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Parker et al.

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(54) **SHOE UPPER**

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(**) Term: **14 Years**

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Related U.S. Application Data

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(51) **LOC (10) Cl.** **02-99**

(52) **U.S. Cl.**
USPC **D2/972**

(58) **Field of Classification Search**
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USPC D2/902, 906-908, 944, 969, 972, 975; 36/45, 50.1, 77 M, 77 R, 83, 88, 113, 36/114, 126-131
See application file for complete search history.

(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
D132,351 S 5/1942 Boothby
2,330,199 A 9/1943 Basch
2,400,692 A 5/1946 Herbert
2,586,045 A 2/1952 Hoza

(Continued)

OTHER PUBLICATIONS

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

(Continued)

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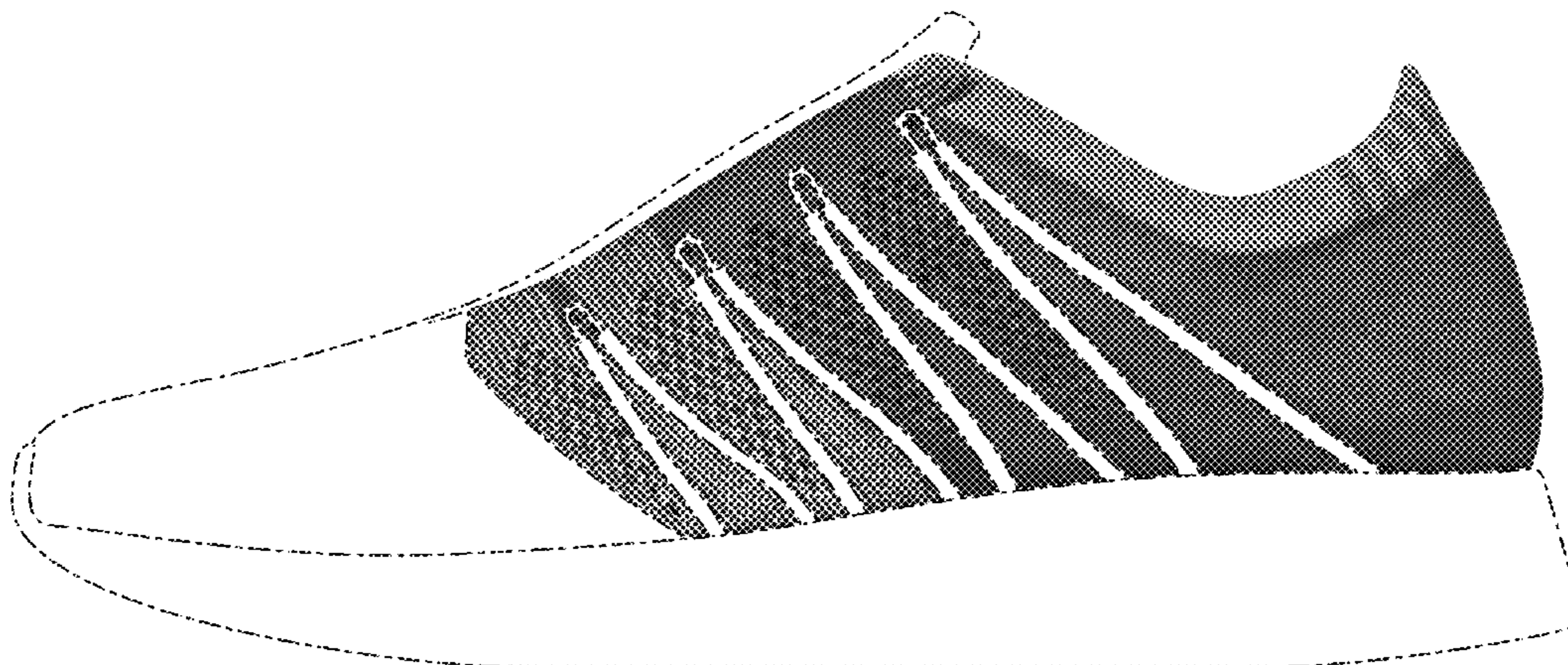
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a shoe upper showing our new design;
FIG. 2 is a side view thereof; and,
FIG. 3 is a rear perspective view thereof.
The photographic area is claimed. The broken lines immediately adjacent to the photographic area represent unclaimed boundaries of the 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



(56)

References Cited

U.S. PATENT DOCUMENTS

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.
 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
 D283,364 S 4/1986 Gamm
 4,607,439 A 8/1986 Harada
 4,737,396 A 4/1988 Kamat
 4,785,558 A 11/1988 Shiomura
 4,813,158 A 3/1989 Brown
 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
 5,345,638 A 9/1994 Nishida
 5,353,524 A 10/1994 Brier
 5,461,884 A 10/1995 Depoe et al.
 5,511,323 A 4/1996 Dahlgren
 5,572,860 A 11/1996 Mitsumoto et al.
 5,575,090 A 11/1996 Conдини
 5,729,918 A 3/1998 Smets
 5,735,145 A 4/1998 Pernick
 5,746,013 A 5/1998 Fay, Sr.
 D425,694 S 5/2000 Fogg
 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.
 D503,524 S 4/2005 Belley et al.
 6,910,288 B2 6/2005 Dua
 6,931,762 B1 8/2005 Dua
 D513,857 S 1/2006 Hlavacs
 D513,858 S 1/2006 O'Connor
 D514,291 S 2/2006 Whiteman et al.
 D515,299 S 2/2006 Burg
 D517,300 S 3/2006 Carr et al.
 7,051,460 B2 5/2006 Orei et al.
 7,056,402 B2 6/2006 Koerwien et al.
 D524,525 S 7/2006 Shin
 D524,526 S 7/2006 Chang et al.
 D527,885 S 9/2006 Young
 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 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
 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.
 7,682,219 B2 3/2010 Falla

D623,841 S 9/2010 Maejima
 D624,745 S 10/2010 Henderson
 D636,582 S 4/2011 Petrie
 D648,116 S 11/2011 Avar
 D649,338 S 11/2011 Bradford
 D651,787 S 1/2012 Mahoney
 D666,404 S * 9/2012 Shaffer D2/972
 D666,405 S * 9/2012 Shaffer D2/972
 D666,406 S * 9/2012 Shaffer D2/972
 D667,625 S 9/2012 Shaffer
 D667,626 S 9/2012 Shaffer
 D667,627 S 9/2012 Shaffer
 D668,031 S 10/2012 Shaffer
 D668,032 S 10/2012 Shaffer
 D668,035 S * 10/2012 Shaffer D2/972
 D668,858 S * 10/2012 Shaffer D2/972
 D671,730 S * 12/2012 Shaffer D2/972
 D672,130 S * 12/2012 Shaffer D2/972
 D672,131 S * 12/2012 Shaffer D2/972
 D672,132 S * 12/2012 Shaffer D2/972
 D672,135 S 12/2012 Williams, Jr.
 D676,227 S 2/2013 Lee
 D676,647 S 2/2013 O'Connor
 D683,534 S 6/2013 Williams, Jr.
 D683,946 S 6/2013 Williams, Jr.
 D683,948 S 6/2013 Shyllon
 D684,761 S * 6/2013 Williams, Jr. D2/972
 D688,860 S * 9/2013 Hrsak D2/972
 D688,861 S * 9/2013 Hrsak D2/972
 D689,683 S 9/2013 Caron
 D692,222 S 10/2013 Young
 D694,512 S 12/2013 James
 D696,853 S * 1/2014 Martin D2/972
 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.

(56)

References Cited

OTHER PUBLICATIONS

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

* cited by examiner

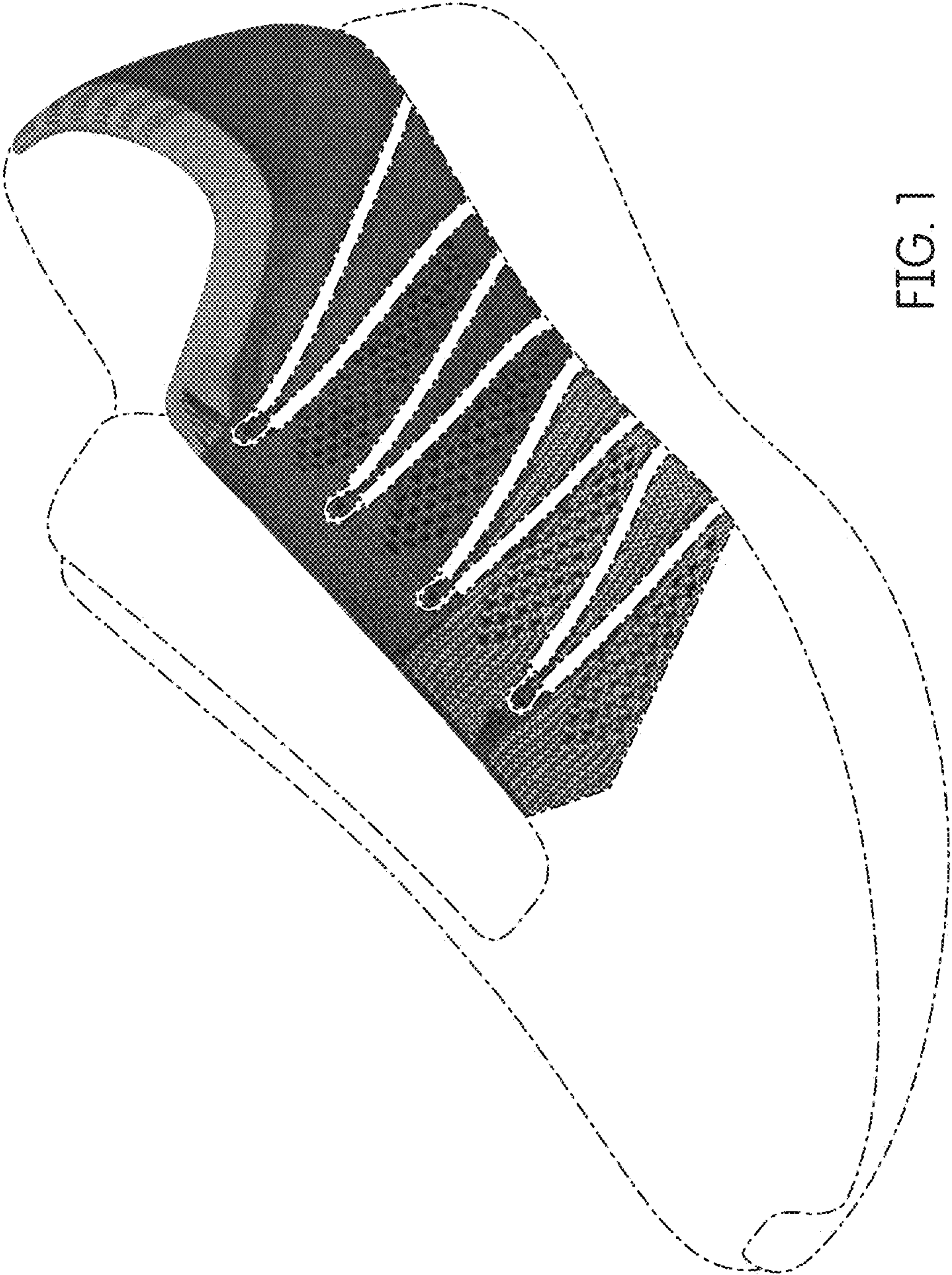


FIG. 1

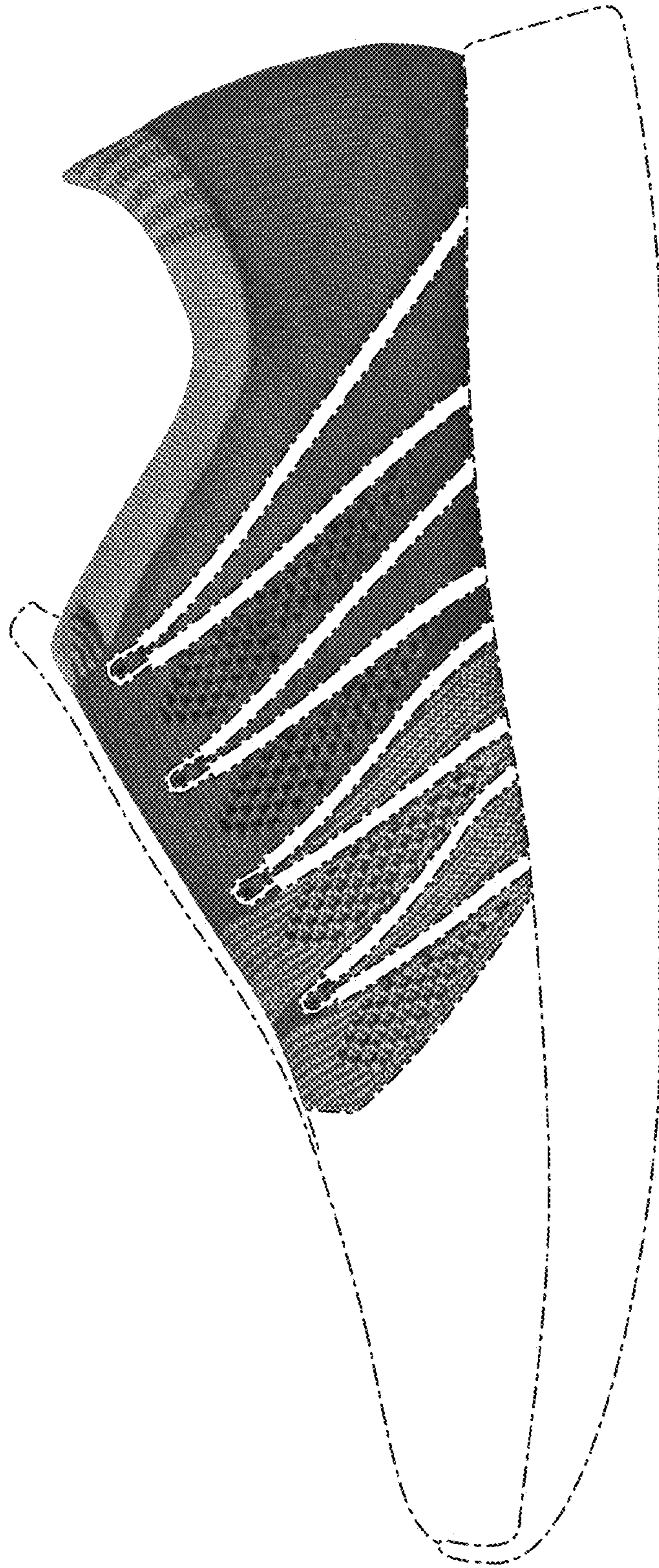


FIG. 2

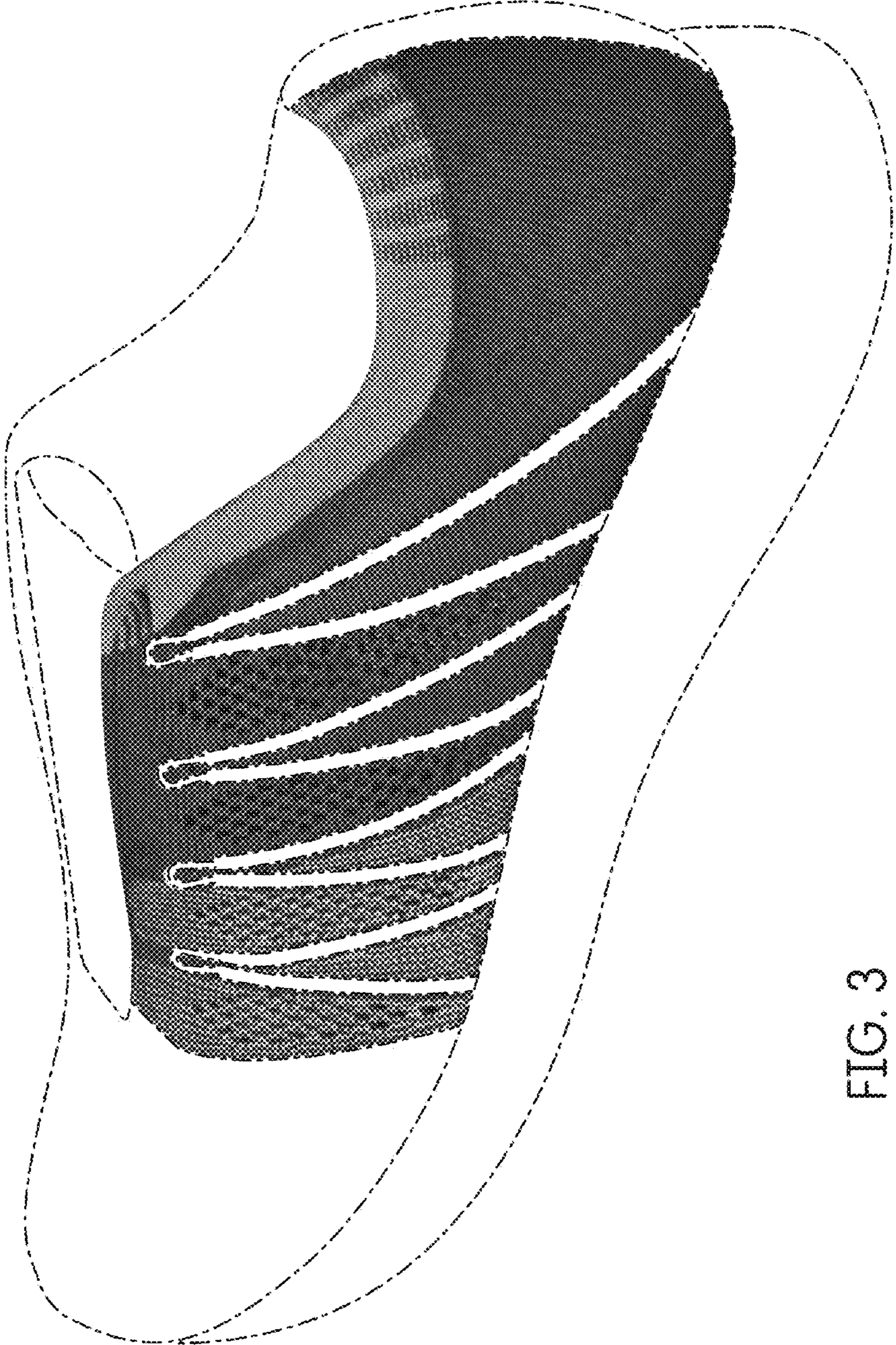


FIG. 3