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(12) **United States Design Patent**  
**de Montgolfier**

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(54) **SHOE UPPER**

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

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

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

(58) **Field of Classification Search**  
USPC ..... D2/902, 906-908, 923, 927, 944, 969,  
D2/972-974  
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; A43C 1/00;  
A43C 11/00

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D86,612 S	*	3/1932	Laird	.....	D2/974
D128,617 S		8/1941	Brady		
D299,283 S	*	1/1989	Selbiger	.....	D2/969
D328,516 S		8/1992	Hatfield et al.		
D329,126 S		9/1992	Hatfield		
D333,206 S		2/1993	Allen et al.		
D335,388 S		5/1993	Hatfield et al.		
D335,570 S		5/1993	Hatfield et al.		
D336,767 S		6/1993	Hatfield et al.		
D348,351 S		7/1994	Orzeck		
D365,200 S		12/1995	Teague		
D379,032 S		5/1997	Horn		
D380,077 S		6/1997	Preskar et al.		

D380,080 S	6/1997	Avar
D380,082 S	6/1997	Hatfield
D383,294 S	9/1997	Lozano
D383,296 S	9/1997	Rask
D384,800 S	10/1997	Rask
D384,802 S	10/1997	Avar
D391,068 S	2/1998	Aveni et al.
D392,792 S	3/1998	Obi
D421,834 S	3/2000	Cooper
D423,206 S	4/2000	Fallon
D423,768 S	5/2000	Hewett
D440,753 S	4/2001	Morris
D443,756 S	6/2001	McDowell
D451,271 S	12/2001	Gerber
D452,069 S	12/2001	Allen

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 1978 Shoe Show, p. 2, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

(Continued)

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(57) **CLAIM**

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

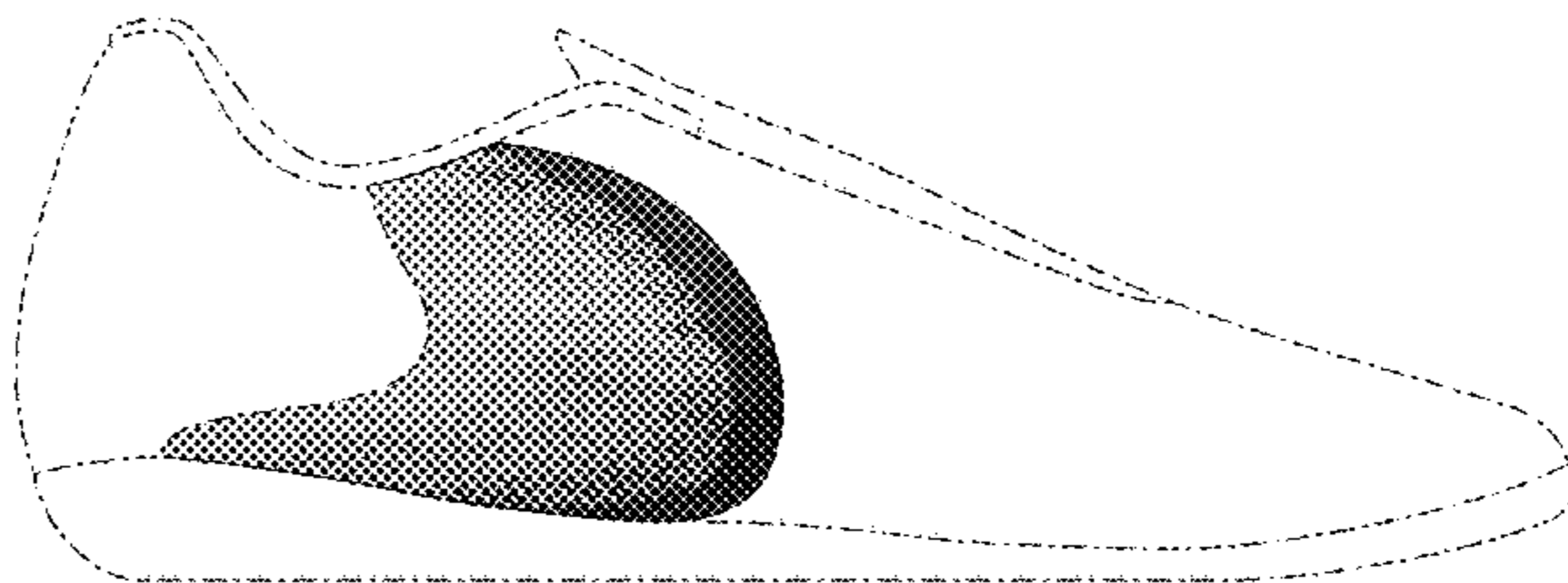
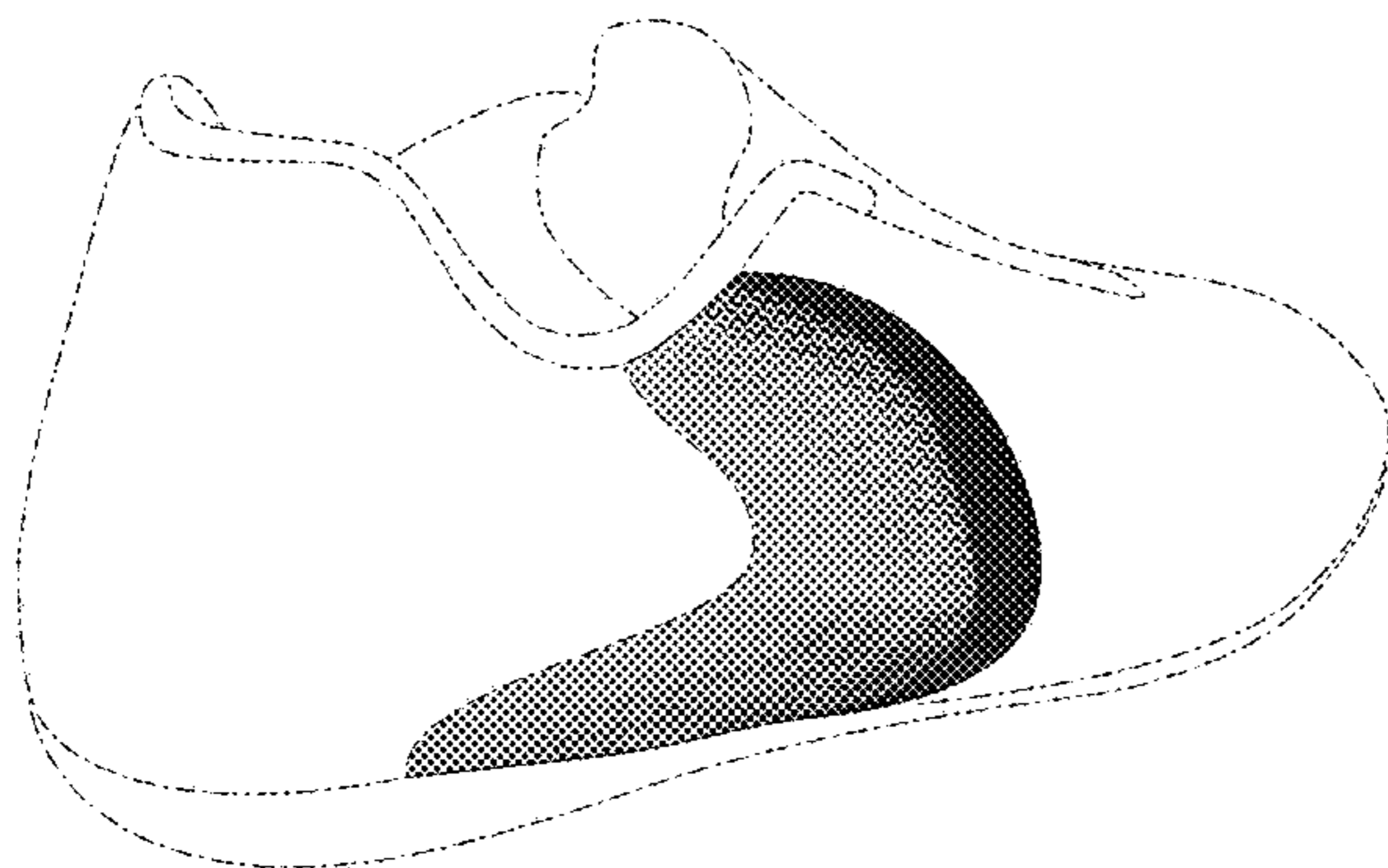
**DESCRIPTION**

FIG. 1 is a rear perspective view of a shoe upper showing my new design; and,

FIG. 2 is a side view thereof.

The broken lines immediately adjacent to the shaded area define the bounds of the claimed design and form no part thereof. The broken lines showing the remainder of the shoe represent unclaimed subject matter and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**





(56)

References Cited

U.S. PATENT DOCUMENTS

D458,442 S 6/2002 Matis  
 D458,443 S 6/2002 Matis  
 D464,474 S 10/2002 Swift  
 D468,087 S 1/2003 Estey  
 D487,336 S 3/2004 Matis  
 D493,612 S 8/2004 Chang  
 D497,709 S 11/2004 Henderson  
 D498,909 S 11/2004 Patt  
 D498,912 S 11/2004 Kuerbis  
 D504,562 S 5/2005 Kuerbis  
 D508,766 S 8/2005 McDowell  
 D510,477 S 10/2005 McDowell  
 D510,654 S 10/2005 Lupo  
 D510,797 S 10/2005 Cass  
 D517,289 S 3/2006 Dabah  
 D523,222 S 6/2006 Savage  
 D523,226 S \* 6/2006 Hudson ..... D2/972  
 D523,227 S \* 6/2006 Fullum ..... D2/972  
 D524,028 S 7/2006 Fullum  
 D525,774 S 8/2006 Chang  
 D527,884 S 9/2006 Morris  
 D528,279 S 9/2006 Smith, III  
 D528,280 S 9/2006 Petrie  
 D541,521 S 5/2007 Smith et al.  
 D544,198 S 6/2007 Caine  
 D550,946 S 9/2007 Lotti  
 D564,210 S 3/2008 Minami  
 D569,091 S 5/2008 Lubrano  
 D570,086 S 6/2008 McDowell  
 D573,338 S 7/2008 Stauffer  
 D577,187 S 9/2008 Hatfield  
 D586,110 S 2/2009 Lotti  
 D595,046 S 6/2009 Chang  
 D595,945 S 7/2009 Mochen  
 D595,950 S 7/2009 Mayden  
 D598,190 S 8/2009 Weber  
 D634,534 S 3/2011 McMillan  
 D634,535 S 3/2011 Young  
 D636,592 S 4/2011 Dekovic  
 D653,439 S 2/2012 Hatfield  
 D656,306 S 3/2012 Bacon  
 D661,478 S 6/2012 Lane  
 D682,535 S 5/2013 Dekovic  
 D683,533 S 6/2013 Williams, Jr.  
 D683,944 S 6/2013 Dolce  
 D688,860 S 9/2013 Hrsak  
 D694,507 S 12/2013 Carboy  
 D694,510 S 12/2013 Carboy  
 D699,933 S 2/2014 Rasmussen  
 D700,423 S 3/2014 Martin  
 D700,428 S 3/2014 Kuerbis  
 D701,036 S \* 3/2014 Martin ..... D2/972  
 D707,027 S 6/2014 Shaffer  
 D707,028 S 6/2014 Parker et al.  
 D707,951 S 7/2014 McCullagh  
 D710,588 S 8/2014 Miniami  
 D718,034 S 11/2014 Hardman  
 D718,037 S 11/2014 Dolce  
 D721,479 S 1/2015 de Montgolfier  
 D722,224 S \* 2/2015 Williams, Jr. .... D2/972  
 D722,225 S \* 2/2015 Williams, Jr. .... D2/972  
 D722,760 S 2/2015 Lane  
 D725,360 S 3/2015 Bacon  
 D725,895 S \* 4/2015 Cin ..... D2/972  
 D735,462 S 8/2015 Pauk  
 D737,039 S 8/2015 Pauk  
 D746,570 S 1/2016 Raasch  
 D747,089 S 1/2016 Bell et al.  
 D752,332 S 3/2016 Williams, Jr.  
 D765,376 S 9/2016 de Costa Pereira Machado  
 D765,382 S 9/2016 Chang  
 D767,865 S 10/2016 Chang  
 D767,866 S 10/2016 Johnsongriffin  
 D771,925 S 11/2016 Johnsongriffin  
 D772,547 S 11/2016 Raysse

D776,911 S 1/2017 Blauer  
 D777,416 S 1/2017 Kuerbis  
 D778,569 S 2/2017 Chang  
 D779,184 S 2/2017 Avar et al.  
 D779,187 S 2/2017 Williams, Jr.  
 D781,552 S \* 3/2017 Madore ..... D2/972  
 D781,559 S \* 3/2017 Williams, Jr. .... D2/972  
 D782,806 S 4/2017 Small  
 D783,251 S 4/2017 Engel  
 D783,257 S 4/2017 Small  
 D783,259 S \* 4/2017 Small ..... D2/972  
 D783,980 S 4/2017 Cin  
 D783,981 S 4/2017 Cin  
 D783,998 S 4/2017 Anceresi

OTHER PUBLICATIONS

Nike Footwear Catalog, 1985 Footwear, p. 49, published Dec. 1984, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1997 Spring Footwear, p. 82, published Jun. 1996, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1997 Fall Footwear, p. 26, published Dec. 1996, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1997 Fall Footwear, p. 34, published Dec. 1996, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1997 Fall Footwear, p. 36, published Dec. 1996, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. M125, published Nov. 1998, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 91, published Nov. 2000, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2002 Fall Men's and Women's Footwear, p. 82, published Nov. 2001, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2002 Fall Men's and Women's Footwear, p. 32, published Nov. 2001, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2003 Fall Men's and Women's Footwear, p. 79, published Nov. 2002, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2005 Spring Men's, Women's, Boy's, and Girl's Footwear, p. 38, published Jun. 2004, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2007 Spring Footwear, p. 86, published Jun. 2006, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2009 Fall Core Performance Footwear, p. 32, published Nov. 2008, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2010 Holiday Soccer, p. 4, published Feb. 2010, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2012 Holiday Soccer Footwear, p. 16, published Feb. 2012, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2013 Fall Soccer Footwear, p. 19, published Nov. 2012, NIKE, Inc., USA.  
 Nike Kobe 9 Elite—Details [online], [retrieved May 18, 2017] retrieved from internet <URL: < https://sneakernews.com/2013/12/04/nike-kobe-9-elite/; 2 color sheets, Dated Dec. 4, 2013.  
 Nike Tiempo Legacy Review [online], [retrieved May 18, 2017] retrieved from internet <URL: <http://www.soccercleats101.com/2014/03/31/nike-tiempo-legacy-review/>; Dated Mar. 31, 2014.  
 Nike Tiempo 2016 Boot Comparison—Legend V Legacy V Mystiq V Genio V Rio [online], [retrieved May 18, 2017] retrieved from internet <URL: <http://www.footyheadlines.com/2015/12/nike-tiempo-2016-boot-comparison.html; 6 color sheets, Dated Dec. 1, 2015.  
 Nike Tiempo Rio III FG (Clear Jade, Volt, Black) [online], [retrieved May 18, 2017] retrieved from internet <URL: <http://bootcleat.com/nike-tiempo-rio-iii-fg-clear-jade-volt-black/>; Dated Jun. 13, 2016.  
 Special-Edition Nike Tiempox Proximo Pirlo Boots Released [online], [retrieved May 18, 2017] retrieved from Internet <URL: <http://www.footyheadlines.com/2016/09/special-edition-nike-tiempox-proximo-pirlo-boots.html>; 5 color sheets, Dated Sep. 13, 2016.  
 Nike Tiempox Proximo—Floodlights Pack 'Anthracite/Turquoise/Black' [online], [retrieved May 18, 2017] retrieved from internet

(56)

**References Cited**

OTHER PUBLICATIONS

<URL: <<https://www.footballboots.co.uk/30099-nike-tiempox-proximo-floodlights-pack-anthraciteturquoiseblack.html>>; 2 color sheets, Dated Sep. 27, 2016.

Nike Jr Tiempo Rio FG-R Boys Football Boots [online], [retrieved May 18, 2017] retrieved from internet <URL: <<https://www.brandhousedirect.com.au/products/nike?jr?tiempo?rio?fg?r?boys>>; 1 color sheet, Date unknown but prior to Oct. 26, 2016.

\* cited by examiner

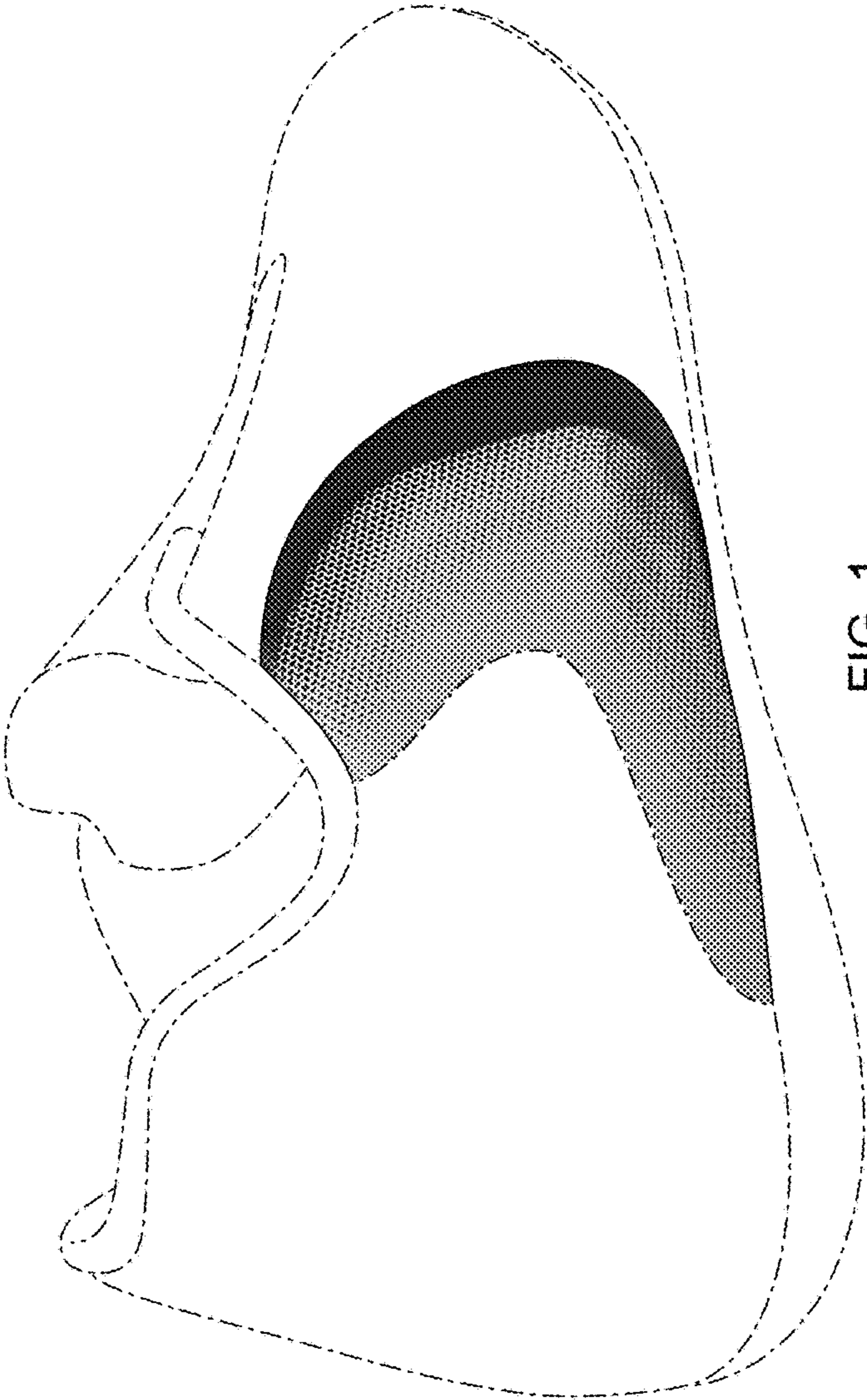


FIG. 1



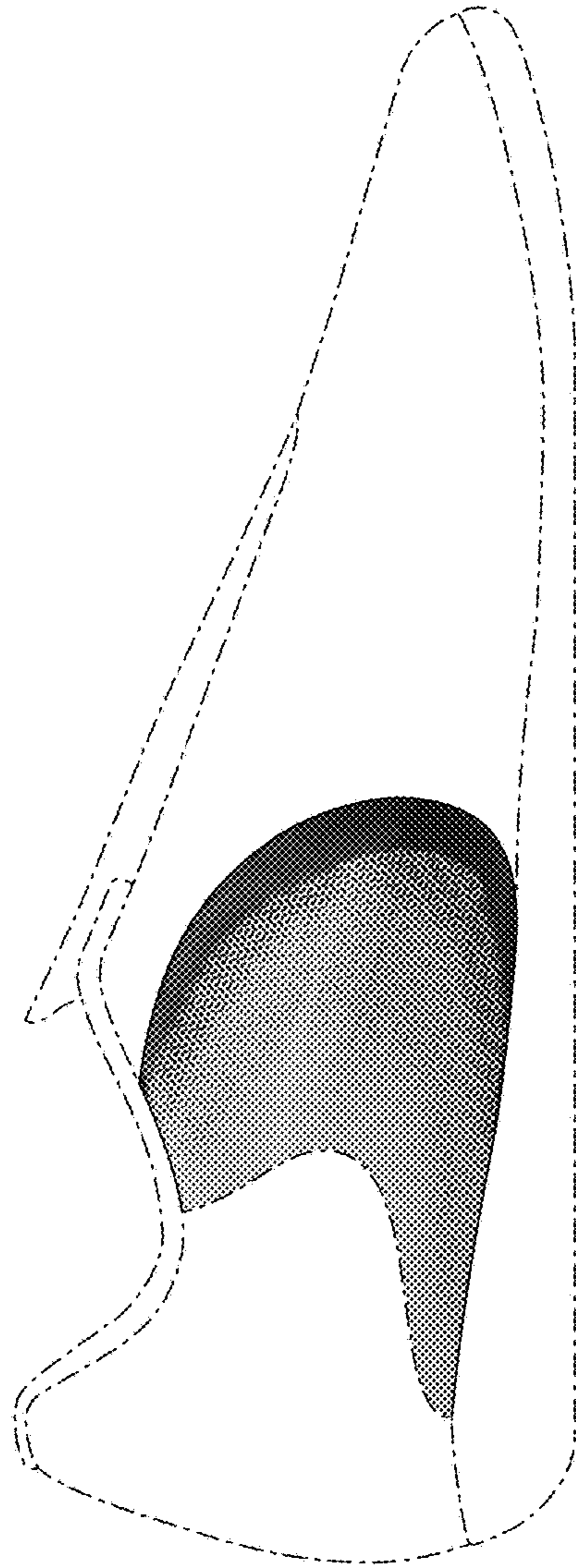


FIG. 2