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(12) **United States Design Patent** (10) **Patent No.:** **US D804,799 S**
Petrenka (45) **Date of Patent:** **** Dec. 12, 2017**

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

D295,229 S 4/1988 Brown et al.
 D298,685 S 11/1988 Dillard
 D325,290 S 4/1992 Hatfield
 D326,949 S 6/1992 Beckley
 D328,517 S 8/1992 Hallenbeck
 D333,721 S 3/1993 Hatfield
 D336,358 S 6/1993 Hatfield
 (Continued)

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 (52) **U.S. Cl.**
 USPC **D2/969**
 (58) **Field of Classification Search**
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 D2/970, 974, 976, 978; 36/83, 1.5, 2 R,
 36/109, 3 A, 7.1 R, 45, 52, 112, 100
 CPC A43C 1/00; A43C 11/004; A43B 3/16;
 A43B 23/00
 See application file for complete search history.

(56) **References Cited**
 U.S. PATENT DOCUMENTS

D100,767 S * 8/1936 Gerton D2/918
 D103,588 S 3/1937 Perugia
 D119,324 S 3/1940 Bernstein
 D131,587 S 3/1942 Bergman
 D134,783 S 1/1943 Julianelli
 D144,080 S 3/1946 Sobel
 D147,294 S 8/1947 Pfeifler
 D166,436 S 4/1952 Wolfelt
 D244,886 S 7/1977 Perser et al.
 D250,738 S 1/1979 Foldes
 D254,578 S 4/1980 Finn
 4,200,997 A * 5/1980 Scheinhaus A43B 3/126
 36/11.5
 D255,396 S 6/1980 Scheinhaus et al.
 D283,463 S 4/1986 Chassaing
 4,649,939 A * 3/1987 Curtis A43B 3/0073
 36/89
 D291,382 S 8/1987 Vaccaro

OTHER PUBLICATIONS

Jordan Brand Officially Introduces Spike Lee's New Shoe, The Spike Forty [online], [retrieved Feb. 8, 2017], retrieved from Internet <URL: <http://sneakernews.com/2015/10/28/jordan-brand-officially-introduces-spike-lees-new-shoe-the-spike-forty/>>; 6 color pages, Dated Oct. 28, 2015.

(Continued)

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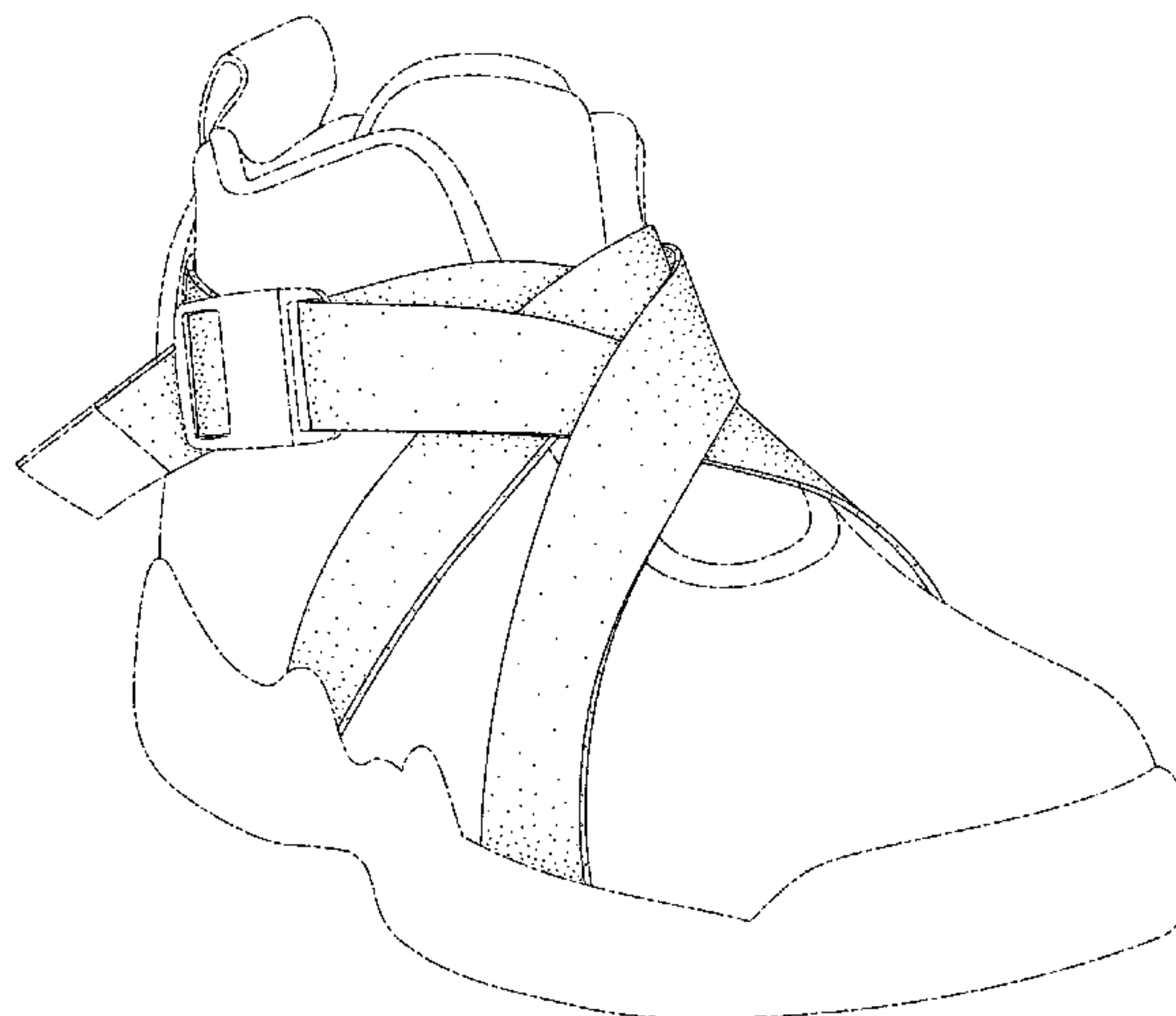
(57) **CLAIM**

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;
 FIG. 3 is an opposite side view thereof;
 FIG. 4 is a rear perspective view thereof; and,
 FIG. 5 is an opposite side 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 represent unclaimed subject matter and form no part of the claimed design.

1 Claim, 5 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D337,425	S	7/1993	Hatfield	
D341,927	S	12/1993	Worthington	
D345,245	S	3/1994	McDonald	
D346,686	S	5/1994	Hatfield	
D346,894	S	5/1994	Hatfield	
D348,977	S	7/1994	Koh	
D353,483	S	12/1994	Bailey	
D358,021	S	5/1995	Vestuti	
D360,973	S	8/1995	Bailey	
D362,746	S	10/1995	Morris et al.	
D376,472	S	12/1996	Hatfield	
D385,102	S	10/1997	Avar	
D385,992	S	11/1997	Brooks et al.	
D434,210	S	11/2000	Dean	
D444,936	S	7/2001	Matis et al.	
D452,066	S	12/2001	Dean	
D473,702	S	4/2003	Burg et al.	
D492,472	S	7/2004	Ortuno Santa	
6,772,541	B1 *	8/2004	Ritter	A43B 7/14 36/50.1
D505,001	S	5/2005	Robbins et al.	
D511,884	S	11/2005	Hatfield	
D524,023	S	7/2006	Avar	
D527,172	S	8/2006	Burg	
D527,886	S	9/2006	Morris	
D544,689	S	6/2007	Link	
D548,940	S	8/2007	Hulbert	
D568,597	S *	5/2008	Alfaro	D2/972
D570,590	S	6/2008	Teteriatnikov	
D586,100	S	2/2009	Schoenborn et al.	
D598,190	S	8/2009	Weber	
D599,983	S *	9/2009	Kim	D2/901
D609,897	S	2/2010	Carbonere et al.	
D609,898	S	2/2010	Carbonere et al.	
D619,348	S	7/2010	Schwartz et al.	
D671,728	S *	12/2012	Kelley	D2/969
D674,178	S	1/2013	Petrie	
D682,525	S	5/2013	James	
D682,526	S	5/2013	Link	
D683,112	S	5/2013	James	
D683,123	S	5/2013	James	
D694,995	S *	12/2013	Nguyen	D2/916
D718,920	S	12/2014	Jones et al.	
D746,578	S	1/2016	Chang	
D751,282	S *	3/2016	Larue	D2/946
D762,955	S	8/2016	Buscemi	
D769,586	S	10/2016	Buscemi	
D771,932	S	11/2016	Little	
D773,156	S	12/2016	Slimane	
9,596,904	B2 *	3/2017	Bishop	A43B 3/126

OTHER PUBLICATIONS

Is the Jordan Flight Flex Trainer 2 The Hardest Jordan Trainer Ever?!, [online], [retrieved Feb. 8, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/is-the-jordan-flight-flex-trainer-2-the-hardest-jordan-trainer-ever/>>; 2 color pages, Dated Jun. 11, 2015.

Nike Air Trainer Huarache PRM “Medicine Ball” (Official Images + Release Date), [online], [retrieved Feb. 8, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-air-trainer-huarache-prm-medicine-ball-official-images-release-date/>>; 1 color page, Dated Dec. 31, 2014.

Air Jordan 8 “Playoffs”—Summer 2013, [online], [retrieved Feb. 8, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/air-jordan-8-playoffs-summer-2013/>>; 1 color page, Dated Sep. 13, 2012.

More Images of the Nike LeBron Zoom Soldier 10, [online], [retrieved Feb. 8, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-lebron-zoom-soldier-10-black-2/>>; 2 color pages, Dated Jun. 10, 2016.

Nike Footwear Catalog, 2014 Fall Sporting Goods Footwear Best, p. 183, published Nov. 1, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 1982 Shoe Show, p. 5, published Jan. 1982, NIKE, Inc., USA.

Nike Footwear Catalog, 1983 Shoe Show, p. 9, published Jan. 1983, NIKE, Inc., USA.

Nike Footwear Catalog, 1985 Footwear, p. 16, published Dec. 1984, NIKE, Inc., USA.

Nike Footwear Catalog, 1985 Footwear, p. 75, published Dec. 1984, NIKE, Inc., USA.

Nike Footwear Catalog, 1992 Fall Footwear, p. 26, published Dec. 1991, NIKE, Inc., USA.

Nike Footwear Catalog, 1993 Fall Footwear, p. 26, published Dec. 1992, NIKE, Inc., USA.

Nike Footwear Catalog, 1993 Fall Footwear, p. 8, published Dec. 1992, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Fall Men’s and Women’s Footwear, p. 136, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Fall Jordan Footwear, p. 21, published Oct. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2004 Fall Men’s, Women’s, and Kids’ Footwear, p. 35, published Nov. 2003, NIKE, Inc., USA.

Nike Footwear Catalog, 2009 Fall Sport Performance Footwear, p. 36, published Nov. 2008, NIKE, Inc., USA.

Nike Footwear Catalog, 2009 Spring Sport Performance Footwear, p. 190, published May 2008, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Fall City Specialty Footwear Best Final, p. 27, published Nov. 1, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Spring City Specialty Best Updated, p. 18, published Jun. 11, 2013, NIKE, Inc., USA.

* cited by examiner

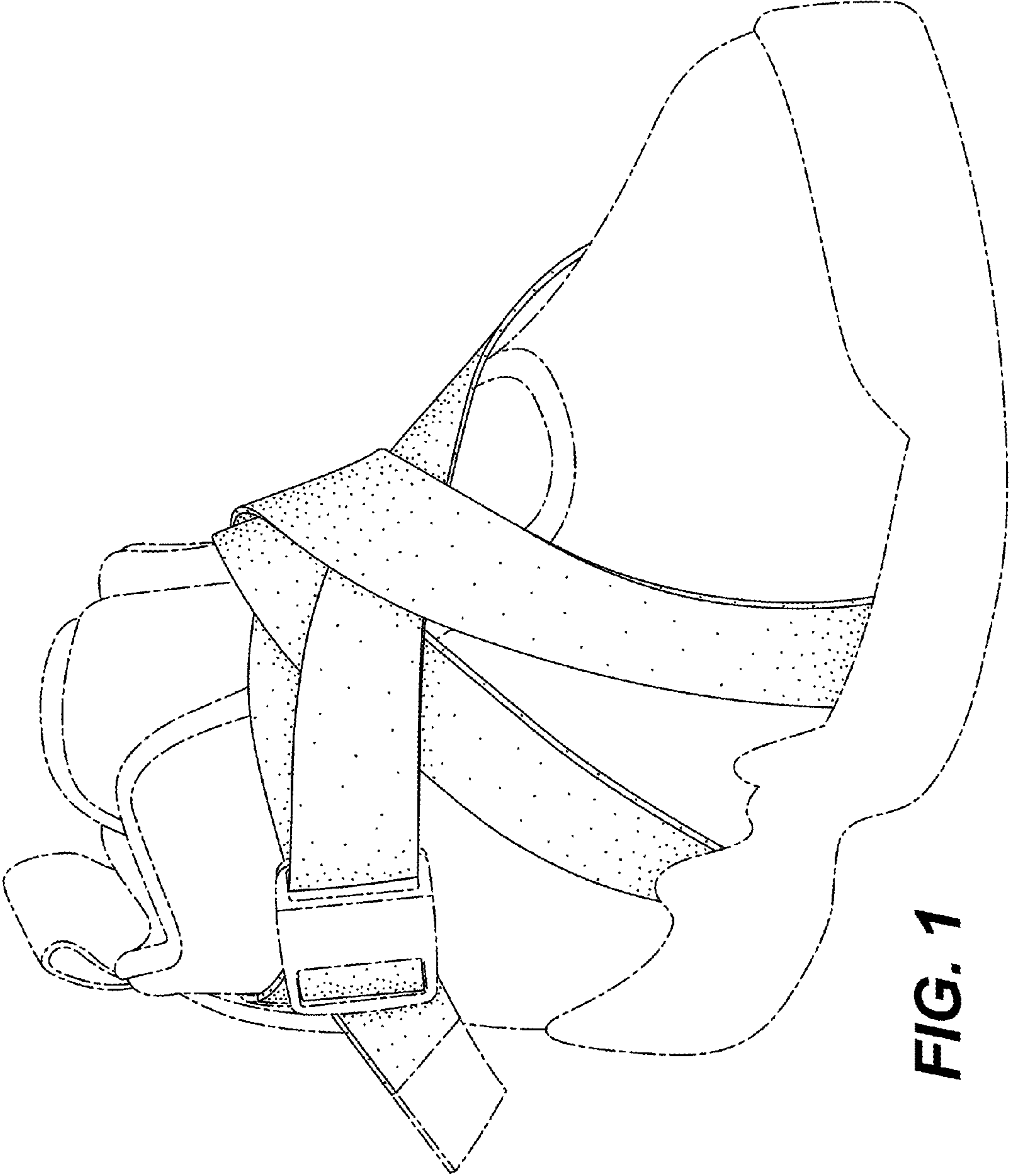


FIG. 1

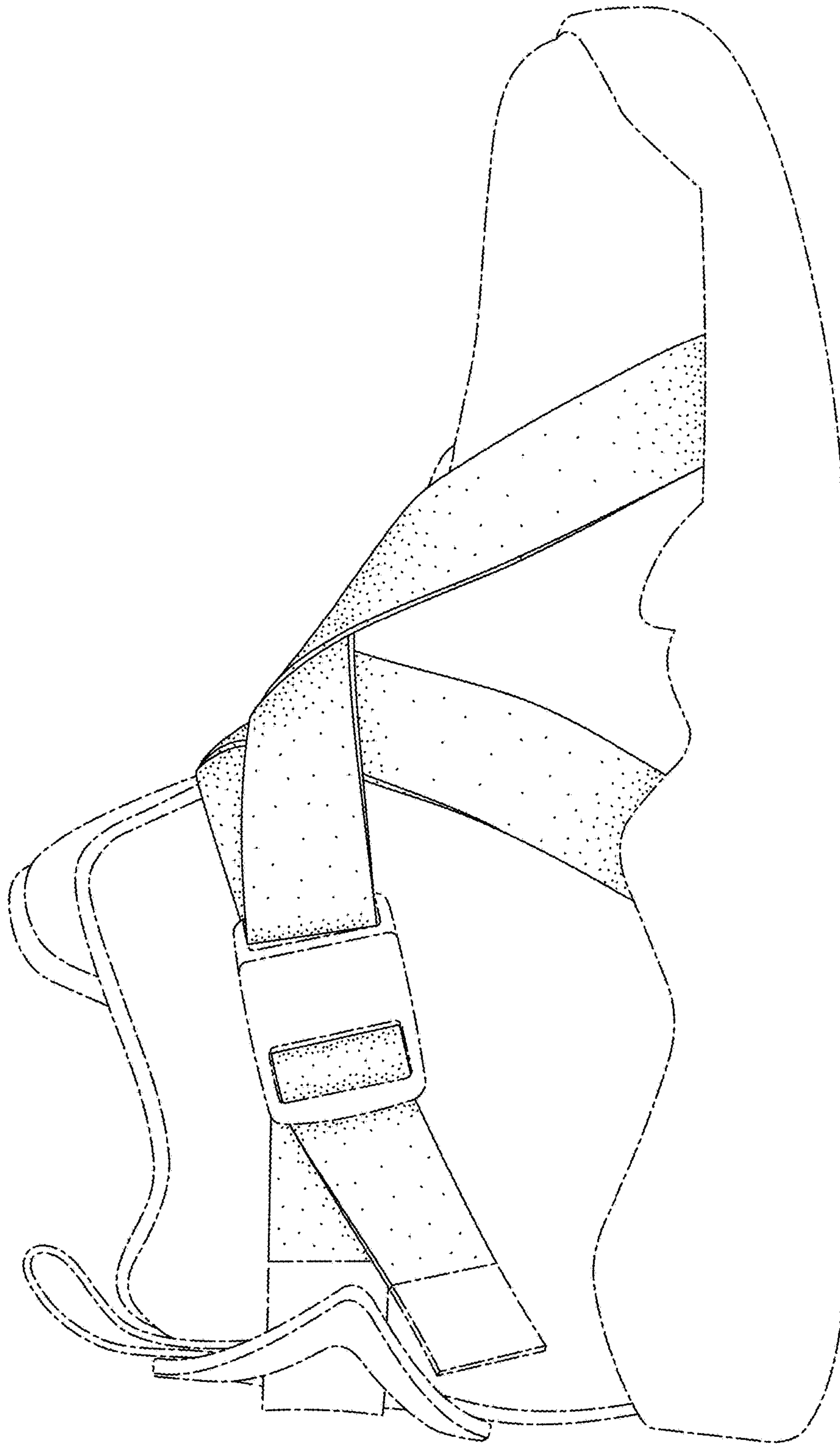


FIG. 2

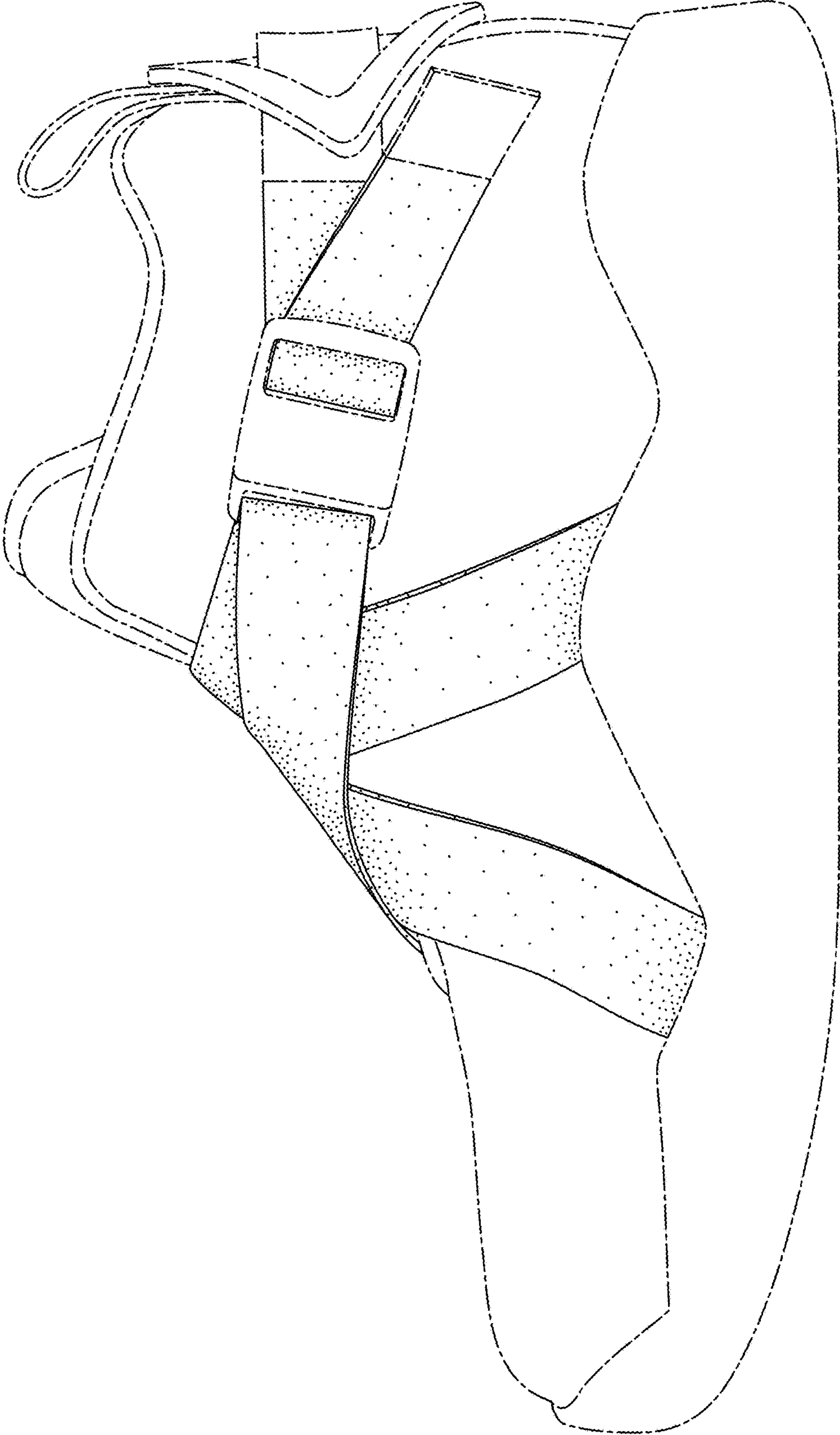


FIG. 3

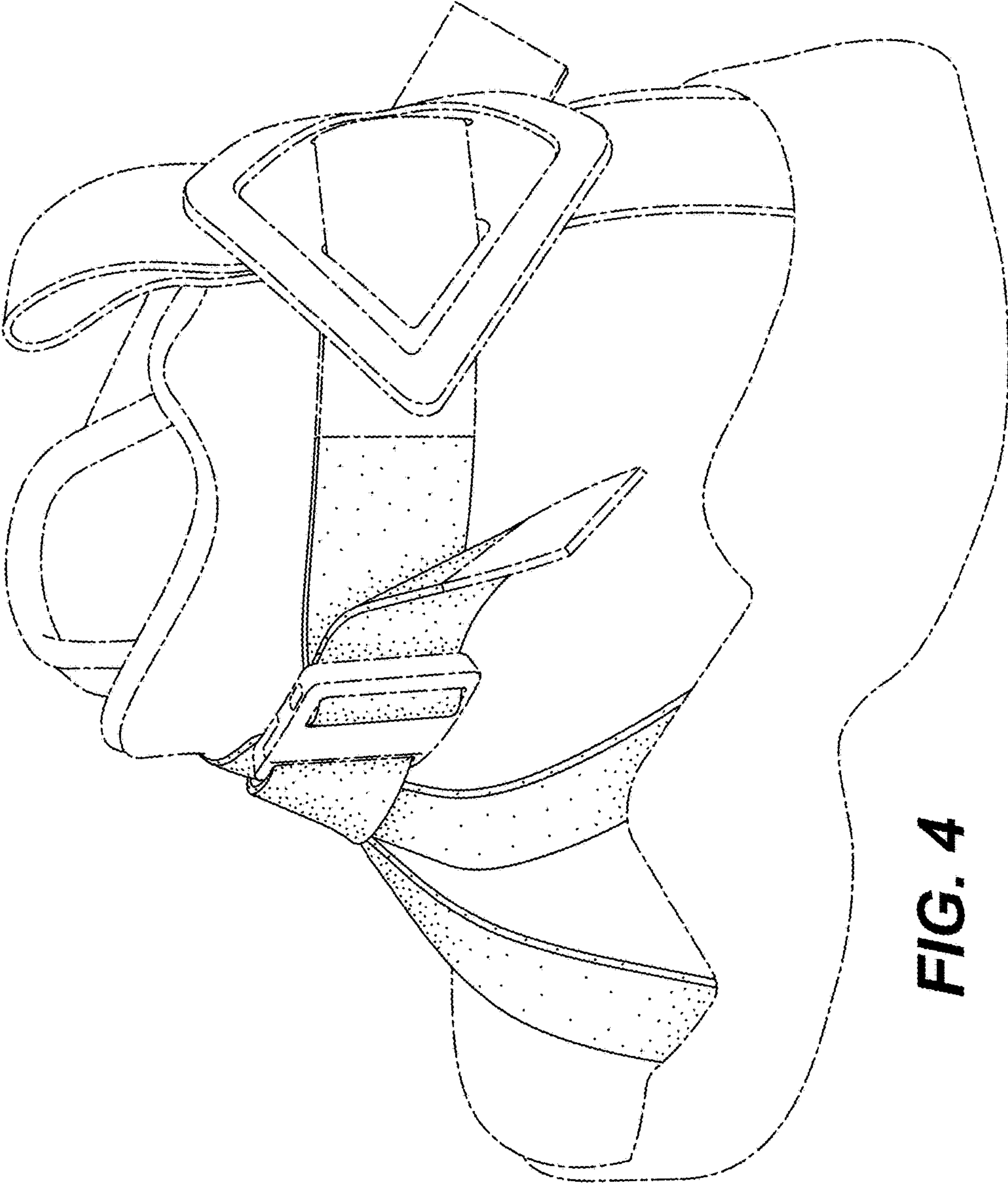


FIG. 4

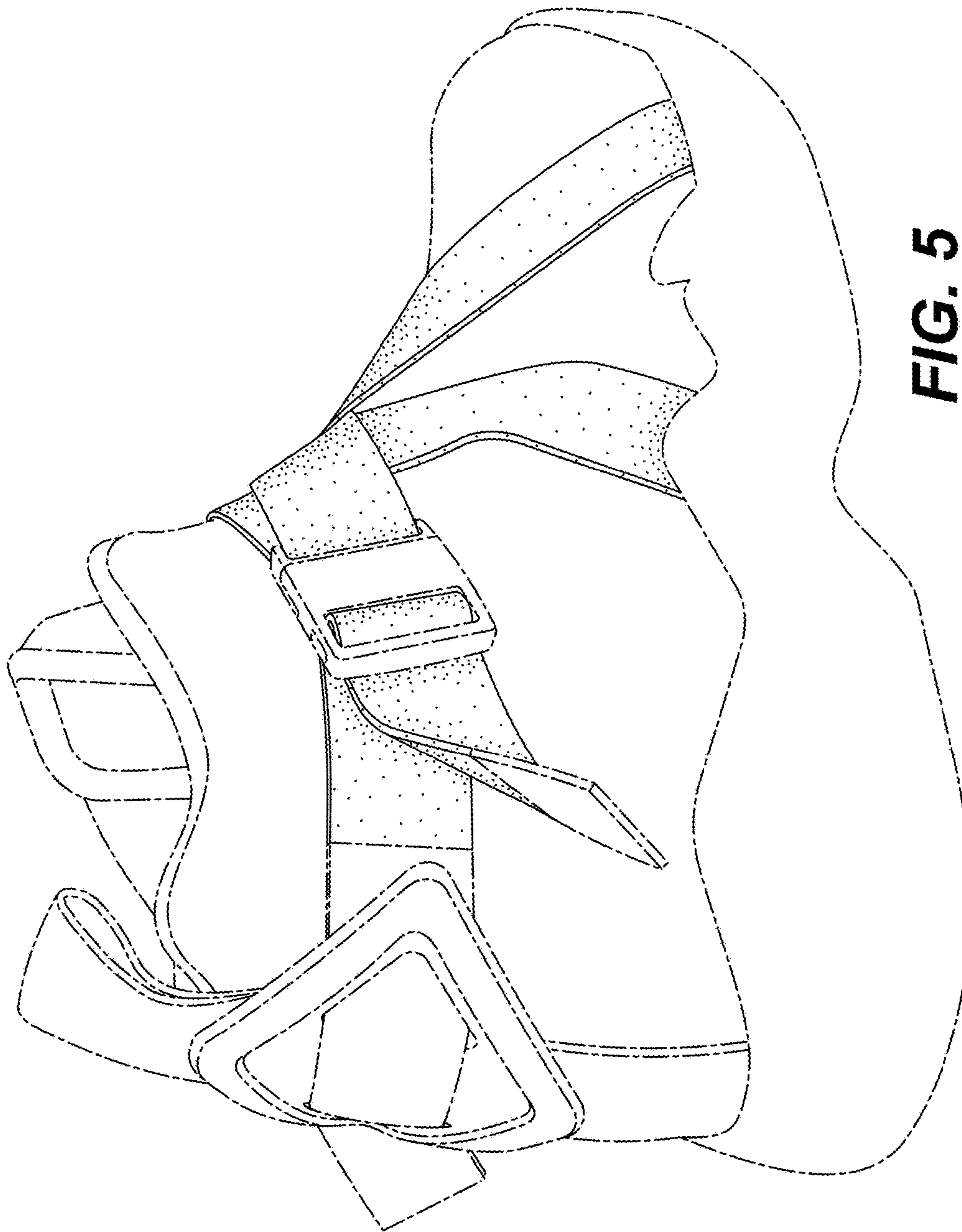


FIG. 5