



US00D672132S

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

(10) **Patent No.:** **US D672,132 S**
(45) **Date of Patent:** **** Dec. 11, 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.: **29/425,743**
(22) Filed: **Jun. 26, 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.

3,952,427 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)

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
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.

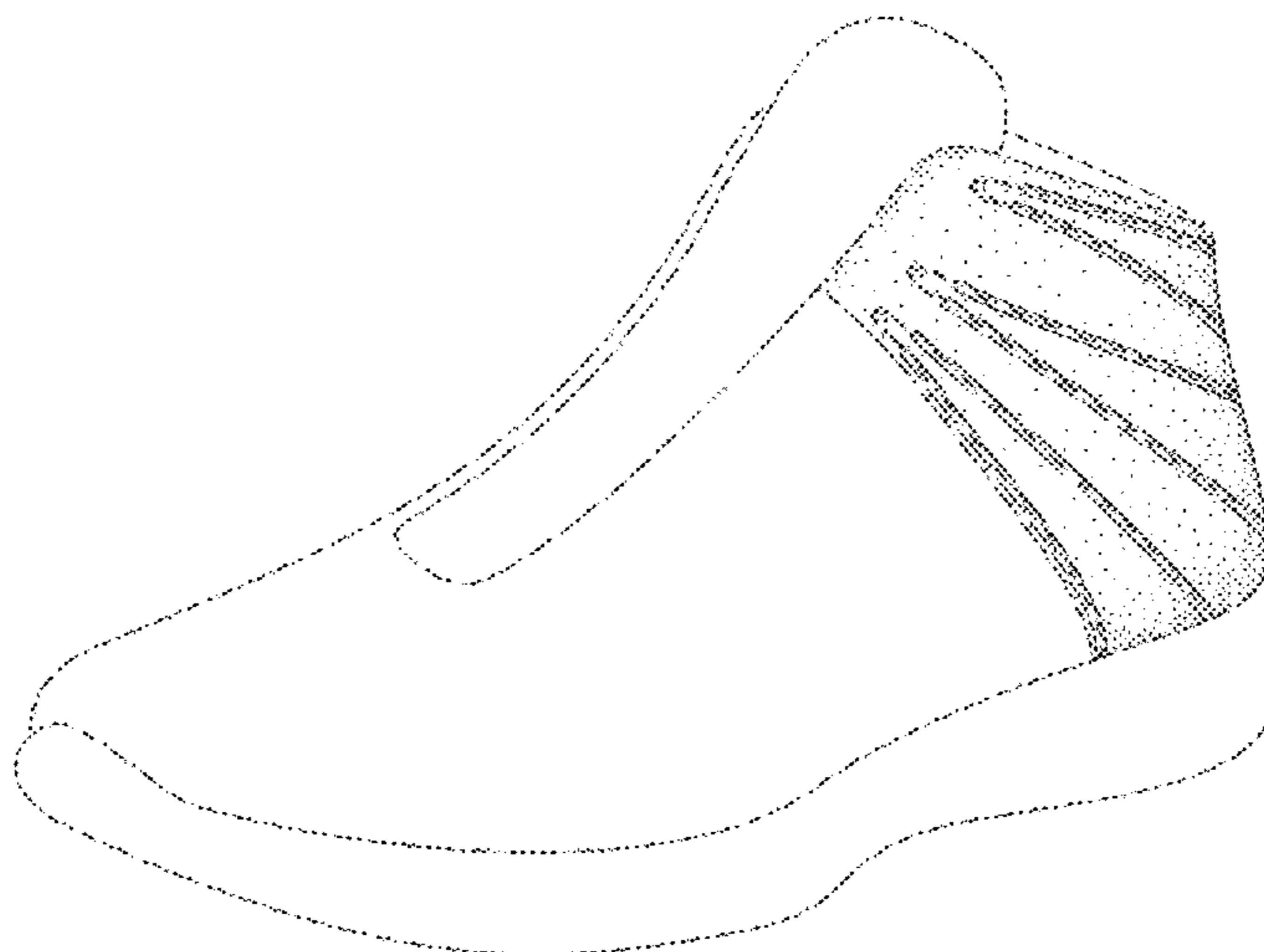
(57) **CLAIM**

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.

US D672,132 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. 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

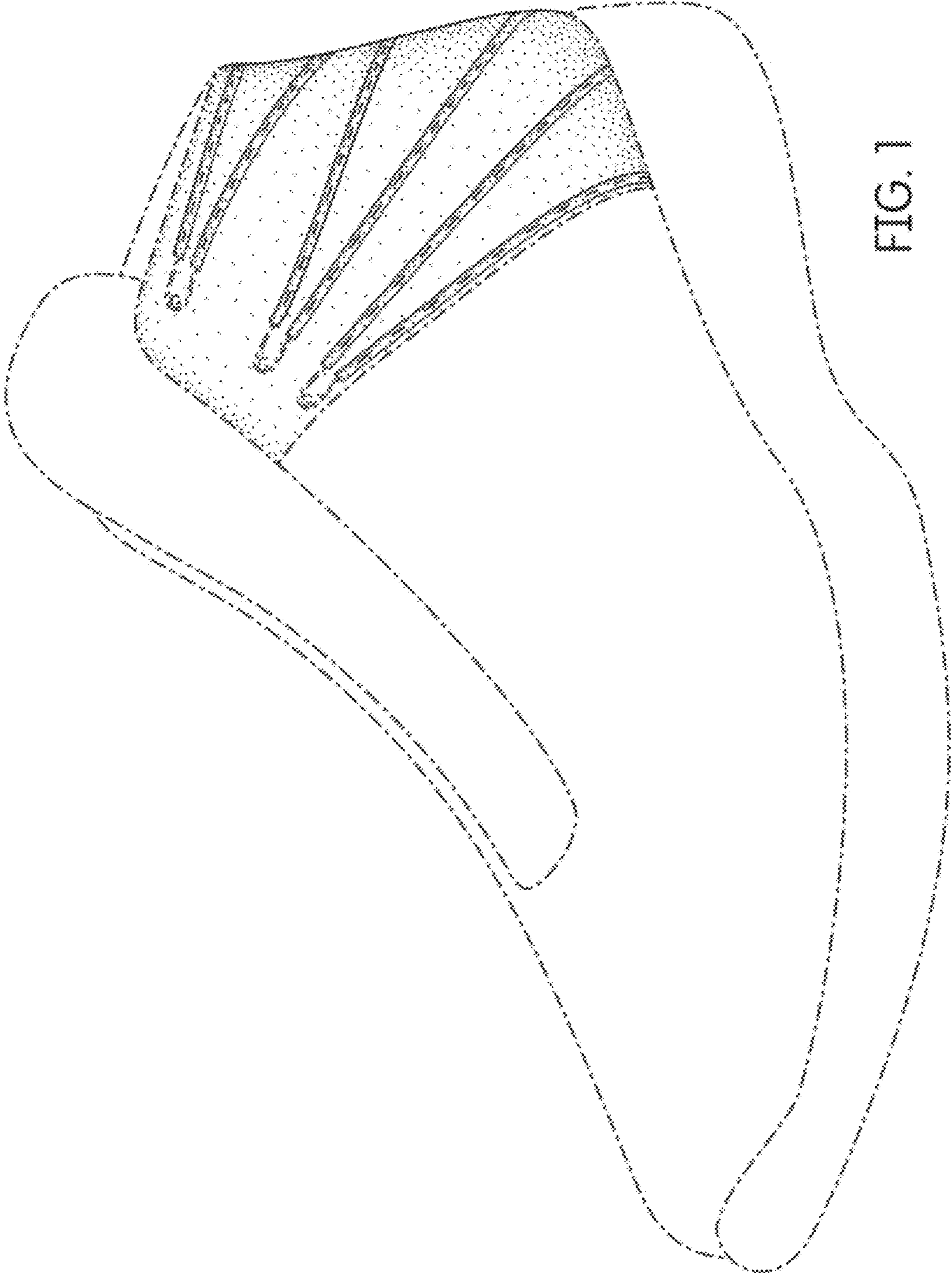


FIG. 1

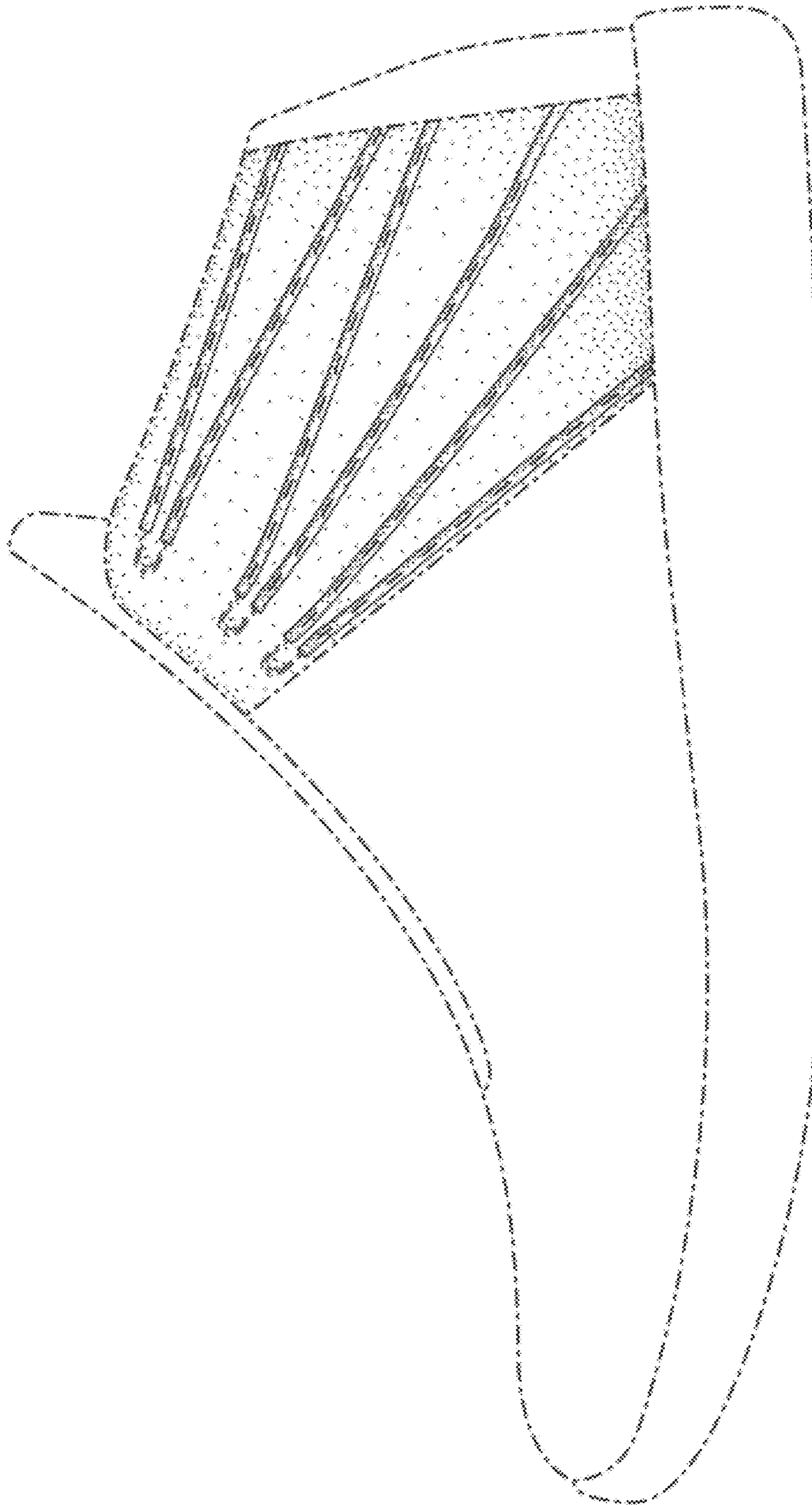


FIG. 2

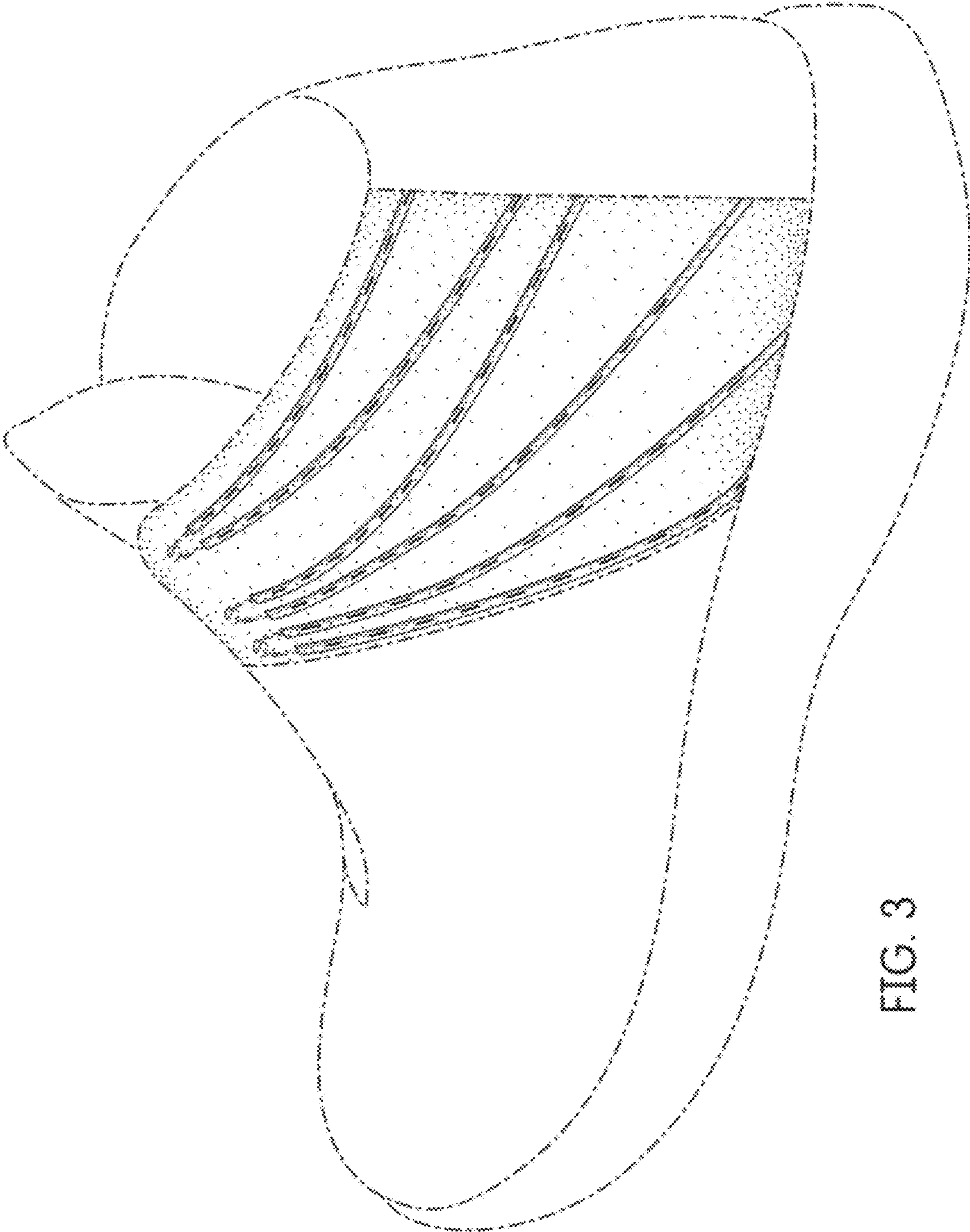


FIG. 3