

US00D668033S

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

(10) **Patent No.:** **US D668,033 S**
(45) **Date of Patent:** **** Oct. 2, 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.: **29/422,479**
(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

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, Men's and Women's Footwear: Fall 2001, p. 112, published Nov. 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 8/1898 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

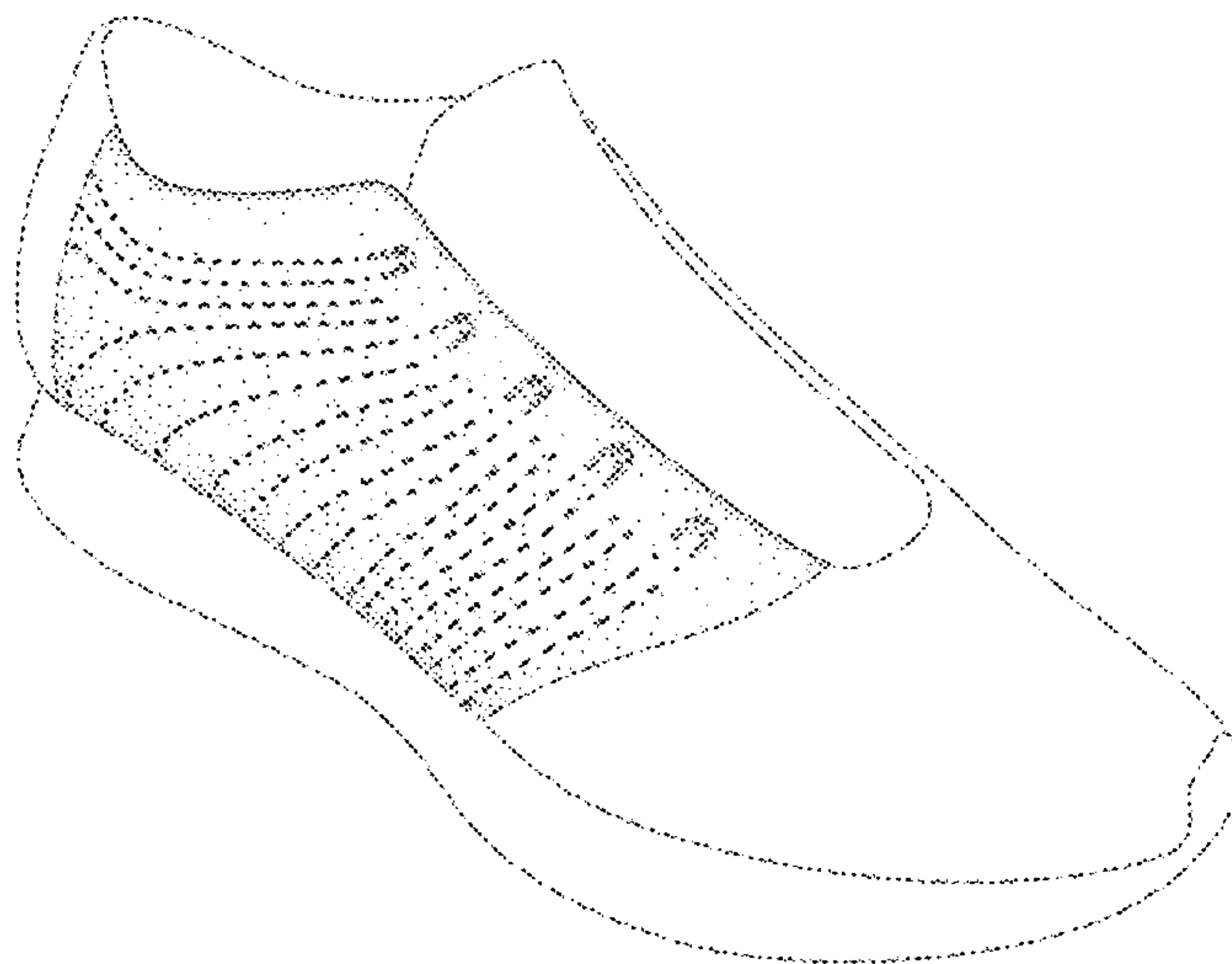
(57) **CLAIM**

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 broken line showing of the five eyelets and the five horseshoe shaped regions defined by uneven-length broken lines are for environmental purposes only and 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 D668,033 S

Page 2

U.S. PATENT DOCUMENTS

4,447,967	A	5/1984	Zaino	
4,465,448	A	8/1984	Aldridge	
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 et al.	
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
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	Egglesfield	
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 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.

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.

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.

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. 29/422,472, filed May 21, 2012.

U.S. Appl. No. 29/422,473, filed May 21, 2012.

U.S. Appl. No. 29/422,474, 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. 29/422,480, filed May 21, 2012.

U.S. Appl. No. 29/422,481, filed May 21, 2012.

US D668,033 S

Page 3

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. 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.

* cited by examiner

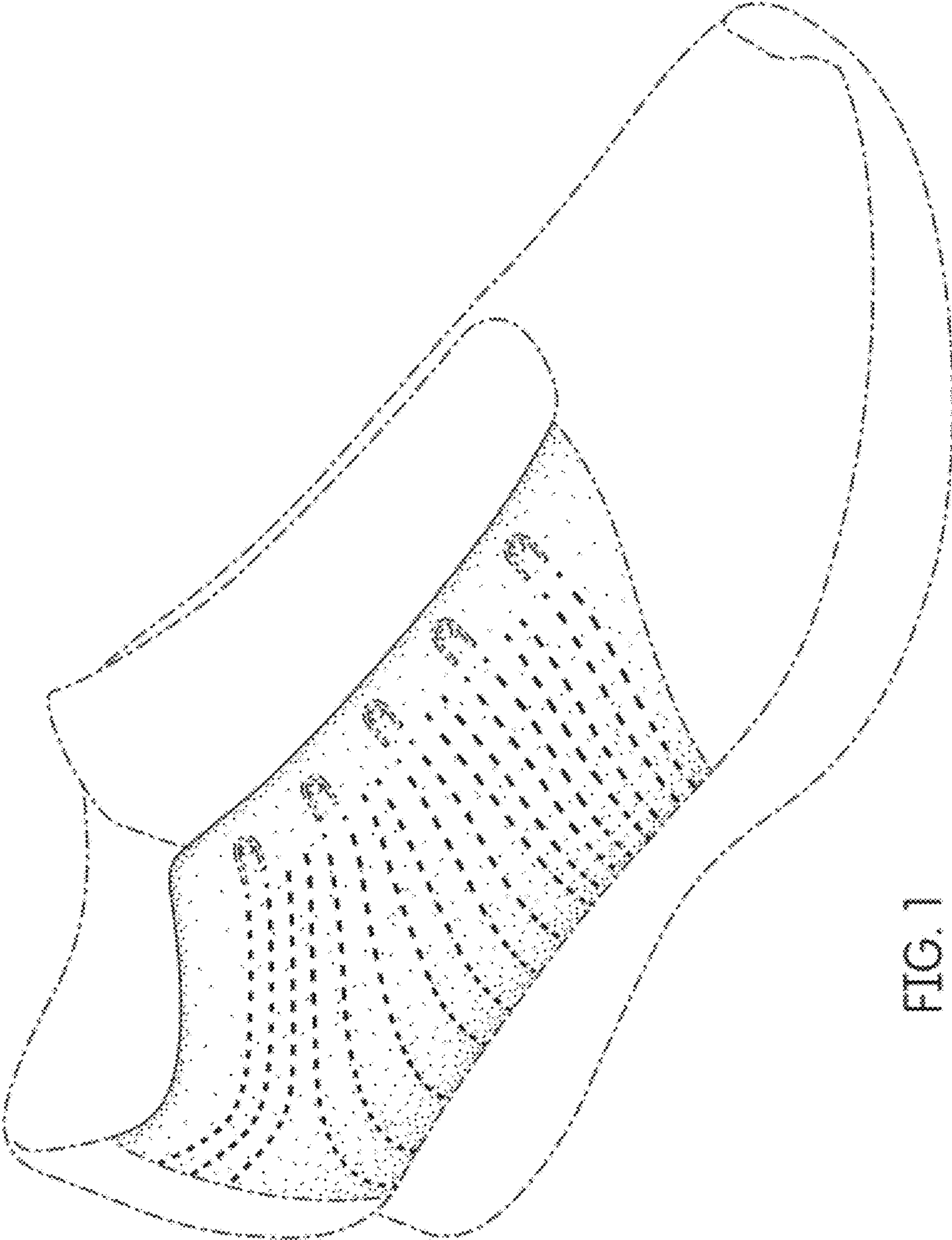


FIG. 1

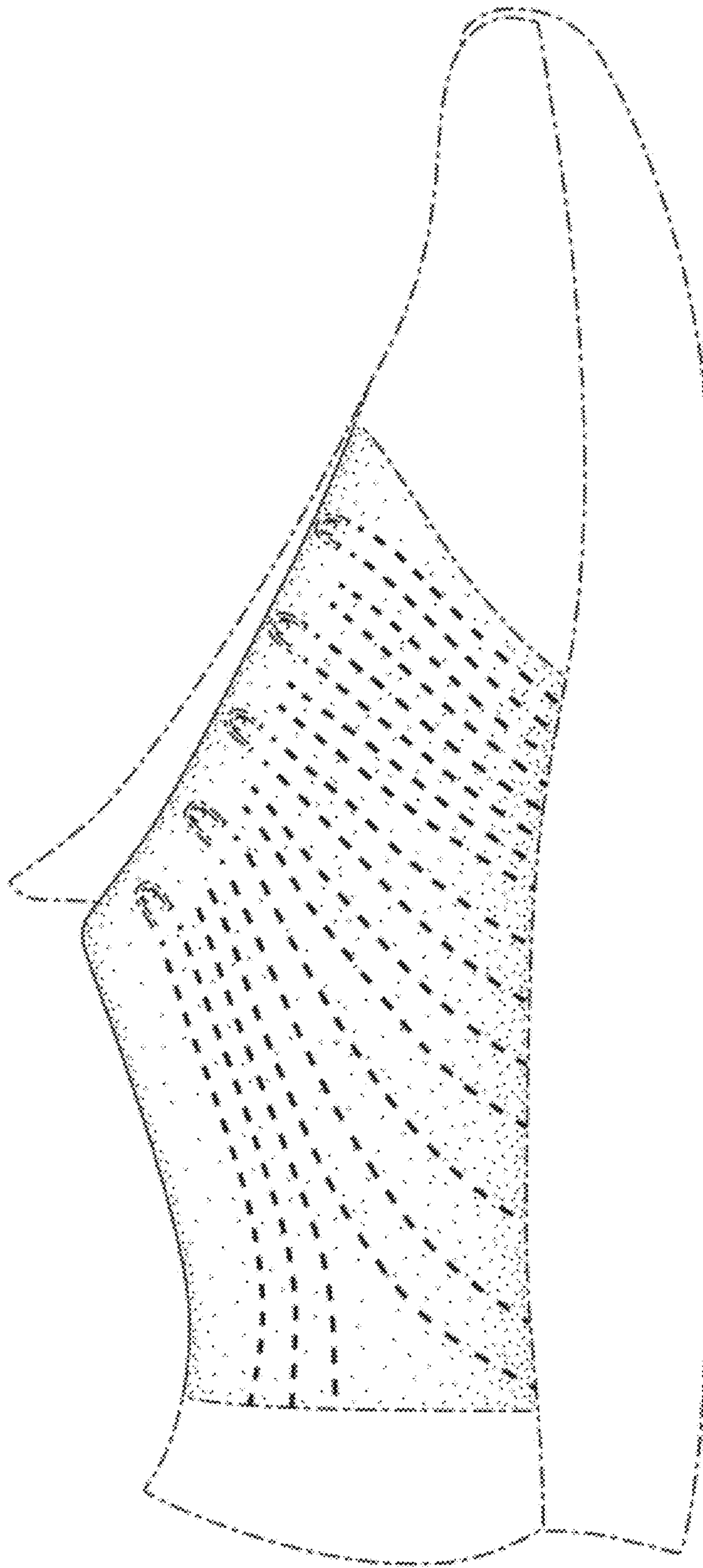


FIG. 2

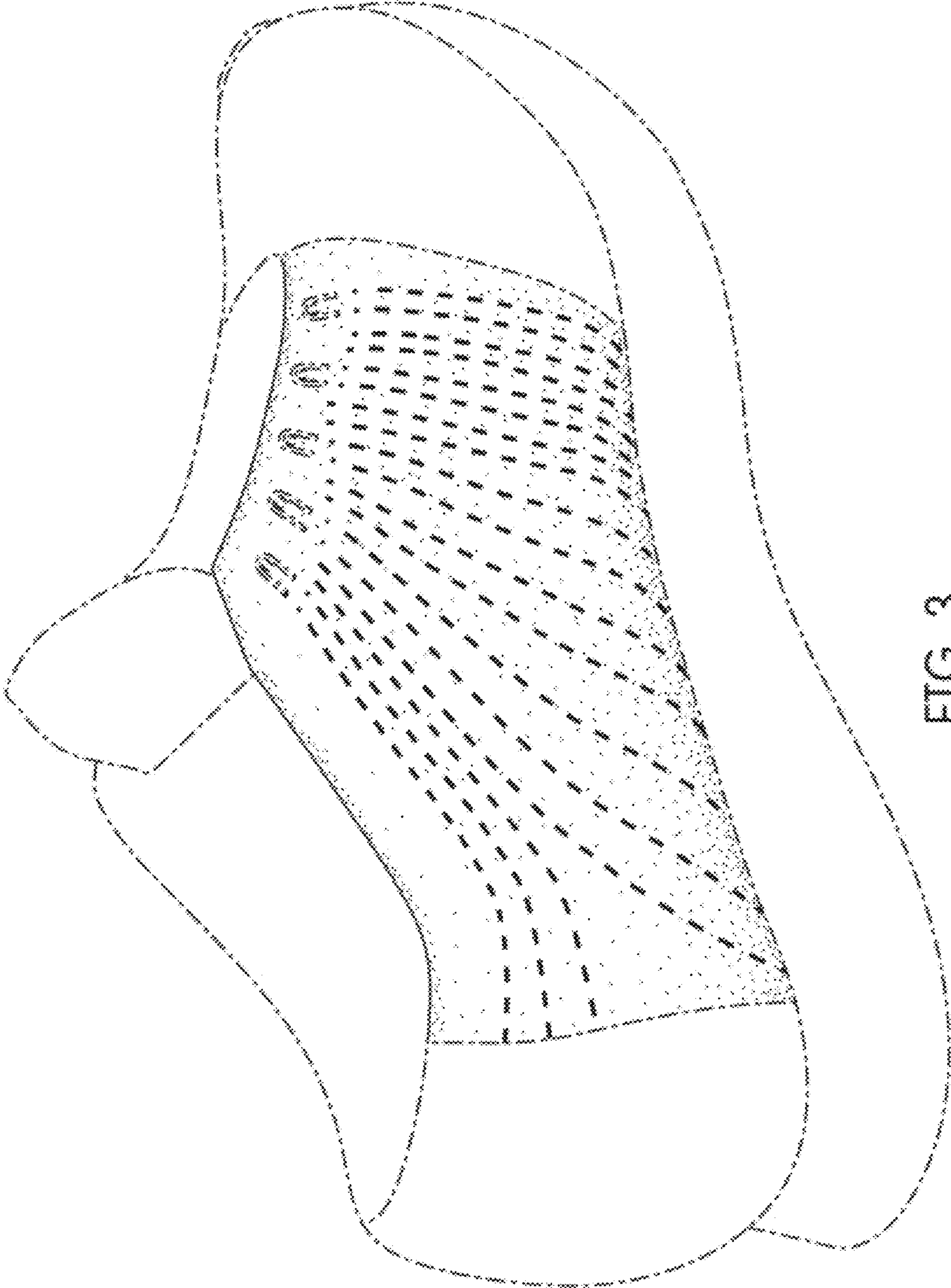


FIG. 3