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(12) **United States Design Patent** (10) **Patent No.:** **US D798,578 S**
Rémy (45) **Date of Patent:** **** Oct. 3, 2017**

(54) **SHOE UPPER**
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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
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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;
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See application file for complete search history.

D421,331 S * 3/2000 Mervar D2/972
D427,760 S 7/2000 Holmes
D433,220 S 11/2000 Fogg
D444,938 S * 7/2001 Smith D2/972
D447,860 S 9/2001 Matis et al.
D467,720 S 12/2002 Patt
D468,089 S * 1/2003 Smith D2/973
D479,392 S 9/2003 Hillyer
D481,530 S 11/2003 Hillyer
D486,301 S * 2/2004 Koo D2/973
D494,348 S 8/2004 Selbiger
D515,800 S 2/2006 Bertholon
D525,773 S 8/2006 Cass
D528,771 S * 9/2006 Lupo D2/972
D551,438 S 9/2007 Laberge
D551,838 S 10/2007 Brewer

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, 1994 Fall Footwear, p. 88, published Nov. 1993, NIKE, Inc., USA.

(Continued)

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(57) **CLAIM**

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

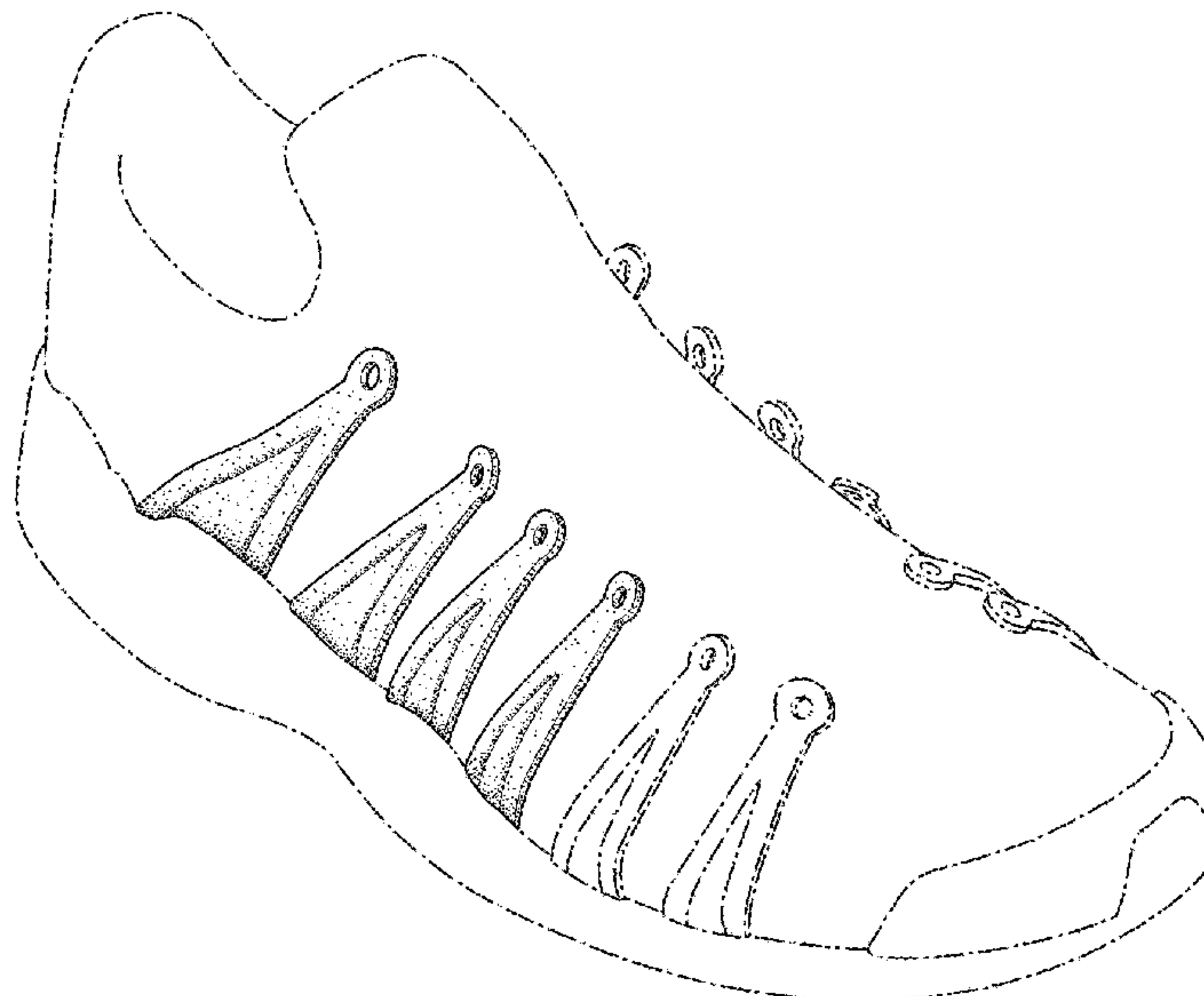
DESCRIPTION

FIG. 1 is a 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 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

D93,320 S * 9/1934 Arkin D2/973
D294,422 S * 3/1988 Gamm D2/969
D298,982 S 12/1988 Lussier
D326,352 S 5/1992 Feller et al.
D345,253 S 3/1994 Lucas
D345,452 S 3/1994 Lucas
D351,058 S 10/1994 Hatfield et al.
D357,796 S 5/1995 Crowley, II
D361,885 S 9/1995 Hatfield
D373,463 S 9/1996 Greene
D380,079 S 6/1997 Greene
D400,003 S 10/1998 Fogg
D410,691 S 6/1999 Boyer
D420,499 S 2/2000 Dolinsky



(56)

References Cited

U.S. PATENT DOCUMENTS

D575,501 S 8/2008 Amphyon
 D580,155 S * 11/2008 Banik D2/969
 D587,892 S * 3/2009 Fullum D2/972
 D593,302 S 6/2009 St-Louis et al.
 D593,305 S 6/2009 St-Louis et al.
 D595,498 S * 7/2009 Dolan D2/972
 D596,389 S 7/2009 Avar
 D600,900 S 9/2009 St-Louis et al.
 D612,145 S 3/2010 Bosomworth
 D622,052 S 8/2010 Grenet
 D622,054 S 8/2010 Bosomworth
 D629,190 S 12/2010 Bosomworth
 D629,599 S 12/2010 Bosomworth
 D636,593 S 4/2011 Henrichot
 D636,594 S * 4/2011 Henrichot D2/972
 D642,367 S 8/2011 Fuhrer
 D643,199 S 8/2011 Fuhrer
 D643,204 S * 8/2011 Roulo D2/972
 D648,116 S * 11/2011 Avar D2/972
 D653,440 S 2/2012 Hatfield et al.
 D658,862 S 5/2012 Stryjak et al.
 D658,865 S 5/2012 Stryjak et al.
 D658,866 S 5/2012 Stryjak et al.
 D659,372 S 5/2012 Stryjak et al.
 D659,978 S 5/2012 Grenet et al.
 D659,983 S 5/2012 Grenet et al.
 D659,984 S 5/2012 Grenet et al.
 D659,985 S 5/2012 Grenet et al.
 D659,986 S 5/2012 Maejima
 D660,580 S 5/2012 Smith, III et al.
 D661,885 S 6/2012 Williams, Jr.
 D661,886 S 6/2012 Williams, Jr.
 D671,730 S * 12/2012 Shaffer D2/972
 D675,817 S 2/2013 Shyllon
 D676,227 S 2/2013 Lee
 D679,081 S 4/2013 Bosomworth
 D679,082 S 4/2013 Bosomworth
 D680,315 S 4/2013 Amphyon
 D680,728 S 4/2013 Stryjak
 D683,946 S * 6/2013 Williams, Jr. D2/972
 D689,277 S 9/2013 Taylor
 D690,491 S 10/2013 Bosomworth
 D690,492 S 10/2013 Bosomworth
 D690,493 S 10/2013 Bosomworth
 D690,494 S 10/2013 Bosomworth
 D690,495 S 10/2013 Bosomworth
 D690,496 S 10/2013 Leleu
 D690,923 S 10/2013 Amphyon
 D692,223 S 10/2013 Hui
 D692,224 S 10/2013 Fogg
 D693,557 S 11/2013 Grenet
 D693,558 S 11/2013 Bosomworth
 D694,514 S 12/2013 Pizzuti
 D697,298 S 1/2014 Hatfield et al.
 D700,767 S * 3/2014 Parrett D2/972
 D701,030 S 3/2014 Grenet
 D701,032 S 3/2014 Leleu
 D701,384 S 3/2014 Leleu
 D707,033 S * 6/2014 Shaffer D2/973
 D711,639 S 8/2014 Fuhrer
 D711,641 S 8/2014 Grenet et al.
 D711,642 S 8/2014 Bosomworth
 D717,530 S 11/2014 Leleu
 D717,532 S 11/2014 Grenet
 D717,534 S 11/2014 Amphyon
 D720,922 S 1/2015 Harlow et al.
 D721,884 S 2/2015 Harlow et al.
 D725,362 S 3/2015 Bosomworth
 D725,363 S 3/2015 Fuhrer et al.
 D725,364 S 3/2015 Fuhrer et al.
 D725,367 S 3/2015 Bosomworth
 D725,369 S 3/2015 Amphyon
 D725,370 S 3/2015 Amphyon
 D725,371 S 3/2015 Amphyon
 D725,884 S 4/2015 Amphyon

D725,887 S 4/2015 Bosomworth
 D725,888 S 4/2015 Bosomworth
 D725,889 S 4/2015 Amphyon
 D725,890 S 4/2015 Bosomworth
 D725,893 S 4/2015 Grenet
 D727,007 S 4/2015 Bosomworth
 D731,772 S 6/2015 Bosomworth et al.
 D731,773 S 6/2015 Bosomworth et al.
 D731,774 S 6/2015 Antonelli et al.
 D731,777 S 6/2015 Grenet et al.
 D732,268 S 6/2015 Grenet et al.
 D737,036 S 8/2015 Bosomworth
 D742,109 S 11/2015 Grenet
 D742,110 S * 11/2015 Miner D2/973
 D746,036 S 12/2015 Harlow et al.
 D746,037 S * 12/2015 Miner D2/972
 D746,570 S 1/2016 Raasch
 D753,382 S 4/2016 Lamont
 D753,383 S 4/2016 Nikolic
 D766,565 S 9/2016 Hatfield
 D772,556 S * 11/2016 Woodman D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 1996 Fall Footwear, p. 150, published Dec. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Fall Men's and Women's Footwear (blue cover), p. 15, published Nov. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 23, published Nov. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2005 Spring Men's, Women's, Boys, and Girl's Footwear, p. 6, published Jun. 2004, NIKE, Inc., USA.
 Nike Footwear Catalog, 2012 Fall Core Footwear, p. 37, published Nov. 2011, NIKE, Inc., USA.
 Nike Footwear Catalog, 2014 Spring Core Footwear, p. 56, published May 28, 2013, NIKE, Inc., USA.
 Nike Running Competitor Collection [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://sneakernews.com/2015/08/05/nike-running-competitor-collection/>>; 6 color pages, Dated Aug. 5, 2015.
 Release Date: Nike Air Zoom Vomero 11 [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.kicksonfire.com/nike-air-zoom-vomero-11/>>; 2 color pages, Dated Feb. 29, 2016.
 Nike Air Zoom Vomero 10: The Feeling Feet Dream About [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/nike-air-zoom-vomero-10-what-feet-dream-about/>>; 8 color pages, Dated Apr. 9, 2015.
 Nike Zoom Vomero 9—Atomic Mango/Turbo Green [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.kicksonfire.com/nike-zoom-vomero-9-atomic-mangoturbo-green/>>; 1 color page, Dated May 18, 2014.
 Nike Air Zoom Elite 8: Low, Sleek, Fast and Light [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/nike-air-zoom-elite-8-low-sleek-fast-and-light/>>; 10 color pages, Dated Jun. 30, 2015.
 Sleek New Nike Air Zoom Elite 7 The Lightest Yet [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/sleek-new-nike-air-zoom-elite-7-the-lightest-yet/>>; 9 color pages, Dated Aug. 11, 2014.
 Nike Solstice Pack [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/nike-solstice-pack/>>; 2 color pages, Dated Dec. 8, 2015.
 Nike Unveils High Mileage Speed Machine—Nike Air Zoom Pegasus 31 [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/nike-unveils-high-mileage-speed-machine-nike-air-zoom-pegasus-31/>>; 10 color pages, Dated May 30, 2014.
 Let Your Feet Fly [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/let-your-feet-fly/>>; 6 color pages, Dated Jun. 2, 2016.
 Take on Nature's Obstacle Course With Nikes Trail Running Collection [online], [retrieved Mar. 9, 2017], retrieved from Internet

(56)

References Cited

OTHER PUBLICATIONS

<URL: <http://news.nike.com/news/take-on-nature-s-obstacle-course-with-nike-s-trail-running-collection>>; 6 color pages, Dated Aug. 29, 2014.

Nike Wildhorse 3 Review: Beefed Up, But Still a Great Shoe [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://runblogger.com/2015/07/nike-wildhorse-3-review-beefed-up-but-still-a-great-shoe.html>>; 8 color pages, Dated Jul. 13, 2015.

Nike Zoom Wildhorse 2—Navy/Purple [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.kicksonfire.com/nike-zoom-wildhorse-2/>>; 1 color page, Dated Jul. 23, 2014.

Nike Zoom Wildhorse—Mercury Grey/Flash Lime [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.kicksonfire.com/nike-zoom-wildhorse-mercury-grey-flash-lime/>>; 2 color pages, Dated May 22, 2014.

Snkr Frkr Wear Tests the Nike Air Zoom Structure 19 [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.sneakerfreaker.com/articles/snkr-frkr-wear-tests-the-nike-air-zoom-structure-19/>>; 9 color pages, Dated Oct. 7, 2015.

New Nike Air Zoom Structure: Stability Has Never Been Faster [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://news.nike.com/news/stability-has-never-been-faster>>; 9 color pages, Dated Sep. 25, 2014.

Nike Zoom Structure 17 Review [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <https://www.solereview.com/nike-zoom-structure-17-review/>>; 23 color pages, Dated Jun. 5, 2014.

Nike Zoom Structure+ 16 Shield [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://theshoegame.com/articles/nike-zoom-structure-16-shield.html>>; 12 color pages, Dated Sep. 7, 2012.

Undercover X Nike Zoom Structure+ 15 ‘Gyakusou’ [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://sneakernews.com/2011/10/07/undercover-x-nike-zoom-structure-15-gyakusou/>>; 6 color pages, Dated Oct. 7, 2011.

NikeCourt Creates a Zoom UltraFly for Clay Surfaces [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://sneakernews.com/2016/03/30/nikecourt-creates-a-zoom-ultrafly-for-clay-surfaces/>> 5 color pages, Dated Mar. 30, 2016.

Nike Air Zoom Strong | First Look! [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://www.nikeblog.com/2016/04/25/nike-air-zoom-strong/>>; 9 color pages, Dated Apr. 2016.

First Look at the Nike Zoom Dynamic TR [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://www.nikeblog.com/2016/04/29/nike-zoom-dynamic-tr-first-look/>>; 10 color pages, Dated May 2016.

Nike Air Zoom Fearless Flyknit | First Look! [online], [retrieved Mar. 9, 2017], retrieved from Internet <URL: <http://www.nikeblog.com/2016/07/05/nike-air-zoom-fearless-flyknit-first-look/>>; 9 color pages, Dated Jul. 2016.

* cited by examiner

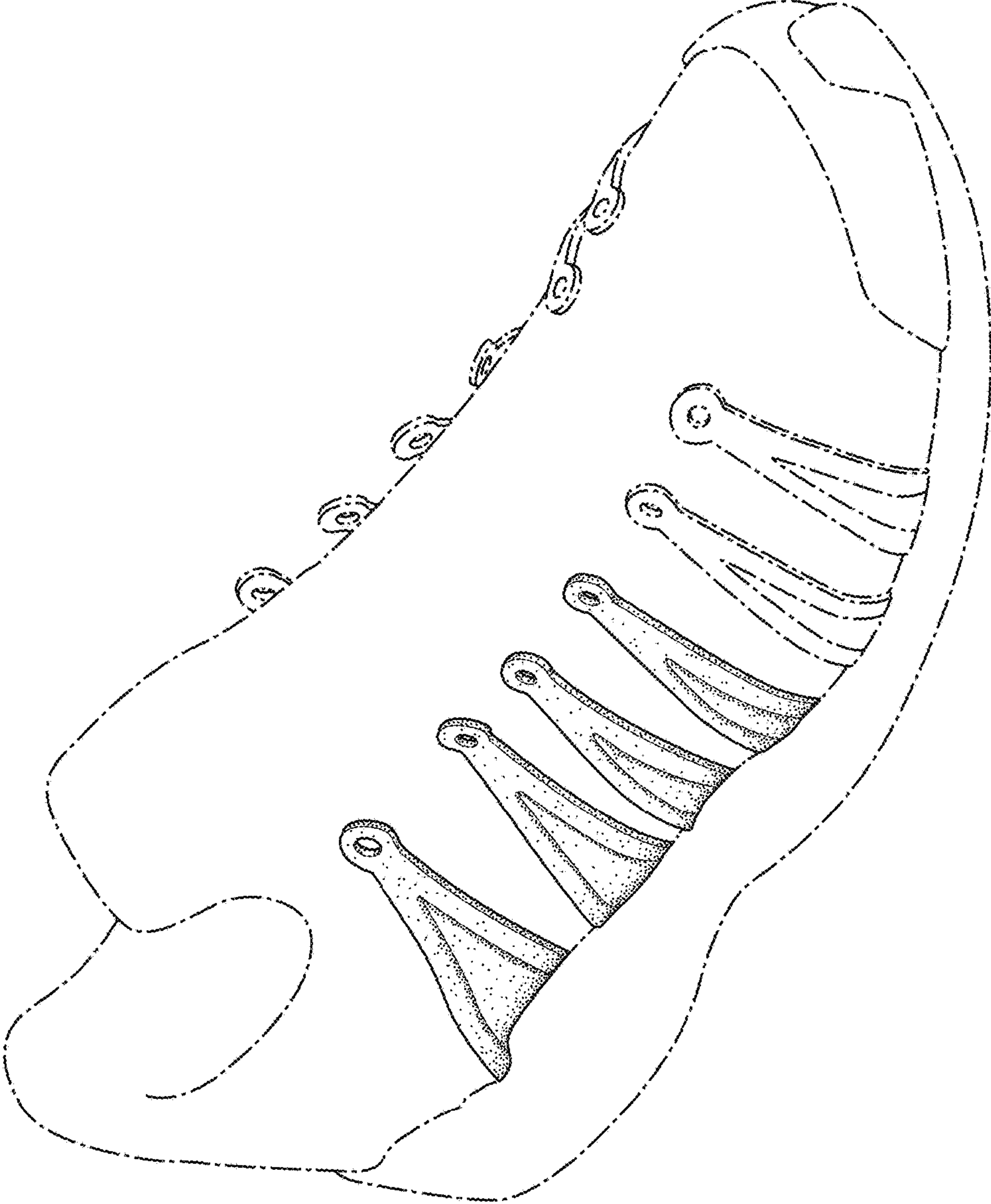


FIG. 1

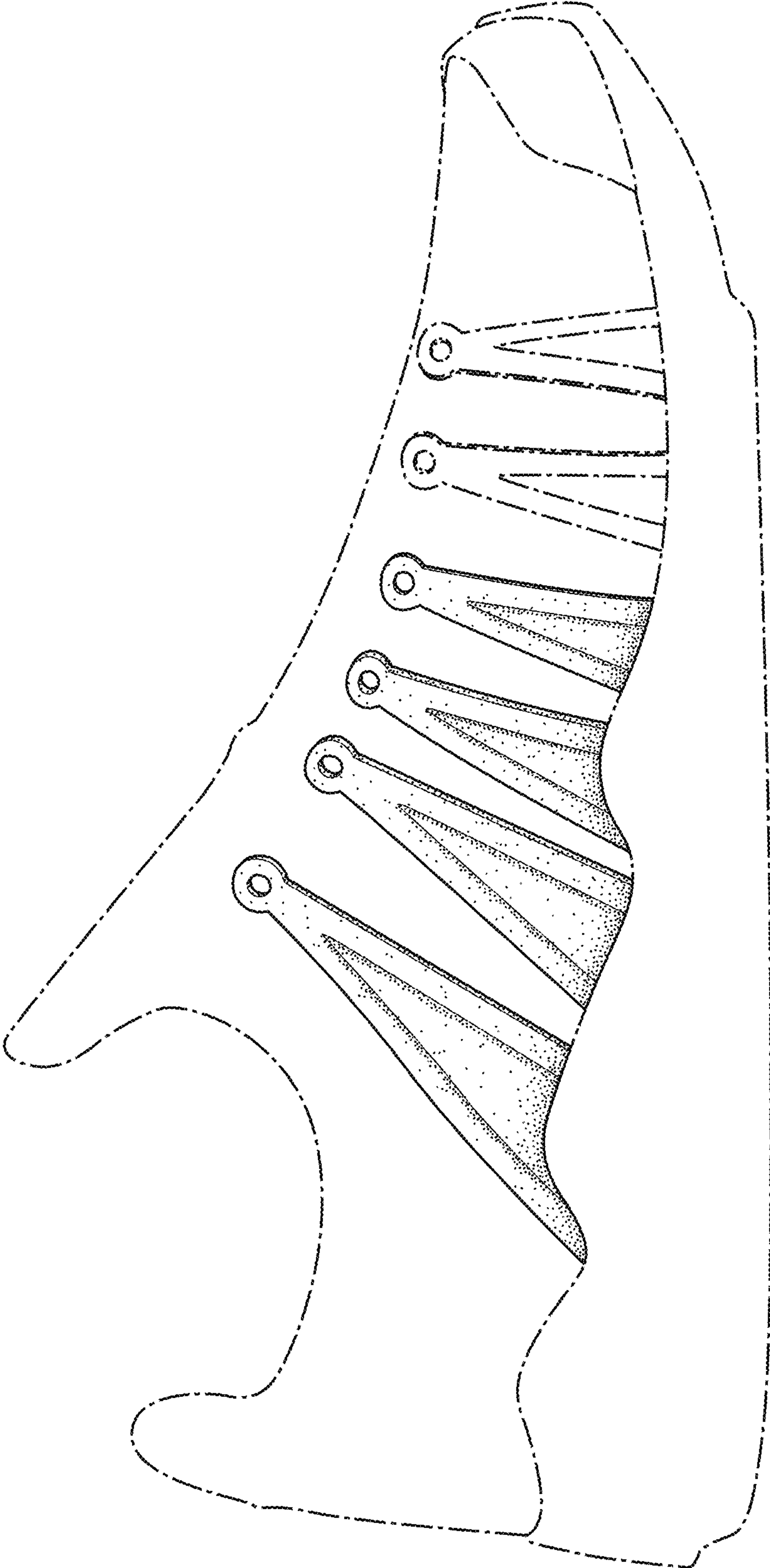


FIG. 2

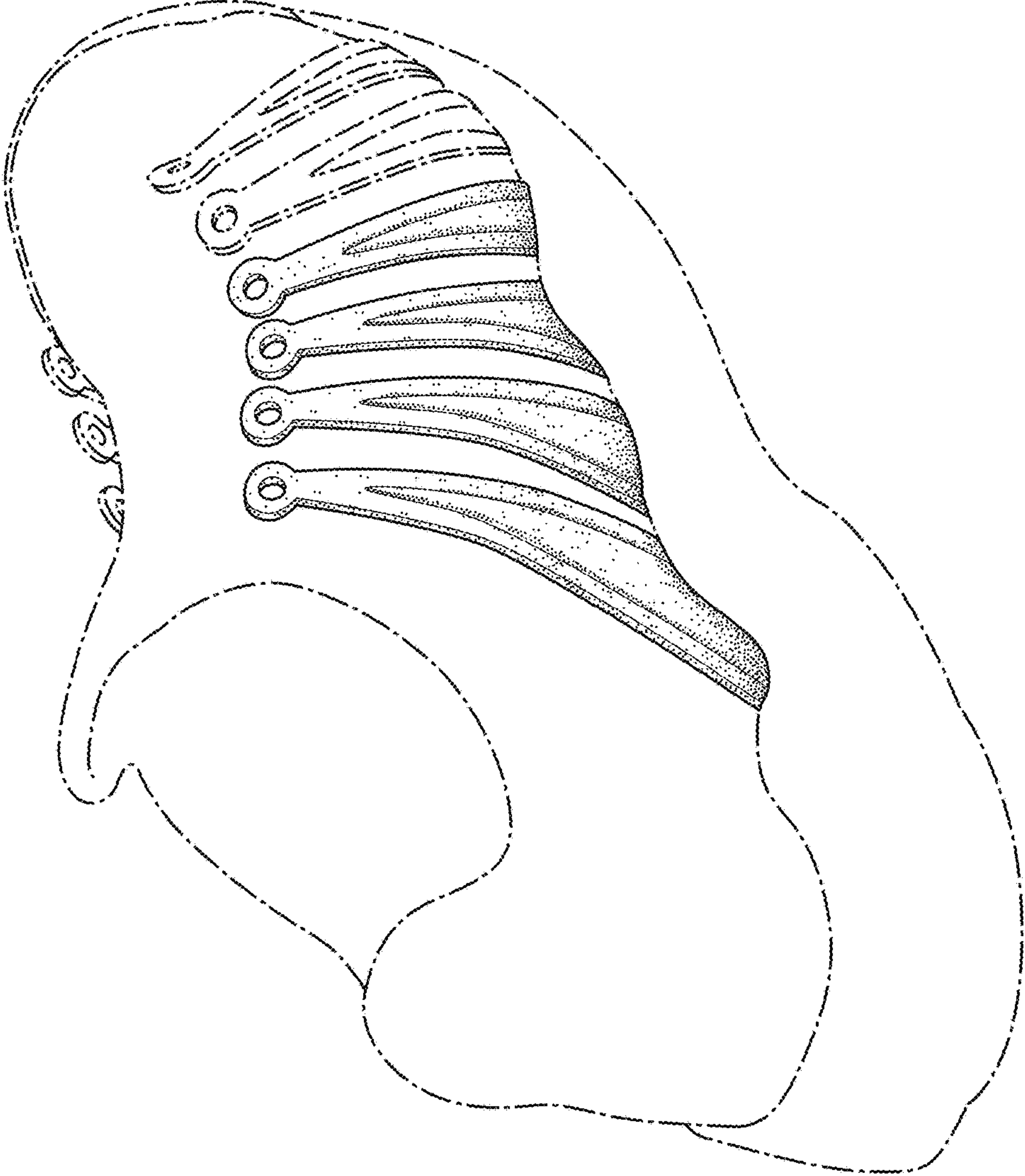


FIG. 3