



US00D667626S

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

(10) **Patent No.:** **US D667,626 S**  
(45) **Date of Patent:** **\*\* Sep. 25, 2012**

(54) **SHOE UPPER**  
(75) Inventor: **Benjamin A. Shaffer**, Portland, OR (US)  
(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)  
(\*\*) Term: **14 Years**  
(21) Appl. No.: **29/422,474**  
(22) Filed: **May 21, 2012**  
(51) **LOC (9) Cl.** ..... **02-99**  
(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.

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.  
D254,398 S \* 3/1980 Finn ..... D2/908  
4,211,806 A 7/1980 Civardi et al.  
4,255,949 A 3/1981 Thorneburg  
D259,149 S \* 5/1981 Werman ..... D2/969  
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

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, Men's and Women's Footwear (red cover):  
Late Spring 2001, p. 18, published Sep. 2000, Nike, Inc., USA.

(Continued)

*Primary Examiner* — Dominic Simone

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

(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  
D109,786 S \* 5/1938 Fein ..... D2/972  
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

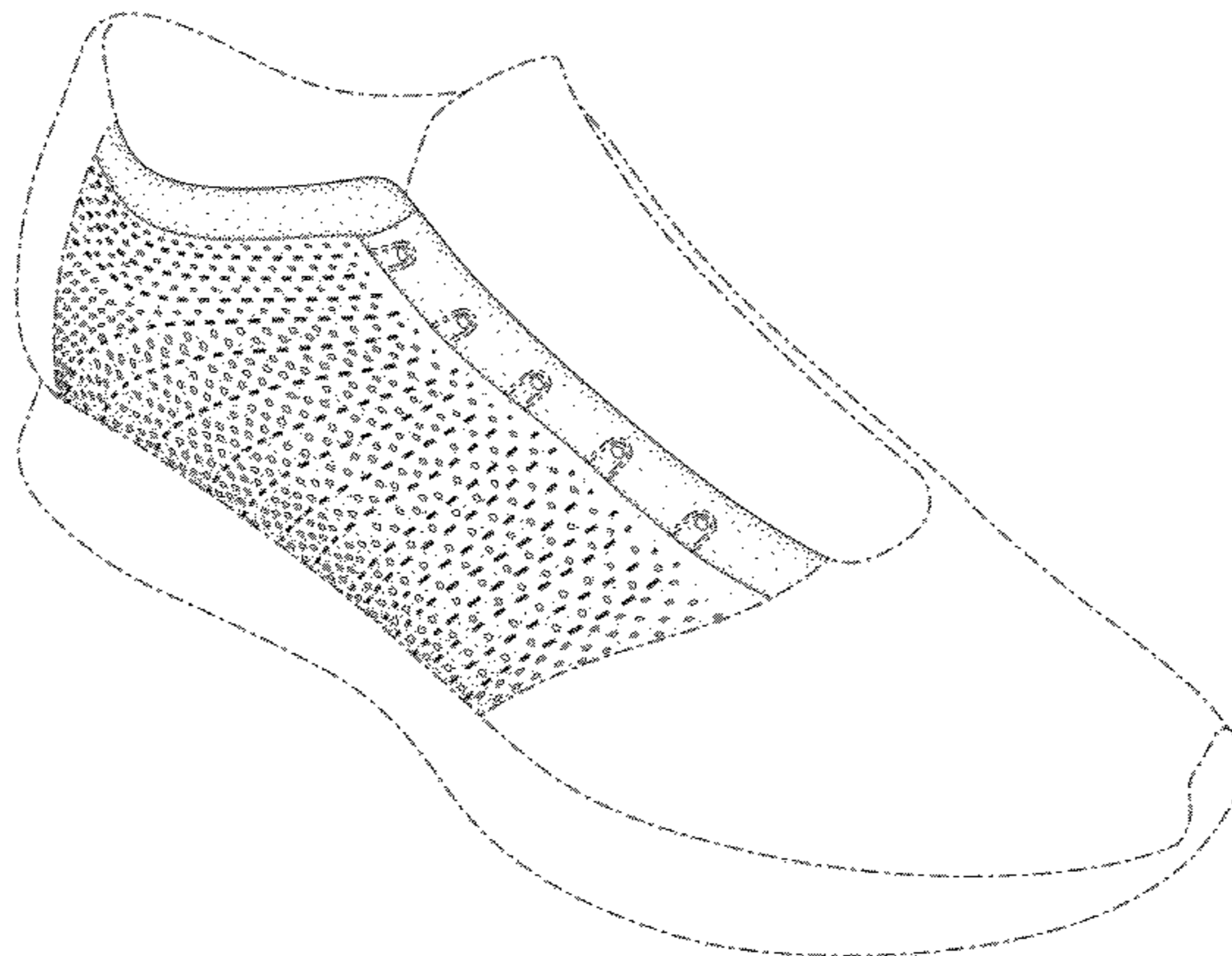
(57) **CLAIM**

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 uneven-length broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The five horseshoe shaped regions defined by uneven-length broken lines form no part of the claimed design. The spaced line segments within the shaded area constitute 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**



# US D667,626 S

Page 2

## U.S. PATENT DOCUMENTS

4,607,439 A 8/1986 Sogabe et al.  
4,737,396 A 4/1988 Kamat  
D296,379 S \* 6/1988 Lee ..... D2/908  
4,785,558 A 11/1988 Shiomura  
4,813,158 A 3/1989 Brown  
5,095,720 A 3/1992 Tibbals, Jr.  
5,152,025 A 10/1992 Hirmas  
5,192,601 A 3/1993 Neisler  
5,345,638 A 9/1994 Nishida  
5,353,524 A 10/1994 Brier  
5,461,884 A 10/1995 McCartney et al.  
5,511,323 A 4/1996 Dahlgren  
5,572,860 A 11/1996 Mitsumoto et al.  
5,575,090 A 11/1996 Condini  
5,729,918 A 3/1998 Smets  
5,735,145 A 4/1998 Pernick  
5,746,013 A 5/1998 Fay, Sr.  
D428,693 S \* 8/2000 Hlavacs ..... D2/972  
D429,412 S \* 8/2000 Tresser ..... D2/972  
D430,725 S 9/2000 McDowell  
D431,715 S 10/2000 Hatfield  
D431,716 S 10/2000 Hatfield  
D437,993 S 2/2001 Hatfield  
D441,417 S 5/2001 Wilson  
D446,922 S 8/2001 Yang  
6,308,438 B1 10/2001 Throneburg et al.  
6,558,784 B1 5/2003 Norton et al.  
6,588,237 B2 7/2003 Cole et al.  
D490,972 S 6/2004 Blakeslee  
D498,912 S \* 11/2004 Kuerbis ..... D2/972  
D499,246 S \* 12/2004 Kuerbis ..... D2/972  
D500,586 S 1/2005 Wozniak  
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.  
D514,789 S 2/2006 Robbins  
D515,298 S 2/2006 Lamont  
D515,299 S 2/2006 Burg  
D516,788 S 3/2006 Matis  
D516,798 S \* 3/2006 Blakeslee ..... D2/972  
D517,300 S 3/2006 Carr  
D519,270 S 4/2006 Bandini  
7,051,460 B2 5/2006 Orei et al.  
7,056,402 B2 6/2006 Koerwien et al.  
D524,526 S 7/2006 Chang et al.  
D527,885 S 9/2006 Young  
D528,283 S 9/2006 Holmes  
D529,705 S \* 10/2006 Lupo ..... D2/972  
D530,903 S 10/2006 Wilken  
D530,930 S 10/2006 Foy  
D532,592 S 11/2006 Chang  
D535,089 S 1/2007 Matis  
D536,164 S 2/2007 Wilkenfeld  
D538,022 S 3/2007 Belley  
D539,018 S 3/2007 Belley et al.  
D539,020 S 3/2007 Belley et al.  
D540,522 S 4/2007 Lotti  
D543,348 S 5/2007 Fullum  
D544,187 S 6/2007 Hulbert  
D544,686 S 6/2007 Shin  
D545,538 S 7/2007 Matis  
D545,543 S 7/2007 Matis  
D546,546 S 7/2007 Chang  
D548,940 S 8/2007 Hulbert  
D548,941 S 8/2007 Hulbert  
D551,843 S \* 10/2007 Fullum ..... D2/972  
D561,454 S 2/2008 Hlavacs  
7,347,011 B2 3/2008 Dua et al.  
D570,581 S 6/2008 Polegato Moretti  
D570,585 S 6/2008 Hatfield  
D572,441 S 7/2008 Moretti  
D572,442 S 7/2008 Moretti  
D574,592 S 8/2008 St-Louis  
D575,492 S 8/2008 St-Louis  
D575,494 S 8/2008 St-Louis  
D577,888 S 10/2008 Horne

D578,287 S \* 10/2008 Schoenborn ..... D2/969  
D587,892 S \* 3/2009 Fullum ..... D2/972  
D599,995 S 9/2009 Brambilla  
D600,899 S 9/2009 St-Louis  
D605,388 S 12/2009 St-Louis  
D610,339 S \* 2/2010 Mermet ..... D2/972  
D610,341 S \* 2/2010 Cooper ..... D2/972  
7,682,219 B2 3/2010 Falla  
D614,387 S \* 4/2010 Rasmussen ..... D2/972  
D623,841 S \* 9/2010 Maejima ..... D2/972  
D636,582 S 4/2011 Petrie  
D636,593 S \* 4/2011 Henrichot ..... D2/972  
D641,966 S \* 7/2011 Fuhrer ..... D2/972  
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 Hincheliff  
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: Fall 2001, p. 20, published Nov. 2000, Nike, Inc., USA.  
Zoom Victory XC by Nike, Inc., 1 page of full-color photographs, published 2010.  
Nike Footwear Catalog, Men's Footwear: Sportswear: Spring 2011, p. 81, published May 2010, Nike, Inc., USA.  
Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 61, published Feb. 2011, Nike, Inc., USA.  
U.S. Appl. No. 29/420,273, filed May 7, 2012.  
U.S. Appl. No. 29/422,472, filed May 21, 2012.  
U.S. Appl. No. 29/422,473, filed May 21, 2012.  
U.S. Appl. No. 29/422,475, filed May 21, 2012.  
U.S. Appl. No. 29/422,476, filed May 21, 2012.  
U.S. Appl. No. 29/422,478, filed May 21, 2012.  
U.S. Appl. No. 29/422,479, filed May 21, 2012.  
U.S. Appl. No. 29/422,480, filed May 21, 2012.  
U.S. Appl. No. 29/422,481, filed May 21, 2012.  
U.S. Appl. No. 29/422,482, filed May 21, 2012.  
U.S. Appl. No. 29/422,486, filed May 21, 2012.  
U.S. Appl. No. 29/422,487, filed May 21, 2012.  
U.S. Appl. No. 29/422,488, filed May 21, 2012.  
U.S. Appl. No. 29/422,489, filed May 21, 2012.  
U.S. Appl. No. 29/425,740, filed Jun. 26, 2012.  
U.S. Appl. No. 29/425,741, filed Jun. 26, 2012.  
U.S. Appl. No. 29/425,742, filed Jun. 26, 2012.  
U.S. Appl. No. 29/425,743, filed Jun. 26, 2012.  
U.S. Appl. No. 29/425,820, filed Jun. 27, 2012.  
U.S. Appl. No. 13/048,514, filed Mar. 15, 2012.  
U.S. Appl. No. 13/048,527, filed Mar. 15, 2012.  
U.S. Appl. No. 13/048,540, filed Mar. 15, 2012.  
Nike Footwear Catalog, Men's and Women's Footwear: Fall 2001, p. 112, published Nov. 2000, Nike, Inc., USA.  
Nike Footwear Catalog, Men's and Women's Footwear: Holiday 2001, p. 4, published Feb. 2001, Nike, Inc., USA.  
Nike Footwear Catalog, Men's and Women's Footwear: Spring 2002, p. 45, published Jun. 2001, Nike, Inc., USA.  
Nike Footwear Catalog, Footwear: Summer 2008, p. 51, published Aug. 2007, Nike, Inc., USA.  
Nike Footwear Catalog, Sport Performance Footwear: Spring 2009, pp. 57 and 135, published May 2008, Nike, Inc., USA.

# US D667,626 S

Page 3

---

Nike Footwear Catalog, Performance Footwear: Summer 2010, p. 86, published Aug. 2009, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Sportswear: Holiday 2010, p. 3, published Feb. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Baseball: 2011, p. 36, published Feb. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Women's Performance Footwear: Fall 2011, p. 26, published Nov. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Men's Performance Footwear: Holiday 2011, pp. 17 and 18, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Various shoes by Salomon, 12 pages included, disclosure date unknown but prior to filing date of the instant application.

\* cited by examiner

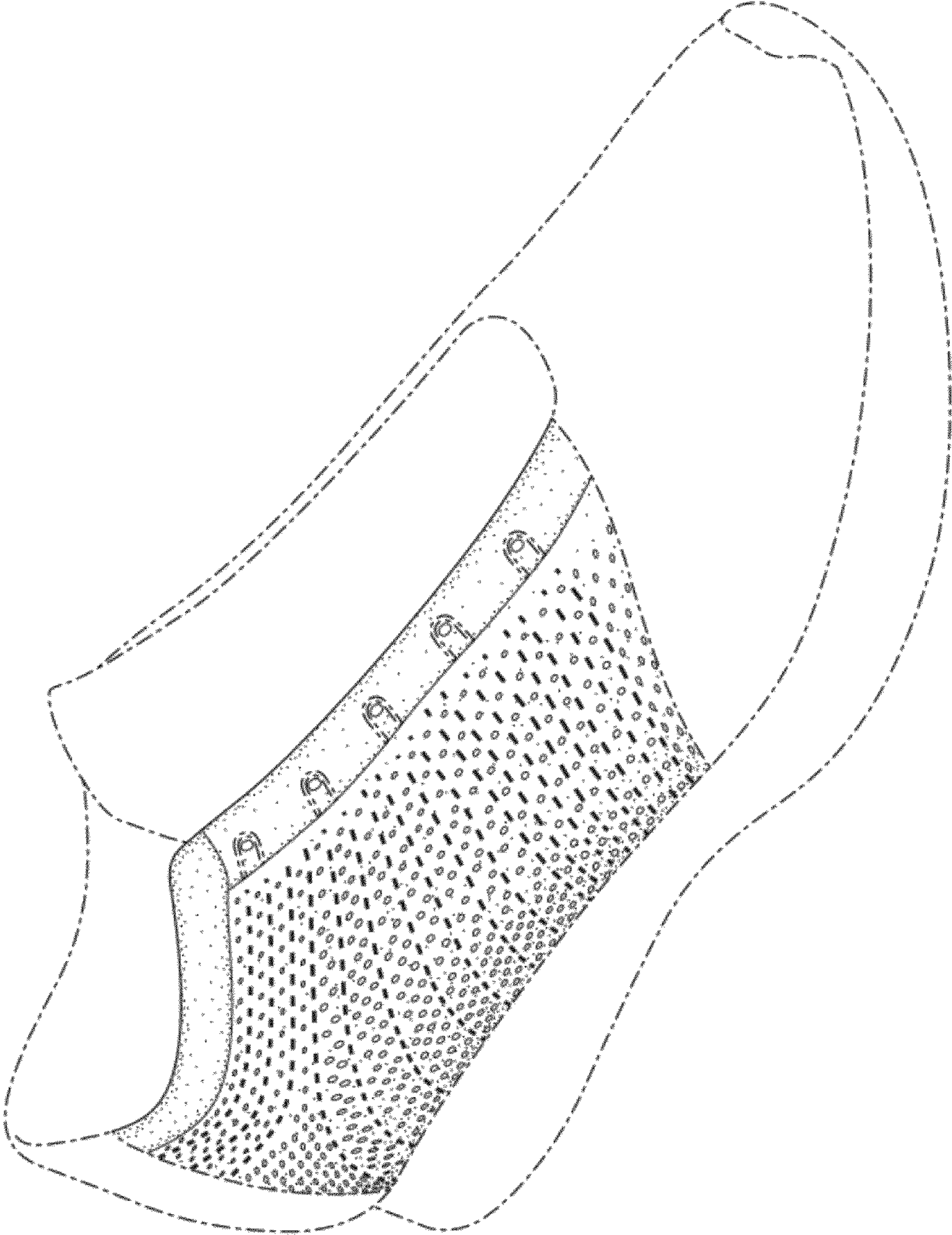


FIG. 1

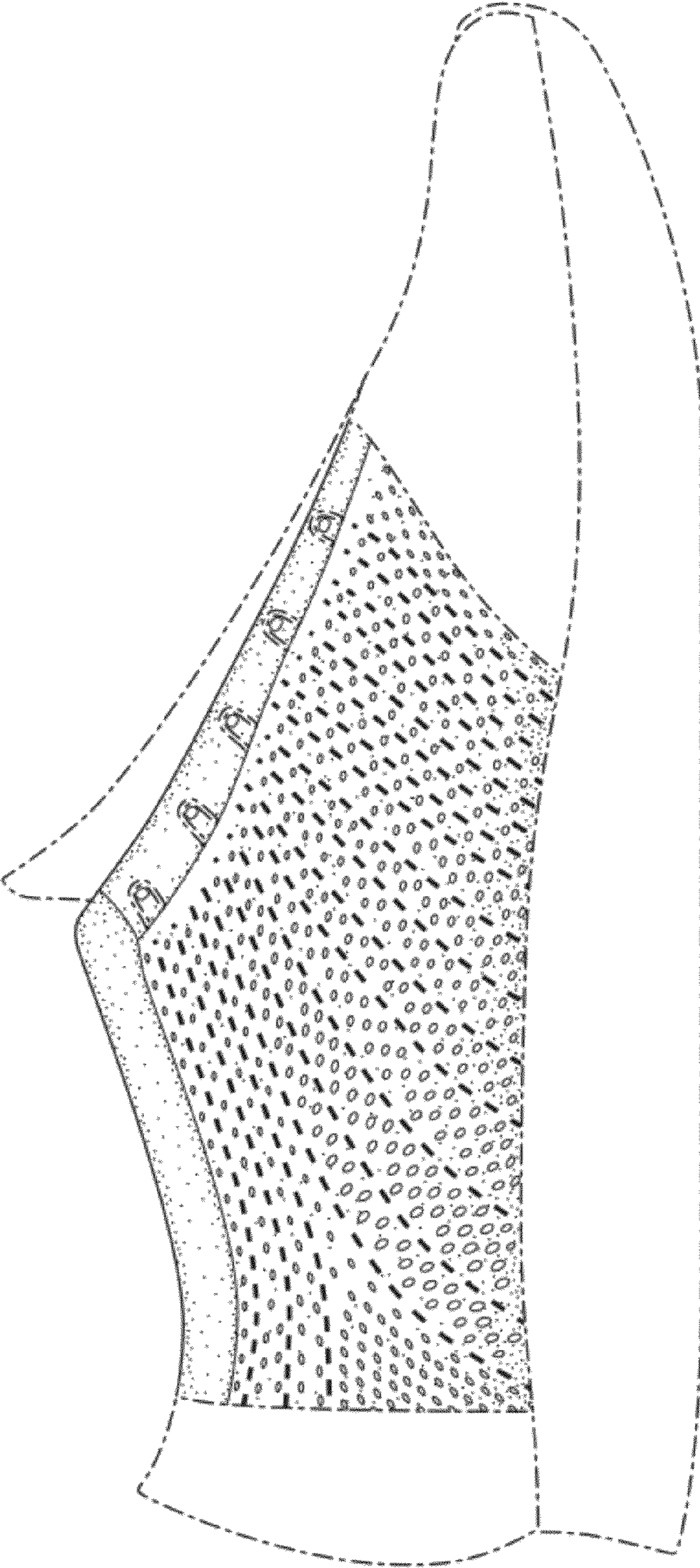


FIG. 2

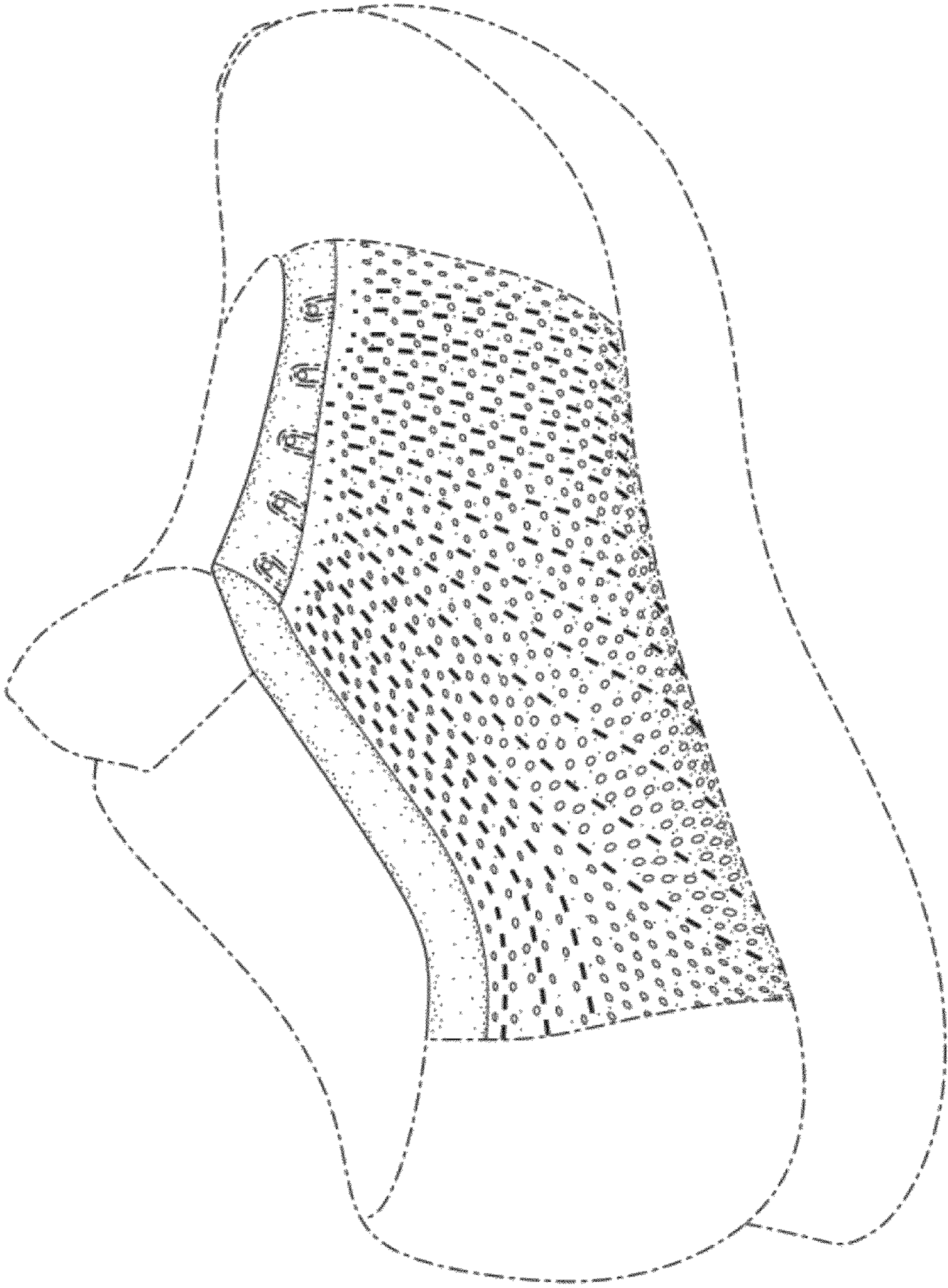


FIG. 3