

US00D675419S

(12) United States Design Patent

Miner

(10) Patent No.:

US D675,419 S

(45) Date of Patent:

** Feb. 5, 2013

(54)	SHOE UPPER						
(75)	Inventor:	Mark C. Miner, Portland, OR (US)					
(73)	Assignee:	NIKE, Inc., Beaverton, OR (US)					
(**)	Term:	14 Years					
(21)	Appl. No.:	29/430,746					
(22)	Filed:	Aug. 29, 2012					
(51)	LOC (9) Cl 02-99						
(52)	U.S. Cl.	D2/972					
(58)	Field of Classification Search						
7 ,	D2/902, 906–908, 923, 943–945, 969, 972–975;						

See application file for complete search history.

36/45–49, 50.1, 54, 77 M, 77 R, 83, 88, 113,

36/114, 126–131

(56) References Cited

U.S. PATENT DOCUMENTS

D54,215 S			Johnson
D92,737 S		7/1934	Miller
D94,437 S		1/1935	Napier
D225,093 S	*	11/1972	Dassler D2/907
D258,548 S	*	3/1981	Famolare, Jr D2/908
D291,501 S	*	8/1987	Tong D2/969
D351,275 S			Hatfield et al.
D361,886 S		9/1995	Johnson
D405,950 S	*	2/1999	Lozano
D496,527 S	*	9/2004	Roulo D2/972
D522,737 S		6/2006	Jonsson
D523,222 S		6/2006	Savage
D532,193 S		11/2006	•
D587,892 S	*	3/2009	Fullum D2/972
D595,500 S		7/2009	Mermet
D596,389 S		7/2009	Avar
D610,339 S		2/2010	Mermet
D610,341 S	*	2/2010	Cooper
D616,195 S		5/2010	-
D617,543 S		6/2010	Henderson
D623,842 S		9/2010	Yun
D626,739 S		11/2010	
D636,985 S		5/2011	Lee
D642,782 S			Williams, Jr.
D643,204 S		8/2011	
, ~		-, 	_

D643,206	S	8/2011	Chang
D648,116	S	11/2011	Avar
D658.865	\mathbf{S}	5/2012	Strviak

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Fall 2005, p. w117, published Nov. 2004, Nike, Inc., USA.

Nike Footwear Catalog, Performance Footwear: Holiday 2008, p. 4, published Feb. 2008, Nike, Inc., USA.

Nike Footwear Catalog, Sport Performance Footwear: Spring 2009, p. 57, published May 2008, Nike, Inc., USA.

Nike Footwear Catalog, Sport Performance Footwear: Summer 2009, p. 10, published Aug. 2008, Nike, Inc., USA.

Nike Footwear Catalog, Sport Performance Footwear: Fall 2009, p. 149, published Nov. 2008, Nike, Inc., USA.

Nike Footwear Catalog, Urban Better Footwear: Spring 2010, p. 18, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Performance Footwear: Spring 2010, pp. 10 and 83, published May 2009, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Fall 2010, pp. 27 and 38, published Nov. 2009, Nike, Inc., USA.

(Continued)

Primary Examiner — Dominic Simone

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

(57) CLAIM

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

DESCRIPTION

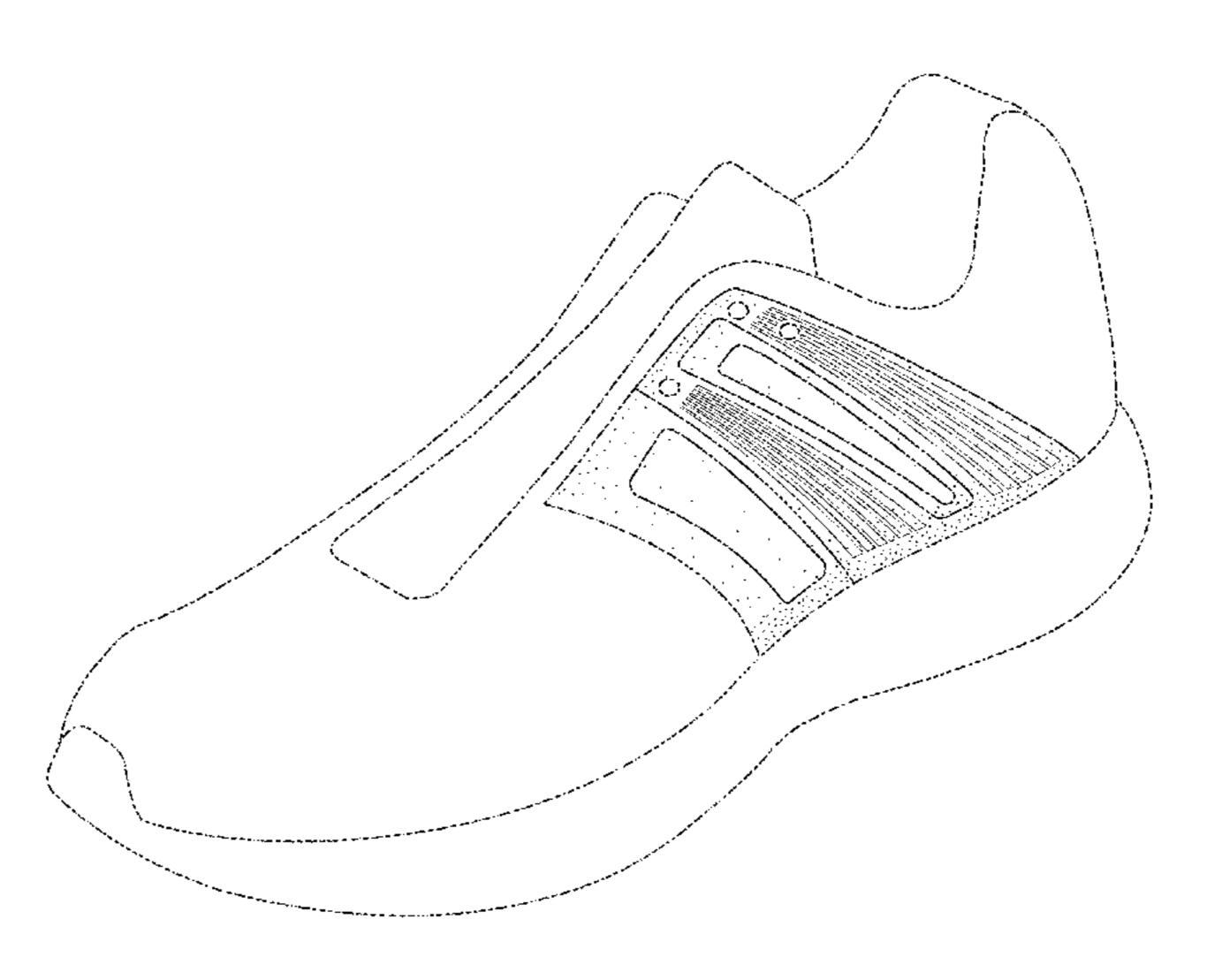
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a rear perspective view thereof.

The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The three unshaded regions within the shaded area, demarcated by broken lines, form no 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



OTHER PUBLICATIONS

Nike Footwear Catalog, Men's Footwear: Performance: Holiday 2010, pp. 6 and 10, published Feb. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Performance: Spring 2011, p. 78, published May 2010, Nike, Inc., USA.

Nike Footwear Catalog, Women's Footwear: Performance: Summer 2011, pp. 11 and 43, published Aug. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Women's Performance Footwear: Fall 2011, p. 7, published Nov. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Core Footwear: Holiday 2011, p. 6, published data unknown, but prior to the fiing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Women's Performance Footwear: Holiday 2011, p. 7, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Rival D IV, 1 page of full-color photographs, published Holiday 2008, Nike, Inc., USA.

Zoom Victory+, 1 page of full-color photographs, published Holiday 2008, Nike, Inc., USA.

Zoom Matumbo, 1 page of full-color photographs, published Holi-

day 2008, Nike, Inc., USA. Zoom Kobe IV, 1 page of full-color photographs, published Holiday 2008, Nike, Inc., USA.

Air Span+6(men's), 1 page of full-color photographs, published Spring 2009, Nike, Inc., USA.

Sparq Test Pro 3, 1 page of full-color photographs, published Spring 2009, Nike, Inc., USA.

Lunaracer+, 1 page of full-color photographs, published Spring 2009, Nike, Inc., USA.

Air Span+ 6 (women's), 1 page of full-color photographs, published Spring 2009, Nike, Inc., USA.

Zoom Start+ 2009, 1 page of full-color photographs, published Spring 2009, Nike, Inc., USA.

Hypermax, 1 page of full-color photographs, published Fall 2009, Nike, Inc., USA.

Shox Zipsister+ II, 1 page of full-color photographs, published Fall 2009, Nike, Inc., USA.

LunarElite+, 1 page of full-color photographs, published Fall 2009, Nike, Inc., USA.

LunarGlide+, 1 page of full-color photographs, published Fall 2009, Nike, Inc., USA.

Air Max LeBron VII, 1 page of full-color photographs, published Holiday 2009, Nike, Inc., USA.

Air Max+2010, 1 page of full-color photographs, published Holiday 2009, Nike, Inc., USA.

Trainer One Low, 1 page of full-color photographs, published Spring 2010 Nike, Inc., USA.

Nike Kobe Dream Season II, 1 page of full-color photographs, published Spring 2010 Nike Inc. LISA

lished Spring 2010 Nike, Inc., USA. Air Max+ 2009, 1 page of full-color photographs, published Spring 2010 Nike, Inc., USA.

Zoom Fly Quick Sister+, 1 page of full-color photographs, published Spring 2010 Nike, Inc., USA.

Trainer SC 2010, 1 page of full-color photographs, published Spring

2010 Nike, Inc., USA. Lunar Kayoss, 1 page of full-color photographs, published Spring 2010 Nike, Inc., USA.

Mercurial Vapor Superfly II, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Air Max Trainer Unleashed+ Mid, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Shox R4, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Sneakerboat II, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Air Max Trainer Unleashed+ Low, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Air Fly Bold Sister+, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Shox NZ 2.0, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Air Hoop Structure FA LE, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Air Span+ 7, 1 page of full-color photographs, published Summer 2010 Nike, Inc., USA.

Cortez Fly Motion, 1 page of full-color photographs, published Sum-

mer 2010 Nike, Inc., USA. Hyperdunk 2010, 1 page of full-color photographs, published Fall

2010 Nike, Inc., USA.
Zoom Victory XC, 1 page of full-color photographs, published Fall

2010 Nike, Inc., USA.

Trainer 1.2 Mid+, 1 page of full-color photographs, published Fall

2010 Nike, Inc., USA. Shox Turbo 11+, 1 page of full-color photographs, published Holiday

2010 Nike, Inc., USA. Nike Footwear Catalog, Footwear: 1985, p. 76, published Dec. 1984,

Nike, Inc., USA. Nike Footwear Catalog, Footwear: Fall 1987, p. 10, published Jan.

1987, Nike, Inc., USA. Nike Footwear Catalog, Footwear: Spring 1997, p. 131, published

Jun. 1996, Nike, Inc., USA. Nike Footwear Catalog, Footwear: Late Spring 1997, p. 6, published

Sep. 1996, Nike, Inc., USA. Nike Footwear Catalog, Footwear: Fall 1997, p. 156, published Dec.

1996, Nike, Inc., USA.

Nike Footwear Catalog, Men's Specialty and Women's & Kids' Footwear: Fall 1998, pp. M7 and W84, published Dec. 1997, Nike, Inc., USA.

Nike Footwear Catalog, Men's Specialty and Women's & Kids' Footwear: Holiday 1998, pp. M7 and W83, published Feb. 1998, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Fall 1999, pp. M12 and M21, published Nov. 1998, Nike, Inc., USA.

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 (red cover): Fall 2000, p. 2, published Nov. 1999, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear (white shoes): Spring 2001, p. 2, published Jun. 2000, Nike, Inc., USA.

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

Nike Footwear Catalog, Men's and Women's Footwear: Holiday 2001, p. W31, published Feb. 2001, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Spring 2002, p. 10, published Jun. 2001, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Fall 2003, p. W83, published Nov. 2002, Nike, Inc., USA.

* cited by examiner

