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(12) **United States Design Patent** (10) **Patent No.:** **US D798,574 S**
James (45) **Date of Patent:** **** Oct. 3, 2017**

(54) **SHOE UPPER**
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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
(**) Term: **15 Years**
(21) Appl. No.: **29/574,227**
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(51) **LOC (10) Cl.** **02-04**
(52) **U.S. Cl.**
USPC **D2/972**
(58) **Field of Classification Search**
USPC D2/969, 970, 972-974, 977, 902,
D2/906-912, 943-945, 980, 983, 901;
D24/192
CPC ... A43B 3/0047; A43B 3/0052; A43B 3/0057;
A43B 3/0063; A43B 3/0068; A43B
3/0073; A43B 1/04; A43B 1/06; A43B
5/00; A43B 5/02; A43B 5/06; A43B 5/10;
A43B 5/14; A43B 23/0245; A43B
13/125; A43B 13/186; A43C 3/00; A43C
7/06
See application file for complete search history.

D616,194 S * 5/2010 Wolfe D2/972
D622,493 S * 8/2010 Leleu D2/972
D627,959 S * 11/2010 Raysse D2/969
(Continued)

FOREIGN PATENT DOCUMENTS

EM 002108514-0036 10/2012
EM 002108514-0038 10/2012
(Continued)

OTHER PUBLICATIONS

“A Stealthy Makeover on the New Nike Air Max Jewell,” Nike Air Max Jewell pictured therein, as posted at KicksOnFire.com [online], posted on Mar. 19, 2017, [site visited Aug. 3, 2017]. Available on the Internet, <URL: <https://www.kicksonfire.com/nike-air-max-jewell-black-metallic-hematite/>>.*
(Continued)

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(57) **CLAIM**

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

DESCRIPTION

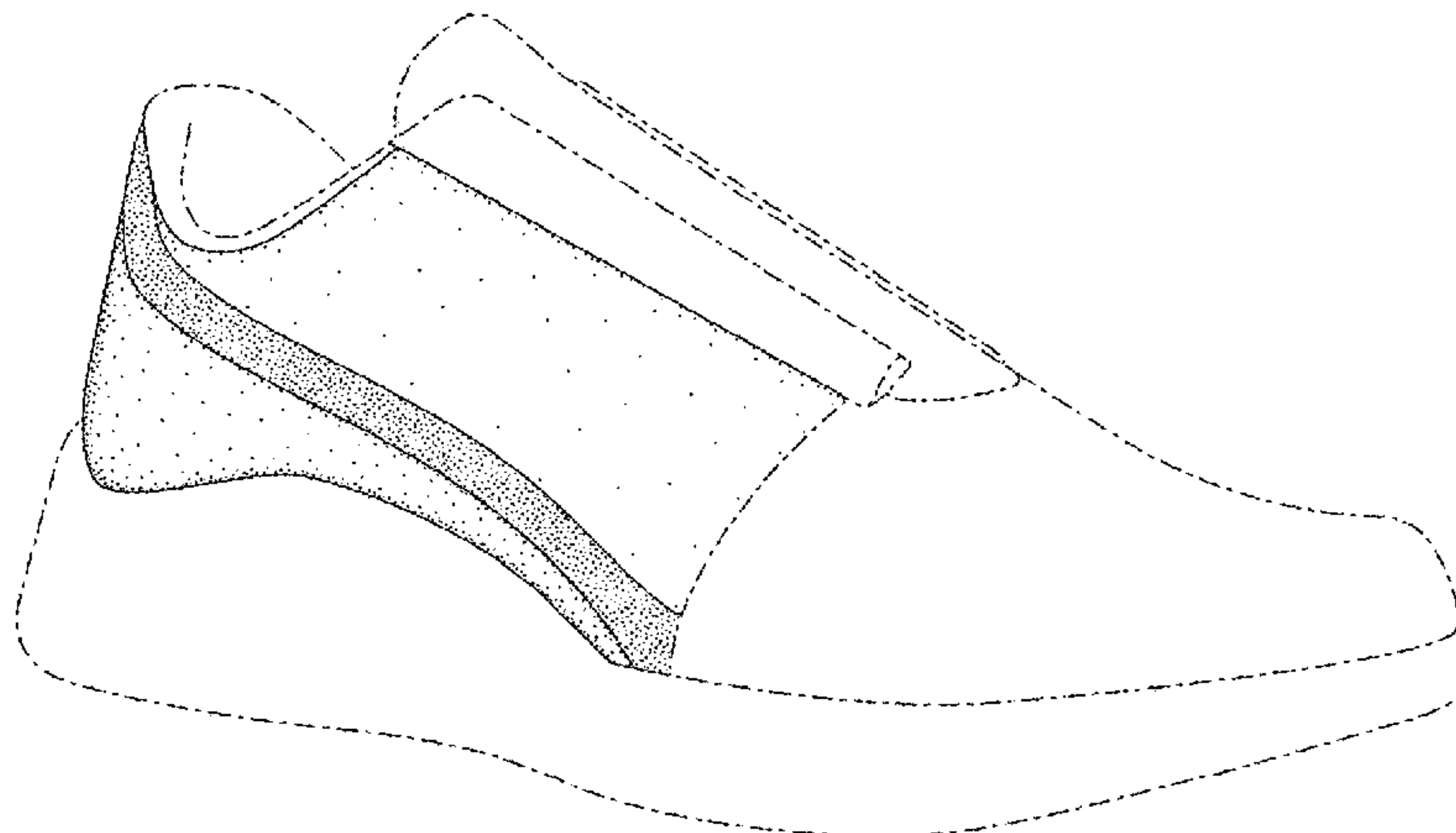
FIG. 1 is a front perspective view of a shoe upper showing my new design;
FIG. 2 is a side view thereof; and,
FIG. 3 is a rear perspective view thereof.
The broken lines immediately adjacent to the shaded area define the bounds of the claimed design, and form no part thereof. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design. The contrast in shading represents a contrast in appearance only and does not represent any particular color, material, texture or finish.

1 Claim, 3 Drawing Sheets

(56) **References Cited**

U.S. PATENT DOCUMENTS

D226,885 S * 5/1973 McBarron D2/907
D235,700 S * 7/1975 Seater D2/906
D239,217 S * 3/1976 Lloyd D2/907
D302,485 S * 8/1989 Mourad D2/969
D418,667 S * 1/2000 McNaught D2/969
D429,414 S * 8/2000 Tresser D2/972
D475,847 S * 6/2003 Schroeder D2/972
D490,973 S * 6/2004 Link D2/972
D493,956 S * 8/2004 Costantini D2/972
D494,350 S * 8/2004 Hillyer D2/972
D520,225 S * 5/2006 Choi D2/972
D559,525 S * 1/2008 Hlavacs D2/972



(56)

References Cited

U.S. PATENT DOCUMENTS

D725,892 S * 4/2015 Bosomworth D2/972
D725,895 S 4/2015 Cin
D765,964 S * 9/2016 Fallon D2/972
D787,802 S * 5/2017 da Costa Pereira
Machado D2/972

FOREIGN PATENT DOCUMENTS

EM 002108514-0040 10/2012
EM 002108514-0041 10/2012
EM 002190769-0015 3/2013
EM 002193466-0007 3/2013
EM 002300350-0006 9/2013
EM 002625210-0017 4/2015
EM 002710061-0008 6/2015

OTHER PUBLICATIONS

Dne Color Photo, Nike Air Max Plus IV, Published date unknown, but prior to the filing date of the present application.

Dne Color Photo, Air Max 90, Published date unknown but prior to the filing date of the present application.

Dne Color Photo, Nike Air Max Plus Hyperfuse, Published date unknown, but prior to the filing date of the present application.

One Color Photo, Air Max 1 Jewel, 1983.

One Color Photo, Nike Air Max 1, 1987.

One Color Photo, Nike Air Max Plus, 1998.

Nike Footwear Catalog, 2014 Fall Sporting Goods Footwear Best, p. 133, published Nov. 1, 2013, NIKE, Inc., USA.

One Color Photo, Nike Air Max 1 Ultra Moire, 2015.

Nike Footwear Catalog, Fall 2015 Sporting Goods, p. 218, published Nov. 26, 2014, NIKE, Inc., USA.

* cited by examiner

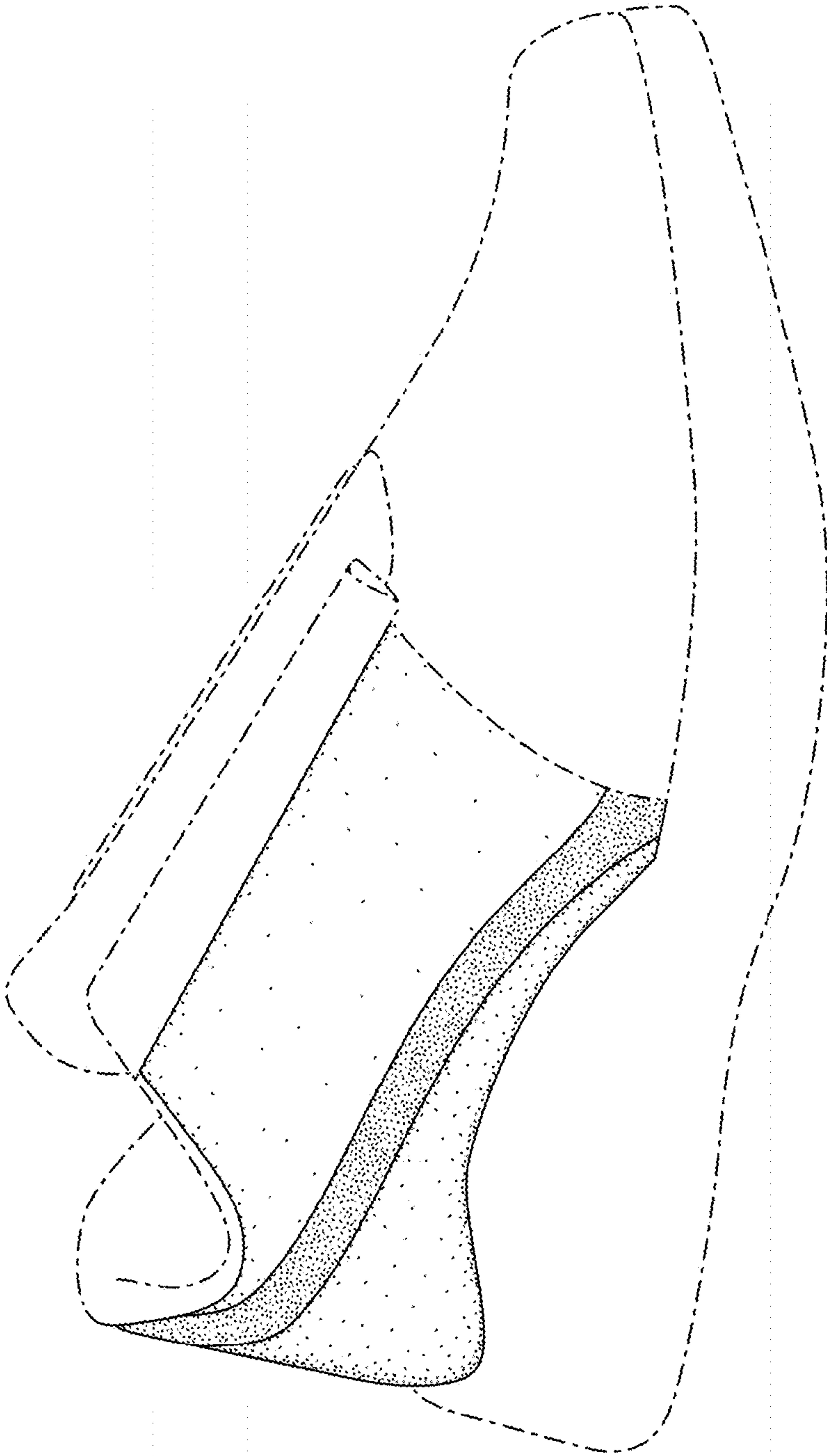


FIG. 1

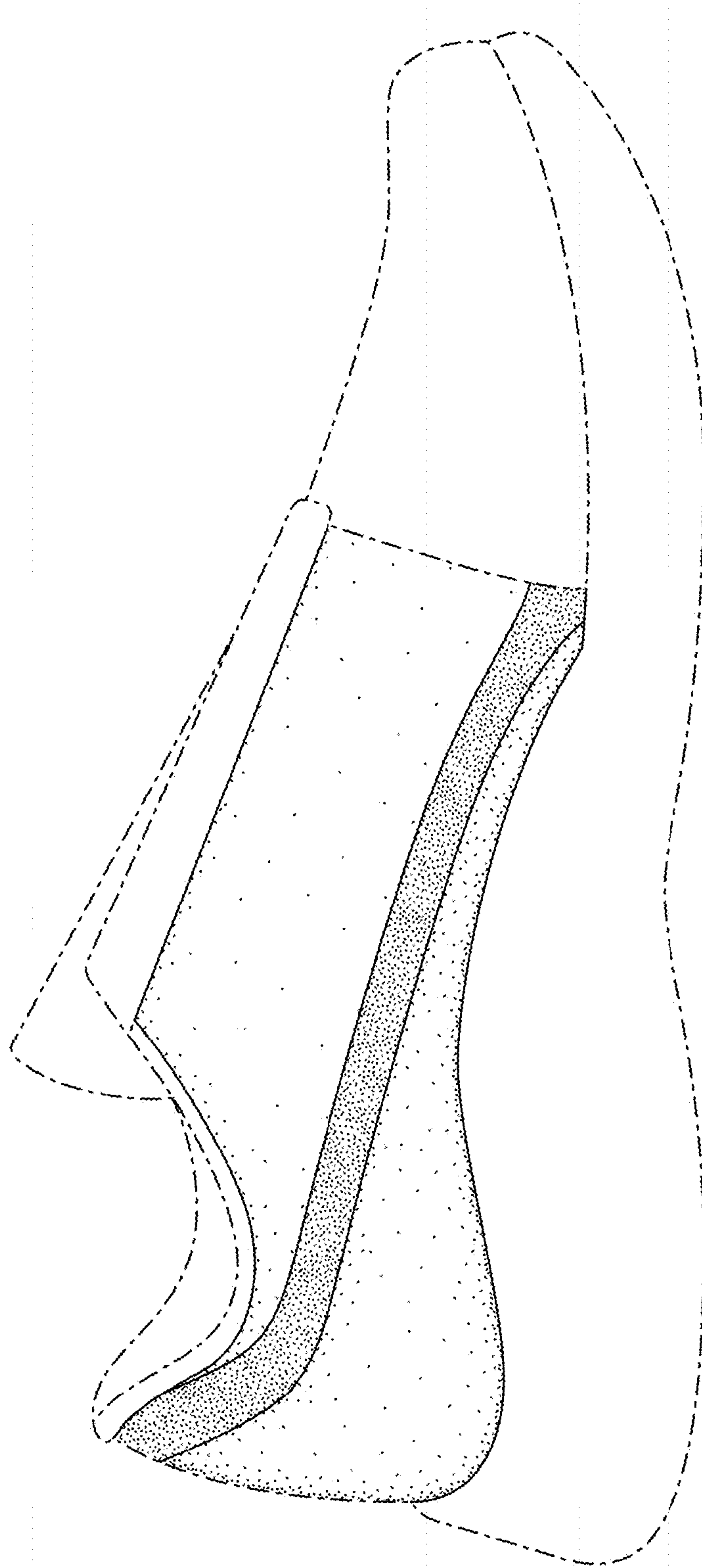


FIG. 2

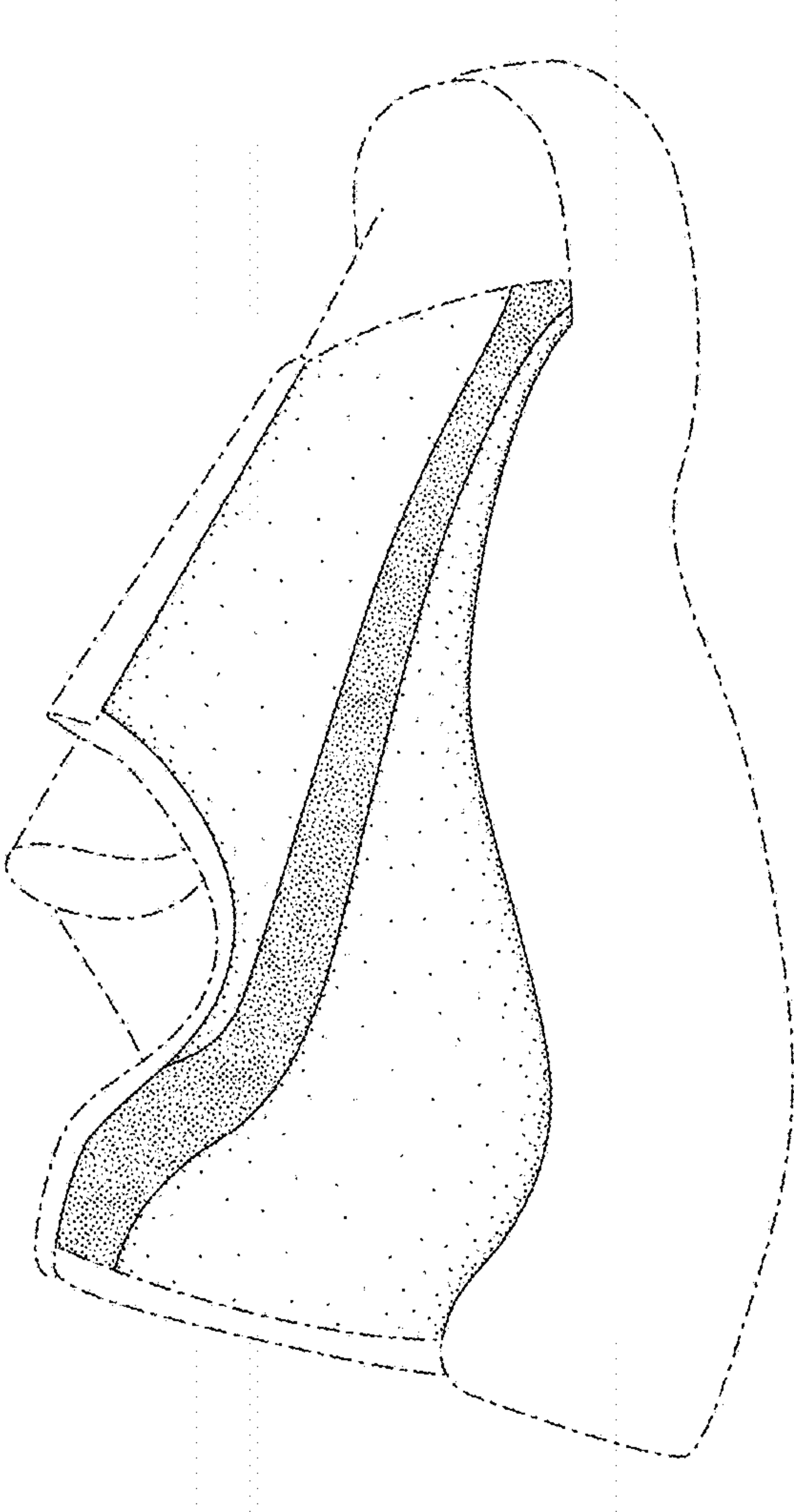


FIG. 3