



US00D718039S

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

(10) **Patent No.:** **US D718,039 S**

(45) **Date of Patent:** **** Nov. 25, 2014**

(54) **SHOE UPPER**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventor: **Graeme McMillan**, Portland, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

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

(21) Appl. No.: **29/492,596**

(22) Filed: **May 31, 2014**

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

(52) **U.S. Cl.**
USPC **D2/973**

(58) **Field of Classification Search**
USPC D2/902, 906-908, 944, 969, 972-974,
D2/978; 36/45, 50.1, 77 M, 77 R, 83, 88,
36/114, 126-131
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D381,495 S	7/1997	Avar	
D428,245 S	7/2000	Brown	
D595,498 S	7/2009	Dolan	
D595,499 S	7/2009	Dekovic	
D605,396 S	12/2009	Henderson	
D623,841 S	9/2010	Maejima	
D643,206 S	8/2011	Chang	
D648,116 S	11/2011	Avar	
D676,227 S	2/2013	Lee	
D676,643 S *	2/2013	Lee	D2/972
D676,644 S	2/2013	Avar et al.	
D676,646 S	2/2013	Avar et al.	
D676,647 S	2/2013	O'Connor	
D676,648 S *	2/2013	O'Connor	D2/972
D682,532 S *	5/2013	Roulo	D2/972
D685,176 S	7/2013	Chang	
D692,224 S	10/2013	Fogg	
D692,225 S	10/2013	Madore	

D694,513 S	12/2013	Fogg
D694,514 S	12/2013	Pizzuti
D696,846 S	1/2014	Klug
D697,299 S	1/2014	Maejima
D700,427 S	3/2014	Cochrane
D700,769 S	3/2014	Parrett

OTHER PUBLICATIONS

Nike Footwear Catalog, 1996 Late Spring Footwear, p. 25, published Aug. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (red cover), p. 2, published Nov. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Fall: Men's and Women's Footwear, p. 38, published Nov. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Holiday: Men's and Women's Footwear, p. 31, published Feb. 2001, NIKE, Inc., USA.
 Nike Footwear Catalog, 2002 Late Spring: Men's and Women's Footwear, p. 26, published Sep. 2001, NIKE, Inc., USA.

(Continued)

Primary Examiner — Dominic Simone

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

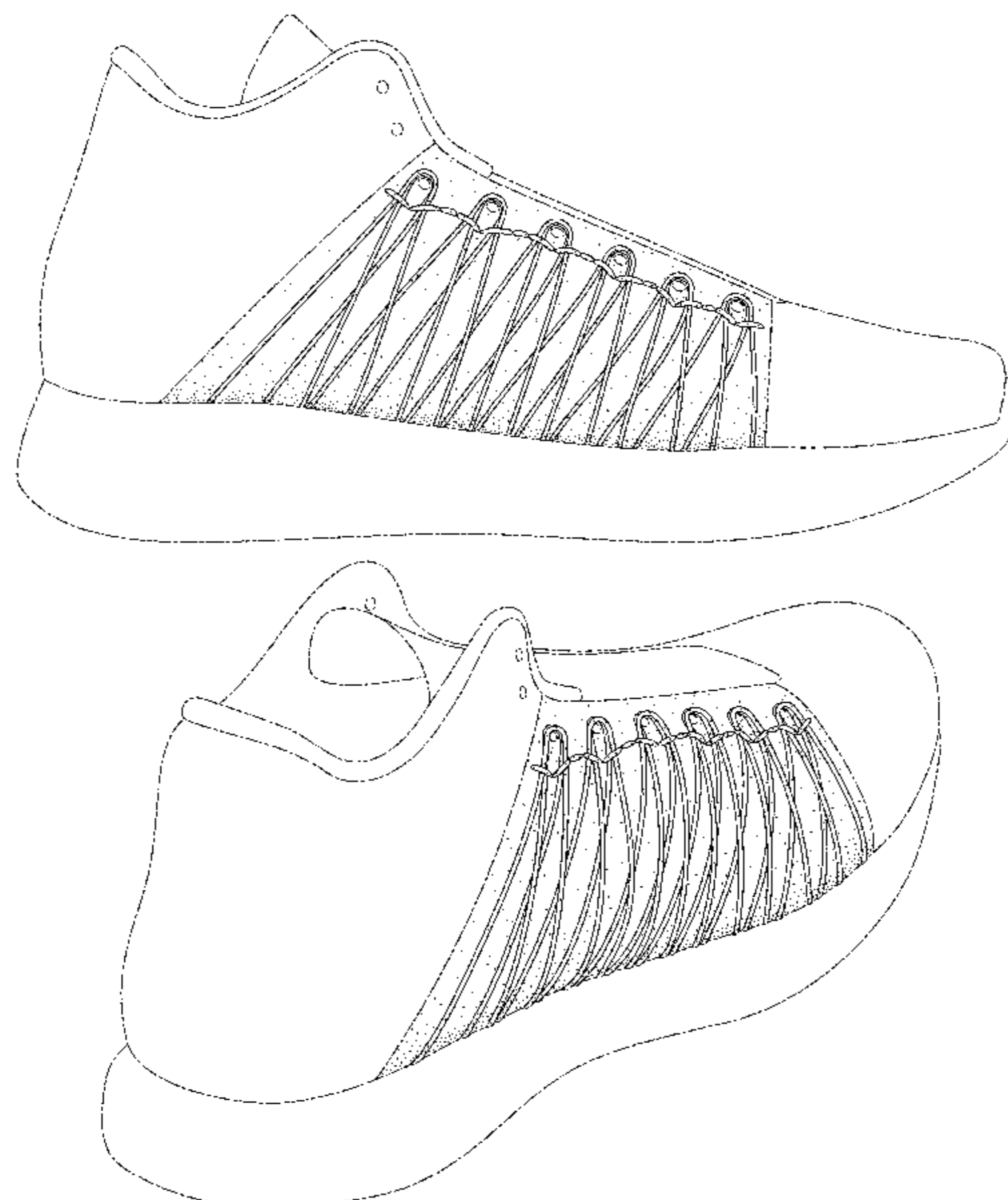
(57) **CLAIM**

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 six unshaded eyelet regions within the shaded area 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



(56)

References Cited

OTHER PUBLICATIONS

Nike Footwear Catalog, 2003 Fall: Men's and Women's Footwear, p. 57, published Nov. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Fall: Performance Footwear, p. 75, published Nov. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Fall: Performance Footwear, p. 3, published Nov. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Holiday: Men's Performance Footwear, p. 58, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Holiday: Extra Footwear photographs, p. 1, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Holiday: Men's Performance Footwear, p. 23, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall: Mens Performance Footwear, p. 23, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Holiday: Mens Performance Footwear, p. 24, published Nov. 2011, NIKE, Inc., USA.

* cited by examiner

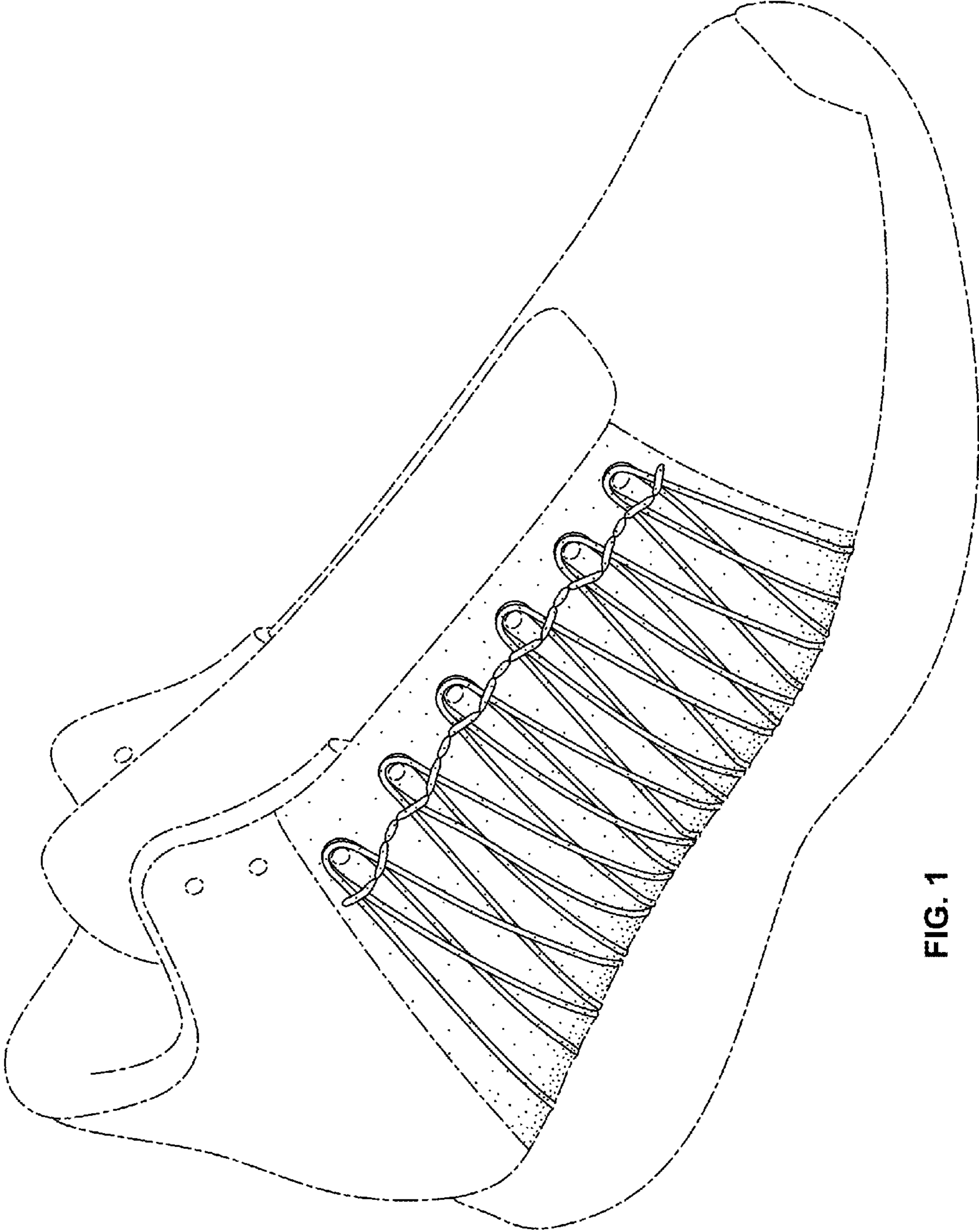


FIG. 1

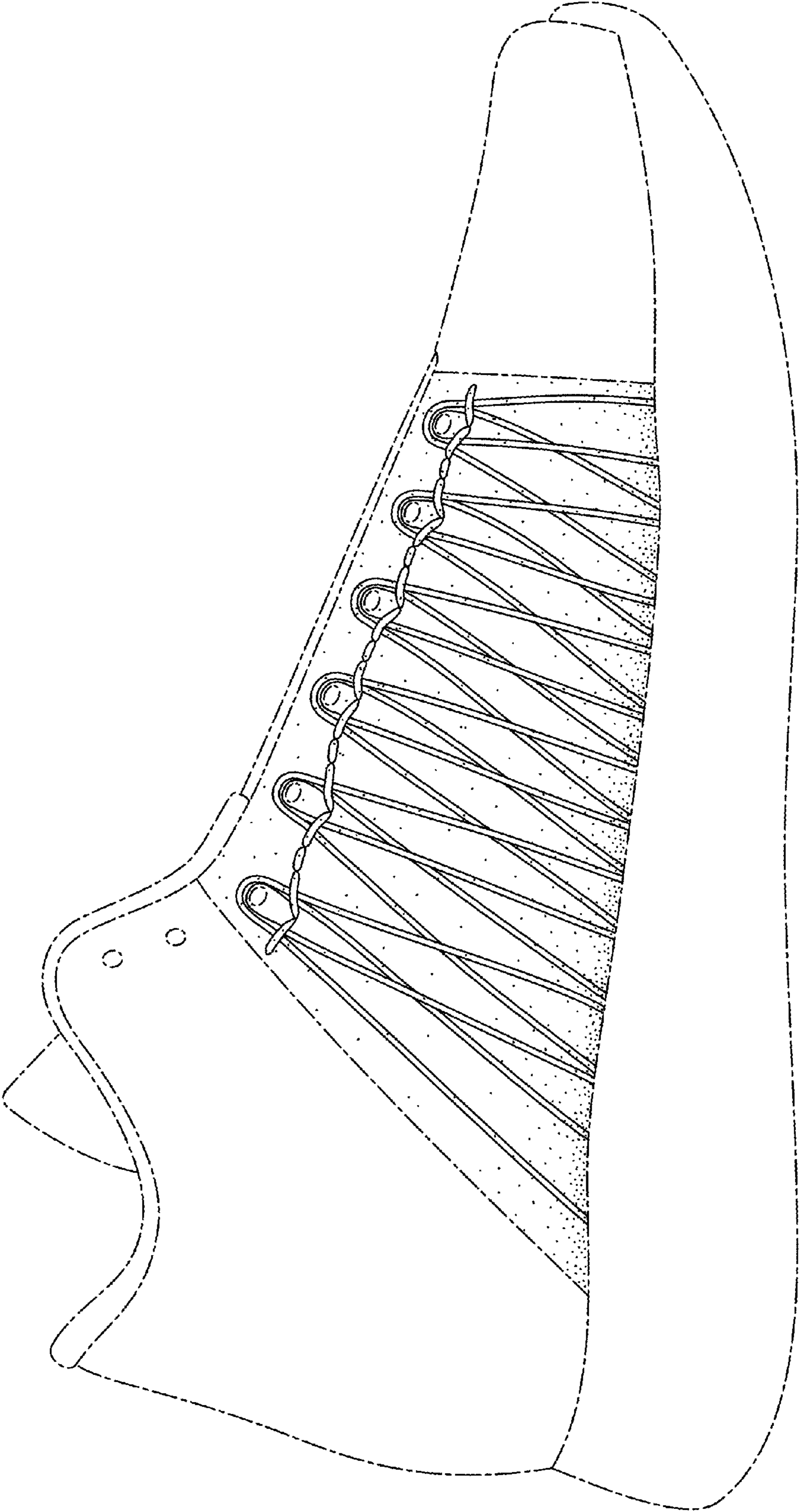


FIG. 2

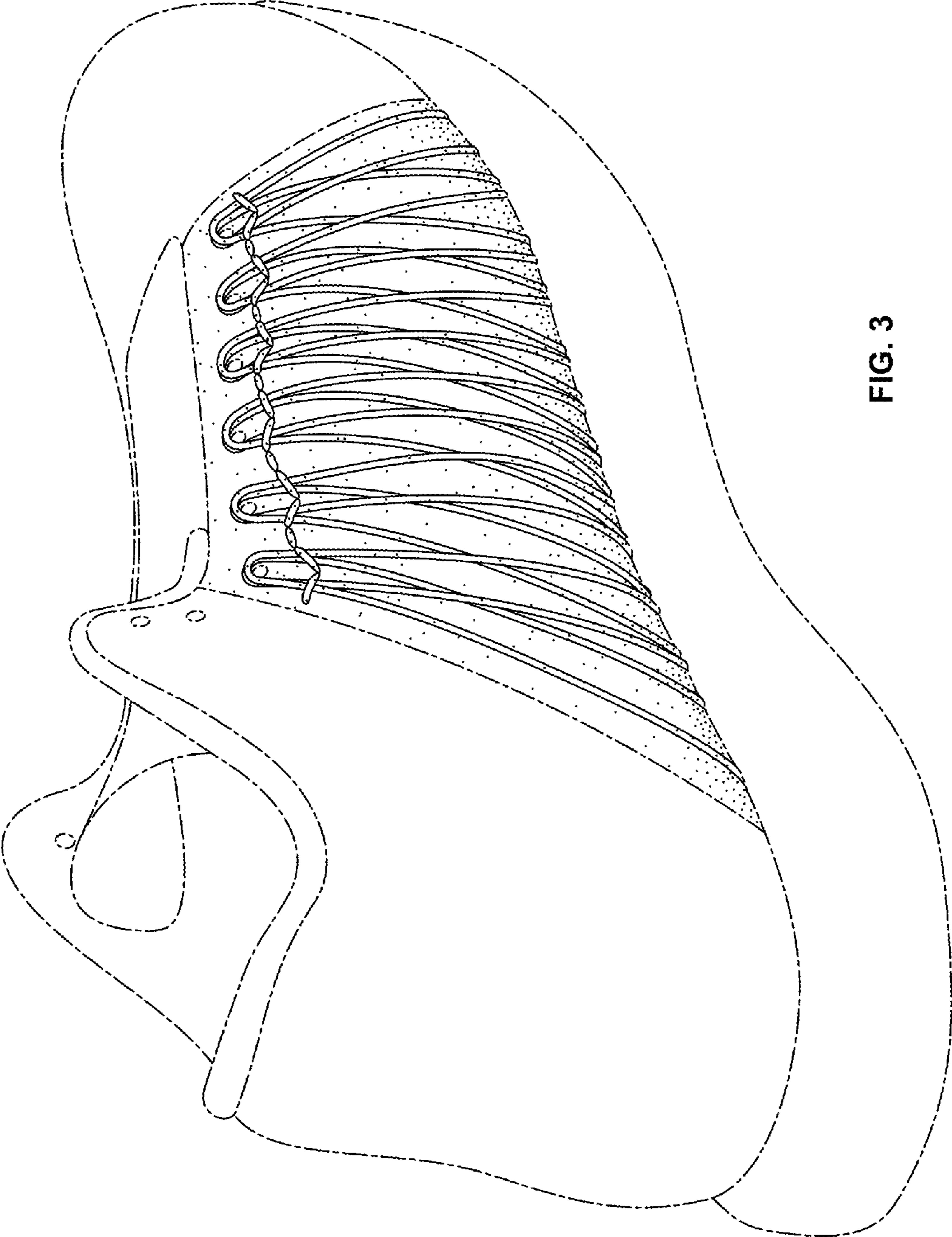


FIG. 3