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(12) **United States Design Patent** (10) **Patent No.:** **US D795,564 S**  
**Small** (45) **Date of Patent:** **\*\* Aug. 29, 2017**

(54) **SHOE UPPER**  
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(\*\*) Term: **15 Years**

D432,776 S \* 10/2000 McDowell ..... D2/972  
D439,734 S 4/2001 Wilson  
D449,923 S 11/2001 Doxey  
D451,271 S \* 12/2001 Gerber ..... D2/972  
D452,070 S 12/2001 Holmes  
D456,121 S 4/2002 Smith, III  
D464,474 S \* 10/2002 Swift ..... D2/902  
D468,521 S 1/2003 Wilson  
D468,522 S 1/2003 Wilson  
D470,301 S \* 2/2003 Lotti ..... D2/969  
(Continued)

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(51) **LOC (10) Cl.** ..... **02-04**

(52) **U.S. Cl.**  
USPC ..... **D2/975**

(58) **Field of Classification Search**  
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D2/969, 970, 972–975, 977, 978; D5/47;  
36/54  
CPC ..... A43B 1/04; A43B 3/0078; A43B 5/06;  
A43B 9/02; A43B 9/04; A43B 11/00;  
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23/26

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D108,481 S \* 2/1938 Parker ..... D2/930  
D323,419 S \* 1/1992 Miller ..... D2/975  
D377,410 S \* 1/1997 Crowley ..... D2/946  
D383,561 S 9/1997 Tresser  
D384,800 S \* 10/1997 Rask ..... D2/972  
5,701,688 A \* 12/1997 Crowley ..... A43B 23/26  
36/101  
D403,495 S 1/1999 Sorofman  
D407,548 S 4/1999 Holmes  
D417,948 S 12/1999 Cooper  
D431,351 S 10/2000 Prats et al.  
D431,713 S 10/2000 Wilson  
D431,899 S 10/2000 Cooper

**OTHER PUBLICATIONS**

Diesel D-Velows D-String | posted at YouTube Dec. 6, 2013  
[online] [site visited Dec. 22, 2016]. Available from Internet:  
<<https://www.youtube.com/watch?v=AR0Kxy7aztc>>.\*

(Continued)

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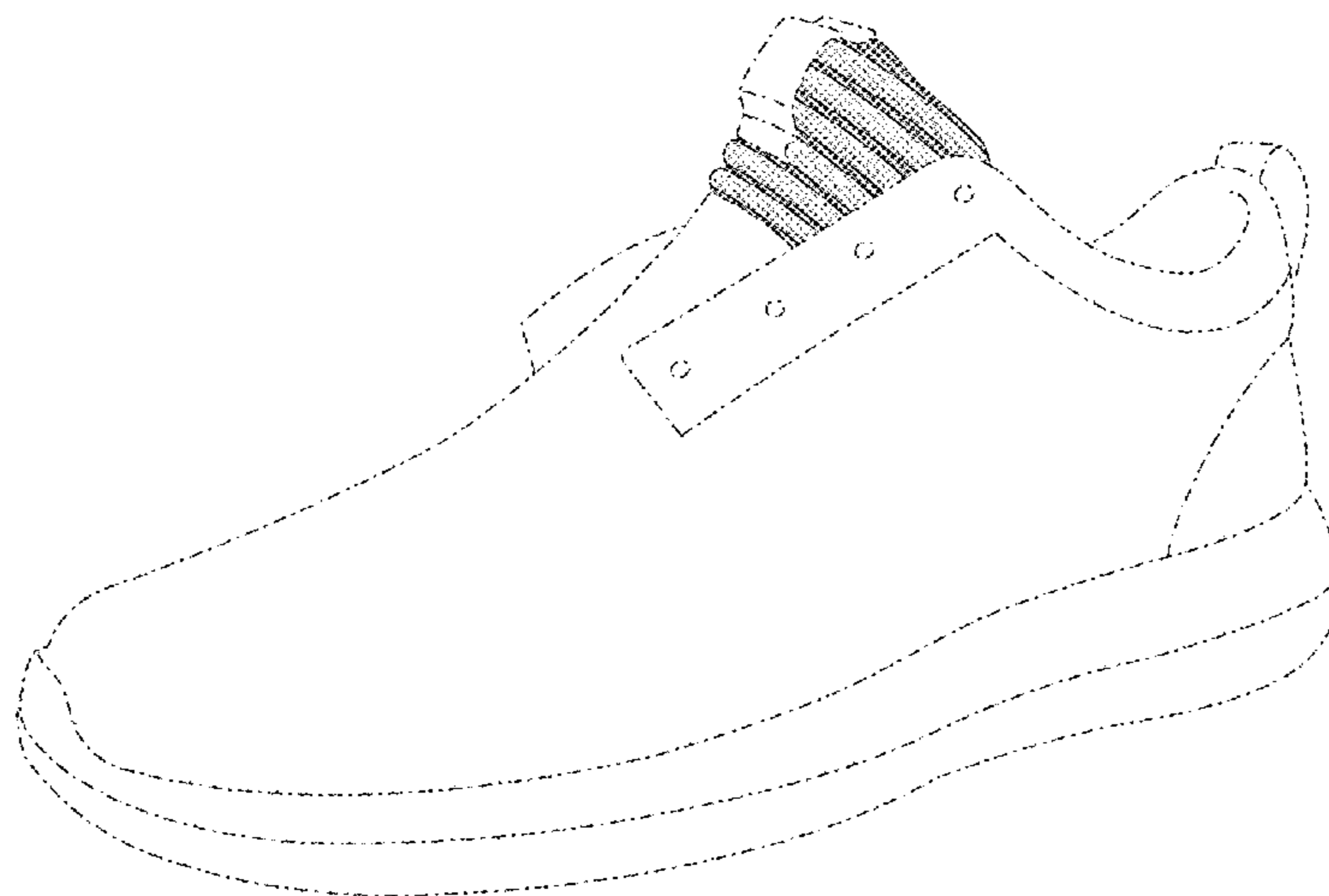
(57) **CLAIM**

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 front view thereof;  
FIG. 3 is a top view thereof; and,  
FIG. 4 is an opposite side perspective view thereof.  
The broken lines immediately adjacent to the shaded area represent the bounds of the claimed design and form no part of the claim. The broken line showing of a tab and the unshaded region therein form no part of the claim. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

**1 Claim, 4 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D475,518 S	*	6/2003	Lotti .....	D2/972
D504,562 S	*	5/2005	Kuerbis .....	D2/972
D517,791 S		3/2006	Sedlbauer	
D543,347 S		5/2007	Holmes	
D583,546 S		12/2008	Henderson	
D590,588 S		4/2009	del Biondi et al.	
D595,046 S		6/2009	Chang	
D626,728 S		11/2010	Tzenos et al.	
D668,442 S		10/2012	Frappier	
D677,044 S		3/2013	Frappier	
D677,459 S		3/2013	Frappier	
D684,760 S		6/2013	Williams, Jr.	
D684,761 S		6/2013	Williams, Jr.	
D685,567 S		7/2013	Dolce	
D693,106 S		11/2013	James	
D699,933 S		2/2014	Rasmussen	
D703,427 S		4/2014	Frederick	
D725,895 S		4/2015	Cin	
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	
D746,578 S	*	1/2016	Chang .....	D2/973
D767,865 S	*	10/2016	Chang .....	D2/972
2002/0029494 A1	*	3/2002	Small .....	A43B 3/0078 36/54
2002/0139009 A1	*	10/2002	Mark .....	A43B 23/26 36/54

OTHER PUBLICATIONS

Supre Griffin | posted at Vegan Skate Blog Nov. 4, 2013 [online] [site visited Dec. 22, 2016]. Available from Internet: <<http://veganskateblog.com/shoes/supra-griffin>>.\*

Balmain High Top Sneakers | posted at lookastic.com posting date not given © 2016 Lookastic [online] [site visited Dec. 22, 2016]. Available from Internet: <<https://lookastic.com/men/multi-colored-high-top-sneakers/shop/balmain-leather-high-top-sneakers-318479>>.\*

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

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.

\* cited by examiner

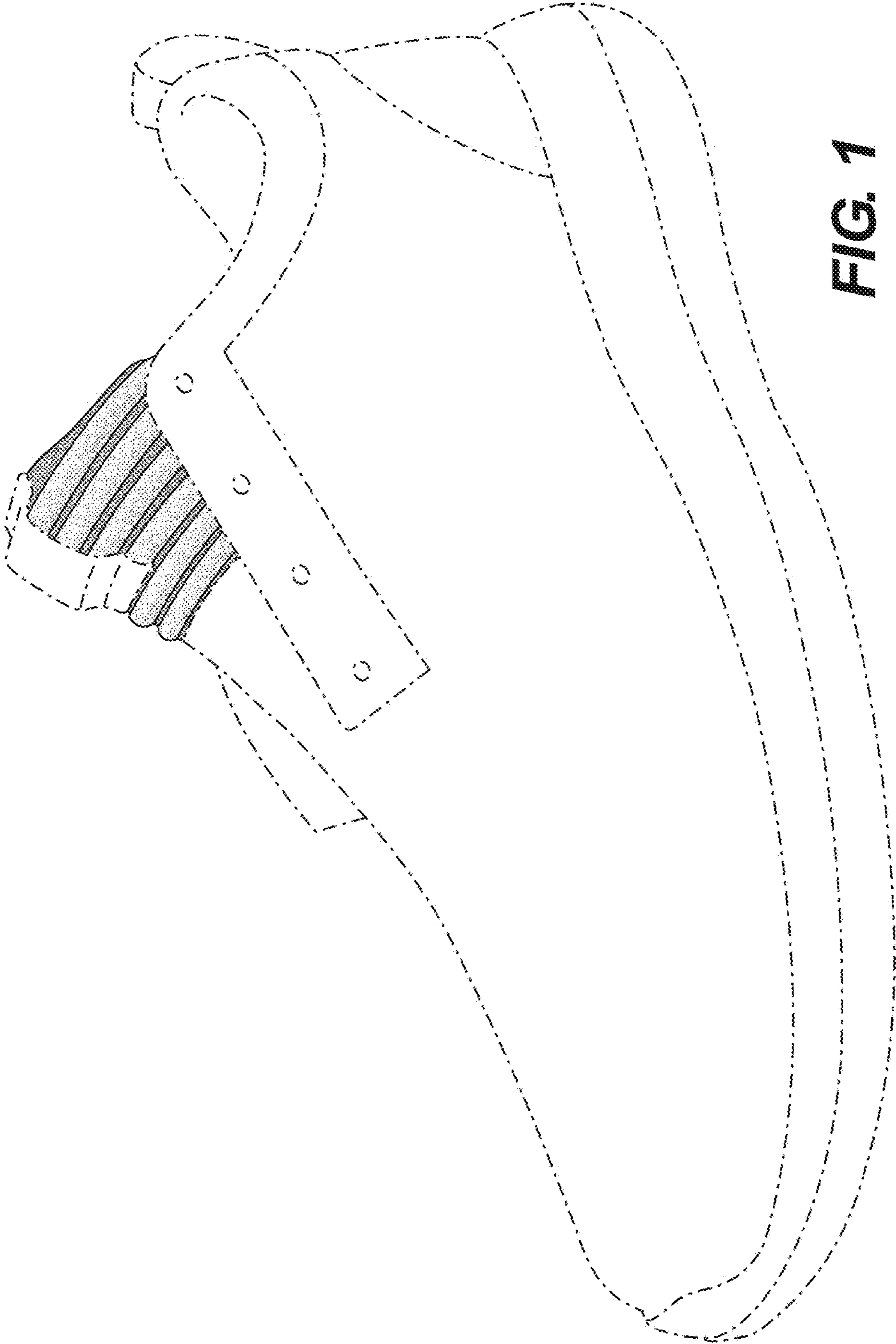
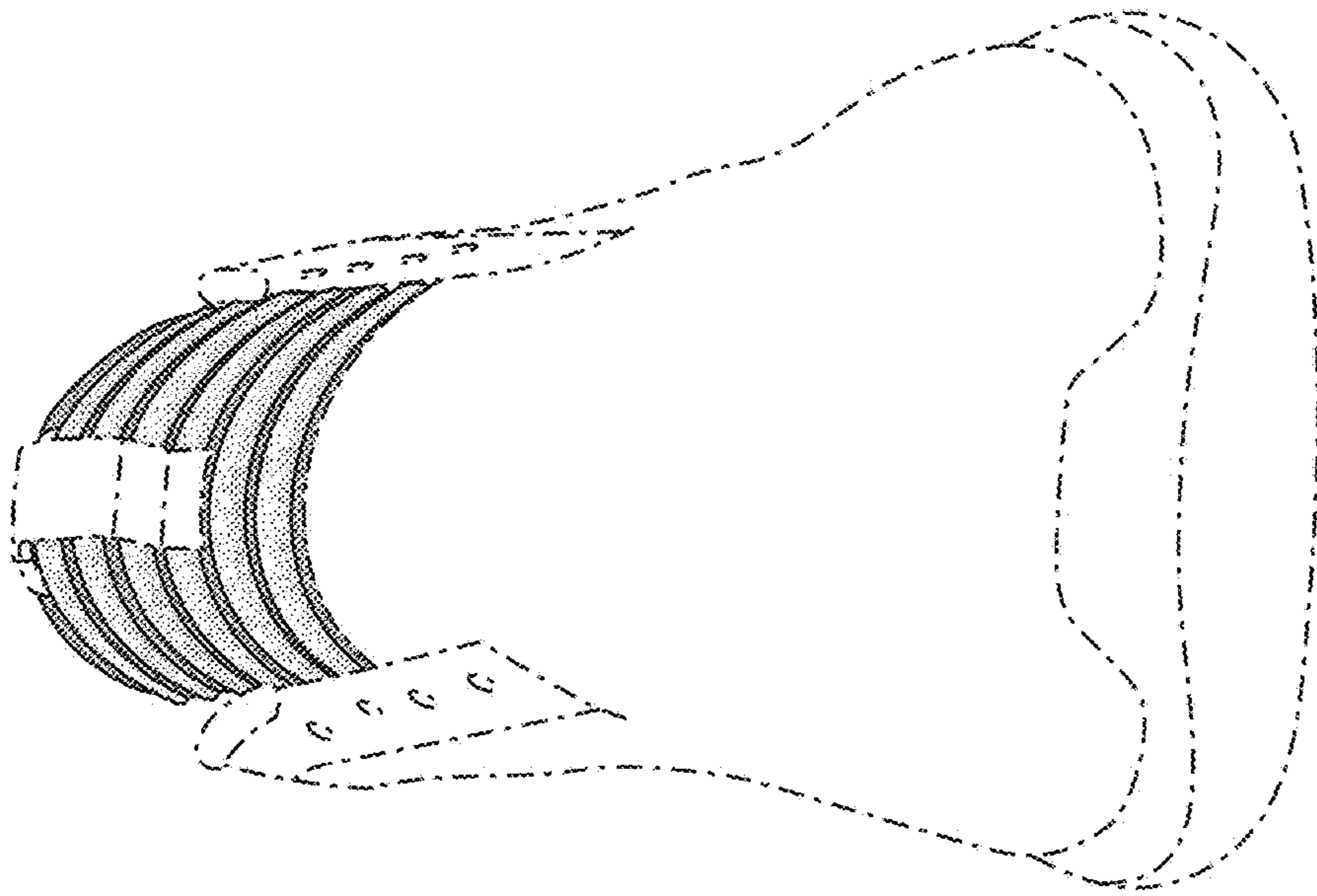


FIG. 1



**FIG. 2**

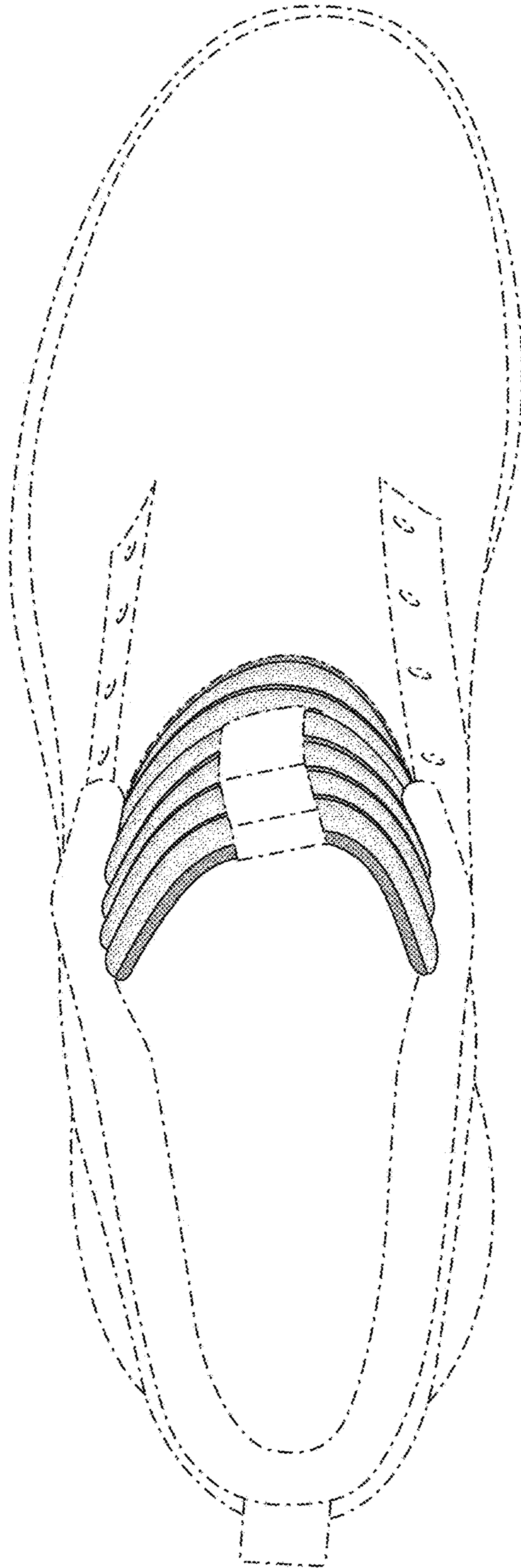
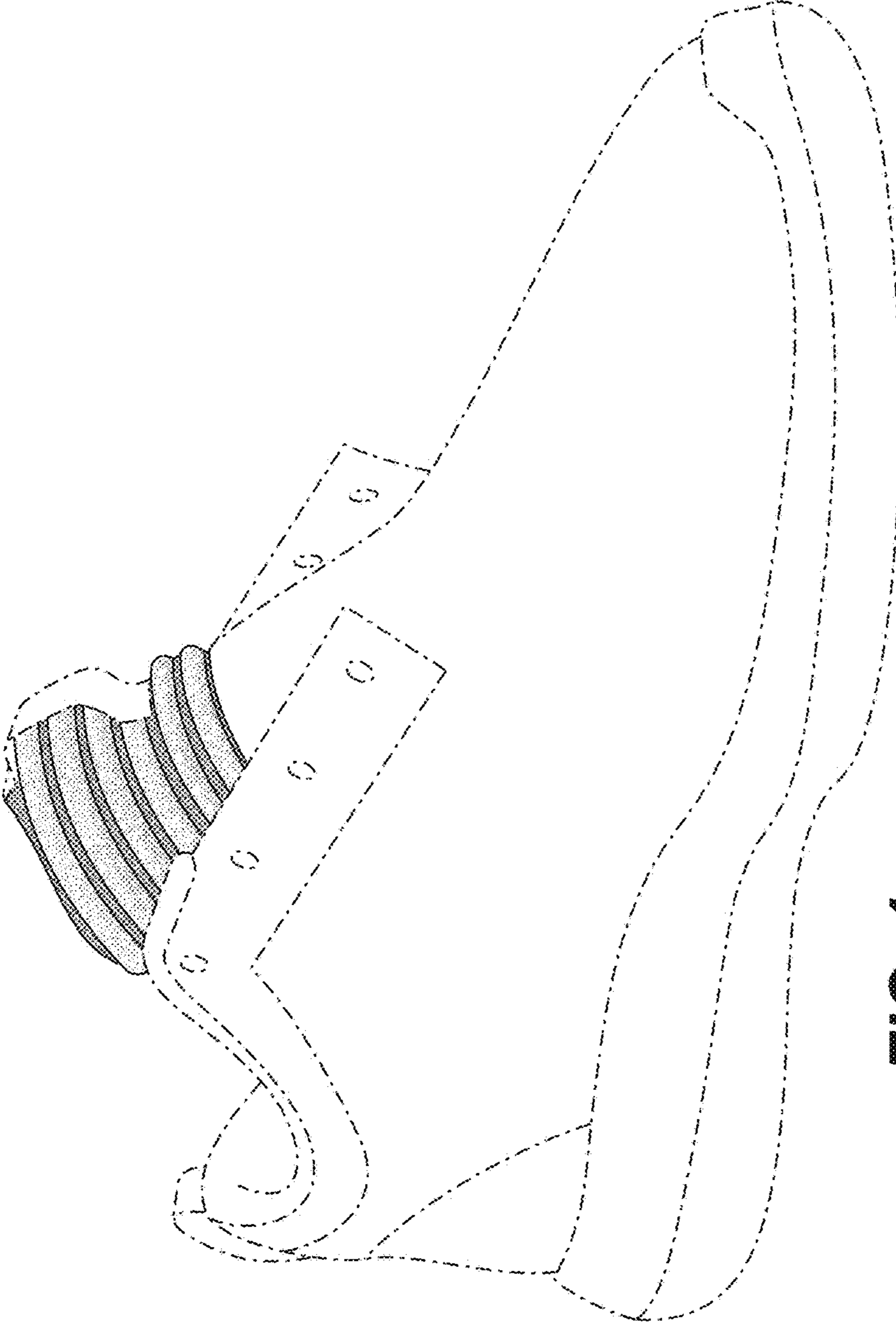


FIG. 3



**FIG. 4**