



US00D783257S

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

(10) **Patent No.:** **US D783,257 S**

(45) **Date of Patent:** **\*\* Apr. 11, 2017**

(54) **SHOE UPPER**

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

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

(\*\*) Term: **15 Years**

(21) Appl. No.: **29/547,179**

(22) Filed: **Dec. 1, 2015**

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

(52) **U.S. Cl.**

USPC ..... **D2/972**

(58) **Field of Classification Search**

USPC ..... D2/902, 906-908, 944, 946, 969,  
D2/972-974, 977; D5/47, 49

CPC ... A43B 13/181; A43B 13/141; A43B 13/186;  
A43B 13/188; A43B 23/00; A43B 23/02;  
A43B 5/00; A43B 23/26; A43B 1/04;  
A43B 11/14; A43B 7/00; A43C 1/00;  
A43C 11/00

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D4,518 S	*	12/1870	Taft et al.	.....	D5/47
D4,864 S	*	5/1871	Taft et al.	.....	D5/47
D10,091 S	*	7/1877	Chase	.....	D5/47
D11,669 S	*	3/1880	Conde	.....	D5/47
D20,184 S	*	10/1890	Elmore	.....	D5/47
D109,226 S		4/1938	Lipp		
D155,816 S		11/1949	Little		
D266,968 S		11/1982	Railton		
D272,012 S		1/1984	Trevisani		
D279,138 S		6/1985	Gamm		

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 1989 Fall Footwear, p. 114, published Dec. 1988, NIKE, Inc., USA.

(Continued)

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(57) **CLAIM**

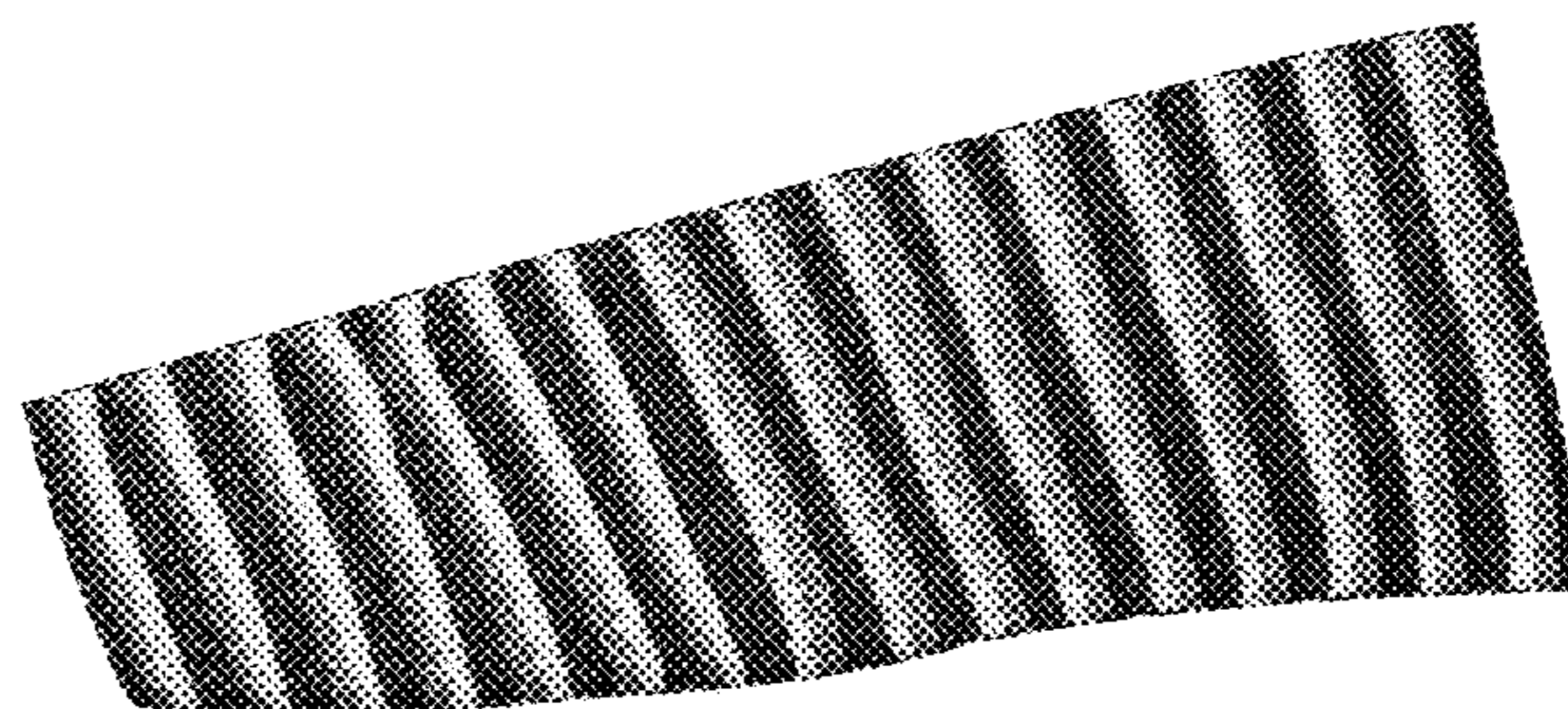
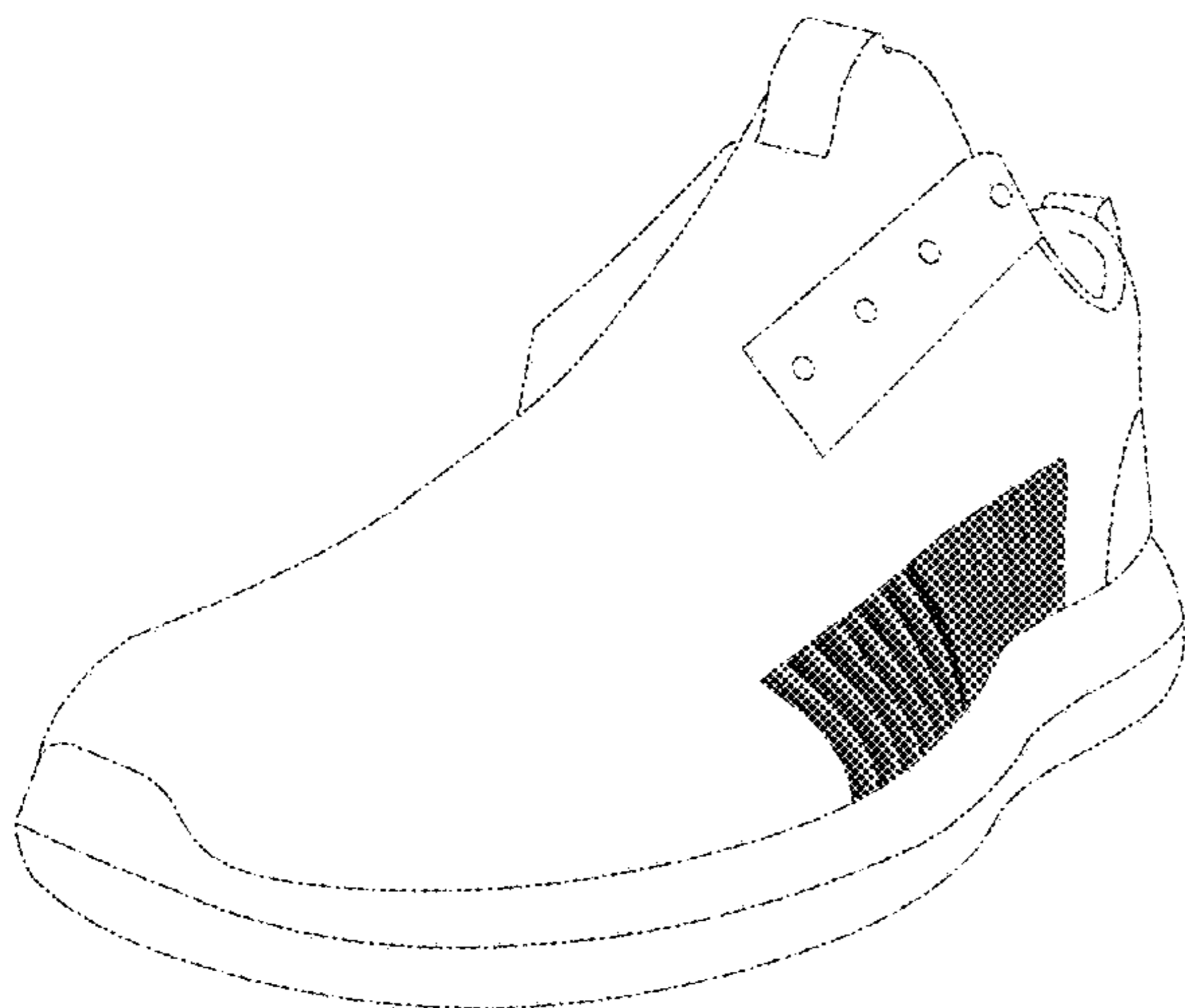
The ornamental design for a shoe upper, as shown and described.

**DESCRIPTION**

FIG. 1 is a first front perspective view of a shoe upper showing my new design;  
 FIG. 2 is second front perspective view thereof;  
 FIG. 3 is a side view thereof;  
 FIG. 4 is a first rear perspective view thereof;  
 FIG. 5 is a second rear perspective view thereof;  
 FIG. 6 is an enlarged view of the claimed portion in FIG. 1, shown in isolation;  
 FIG. 7 is an enlarged view of the claimed portion in FIG. 2, shown in isolation;  
 FIG. 8 is an enlarged view of the claimed portion in FIG. 3, shown in isolation;  
 FIG. 9 is an enlarged view of the claimed portion in FIG. 4, shown in isolation; and,  
 FIG. 10 is an enlarged view of the claimed portion in FIG. 5, shown in isolation.

The photographic area is claimed. The broken line immediately adjacent to and surrounding the photographic area represents an unclaimed periphery boundary 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, 10 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D383,561 S	9/1997	Tresser	
D400,001 S	10/1998	Lozano	
D403,495 S	1/1999	Sorofman	
D405,950 S	2/1999	Lozano	
D407,548 S	4/1999	Holmes	
D417,948 S	12/1999	Cooper	
D431,351 S	10/2000	Prats et al.	
D431,899 S	10/2000	Cooper	
D432,776 S	10/2000	McDowell	
D449,923 S	11/2001	Doxey	
D451,271 S	12/2001	Gerber	
D456,121 S	4/2002	Smith, III	
D471,349 S	3/2003	Nason	
D473,045 S	4/2003	Nason	
D543,347 S	5/2007	Holmes	
D573,338 S	7/2008	Stauffer	
D573,339 S	7/2008	Stauffer	
D583,546 S	12/2008	Henderson	
D595,042 S	6/2009	McMillan	
D595,046 S	6/2009	Chang	
D605,844 S	12/2009	McMillan	
D607,196 S	1/2010	McMillan	
D668,441 S	* 10/2012	Shaffer .....	D2/972
D682,535 S	5/2013	Dekovic	
D684,760 S	6/2013	Williams, Jr.	
D684,761 S	6/2013	Williams, Jr.	
D685,567 S	7/2013	Dolce	
D688,860 S	9/2013	Hrsak	
D688,861 S	9/2013	Hrsak	
D693,106 S	11/2013	James	
D699,933 S	2/2014	Rasmussen	
D710,585 S	* 8/2014	Ho .....	D2/972
D722,224 S	* 2/2015	Williams, Jr. ....	D2/972
D725,891 S	4/2015	Bosomworth	
D725,895 S	* 4/2015	Cin .....	D2/972
D731,163 S	6/2015	Williams, Jr.	
D740,014 S	10/2015	Amis	
D744,737 S	12/2015	Raasch	
D746,570 S	1/2016	Raasch	
D765,381 S	* 9/2016	Yun .....	D2/972
D767,865 S	10/2016	Chang	
D767,868 S	* 10/2016	Johnsongriffin .....	D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 1992 Fall Footwear, p. 36, published Dec. 1991, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 26, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 27, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Fall Footwear, p. 7, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall Men's Specialty and Women's & Kids' Footwear, p. 37, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall Men's Specialty and Women's & Kids' Footwear, p. 95, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. 55, published Nov. 1998, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. 21, published Nov. 1998, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall Men's and Women's Footwear (blue cover), p. 58, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall Men's and Women's Footwear (blue cover), p. 30, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Spring Men's and Women's Footwear 1, p. 10, published Jul. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 7, published Nov. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 12, published Nov. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 45, published Nov. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 59, published Nov. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Spring Men's and Women's Footwear (black shoes), p. 12, published Jun. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Spring Men's and Women's Footwear (black shoes), p. 16, published Jun. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Spring Men's and Women's Footwear (black shoes), p. 18, published Jun. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Fall Men's and Women's Footwear, p. 56, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Fall Men's and Women's Footwear, p. 36, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Spring Men's and Women's Footwear, p. 15, published Jun. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Spring Men's and Women's Footwear, p. 48, published Jun. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Spring Men's and Women's Footwear, p. 8, published Jun. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Spring Men's and Women's Footwear, p. 36, published Jun. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Spring Men's and Women's Footwear, p. 39, published Jun. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2004 Spring Men's, Women's, and Kids' Footwear, p. 9, published Jun. 2003, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Fall Footwear, p. 70, published Nov. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Fall Footwear, p. 145, published Nov. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Spring Footwear, p. 24, published Jun. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Spring Footwear, p. 128, published Jun. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Spring Footwear, p. 132, published Jun. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2009 Fall Core Performance Footwear, p. 24, published Nov. 2008, NIKE, Inc., USA.

Nike Footwear Catalog, 2009 Spring Sport Performance Footwear, p. 19, published May 2008, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Spring Women's Footwear Performance, p. 30, published May 22, 2013, NIKE, Inc., USA.

Nike SB Zoom Stefan Janoski Black Gorge Green [online], [retrieved Nov. 3, 2016], Retrieved from Internet <URL: <http://www.nikeblog.com/2014/07/14/nike-sb-zoom-stefan-janoski-black-gorge-green/>>; 2 color sheets, Dated Jul. 14, 2014.

Nike Flyknit Roshe One Weaves Together Pink Orange [online], [retrieved Nov. 3, 2016], Retrieved from Internet <URL: <http://www.nikeblog.com/2015/09/21/nike-flyknit-roshe-one-weaves-together-pink-orange/>>; 2 color sheets, Date Sep. 21, 2015.

Nikeid Roshe One Welcomes Two New Graphic Prints [online], [retrieved Nov. 3, 2016], Retrieved from Internet <URL: <http://www.nikeblog.com/2015/05/20/nikeid-roshe-one-welcomes-two-new-graphic-prints/>>; 2 color sheets, Dated May 20, 2015.

Nike Roshe NM Flyknit PRM [online], [retrieved Nov. 3, 2016], Retrieved from Internet <URL: <http://www.nohble.com/blog/nike-roshe-nm-flyknit-prm-2/>>; 3 color sheets, Dated Aug. 4, 2015.

\* cited by examiner

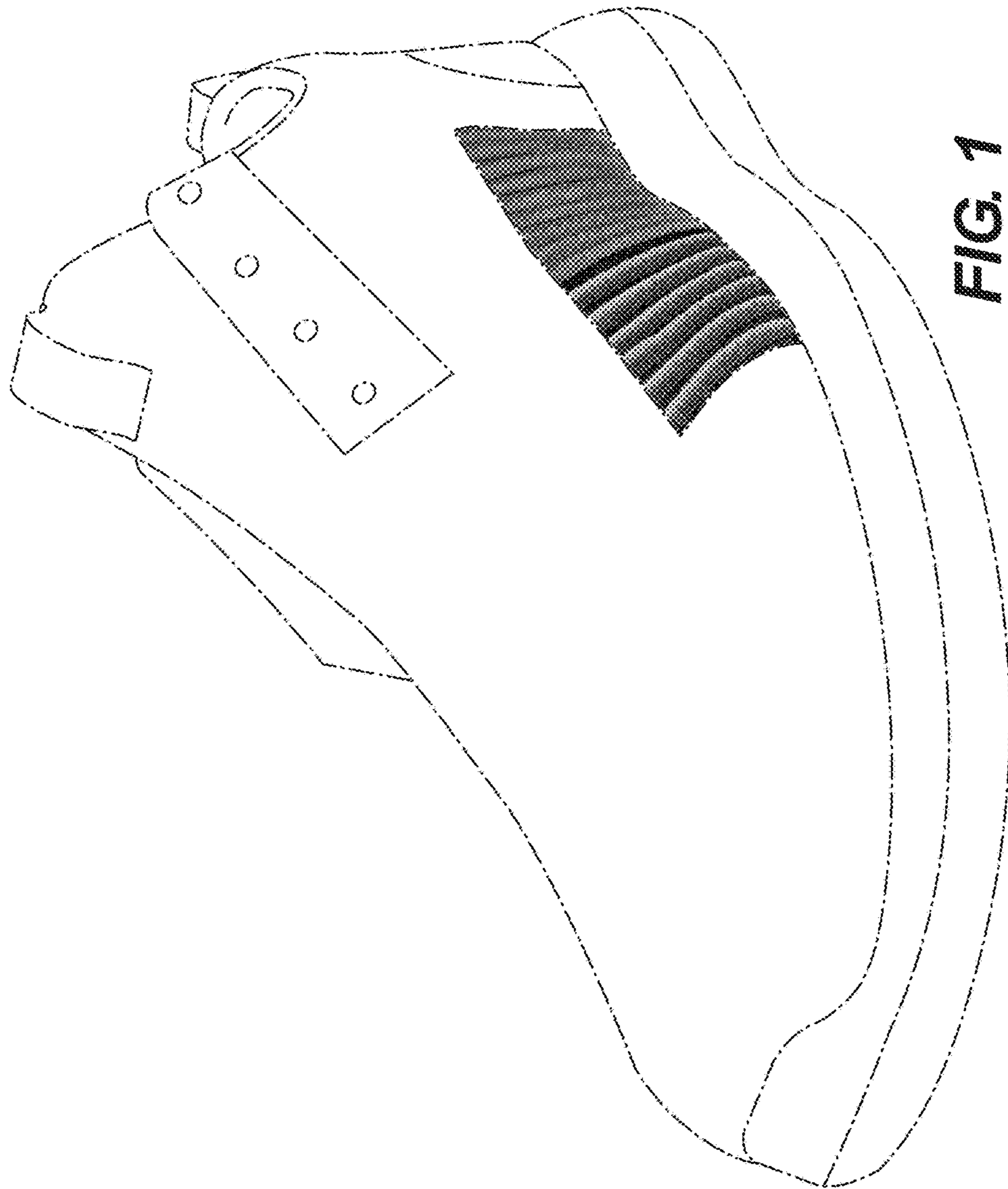


FIG. 1

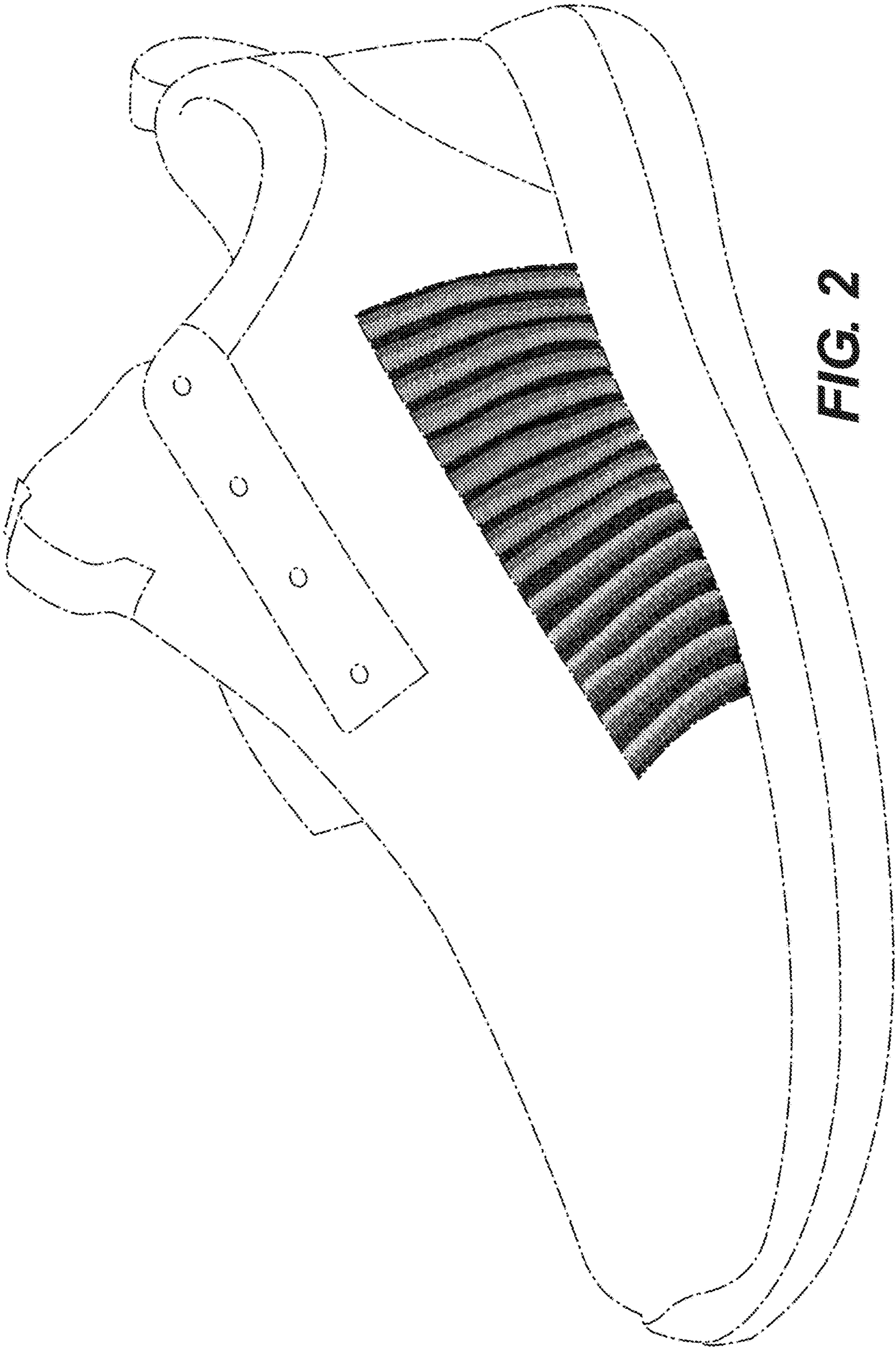


FIG. 2

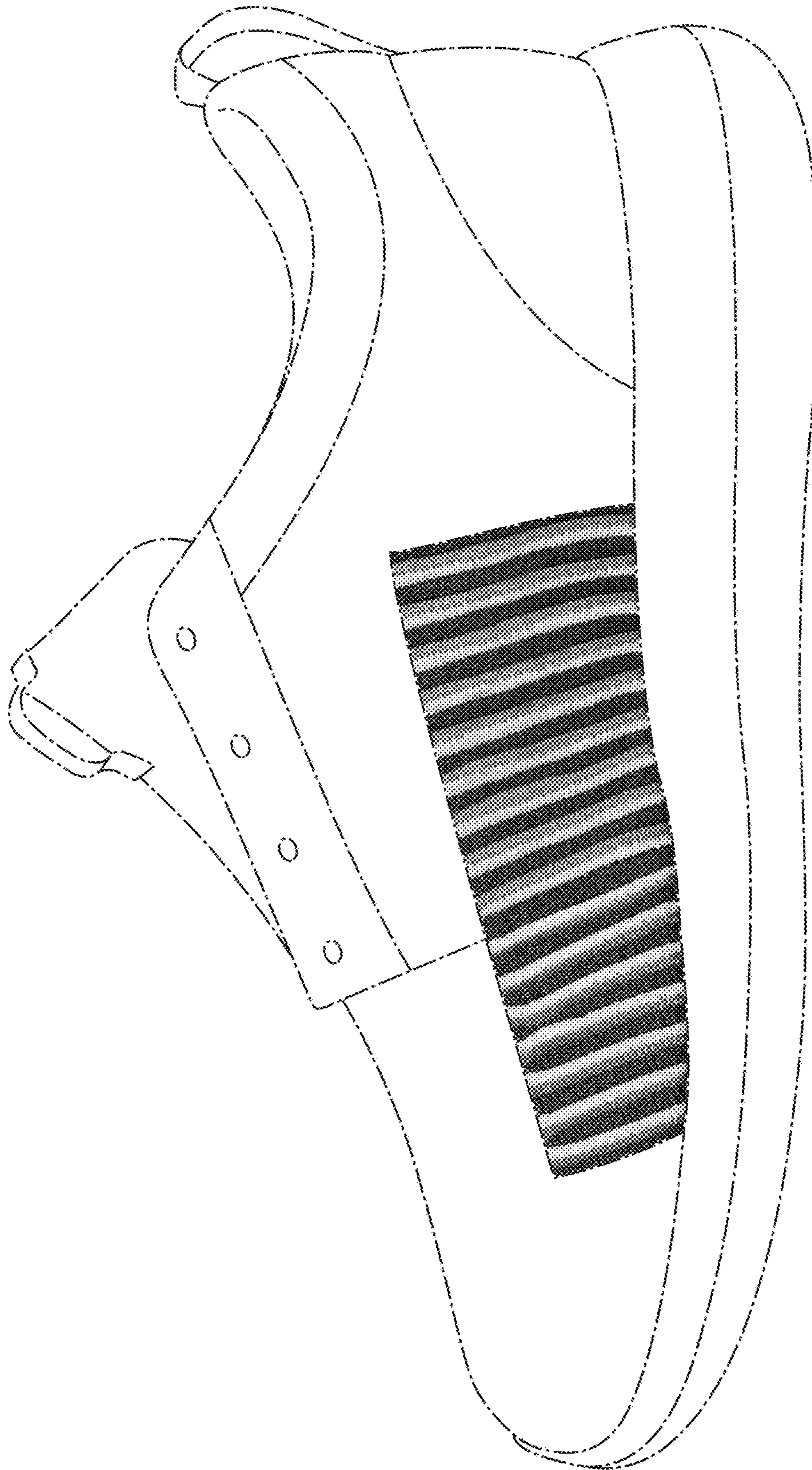
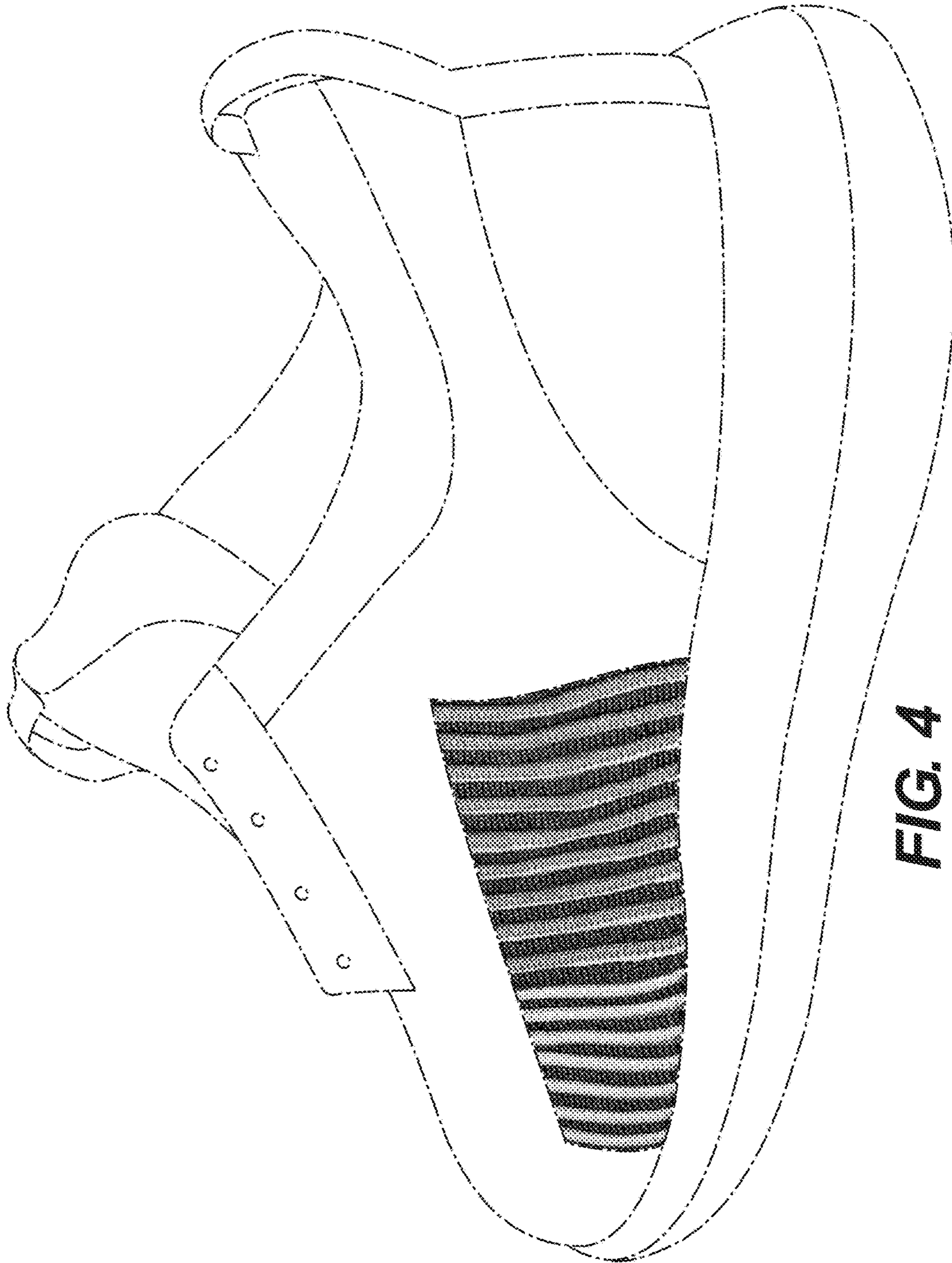


FIG. 3



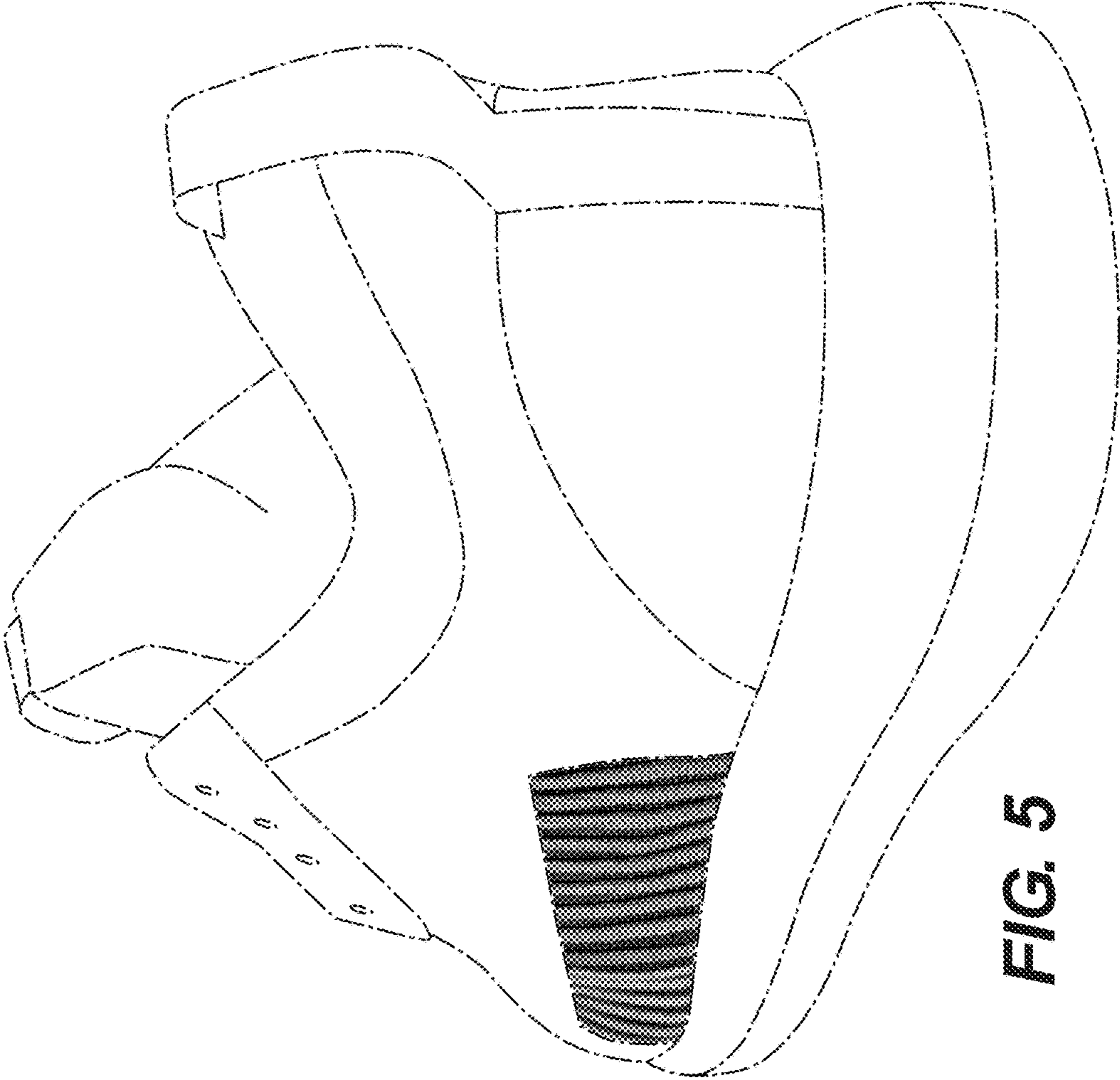
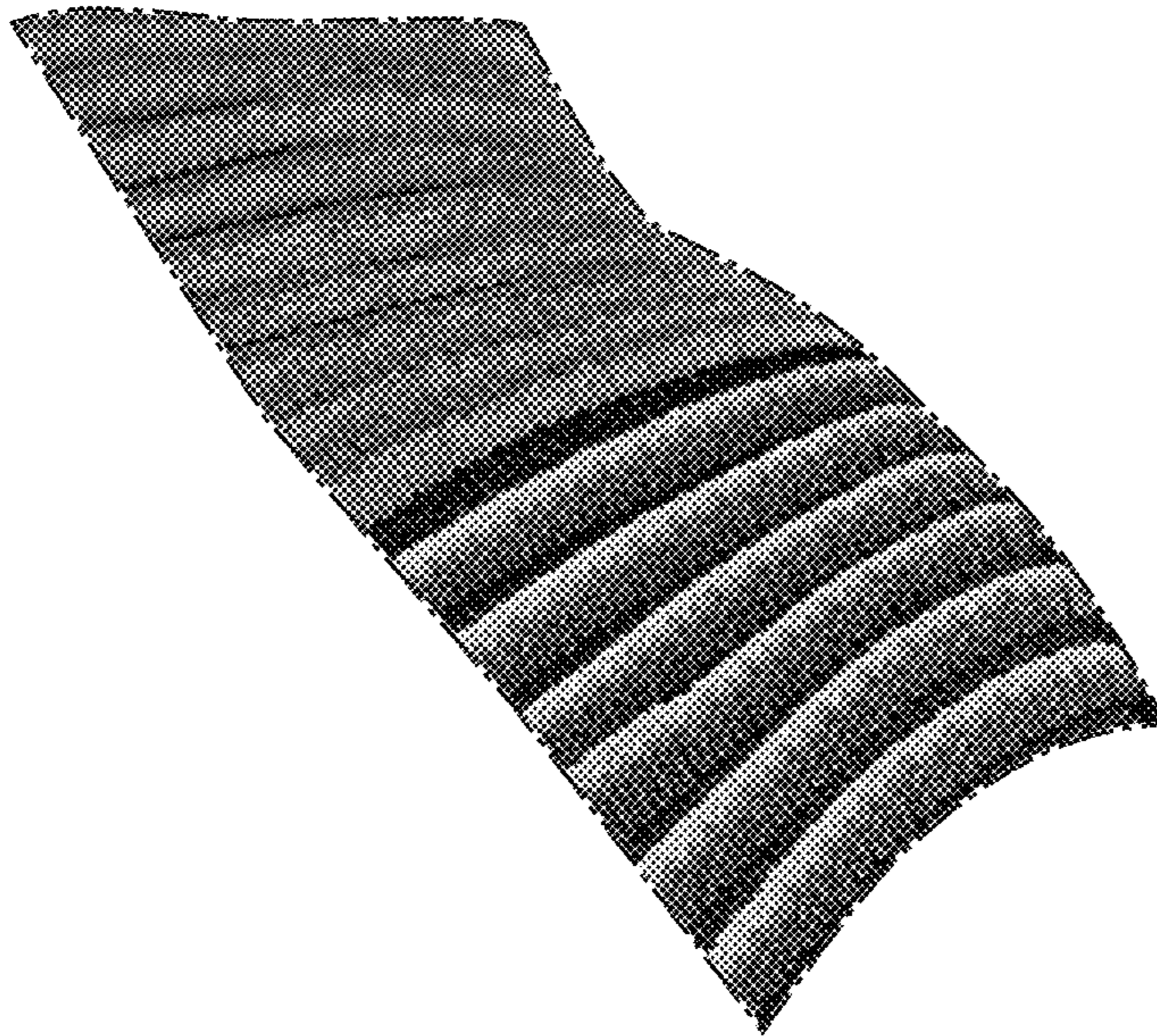


FIG. 5



**FIG. 6**





**FIG. 7**

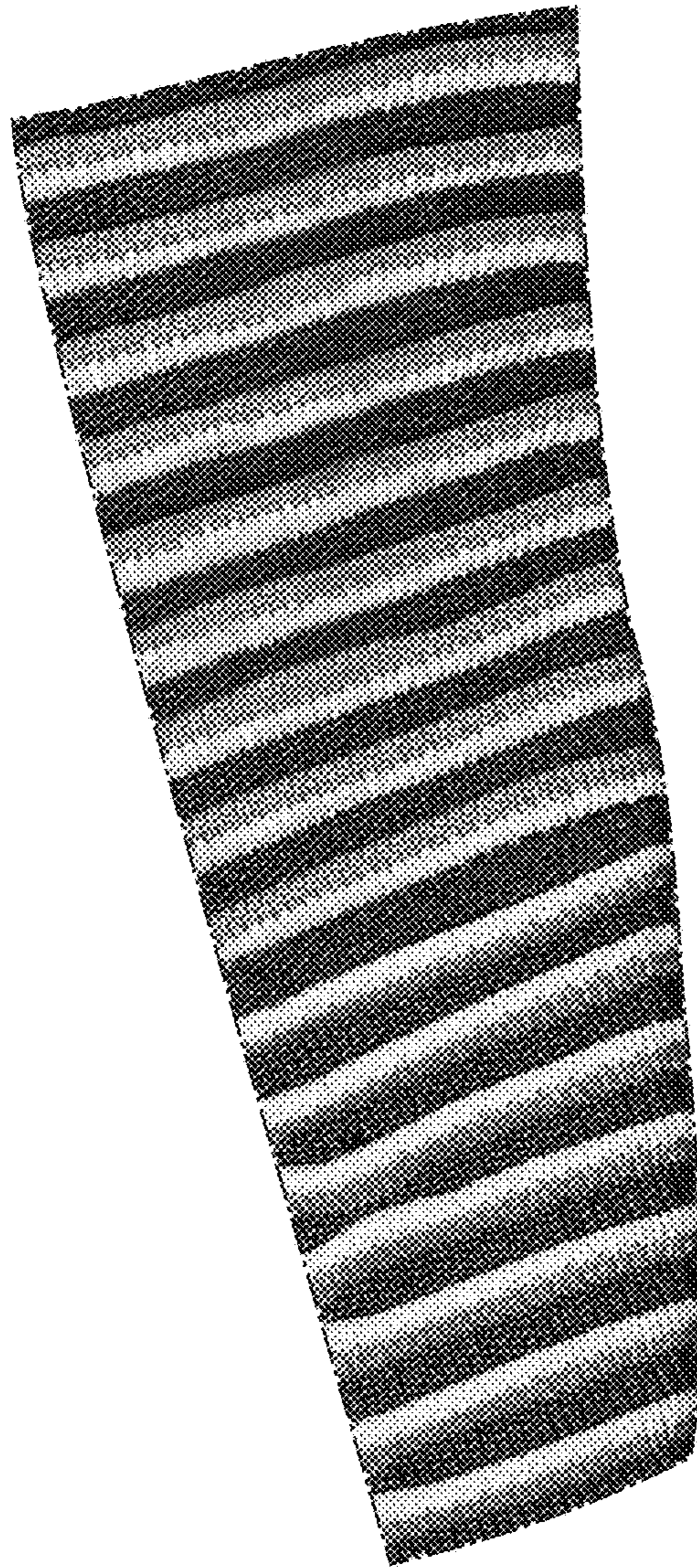
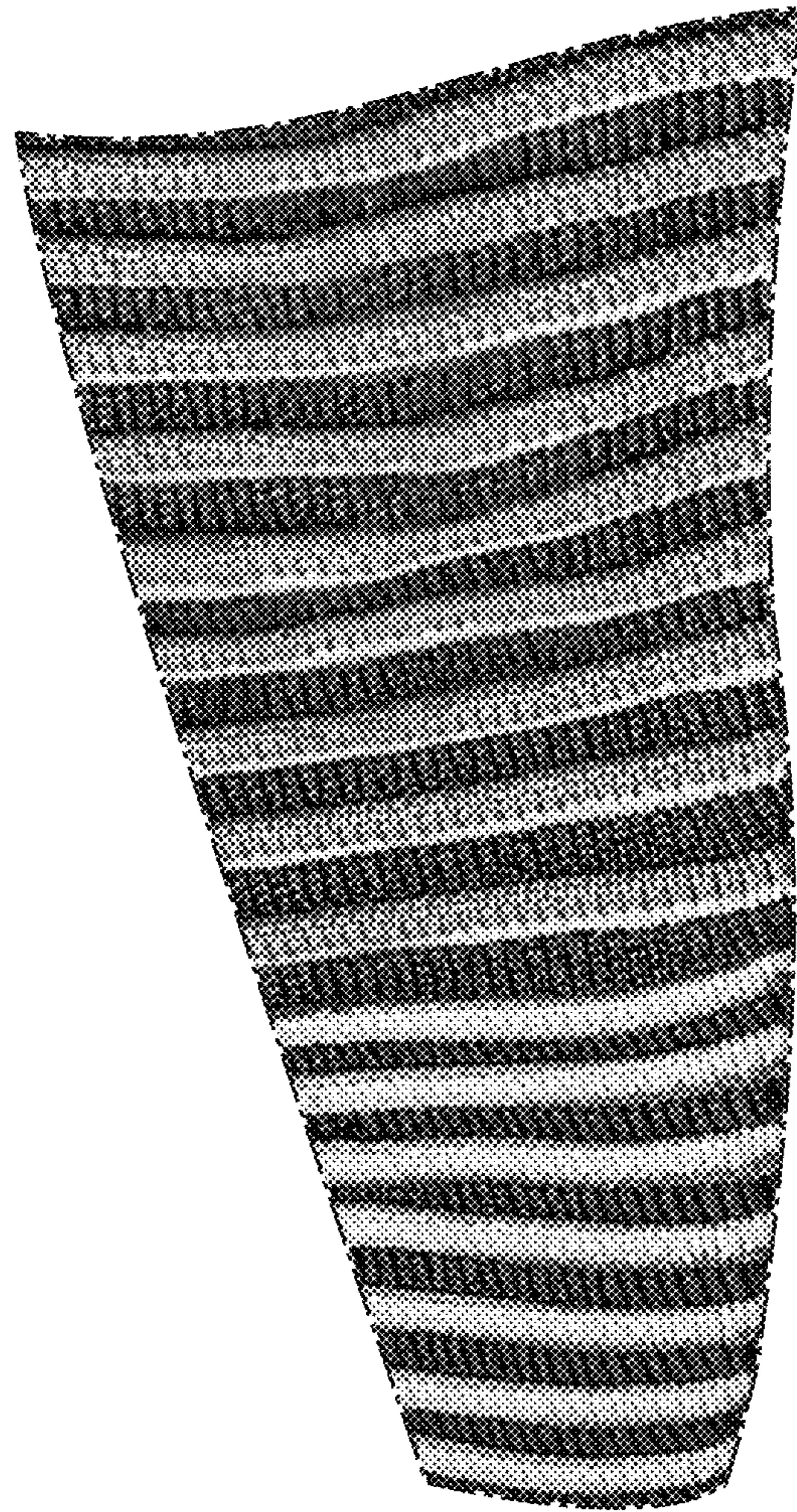
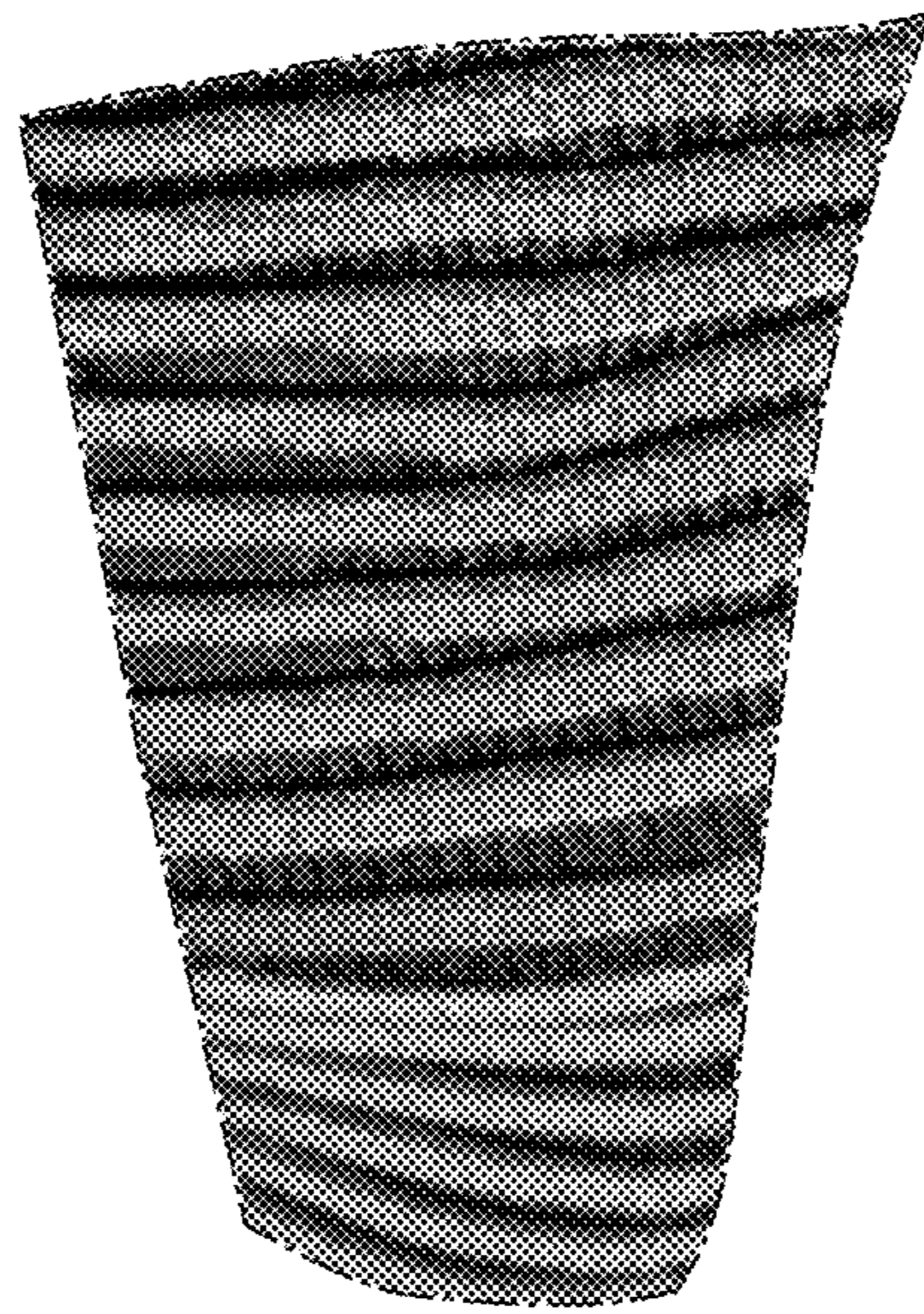


FIG. 8



**FIG. 9**



**FIG. 10**