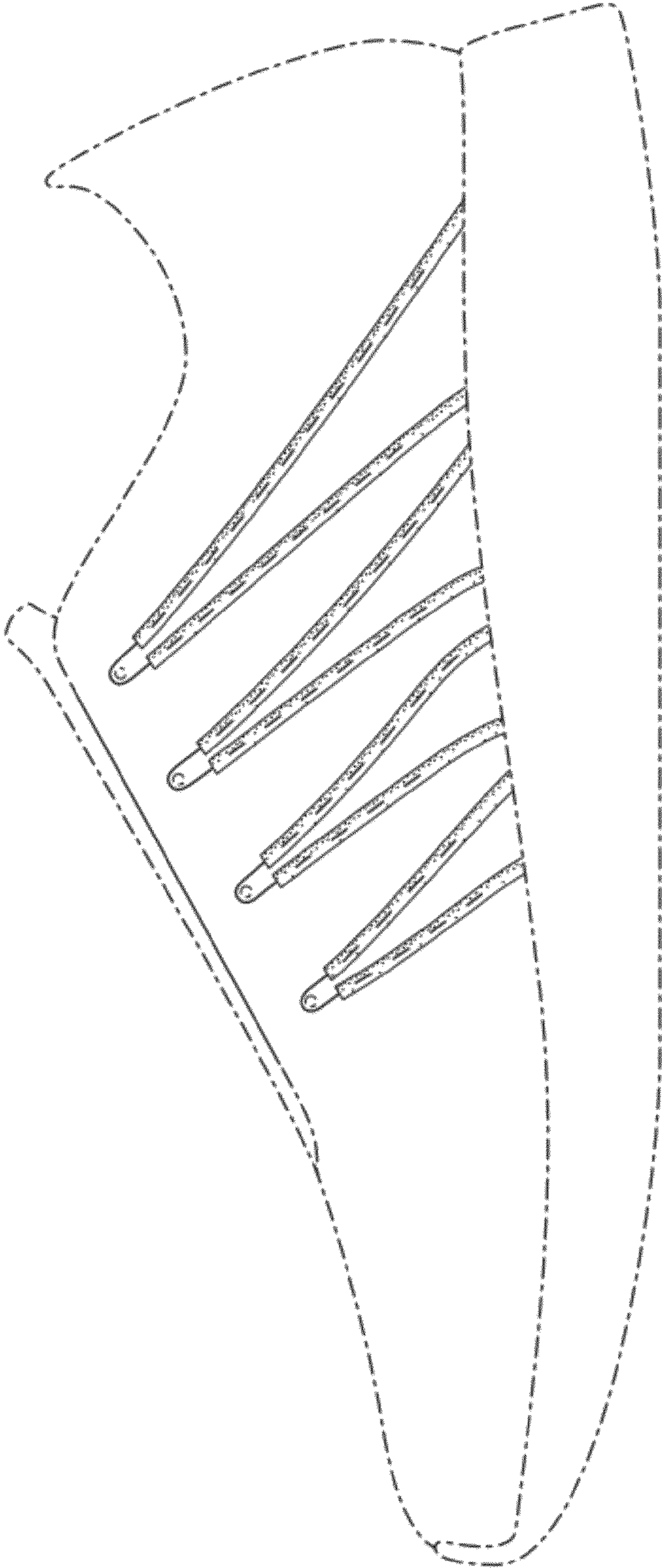


FIG. 2

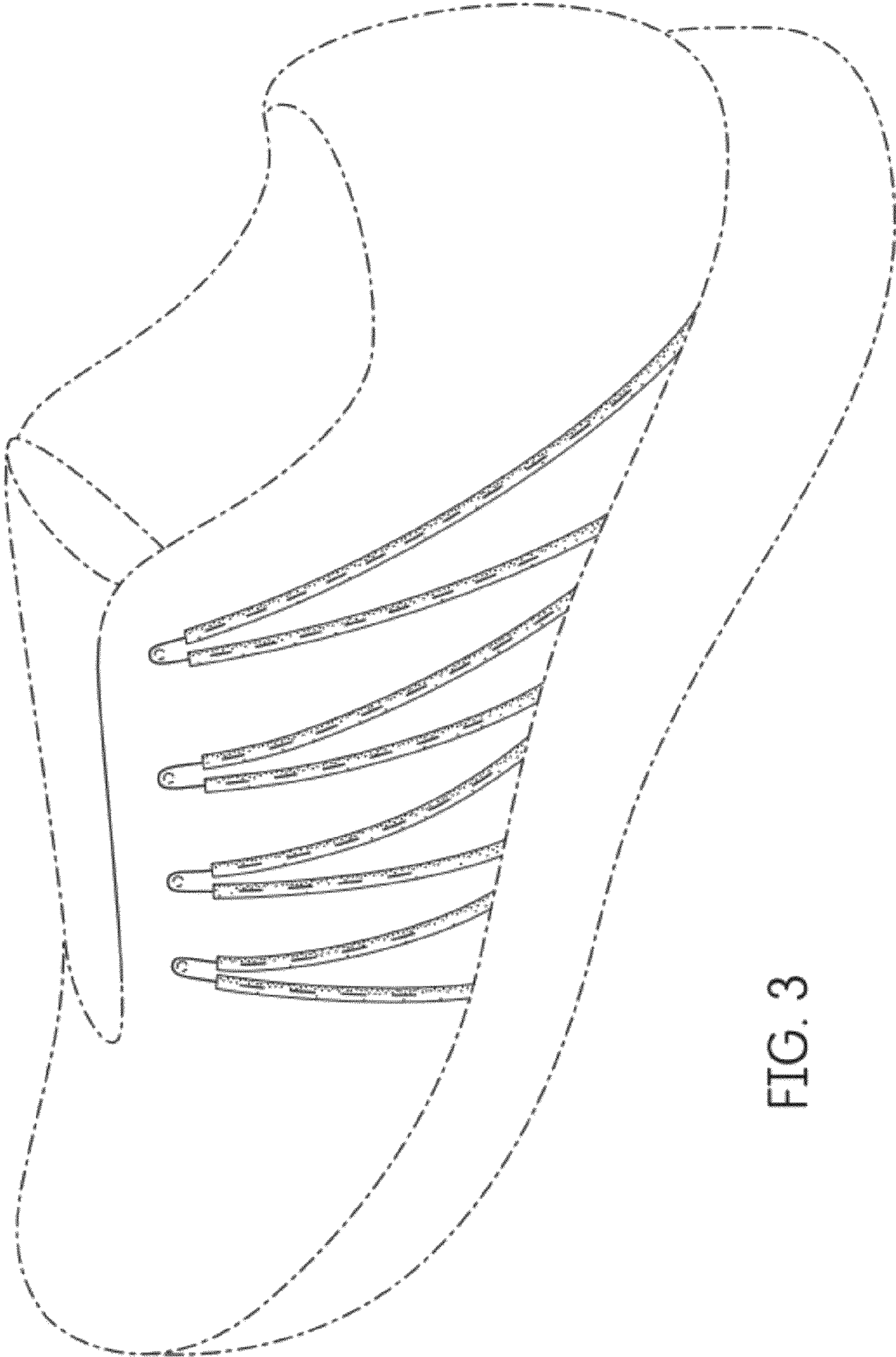


FIG. 3