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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)
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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.

3,952,427 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
(Continued)

OTHER PUBLICATIONS

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

(Continued)

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(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.

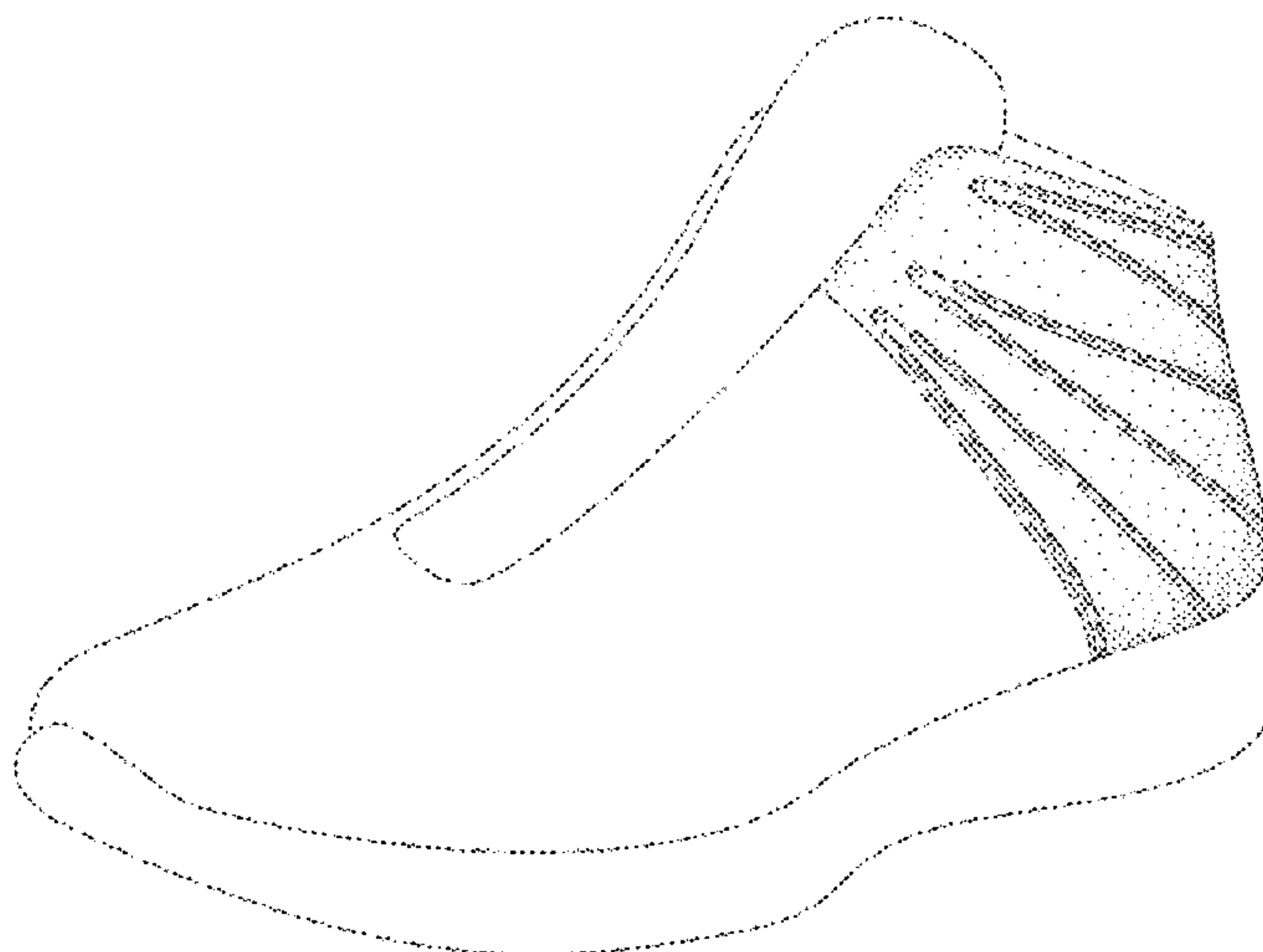
(57) **CLAIM**

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 uneven-length broken line showing of the three eyelets and the three horseshoe shaped regions defined by uneven-length broken lines surrounding the eyelets 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 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

D278,758	S	*	5/1985	Michaeli	.....	D2/969
D278,850	S	*	5/1985	Michaeli	.....	D2/969
D283,364	S		4/1986	Gamm		
4,607,439	A		8/1986	Sogabe et al.		
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	Hirmas		
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		
D356,884	S		4/1995	Ho		
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		
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		
D528,278	S		9/2006	Hui		
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.		
D610,341	S		2/2010	Cooper		
D612,144	S	*	3/2010	Bosomworth	.....	D2/972
7,682,219	B2		3/2010	Falla		
D623,841	S		9/2010	Maejima		
D632,068	S		2/2011	Banik et al.		
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	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 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, 8 pages included, disclosure date unknown but prior to filing date of the instant application.

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. 29/422,474, 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. 29/422,479, 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.

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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. 29/425,820, 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.

* cited by examiner

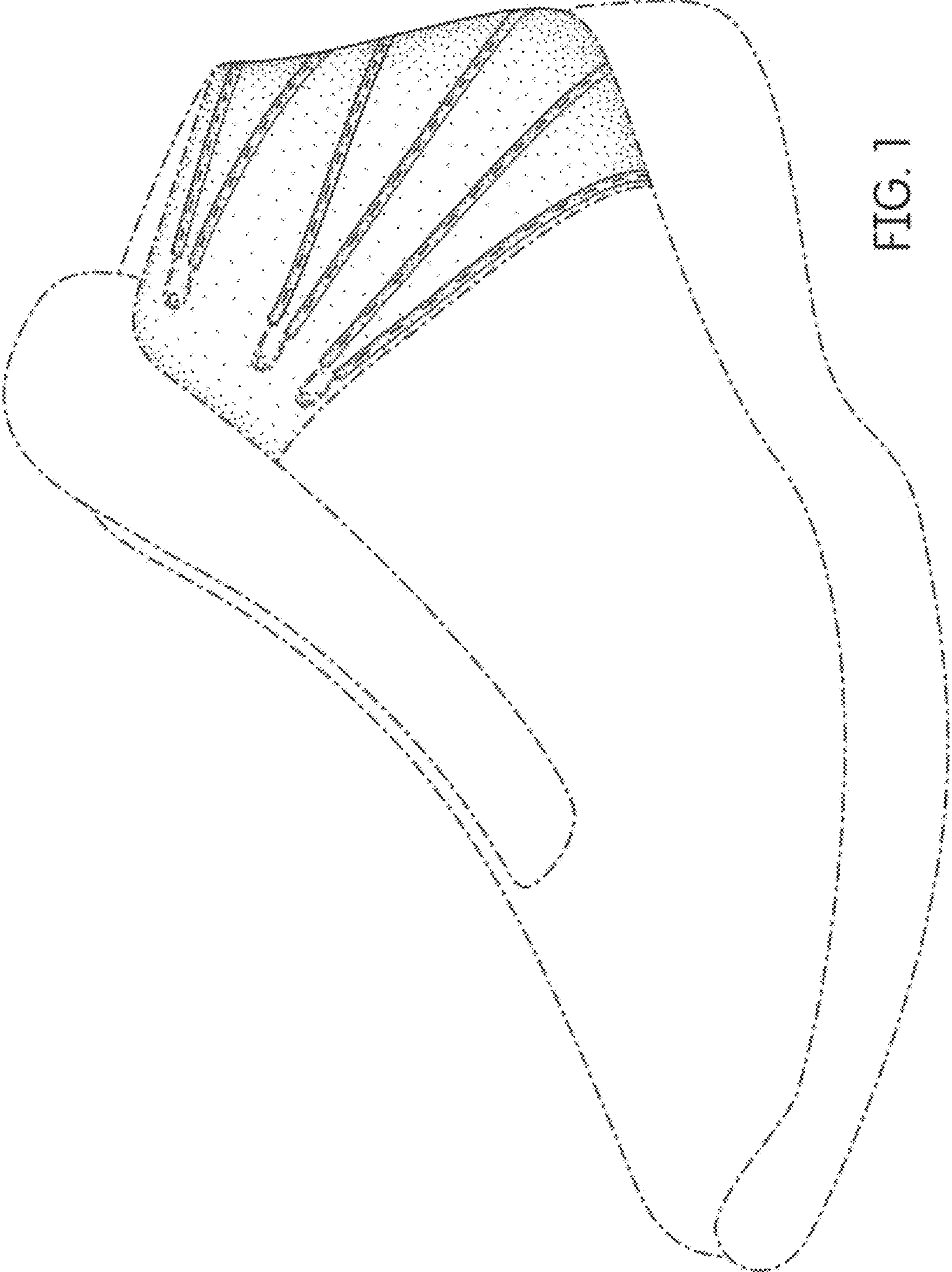


FIG. 1

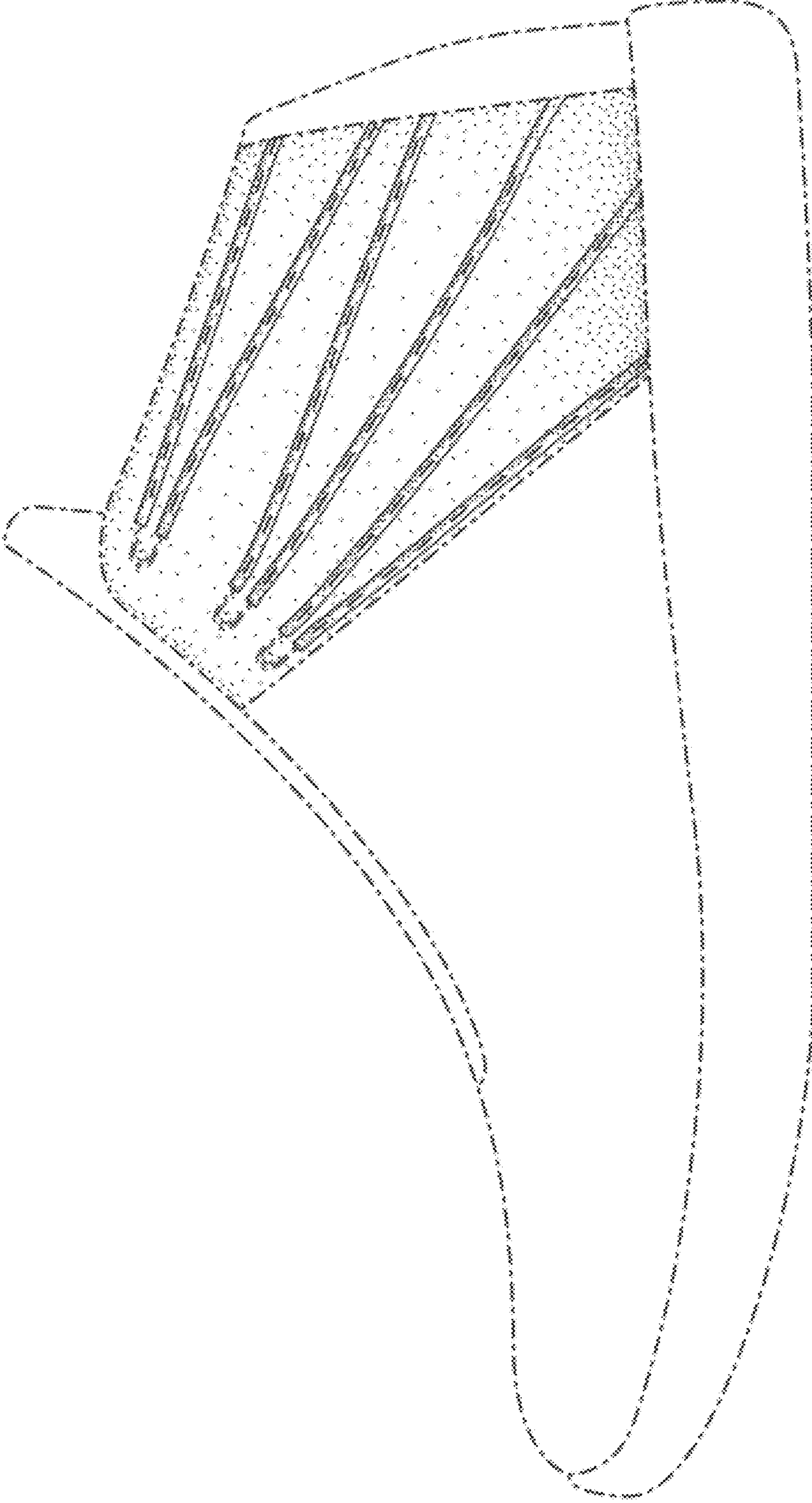


FIG. 2

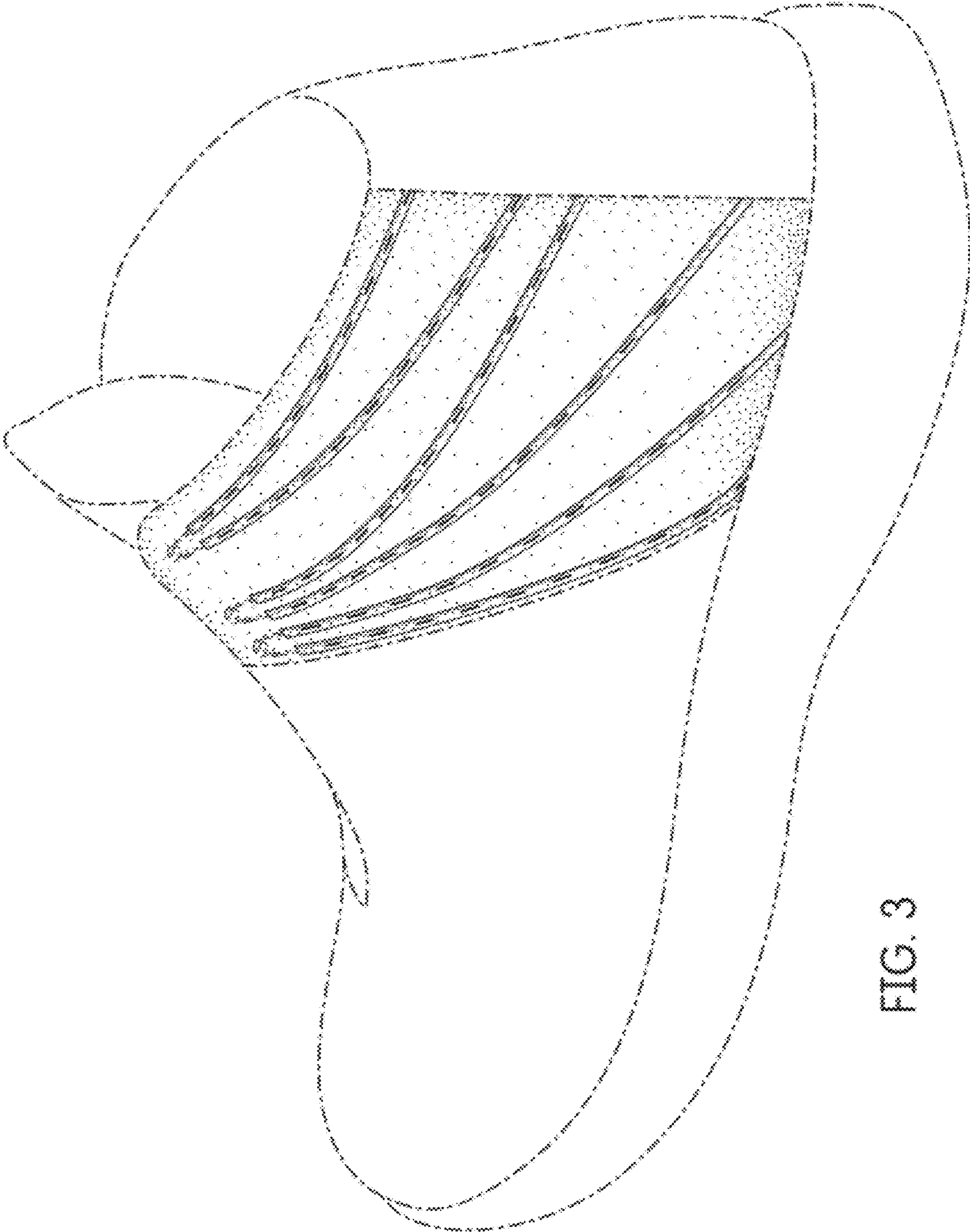


FIG. 3