

US00D796829S

(12) **United States Design Patent** (10) **Patent No.:** **US D796,829 S**
de Montgolfier (45) **Date of Patent:** **** Sep. 12, 2017**

(54) **SHOE UPPER**

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

(72) Inventor: **Vianney de Montgolfier**, Portland, OR (US)

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

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

(21) Appl. No.: **29/601,474**

(22) Filed: **Apr. 21, 2017**

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

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

D128,617 S	8/1941	Brady	
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	
D372,577 S *	8/1996	Lozano	D2/969
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	
D389,637 S *	1/1998	Blakeslee	D2/972
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	

(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)

Primary Examiner — Dominic 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 rear perspective view thereof;

FIG. 3 is a side view thereof;

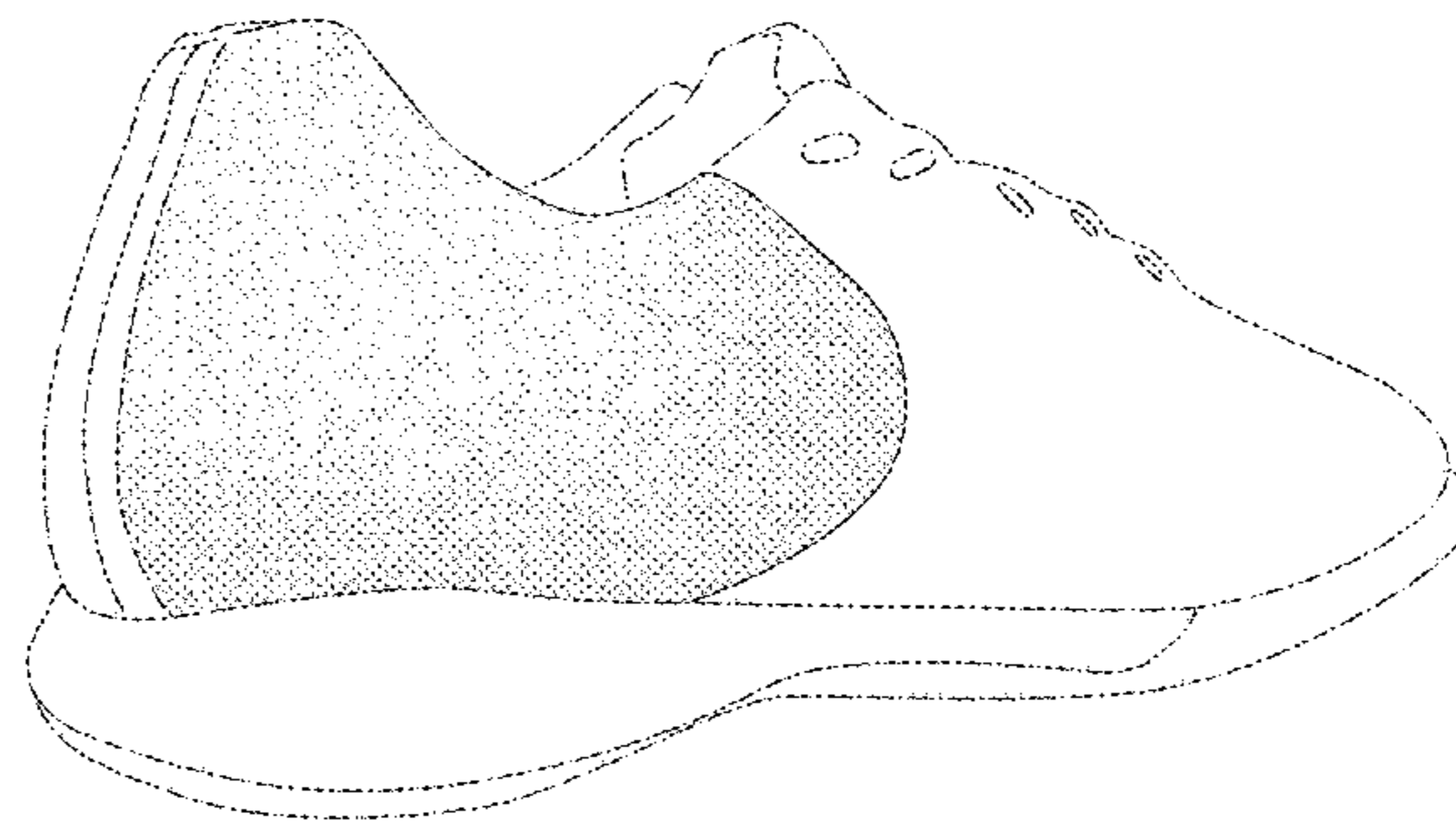
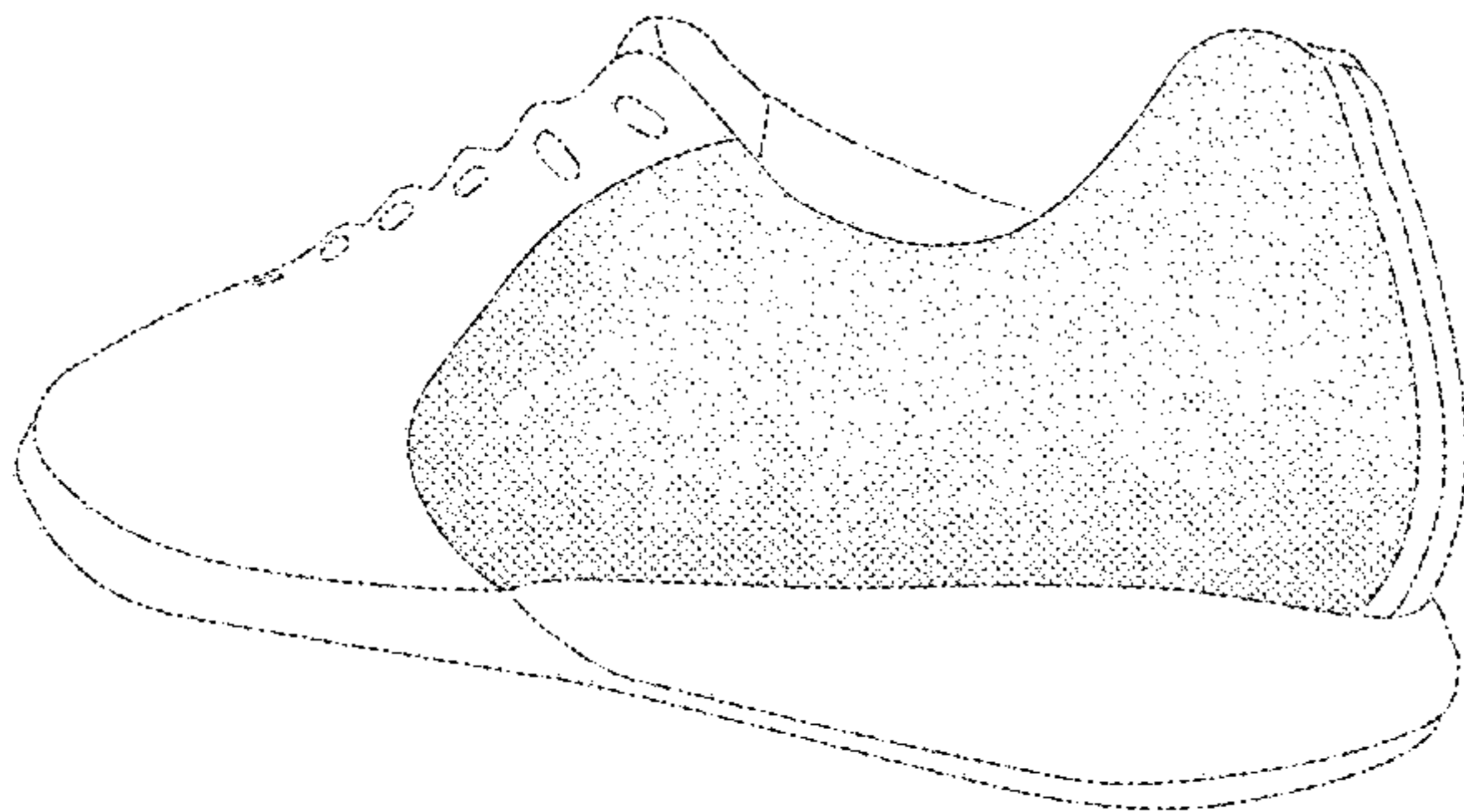
FIG. 4 is a rear view thereof;

FIG. 5 is a second rear perspective view thereof; and,

FIG. 6 is a second 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, 6 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D440,753 S 4/2001 Morris
 D443,756 S 6/2001 McDowell
 D451,271 S 12/2001 Gerber
 D452,069 S 12/2001 Allen
 D452,992 S * 1/2002 Smith D2/972
 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
 D494,351 S * 8/2004 Kuerbis D2/972
 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
 D522,736 S * 6/2006 Teague D2/972
 D523,222 S 6/2006 Savage
 D523,226 S 6/2006 Hudson
 D523,227 S 6/2006 Fullum
 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
 D528,769 S * 9/2006 Lupo D2/972
 D541,521 S 5/2007 Smith et al.
 D544,198 S 6/2007 Caine
 D545,046 S * 6/2007 Caine D2/972
 D545,053 S * 6/2007 Harlow D2/972
 D550,946 S 9/2007 Lotti
 D564,210 S 3/2008 Minami
 D568,601 S * 5/2008 Chang D2/972
 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
 D586,548 S * 2/2009 Harlow D2/972
 D595,046 S 6/2009 Chang
 D595,945 S 7/2009 Mochen
 D595,950 S 7/2009 Mayden
 D598,190 S 8/2009 Weber
 D613,934 S * 4/2010 Taylor D2/972
 D633,707 S * 3/2011 Hatfield D2/972
 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
 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.
 D722,760 S 2/2015 Lane
 D725,360 S 3/2015 Bacon

D725,895 S 4/2015 Cin
 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.
 D782,806 S 4/2017 Small
 D783,251 S 4/2017 Engel
 D783,257 S 4/2017 Small
 D783,259 S 4/2017 Small
 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 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 Spring Footwear, p. 82, published Jun. 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. 32, published Nov. 2001, 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, 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, 2009 Fall Core Performance Footwear, p. 32, published Nov. 2008, NIKE, Inc., USA.
 Nike Footwear Catalog, 2007 Spring Footwear, p. 86, published Jun. 2006, 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.

(56)

References Cited

OTHER PUBLICATIONS

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 <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

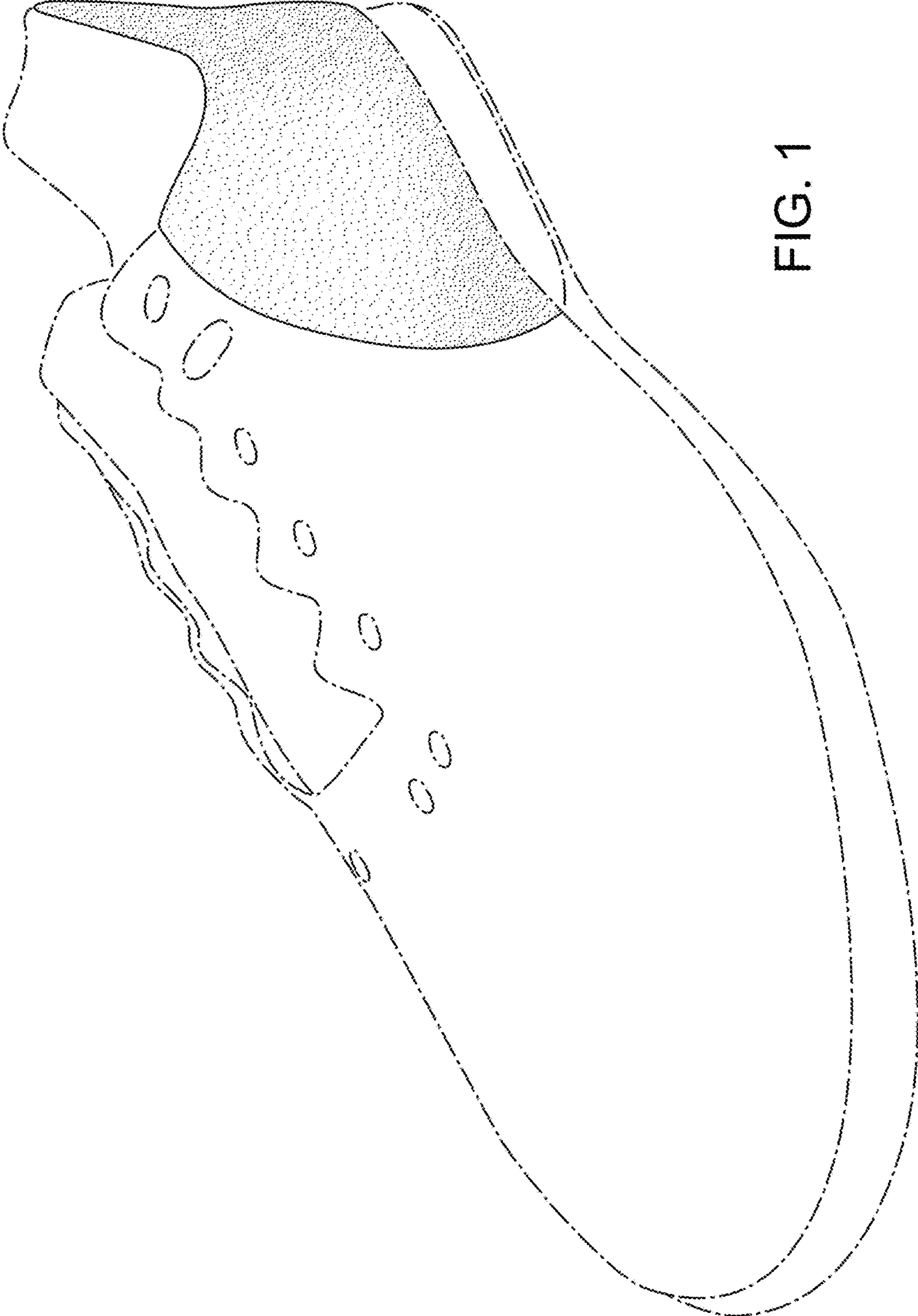


FIG. 1

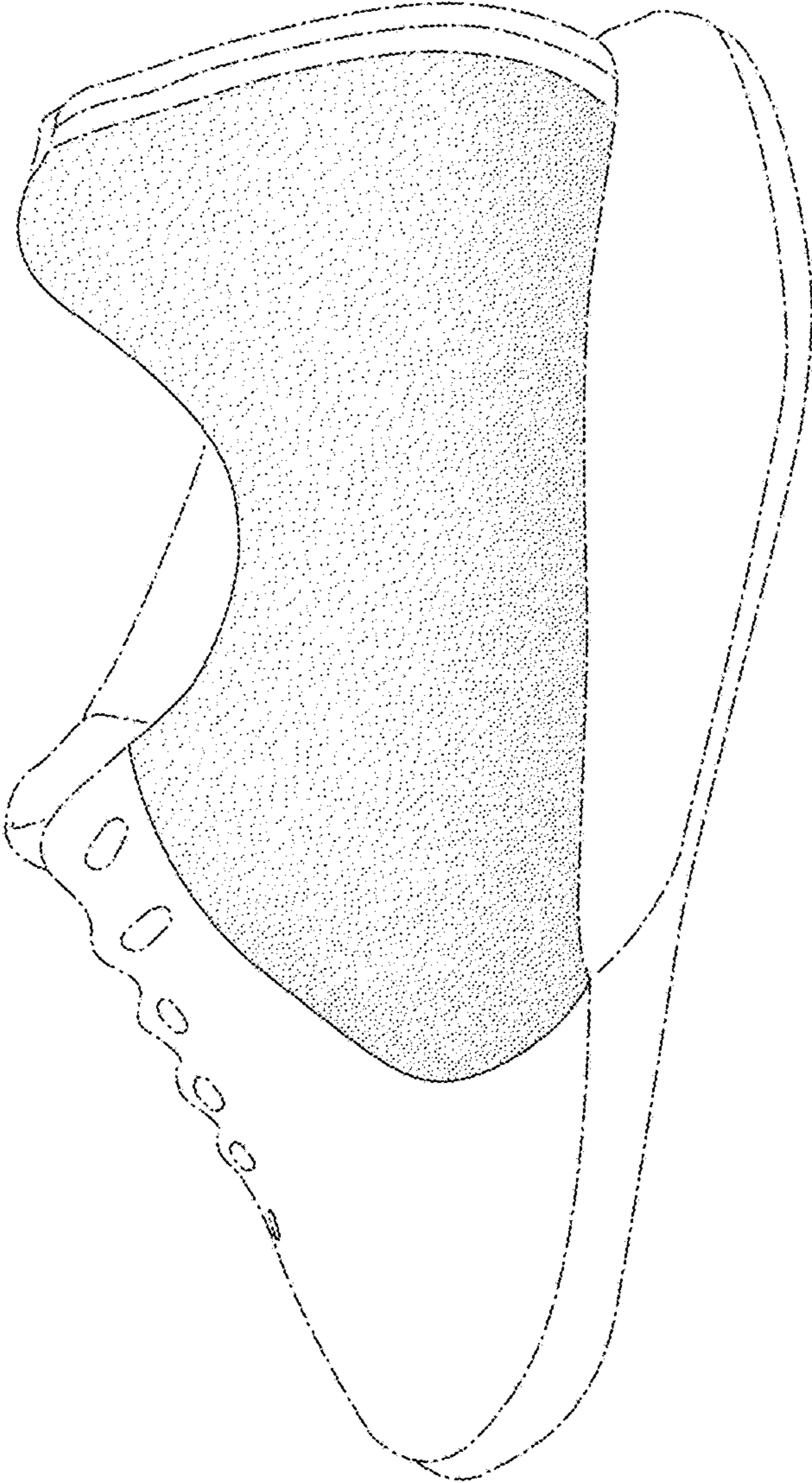


FIG. 2

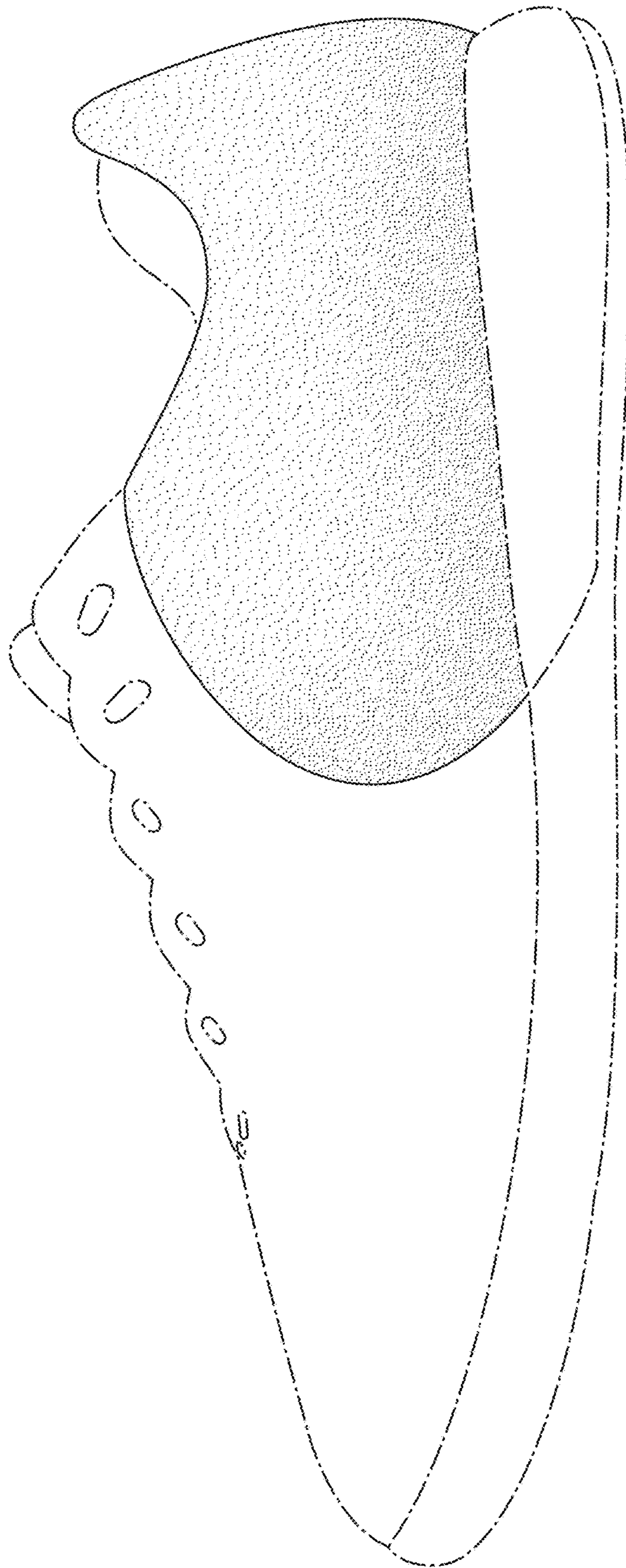


FIG. 3

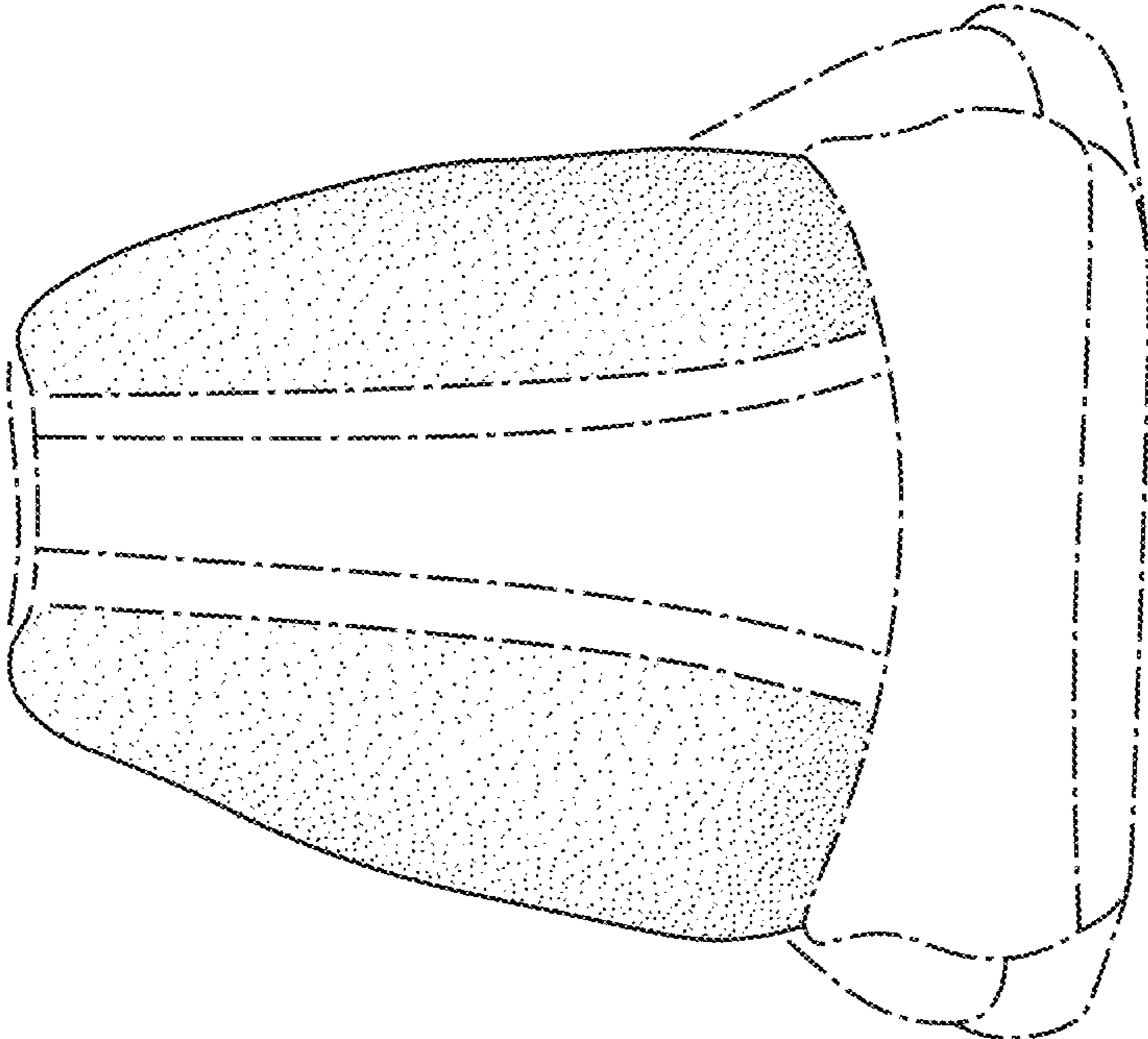


FIG. 4

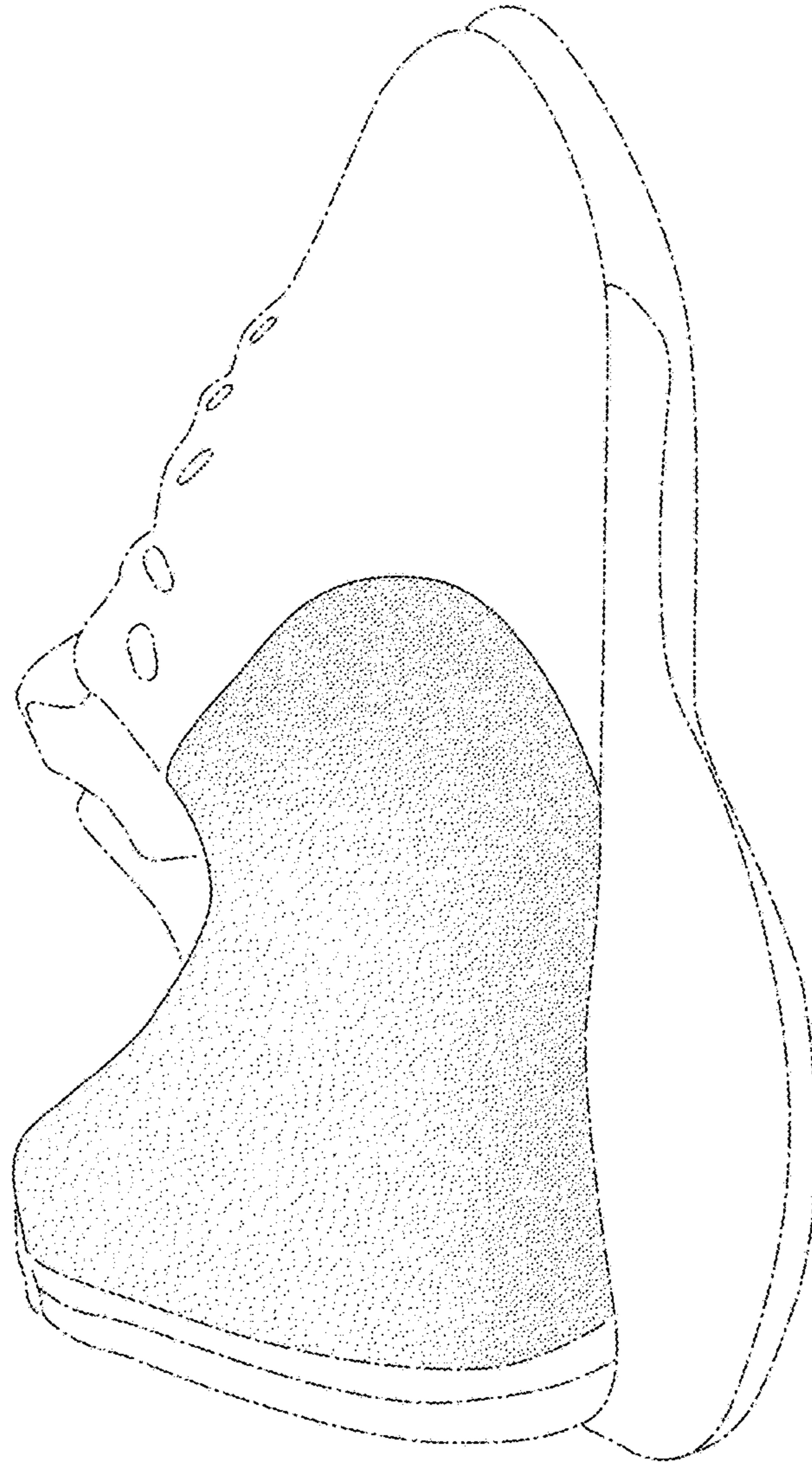


FIG. 5

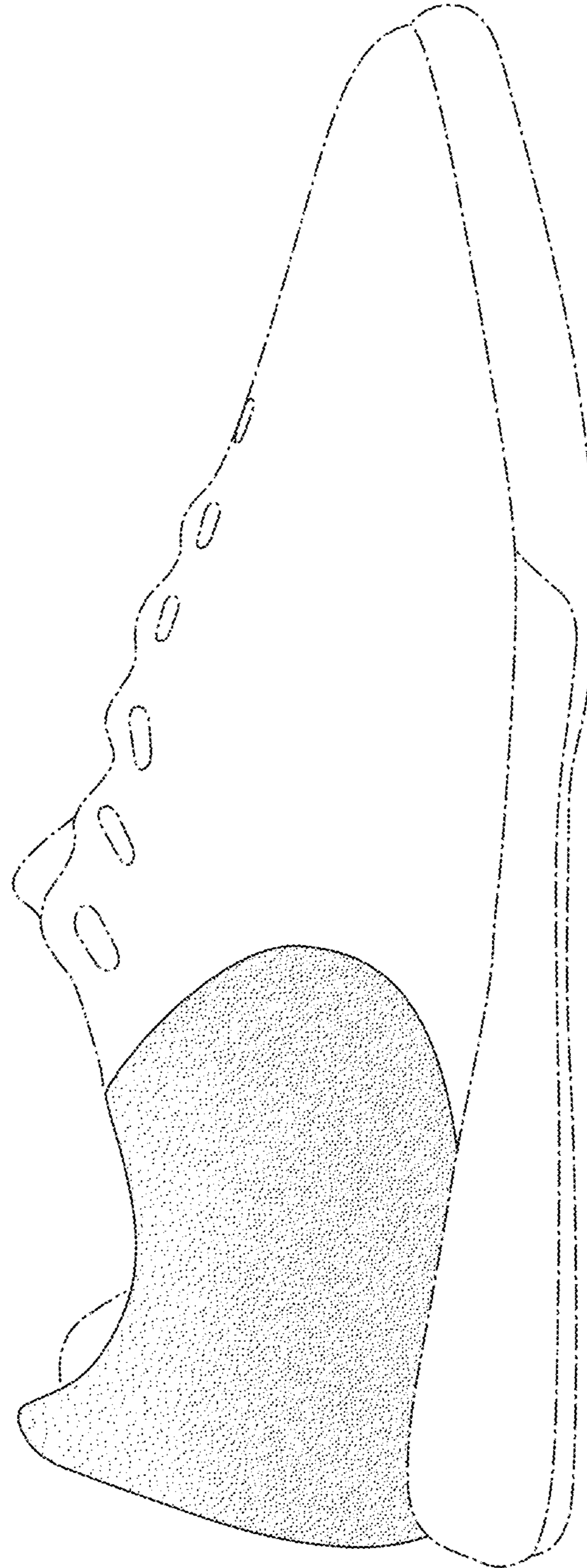


FIG. 6