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

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- (54) **SHOE UPPER**
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- (73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
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- (51) **LOC (10) Cl.** **02-99**
- (52) **U.S. Cl.**
USPC **D2/972**
- (58) **Field of Classification Search**
USPC D2/902, 906-908, 944, 969, 972-974;
36/45, 50.1, 77 M, 77 R, 83, 88, 89,
36/113, 114, 126-131, 133
See application file for complete search history.

- D570,084 S 6/2008 Henderson
- D570,085 S 6/2008 Henderson
- D574,594 S 8/2008 St-Louis et al.
- D576,784 S 9/2008 Earle
- D636,588 S * 4/2011 Avar D2/972
- D660,569 S 5/2012 Abramowitz

OTHER PUBLICATIONS

Nike Footwear Catalog, 1989 Spring Footwear, p. 16, published Jun. 1988, NIKE Inc., USA.
 Nike Footwear Catalog, 1997 Spring Footwear, p. 113, published Jun. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (blue cover), p. 10, published Nov. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Holiday: Men's and Women's Footwear (2), p. 7, published Mar. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Spring: Men's and Women's Footwear (2), p. 26, published Mar. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2003 Late Spring: Men's, Women's, and Kids' Footwear, p. 12, published Sep. 2002, NIKE, Inc., USA.

(Continued)

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(56) **References Cited**

U.S. PATENT DOCUMENTS

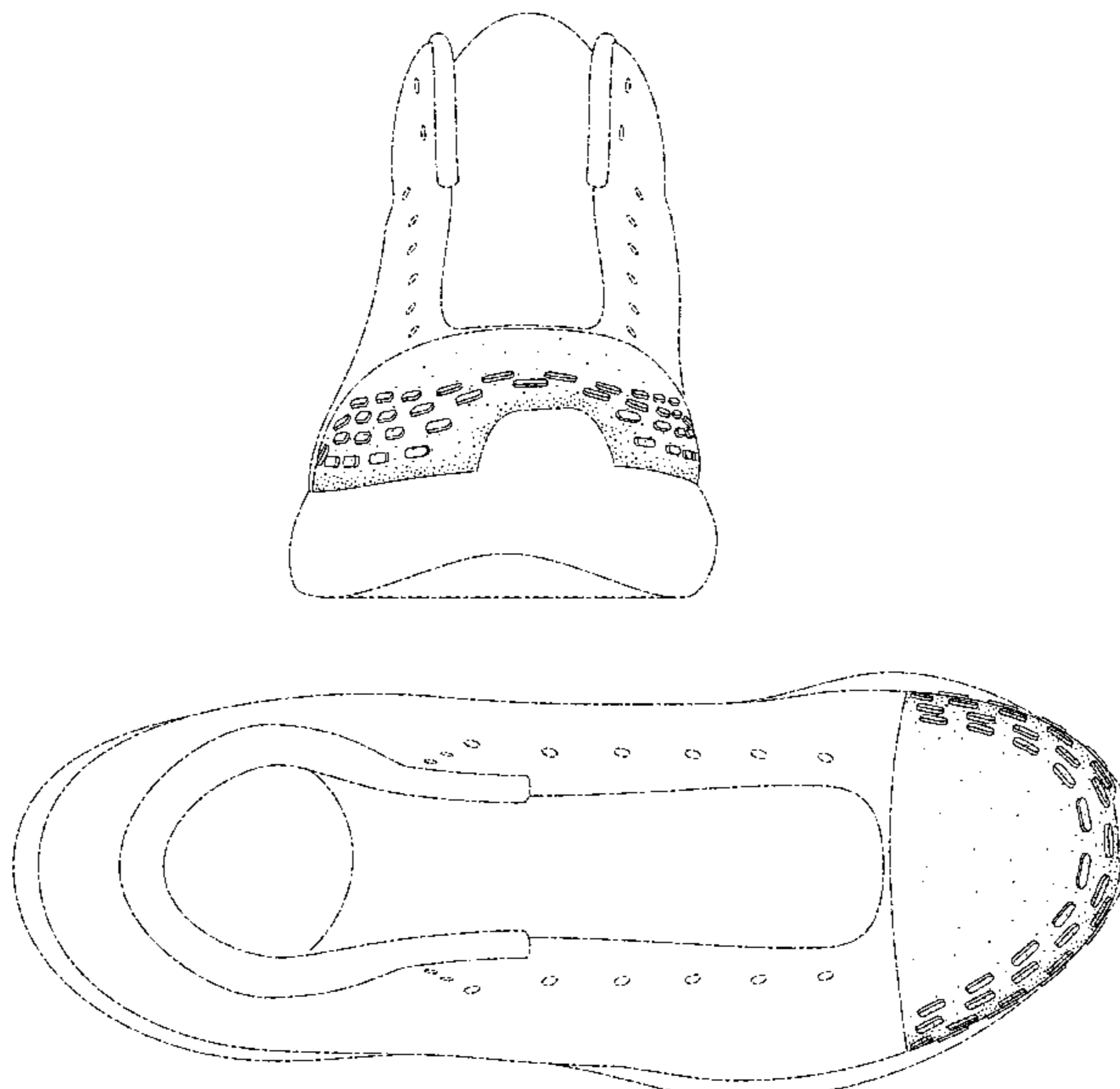
- D55,529 S * 6/1920 Piper D2/908
- D86,958 S 5/1932 Hakim
- D93,320 S 9/1934 Arkin
- D93,367 S 9/1934 Weidner
- 3,191,321 A * 6/1965 Brutting 36/133
- D333,376 S * 2/1993 Raffe D2/969
- D357,574 S 4/1995 Morris
- D429,412 S 8/2000 Tresser
- D468,520 S 1/2003 Holmes
- D499,875 S 12/2004 Lozano
- D513,111 S 12/2005 Caine
- D519,271 S 4/2006 Hoefl
- D520,223 S 5/2006 Burg
- D520,723 S 5/2006 Hoefl
- D522,227 S 6/2006 Young
- D544,690 S 6/2007 Mermet
- D568,602 S 5/2008 Henderson

(57) **CLAIM**
 The ornamental design for a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a lateral side view of a shoe upper showing my new design;
 FIG. 2 is a medial side view thereof;
 FIG. 3 is a front view thereof; and,
 FIG. 4 is a top view thereof.
 The broken lines immediately adjacent to the shaded 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, 4 Drawing Sheets



(56)

References Cited

OTHER PUBLICATIONS

Nike Footwear Catalog, 2004 Spring: Men's, Women's, and Kids' Footwear, p. 92, published Jun. 2003, NIKE, Inc., USA.
Nike Footwear Catalog, 2005 Fall Footwear, p. 9, published Nov. 2004, NIKE, Inc., USA.
Nike Footwear Catalog, 2006 Fall Footwear, p. 190, published Nov. 2005, NIKE, Inc., USA.
Nike Footwear Catalog, 2006 Holiday Footwear, p. 34, published Mar. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2006 Spring: Men's, Women's, and Kid's Footwear, p. 129, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

Nike Footwear Catalog, 2008 Summer Footwear, p. 19, published Aug. 2007, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall: Womens Performance Footwear, p. 5, published Nov. 2011, NIKE, Inc., USA.

* cited by examiner

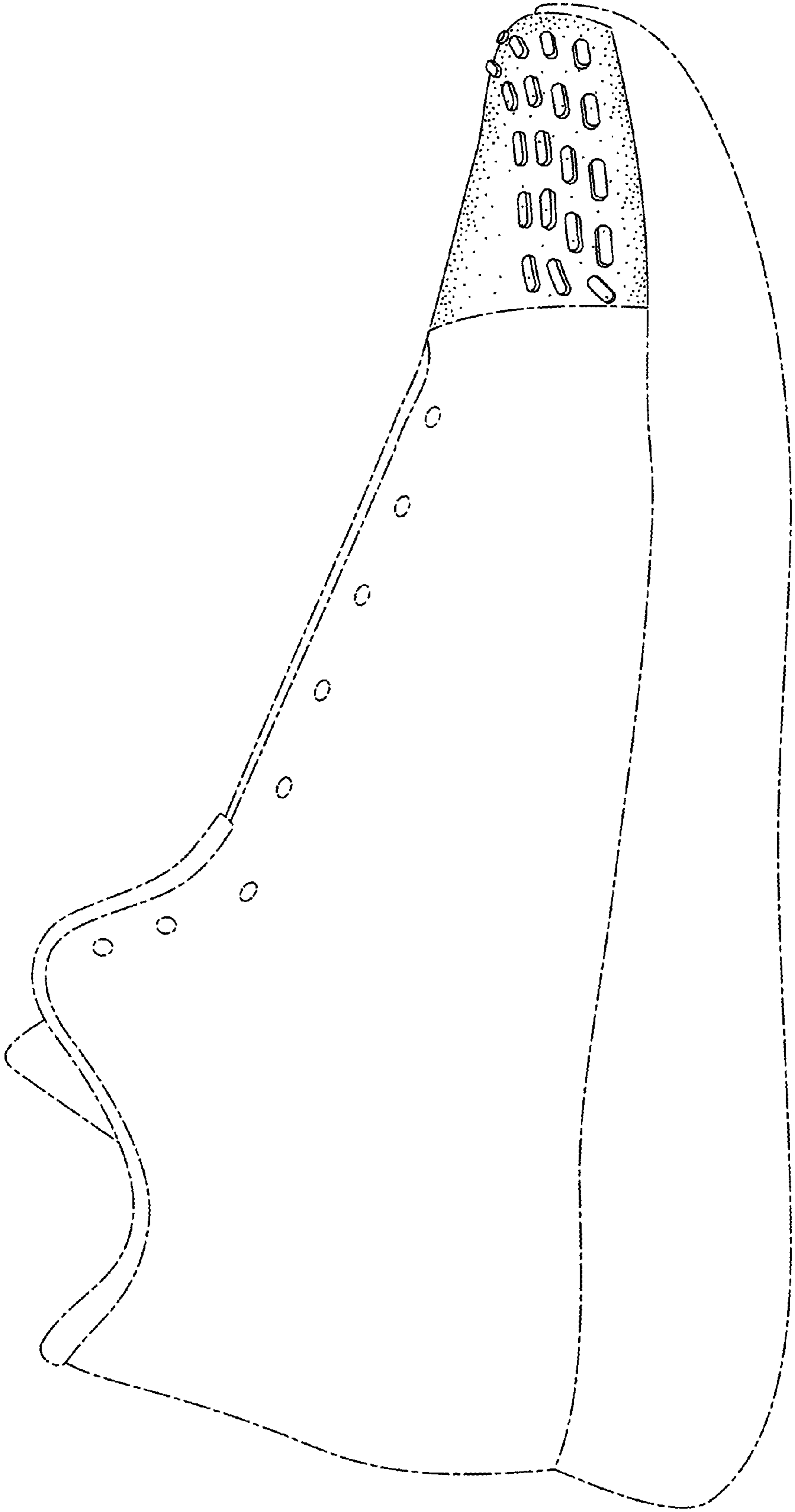


FIG. 1

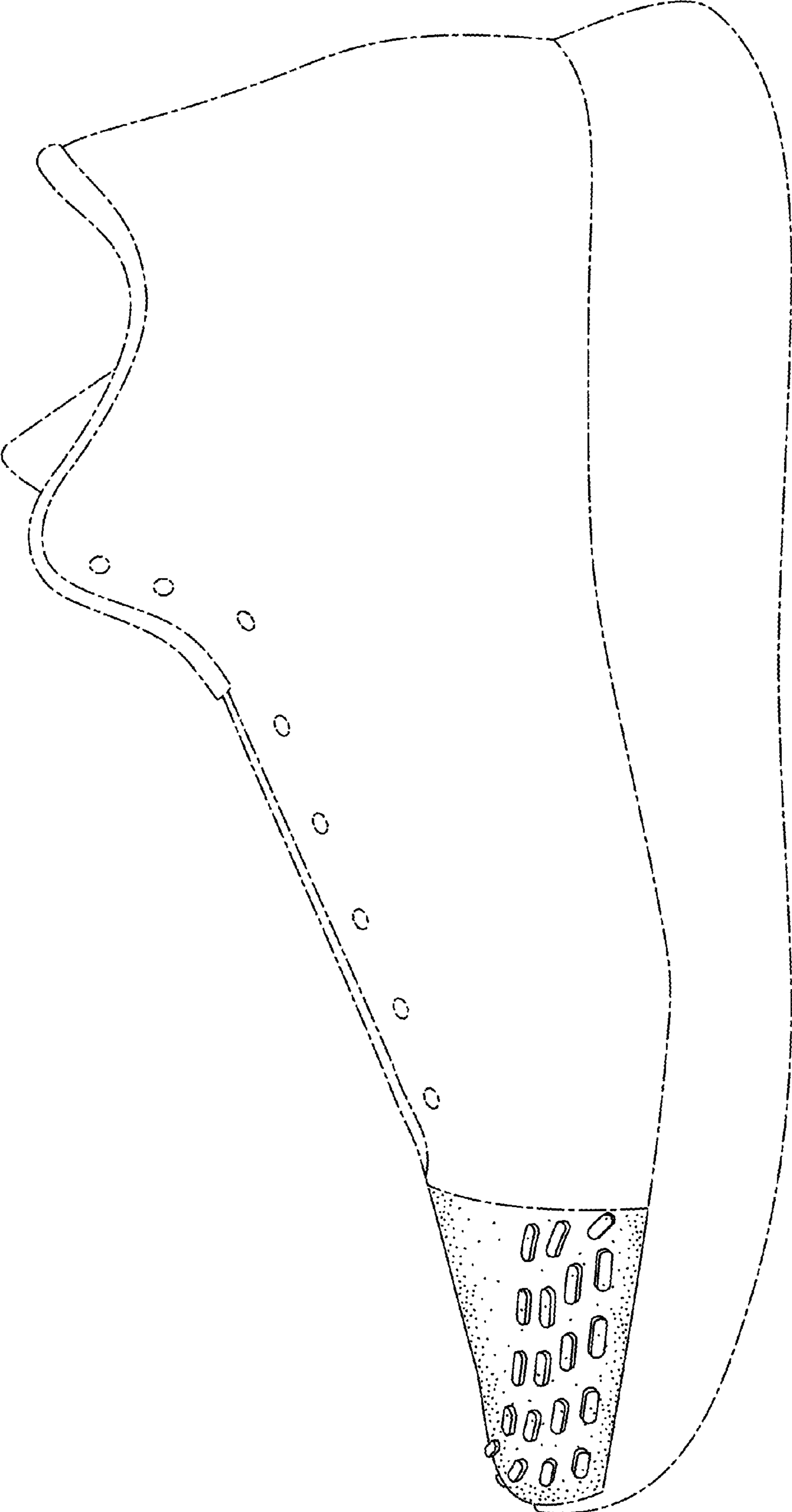


FIG. 2

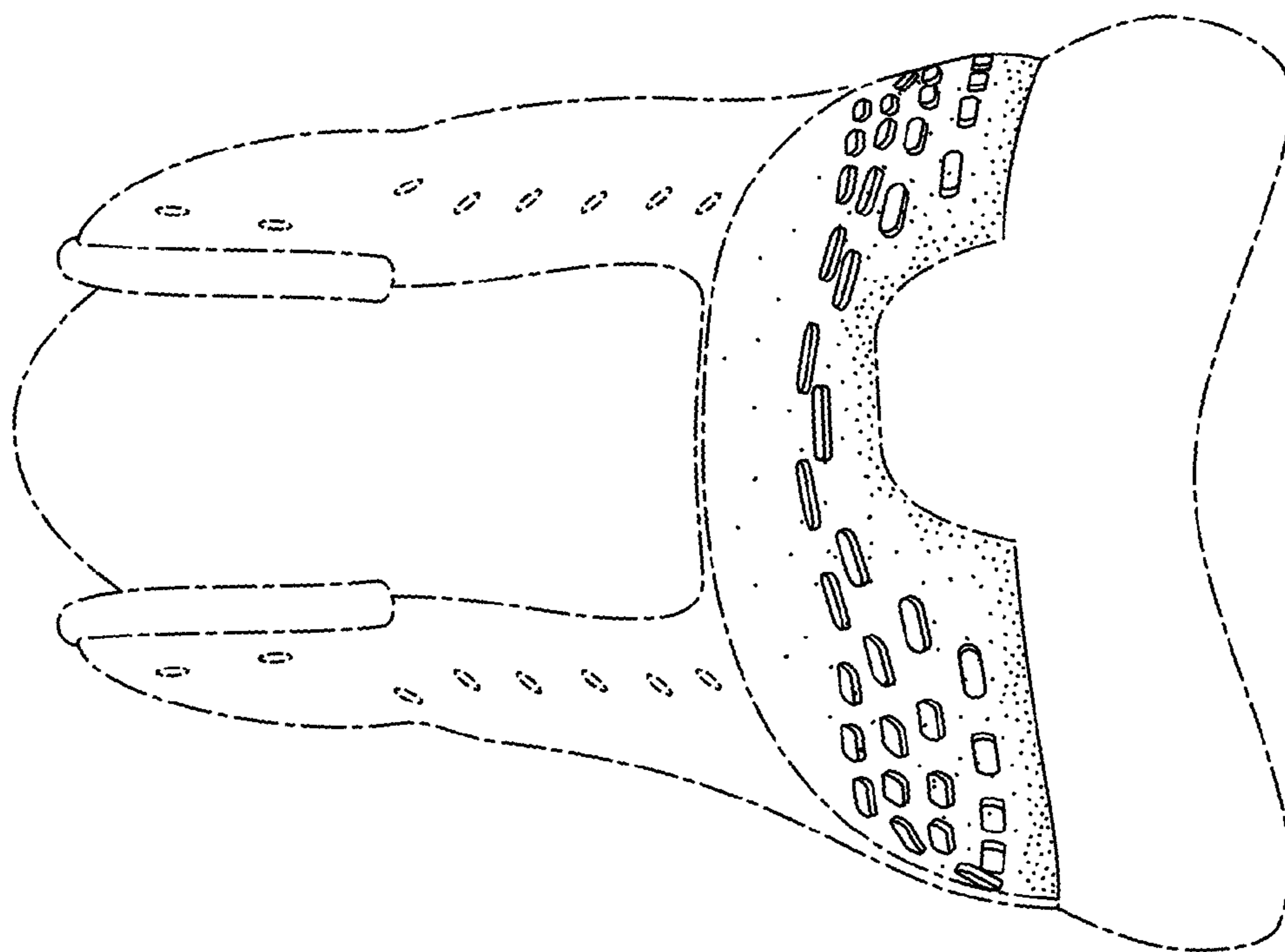


FIG. 3

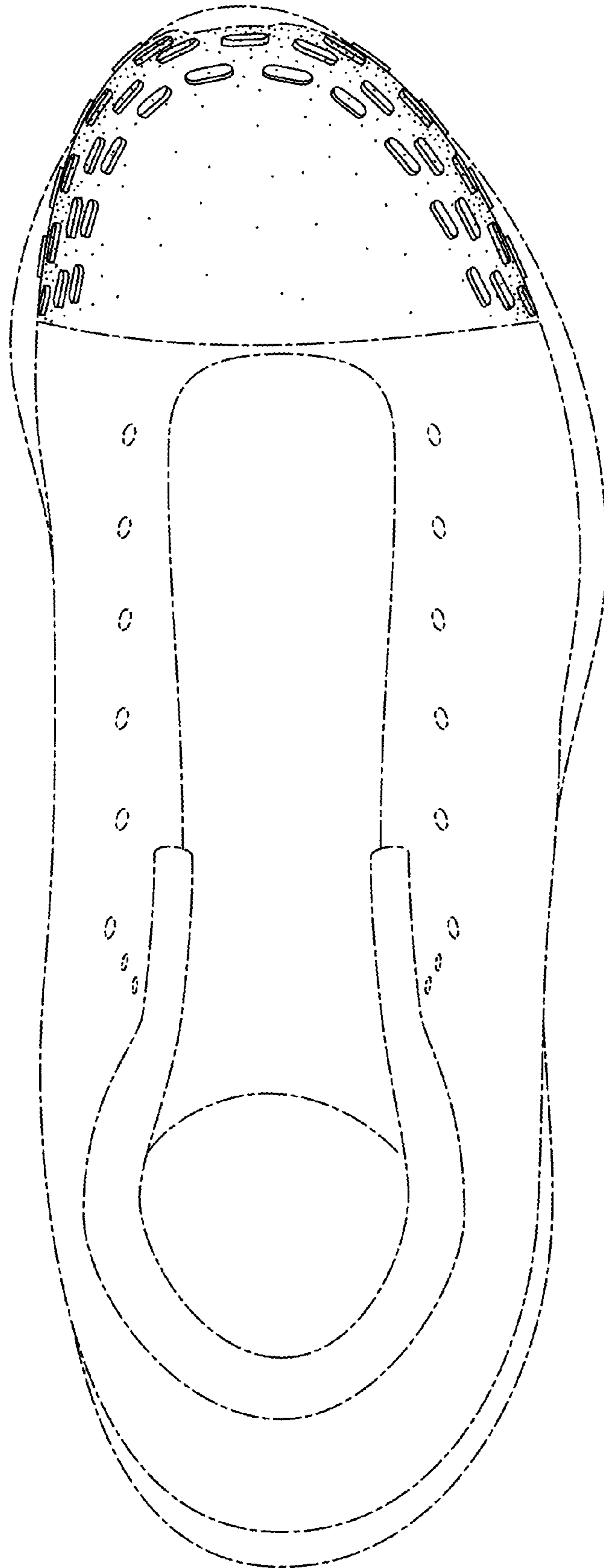


FIG. 4