



US00D792704S

(12) **United States Design Patent**  
**O'Connor**

(10) **Patent No.:** **US D792,704 S**

(45) **Date of Patent:** **\*\* Jul. 25, 2017**

(54) **SHOE UPPER**

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

(72) Inventor: **Kelly A. O'Connor**, Beaverton, OR (US)

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

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

(21) Appl. No.: **29/584,283**

(22) Filed: **Nov. 14, 2016**

(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  
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; A43B 3/12

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D53,234 S	4/1919	Bomgardner	
D54,284 S	12/1919	Sollen	
D86,612 S *	3/1932	Laird	D2/974
D86,881 S *	5/1932	Elkin	D2/973
2,001,962 A *	5/1935	Kantrow	A43B 3/0078
			D2/974
D100,370 S *	7/1936	Grabelsky	D5/47
D109,070 S *	3/1938	Minoff	D5/47
D117,386 S *	10/1939	Werner	D5/47
D130,166 S	10/1941	Bauer	
D168,273 S	11/1952	Mason	
D259,145 S	5/1981	Inoue	
D275,811 S	10/1984	Kaigler	
D324,127 S	2/1992	Ashcraft	
D349,395 S *	8/1994	Kelchak	D2/912

D398,754 S *	9/1998	McCourt	D2/972
D422,132 S *	4/2000	Fogg	D2/972
D425,694 S *	5/2000	Fogg	D2/972
D431,899 S *	10/2000	Cooper	D2/972
D457,709 S	5/2002	Davis	
D458,015 S	6/2002	Dolan et al.	
D460,241 S	7/2002	Linicomn, Jr.	
D461,628 S *	8/2002	Neely	D2/972
D474,323 S	5/2003	Carter	
D489,905 S *	5/2004	Hynnek	D5/53
D538,008 S	3/2007	Helbing et al.	
D543,009 S	5/2007	Helbing et al.	
D544,699 S *	6/2007	Link	D2/972
D550,427 S	9/2007	Moore	
D562,541 S	2/2008	Avar	

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 2009 Spring Sport Performance Footwear, p. 66, published May 2008, NIKE, Inc., USA.

(Continued)

*Primary Examiner* — Dominic V Simone

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

(57) **CLAIM**

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

**DESCRIPTION**

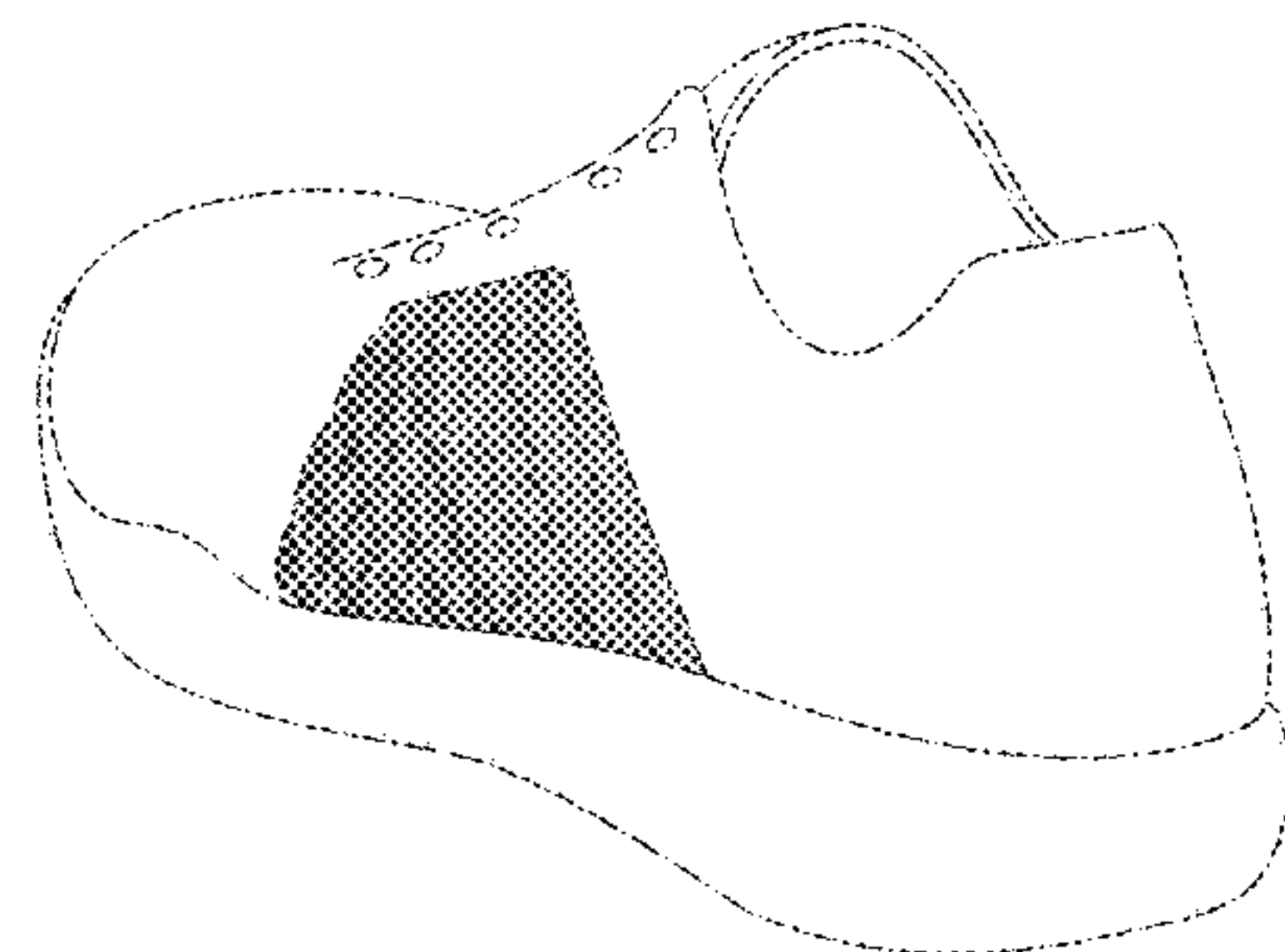
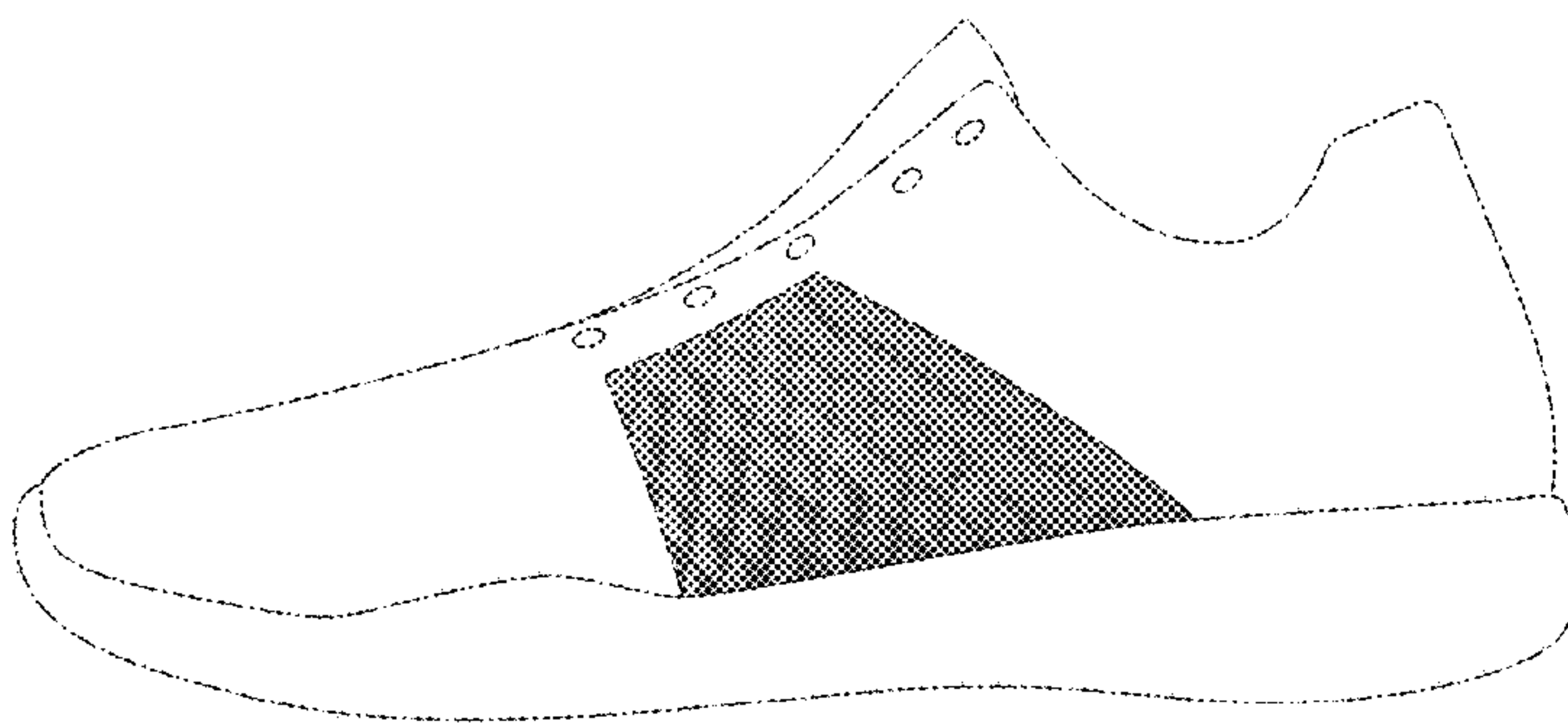
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a side view thereof; and,

FIG. 3 is a rear perspective view thereof.

The broken lines immediately adjacent to the photographic area represent unclaimed boundaries of the design. The broken lines showing the remainder of the shoe represent unclaimed subject matter and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**





(56)

References Cited

U.S. PATENT DOCUMENTS

D568,039 S 5/2008 Kuerbis  
 D568,599 S \* 5/2008 Avar ..... D2/972  
 D572,462 S 7/2008 Hatfield et al.  
 D573,337 S 7/2008 McMillan  
 D611,229 S 3/2010 Hall et al.  
 D612,130 S 3/2010 Hall et al.  
 D612,580 S 3/2010 Hall et al.  
 D612,582 S 3/2010 Hall et al.  
 D618,443 S 6/2010 Hall et al.  
 D622,037 S 8/2010 Hall et al.  
 D622,932 S 9/2010 Gettler  
 D666,837 S \* 9/2012 Elser ..... D5/58  
 D668,858 S \* 10/2012 Shaffer ..... D2/972  
 D670,479 S \* 11/2012 Maier ..... D2/902  
 D674,578 S 1/2013 Glass  
 D682,530 S \* 5/2013 Wilken ..... D2/972  
 D684,759 S \* 6/2013 Lee ..... D2/972  
 D687,220 S 8/2013 Aveni  
 D687,625 S 8/2013 Aveni  
 D707,950 S 7/2014 William, Jr.  
 D713,632 S \* 9/2014 da Costa Pereira  
 Machado ..... D2/972  
 D718,032 S \* 11/2014 VanHook ..... D2/972  
 D721,480 S 1/2015 Williams, Jr.  
 D722,226 S \* 2/2015 Williams, Jr. .... D2/972  
 D731,164 S 6/2015 Williams, Jr.  
 D745,784 S 12/2015 Wu  
 D746,571 S 1/2016 Bell et al.  
 D746,572 S 1/2016 Bell et al.  
 D746,577 S 1/2016 Miner  
 D755,473 S 5/2016 Darmour  
 D760,479 S 7/2016 Adrovic  
 D764,785 S 8/2016 O'Connor  
 D765,383 S \* 9/2016 Chang ..... D2/972  
 D765,384 S 9/2016 Williams, Jr.  
 D767,869 S \* 10/2016 Lok ..... D2/972  
 D769,600 S \* 10/2016 Avar ..... D2/972  
 D769,602 S 10/2016 Mueller  
 D771,367 S \* 11/2016 Taylor ..... D2/972  
 D772,554 S \* 11/2016 McMillan ..... D2/972  
 D777,416 S 1/2017 Kuerbis  
 D778,539 S 2/2017 Kandarian et al.  
 D778,541 S 2/2017 Adrovic  
 D778,572 S \* 2/2017 Kirschner ..... D2/969  
 D779,163 S 2/2017 Adrovic  
 D782,800 S \* 4/2017 Smyth ..... D2/972  
 D783,990 S \* 4/2017 Dolce ..... D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 2011 Fall Men's Sportswear Footwear, p. 3, published Nov. 2010, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2011 Fall Men's Sportswear Footwear, p. 7, published Nov. 2010, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2012 Fall Young Athletes Footwear, p. 30, published Nov. 2011, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2013 Fall Core Footwear, p. 67, published Nov. 2012, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2013 Spring Mens Performance Footwear, p. 50, published May 2012, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2015 Fall Sporting Goods Best NA, p. 466, published Nov. 27, 2014, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2016 Fall General Footwear Better NA, p. 23, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.  
 Nike TR Flyknit Racer—Fantastic Flyknit Fusion [online], retrieved from internet <URL: <http://www.nikeblog.com/2015/04/28/nike-tr-flyknit-racer-fantastic-flyknit-fusion/>>; 3 color sheets, Dated Jan. 2015.  
 Nike Free Train Force Flyknit—Chukka Training [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/03/25/nike-free-train-force-flyknit/>>; 6 color sheets, Dated Mar. 2016.

Nike Air Force 1 Ultra Flyknit Mid “University Red” [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/01/13/nike-air-force-1-ultra-flyknit-mid-university-red/>>; 5 color sheets, Dated Jan. 2016.  
 Nike Lunar Flyknit One+ “Multi-Color” [online], retrieved from internet <URL: <http://sneakernews.com/2013/04/01/nike-lunar-flyknit-one-multi-color/>>; 8 color sheets, Dated Apr. 1, 2013.  
 Nike Flyknit Lunar2—Release Date [online], retrieved from internet <URL: <http://sneakernews.com/2014/01/27/nike-flyknit-lunar2-release-date/>>; 3 color sheets, Dated Jan. 27, 2014.  
 Nike Flyknit Lunar 3—Made Light to Go Long [online], retrieved from internet <URL: <http://news.nike.com/news/impossibly-light-and-incredibly-strong-marries-soft-and-responsive-thenike-flyknit-lunar-3/>>; 6 color sheets, Dated Mar. 3, 2016.  
 Nike Lunarepic Flyknit Introduces the Future of Running [online], retrieved from internet <URL: <http://news.nike.com/news/nike-lunarepic-flyknit/>>; 5 color sheets, Dated Mar. 3, 2016.  
 Nike Presto Mid Flyknit for Kentucky Fans [online], retrieved from internet <URL: <http://sneakernews.com/2016/09/25/nike-presto-mid-flyknit-racer-blue/>>; 4 color sheets, Dated Sep. 25, 2016.  
 Nike Unveils the Zoom Streak Flyknit At Olympic Unveil [online], retrieved from internet <URL: <http://sneakernews.com/2016/03/18/nike-zoom-streak-flyknit/>>; 5 color sheets, Dated Mar. 18, 2016.  
 Even More Colorways of the Nike Flyknit Roshe Run Are Coming [online], retrieved from internet <URL: <http://sneakernews.com/2015/04/13/even-more-colorways-of-the-nike-flyknit-roshe-run-are-coming/>>; 3 color sheets, Dated Apr. 13, 2015.  
 Nike Roshe Two Flyknit —Two More Colorways [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/05/11/nike-roshe-two-flyknit-more/>>; 3 color sheets, Dated Apr. 2016.  
 Nike Train Ultrafast Flyknit: Train Fast to Play Fast [online], retrieved from internet <URL: <http://news.nike.com/news/nike-train-ultrafast-flyknit/>>; 11 color sheets, Dated Jun. 9, 2016.  
 Nike Hyperdunk 2016 Flyknit—Two Colorways [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/06/01/nike-hyperdunk-2016-flyknit/>>; 3 color sheets, Dated May 2016.  
 Nike Air Zoom Fearless Flyknit—First Look! [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/07/05/nike-air-zoom-fearless-flyknit-first-look/>>; 4 color sheets, Dated May 2016.  
 Nike Footwear Catalog, 2013 Fall Action Sports Footwear, p. 69, published Nov. 2012, NIKE, Inc., USA.  
 Nike Free TR Focus Flyknit [online], [retrieved Jan. 13, 2017] retrieved from internet <URL: <http://news.nike.com/footwear/free-tr-focus-flyknit-orange/>>; 2 color sheets, Dated Jun. 27, 2016.  
 Nike Free Train Force Flyknit—Chukka Training [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/03/25/nike-free-train-force-flyknit/>>; 6 color sheets, Dated Mar. 2016.  
 A New Nike Free RN Flyknit Is Set to Debut in April [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/03/10/nike-free-rn-flyknit-release-date/>>; 3 color sheets, Dated Feb. 2016.  
 Nike Lunar Flyknit One+“Multi-Color” [online], retrieved from internet <URL: <http://sneakernews.com/2013/04/01/nike-lunar-flyknit-one-multi-color/>>; 8 color sheets, Dated Apr. 1, 2013.  
 Nike Flyknit Lunar2—Release Date [online], retrieved from internet <URL: <http://sneakernews.com/2014/01/27/nike-flyknit-lunar2-release-date/>>; 3 color sheets, Dated Jan. 27, 2014.  
 Nike Flyknit Lunar 3—Made Light to Go Long [online], retrieved from internet <URL: <http://news.nike.com/news/impossibly-light-and-incredibly-strong-marries-soft-and-responsive-thenike-flyknit-lunar-3/>>; 6 color sheets, Dated Mar. 3, 2016.  
 Nike Lunarepic Flyknit Introduces the Future of Running [online], retrieved from internet <URL: <http://news.nike.com/news/nike-lunarepic-flyknit/>>; 5 color sheets, Dated Mar. 3, 2016.  
 Nike Presto Mid Flyknit for Kentucky Fans [online], retrieved from internet <URL: <http://sneakernews.com/2016/09/25/nike-presto-mid-flyknit-racer-blue/>>; 4 color sheets, Dated Sep. 25, 2016.

(56)

**References Cited**

## OTHER PUBLICATIONS

Nike Unveils the Zoom Streak Flyknit at Olympic Unveil [online], retrieved from internet <URL: <http://sneakernews.com/2016/03/18/nike-zoom-streak-flyknit/>>; 5 color sheets, Dated Mar. 18, 2016.

Even More Colorways of the Nike Flyknit Roshe Run Are Coming [online], retrieved from internet <URL: <http://sneakernews.com/2015/04/13/even-more-colorways-of-the-nike-flyknit-roshe-run-are-coming/>>; 3 color sheets, Dated Apr. 13, 2015.

Nike Roshe Two Flyknit—Two More Colorways [online], retrieved from internet <URL: <http://www.nikeblog.com/2016/05/11/nike-roshe-two-flyknit-more/>>; 3 color sheets, Dated Apr. 2016.

Nike Train Ultrafast Flyknit: Train Fast to Play Fast [online], retrieved from internet <URL: <http://news.nike.com/news/nike-train-ultrafast-flyknit/>>; 11 color sheets, Dated Jun. 9, 2016.

Nike Flyknit Elite Shoes Revealed [online], retrieved from internet <URL: <http://www.bunkered.co.uk/golf-equipment/nike-flyknit-elite-shoes-revealed/>>; 4 color sheets, Dated Jun. 14, 2016.

Lighten Up [online], retrieved from internet <URL: <http://news.nike.com/news/nike-air-max-1-ultra-flyknit/>>; 6 color sheets, Dated Jul. 2016.

New Nike Training Shoes for Reebok to Worry About [online], retrieved from internet <URL: <http://solecollector.com/news/2016/05/nike-metcon-3/>>; 2 color sheets, Dated May 13, 2016.

\* cited by examiner



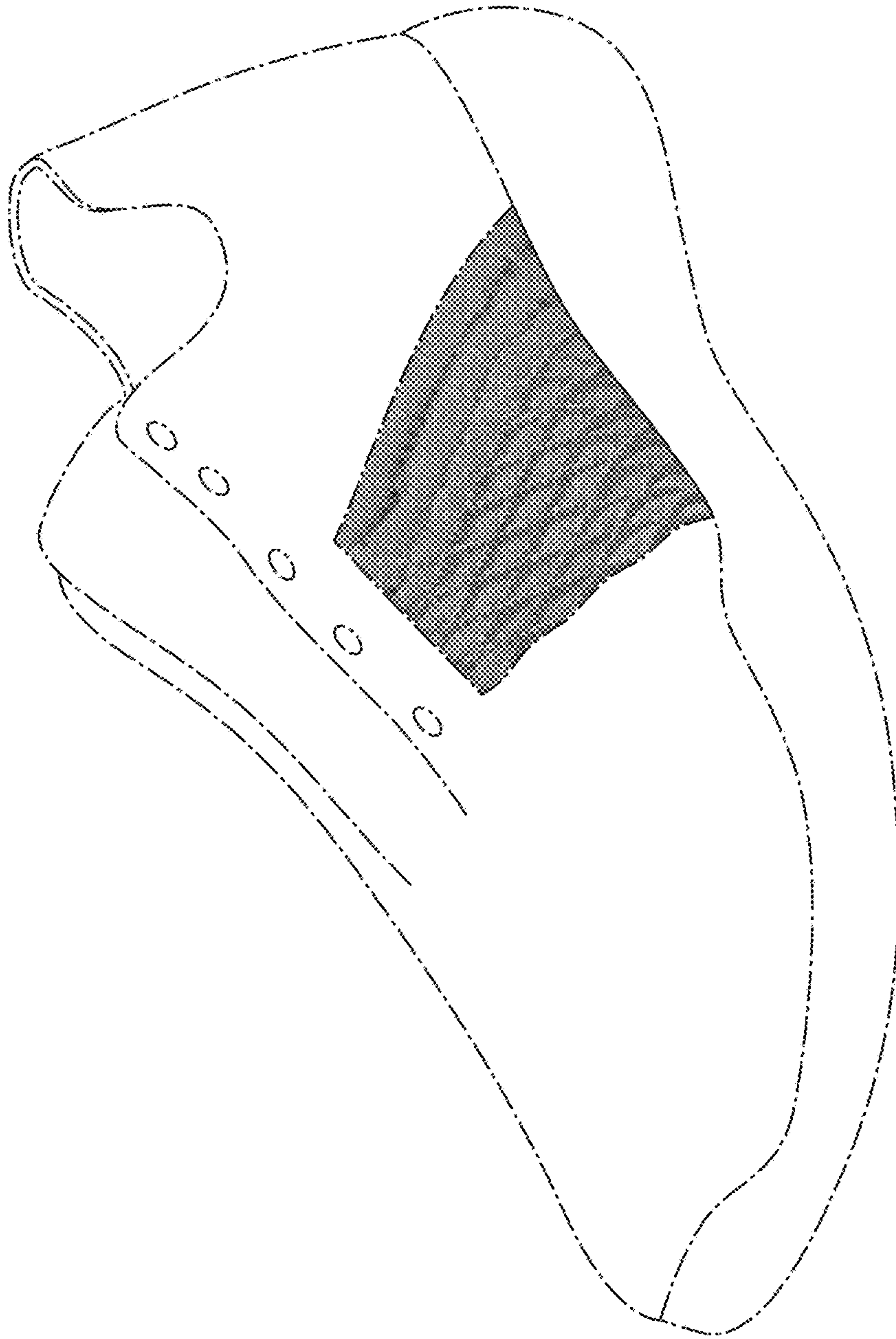


FIG. 1

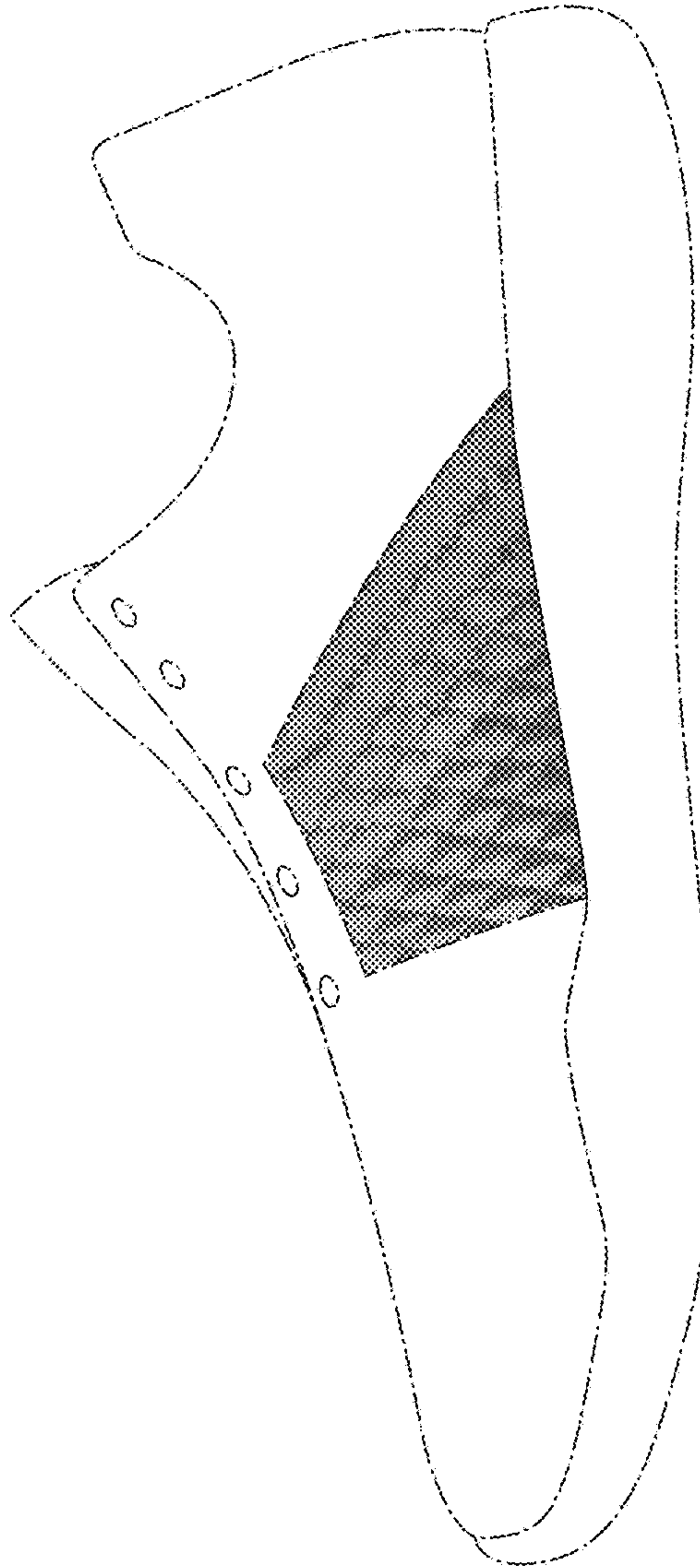


FIG. 2

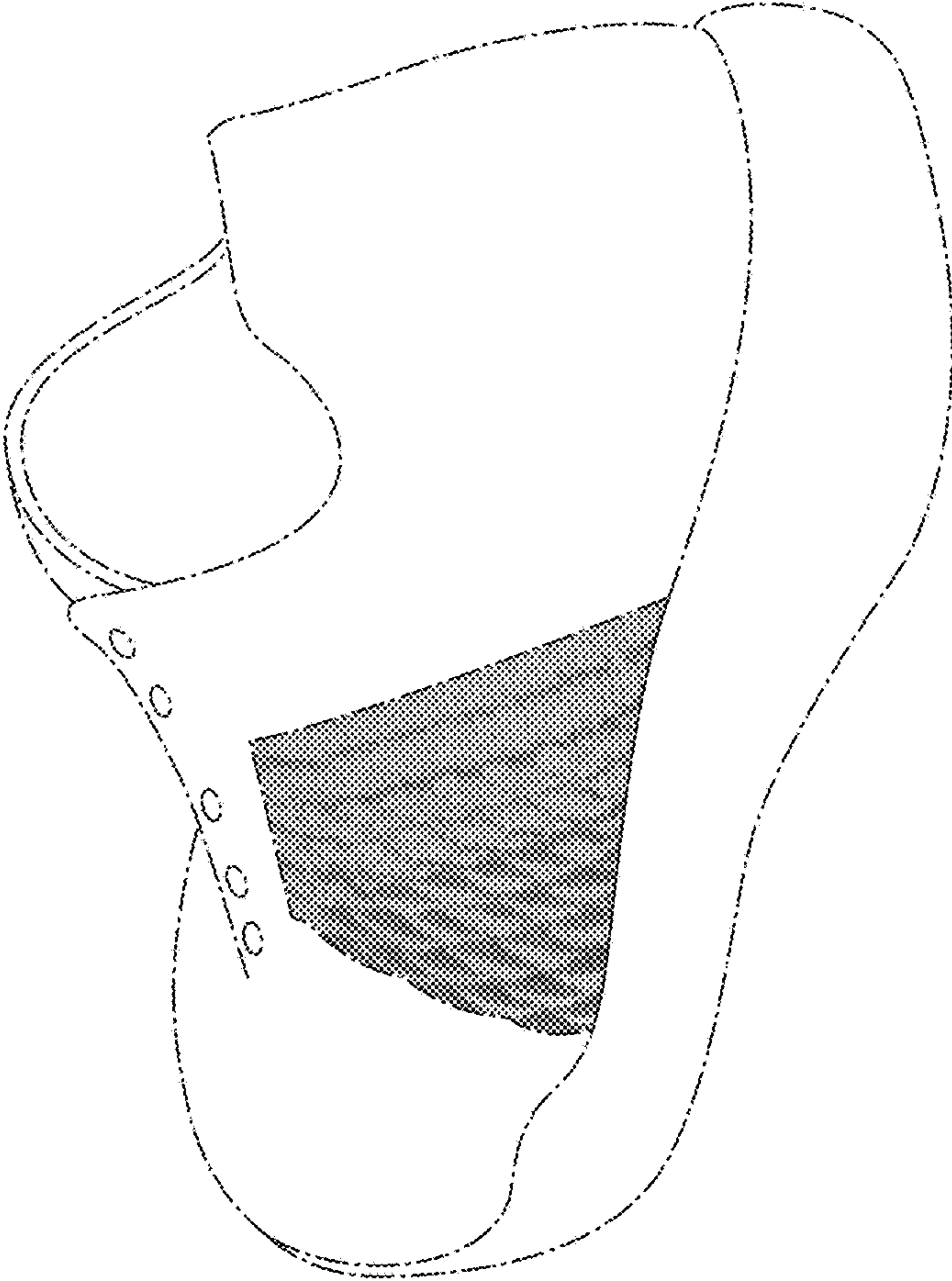


FIG. 3