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(12) **United States Design Patent** (10) **Patent No.:** **US D804,800 S**
Petrenka (45) **Date of Patent:** **** Dec. 12, 2017**

(54) **SHOE UPPER**
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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
(**) Term: **15 Years**
(21) Appl. No.: **29/593,611**

D291,382 S 8/1987 Vaccaro
D295,229 S 4/1988 Brown et al.
D298,685 S 11/1988 Dillard
D300,282 S * 3/1989 Brown D2/970
D321,084 S * 10/1991 Miller D2/903
D322,879 S * 1/1992 Hatfield D2/972
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
D337,425 S 7/1993 Hatfield

(Continued)

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

OTHER PUBLICATIONS

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

(Continued)

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(56) **References Cited**

U.S. PATENT DOCUMENTS

950,862 A * 3/1910 Nelson A43B 23/28
36/58.5
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
D255,396 S 6/1980 Scheinhaus et al.
4,547,981 A * 10/1985 Thais A43B 7/00
36/114
D283,463 S 4/1986 Chassaing

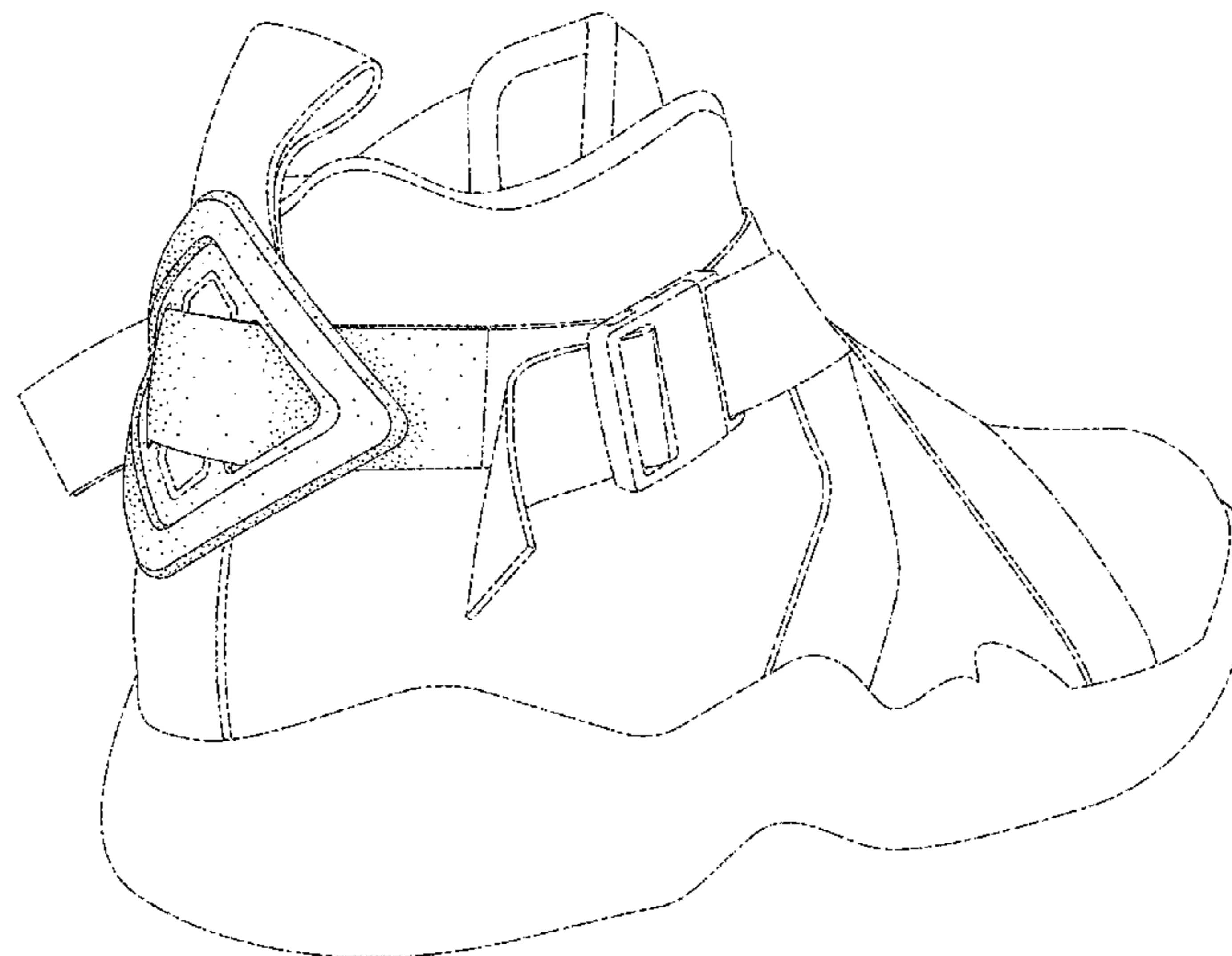
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a rear perspective view of a shoe upper showing my new design;
FIG. 2 is a rear view thereof; and,
FIG. 3 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 unshaded regions within the shaded area that are demarcated by broken lines form no part of the claimed 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

D340,125 S	*	10/1993	Johnson	.....	D2/910
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.		
6,601,323 B2	*	8/2003	Tsujino	.....	A43C 7/02 24/712.3
D492,472 S		7/2004	Ortuno Santa		
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		
D570,590 S		6/2008	Teteriatnikov		
D586,100 S		2/2009	Schoenborn et al.		
D598,190 S		8/2009	Weber		
D609,897 S		2/2010	Carbonere et al.		
D609,898 S		2/2010	Carbonere et al.		
D619,348 S		7/2010	Schwartz et al.		
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		
D718,920 S		12/2014	Jones et al.		
D719,725 S	*	12/2014	Katz	.....	D2/902
9,095,188 B2	*	8/2015	Cavaliere	.....	A43B 7/14
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		

OTHER PUBLICATIONS

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.

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.

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.

* cited by examiner

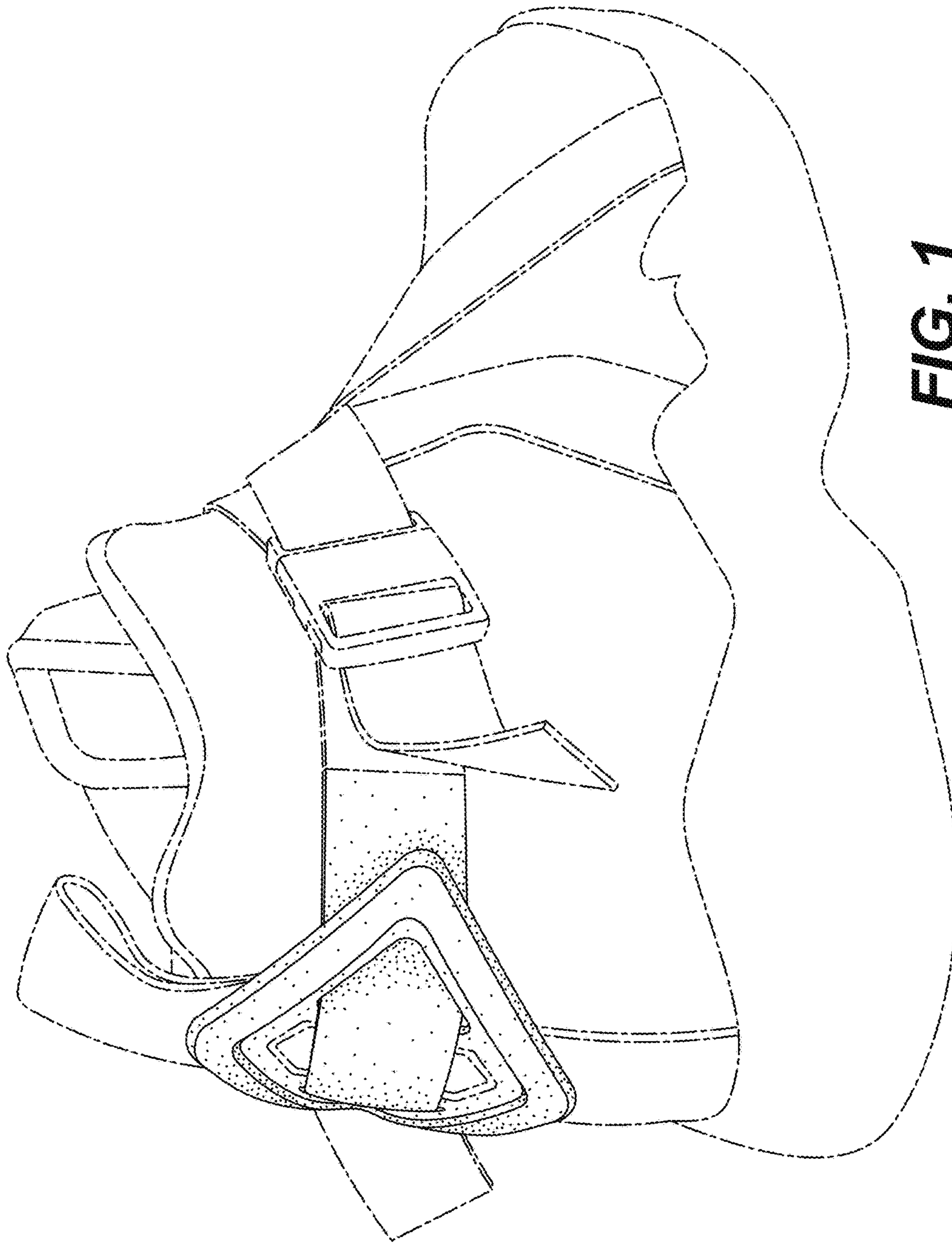


FIG. 1

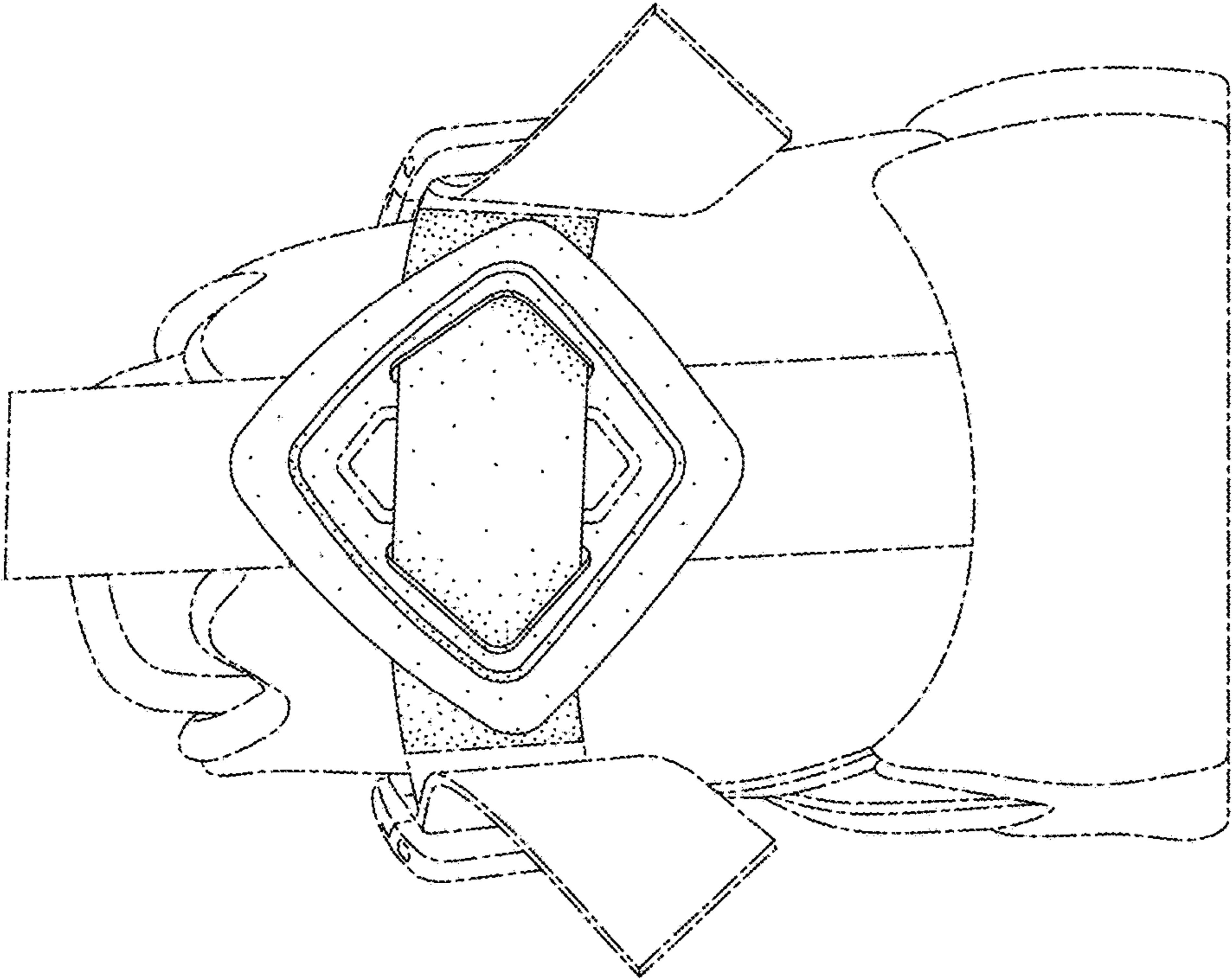


FIG. 2

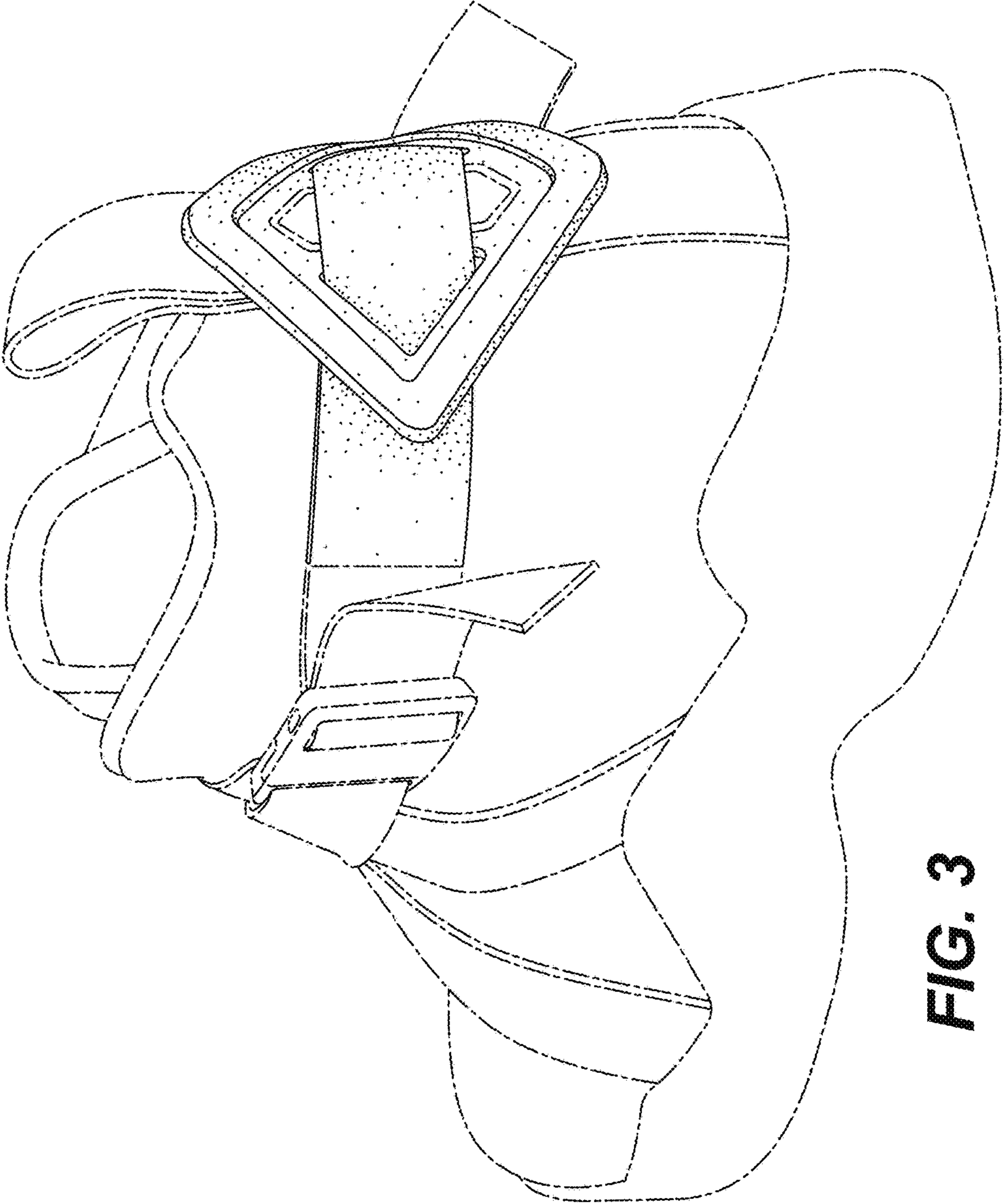


FIG. 3