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

(10) **Patent No.:** **US D738,089 S**  
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- (54) **SHOE UPPER**
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- (73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
- (\*\*) Term: **14 Years**
- (21) Appl. No.: **29/512,860**
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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,  
D2/975  
CPC .... A43B 13/81; A43B 13/141; A43B 13/186;  
A43B 13/188; A43B 23/00; A43B 23/02;  
A43B 5/00; A43B 23/26  
See application file for complete search history.

D578,294 S	10/2008	Mervar et al.	
D579,186 S	10/2008	Mervar et al.	
D586,548 S *	2/2009	Harlow .....	D2/972
D597,293 S *	8/2009	Banik et al. ....	D2/972
D636,587 S *	4/2011	Williams, Jr. ....	D2/972
D636,591 S	4/2011	Miner	
D642,787 S *	8/2011	Lee .....	D2/972
D675,424 S *	2/2013	Williams, Jr. ....	D2/972
D689,684 S *	9/2013	McMillan .....	D2/972
D690,091 S	9/2013	Dombrow	
D690,092 S	9/2013	Dombrow	
D693,104 S *	11/2013	McMillan .....	D2/972
8,661,712 B2 *	3/2014	Aveni et al. ....	36/54
D703,933 S *	5/2014	Avar et al. ....	D2/972
D703,935 S *	5/2014	Seamarks .....	D2/972

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 1994 Fall Footwear, p. 10, 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**

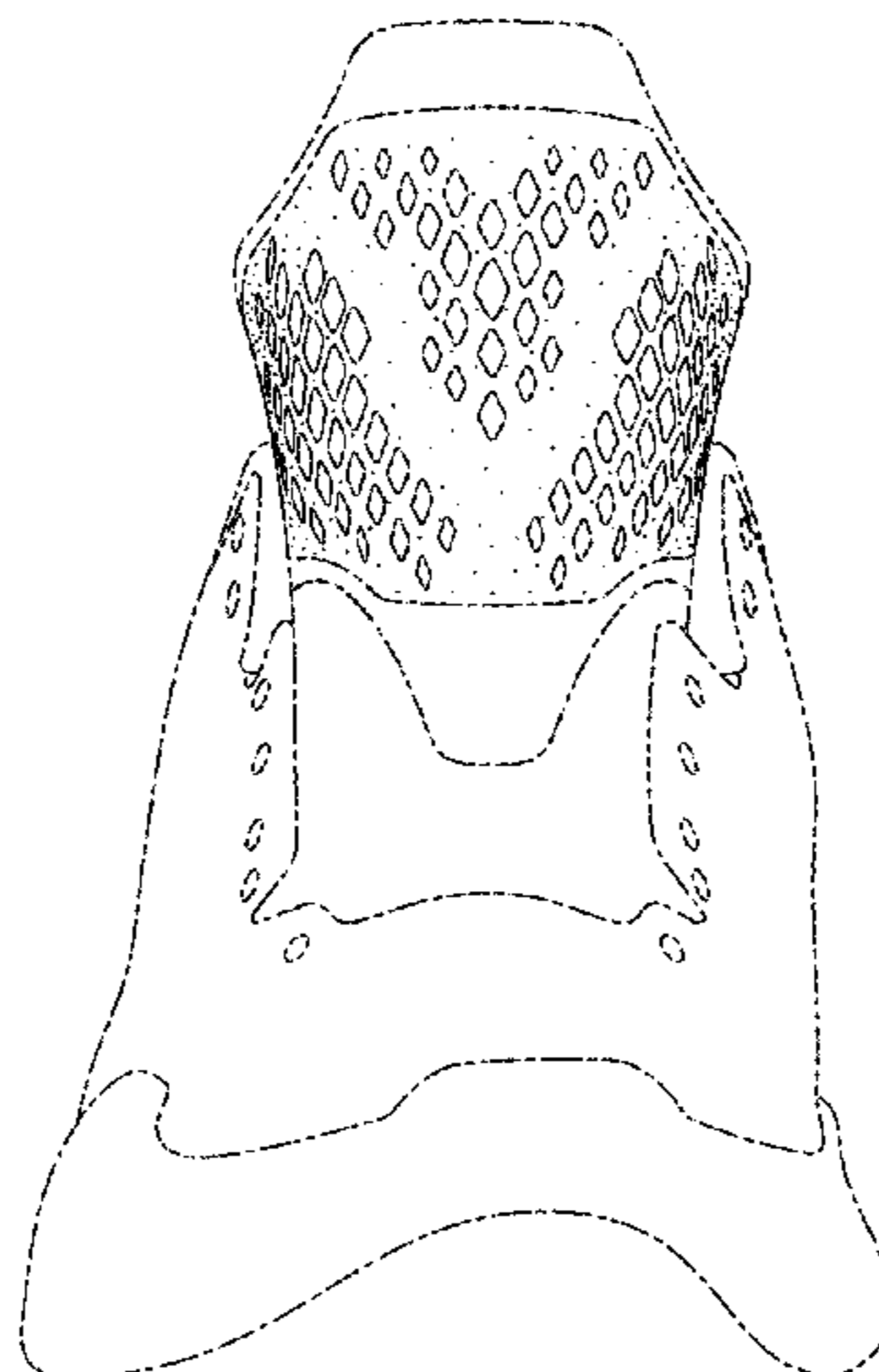
FIG. 1 is a front perspective view of a shoe upper showing my new design;  
FIG. 2 is a lateral side view thereof;  
FIG. 3 is a medial side view thereof;  
FIG. 4 is a front view thereof; and,  
FIG. 5 is a top view thereof.  
The broken lines immediately adjacent to the shaded area represent unclaimed 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, 5 Drawing Sheets**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,355,323 A *	10/1920	Fox .....	36/54
D173,700 S	12/1954	Hosker	
D398,771 S	9/1998	Doxey	
D404,554 S	1/1999	Kelchak	
D413,196 S	8/1999	Hatfield	
D457,296 S	5/2002	Burt	
D474,009 S	5/2003	Lotti	
D487,336 S	3/2004	Matis	
D496,152 S *	9/2004	Doxey .....	D2/972
D499,877 S *	12/2004	Mark .....	D2/975
D504,012 S	4/2005	Fullum	
D515,299 S	2/2006	Burg	
D524,031 S	7/2006	Shaffer	
D544,700 S	6/2007	Link	
D545,558 S *	7/2007	McDowell .....	D2/972
D546,546 S *	7/2007	Chang .....	D2/972



(56)

**References Cited**

U.S. PATENT DOCUMENTS

D714,043 S \* 9/2014 O'Connor ..... D2/972  
D718,036 S \* 11/2014 McMillan ..... D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 1994 Late Spring Footwear, p. 20, published  
Sep. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Late Spring Footwear, p. 68, published  
Sep. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Fall Footwear, p. 113, published Dec.  
1996, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Summer Performance Footwear, p. 23,  
published Aug. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Spring Core Footwear, p. 4, published  
May 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall Womens Sportswear Best, p. 31,  
published Nov. 2012, NIKE, Inc., USA.

\* cited by examiner

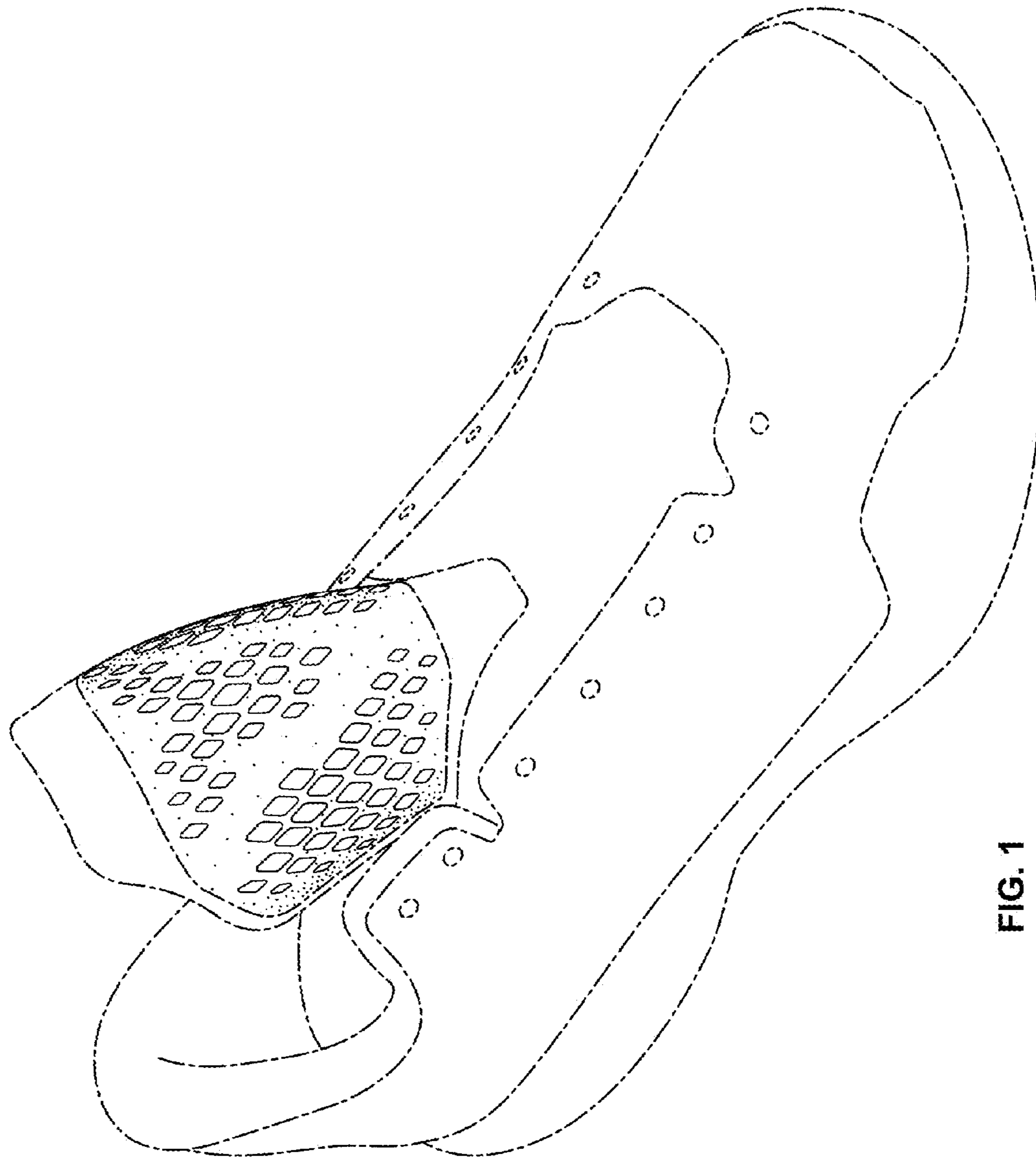


FIG. 1

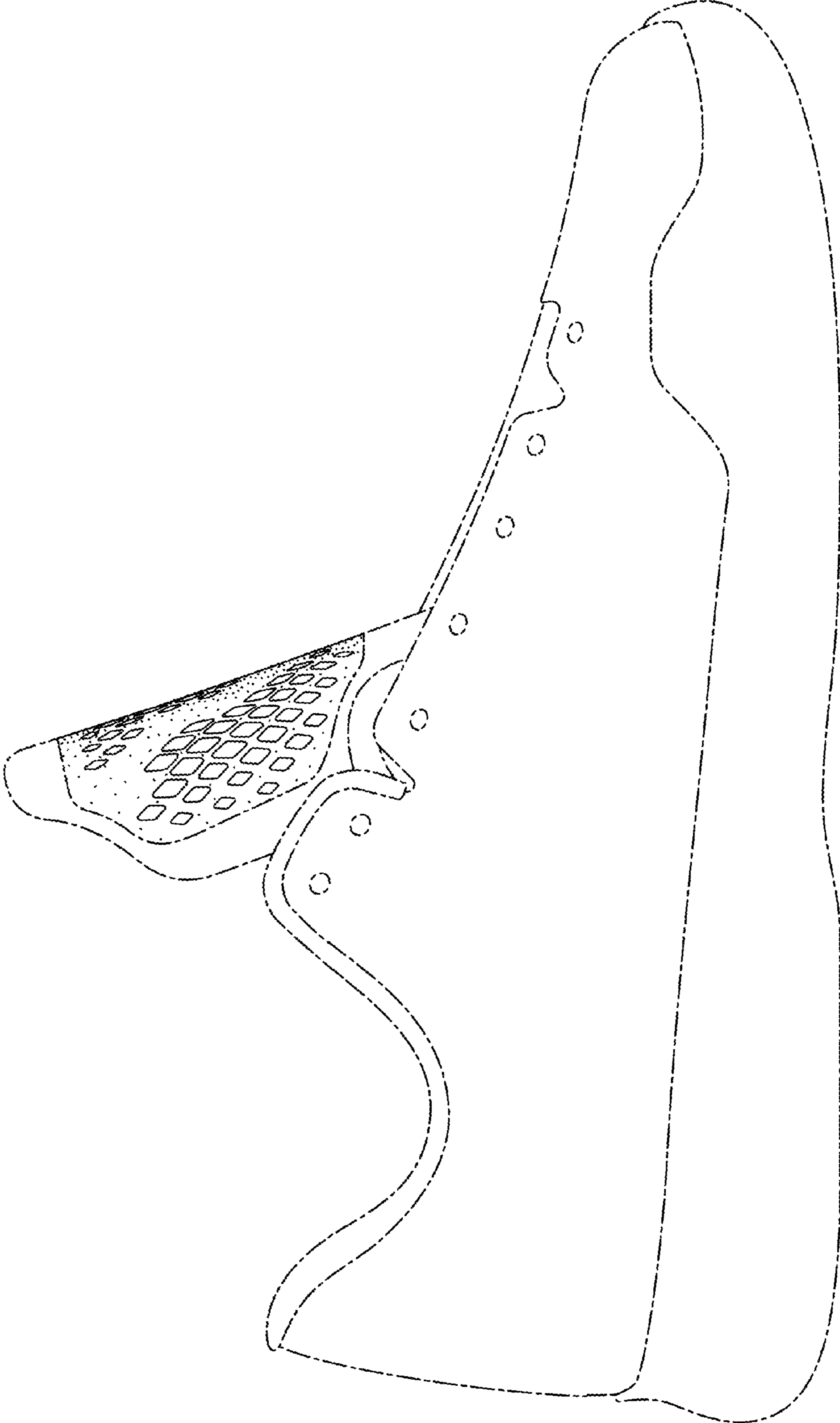


FIG. 2

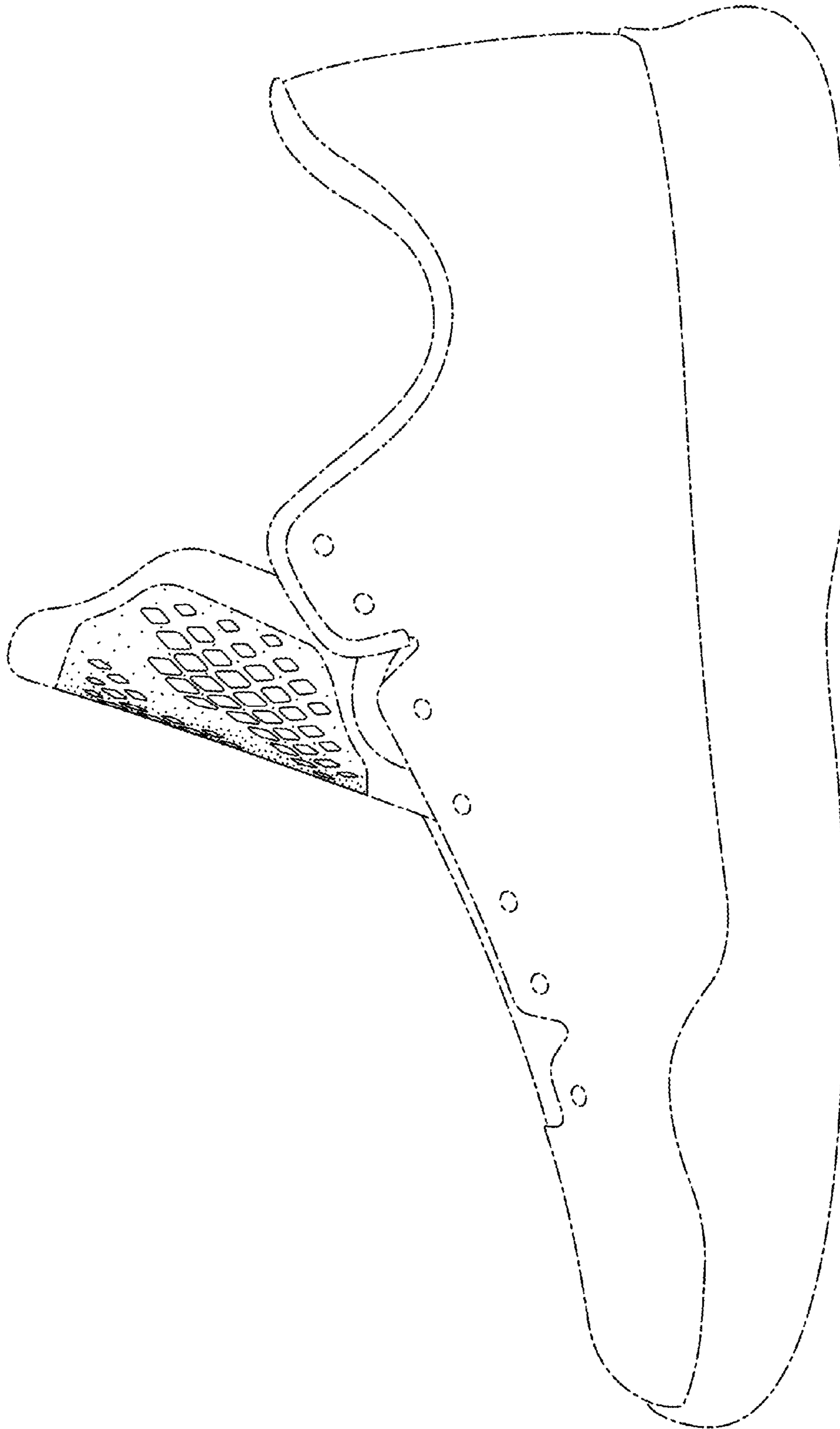


FIG. 3

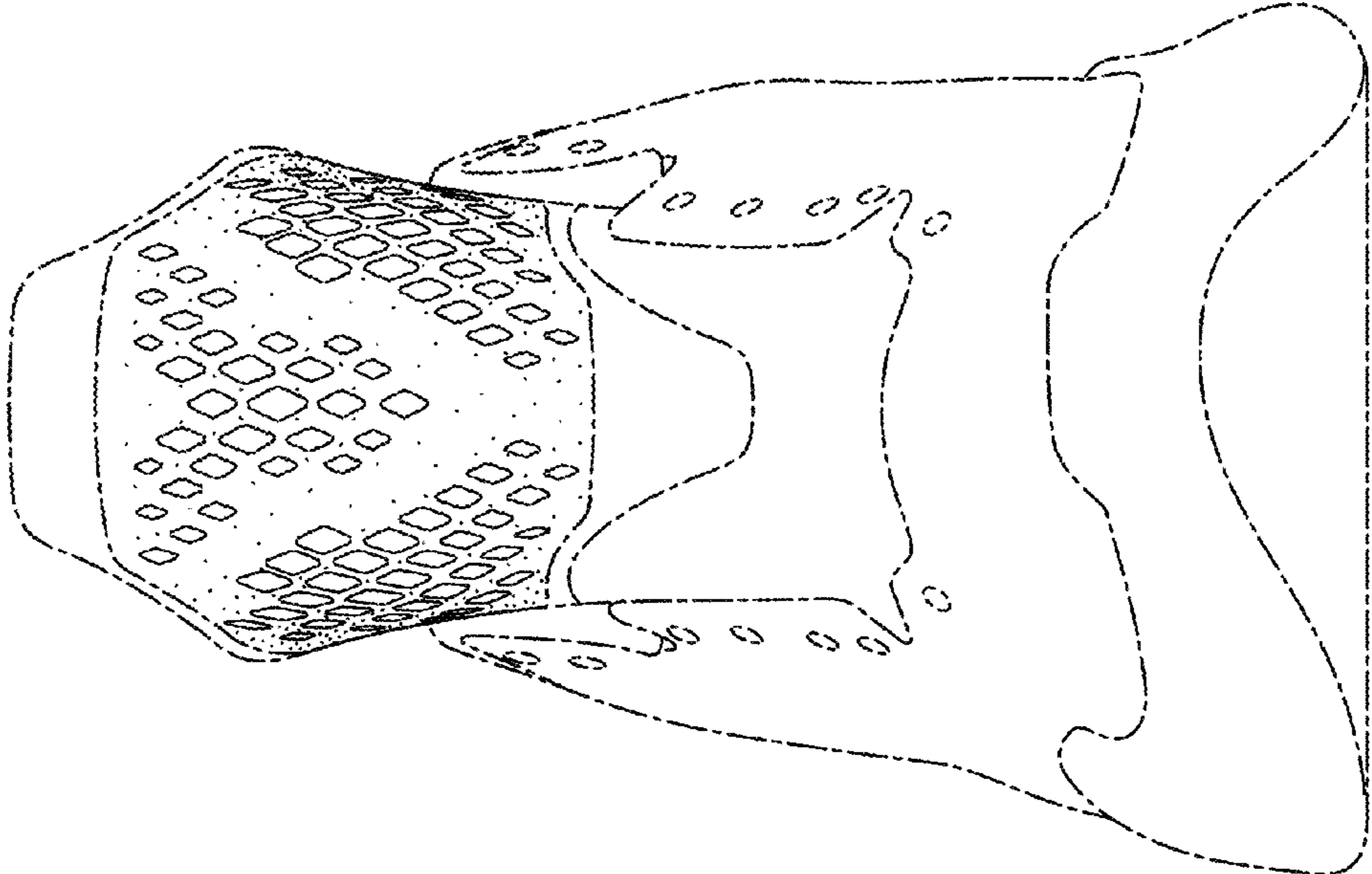


FIG. 4

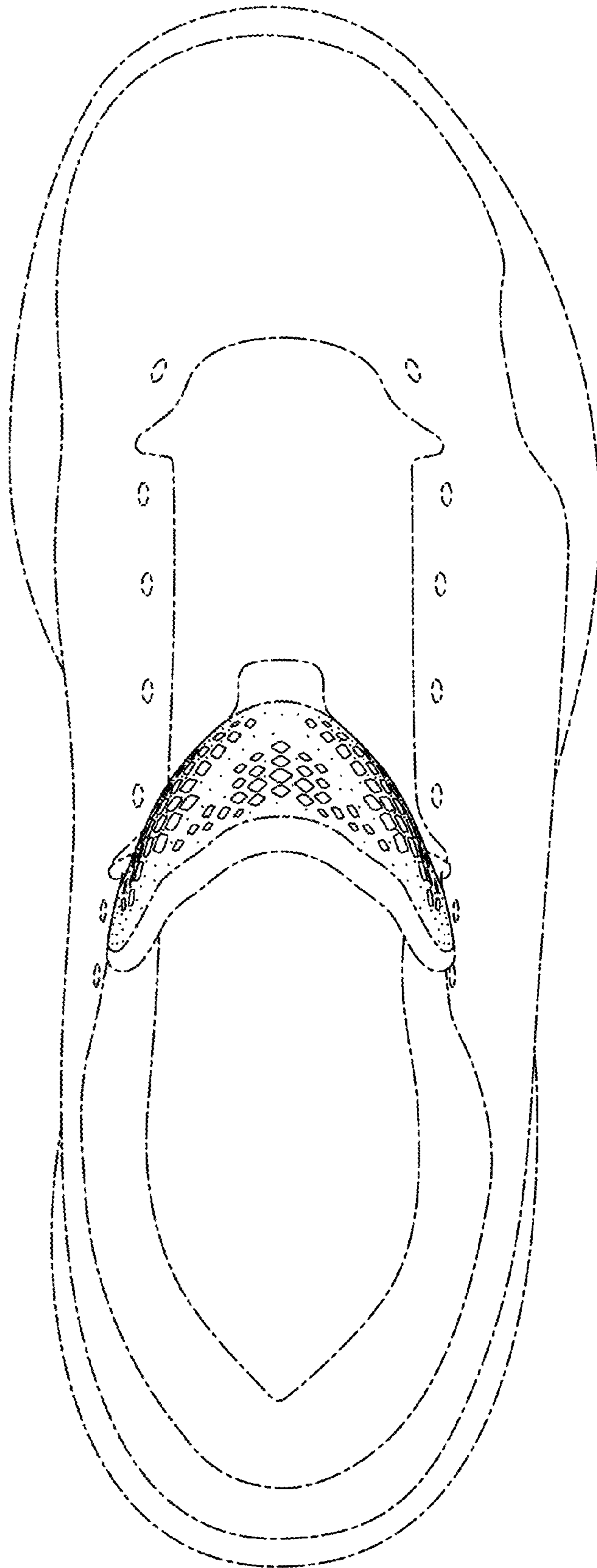


FIG. 5