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(12) **United States Design Patent** (10) **Patent No.:** **US D805,288 S**  
**Mariscal et al.** (45) **Date of Patent:** **\*\* Dec. 19, 2017**

(54) **SHOE UPPER**

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

(72) Inventors: **JoseLuis Mariscal**, Hillsboro, OR (US); **Andrew Winfield**, Beaverton, OR (US)

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

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

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(52) **U.S. Cl.**  
USPC ..... **D2/972**

(58) **Field of Classification Search**  
USPC ..... D2/902, 906-908, 923, 927, 944, 969, D2/972-974; D5/1-3, 47-49, 53  
CPC . A43B 13/181; A43B 13/141; A43B 131/186; A43B 13/188; A43B 23/00; A43B 23/02; A43B 5/00; A43B 23/26; A43B 1/04; A43B 11/14; A43B 7/00; A43B 3/101; A43B 3/10; A43C 1/00; A43C 11/00  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D11,563 S *	12/1879	Maertens	.....	D5/47
D11,670 S *	3/1880	Conde	.....	D5/47
D14,002 S *	6/1883	Conde	.....	D5/47
D47,296 S *	5/1915	Haldeman	.....	D5/48
1,746,478 A *	2/1930	Howland	.....	A13B 3/101 36/11.5
D93,468 S *	10/1934	Gentner	.....	D5/48
D97,026 S *	9/1935	Waterfield	.....	D5/48
D98,509 S	2/1936	Goldberg		
D100,536 S *	7/1936	Beniston	.....	D5/47
D108,230 S *	2/1938	Dognin	.....	D5/48

D121,357 S *	7/1940	Lubarsky et al.	.....	D5/47
D185,016 S *	4/1959	McCord	.....	D5/53
D265,016 S	6/1982	Haddox		
D300,385 S	3/1989	Backus		
D307,210 S	4/1990	Hatfield		
D327,162 S	6/1992	Hatfield		
D385,405 S *	10/1997	Lozano	.....	D2/943

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 1990 Fall Footwear, p. 142, published Dec. 1989, NIKE, Inc., USA.

(Continued)

*Primary Examiner* — Dominic V Simone

(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

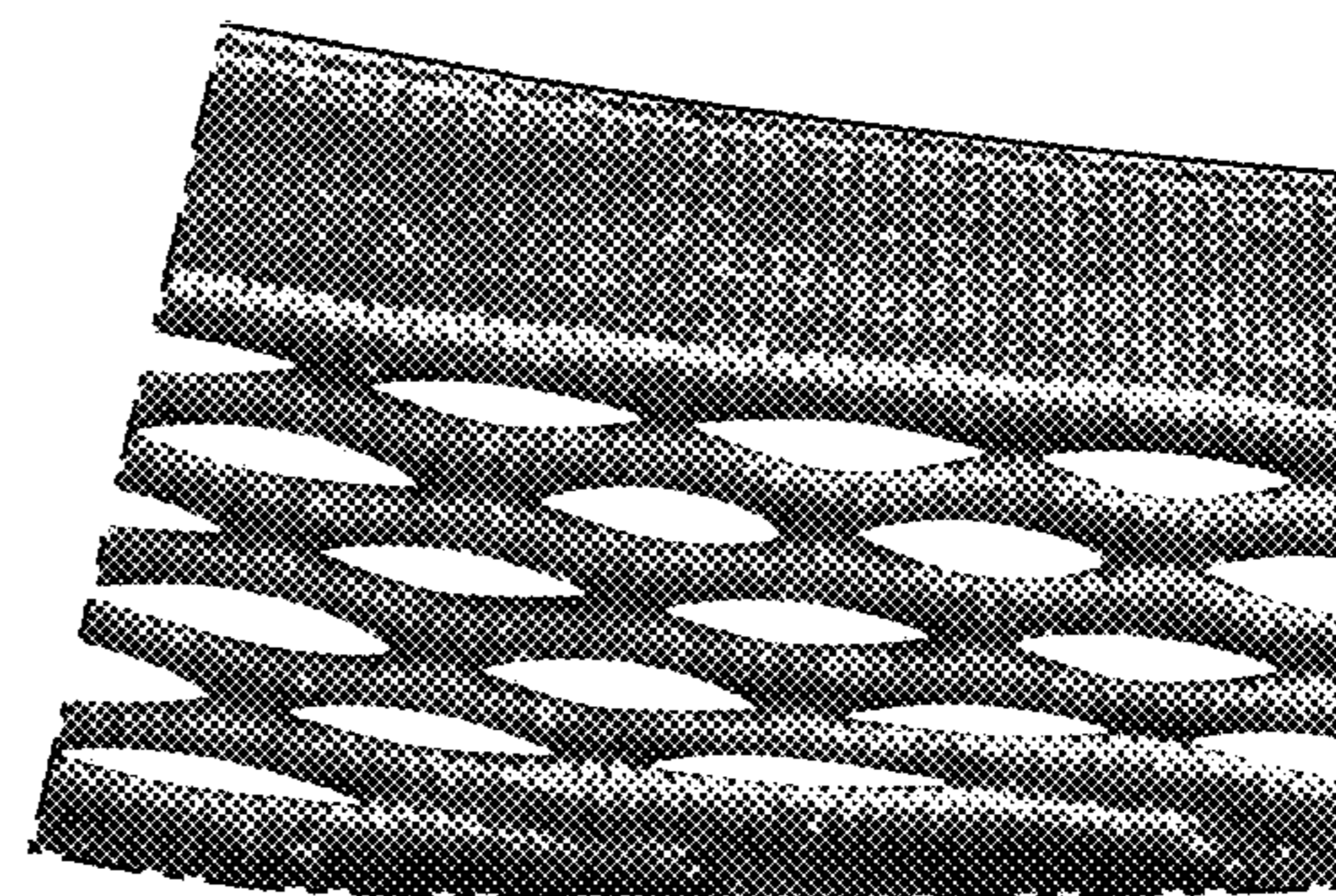
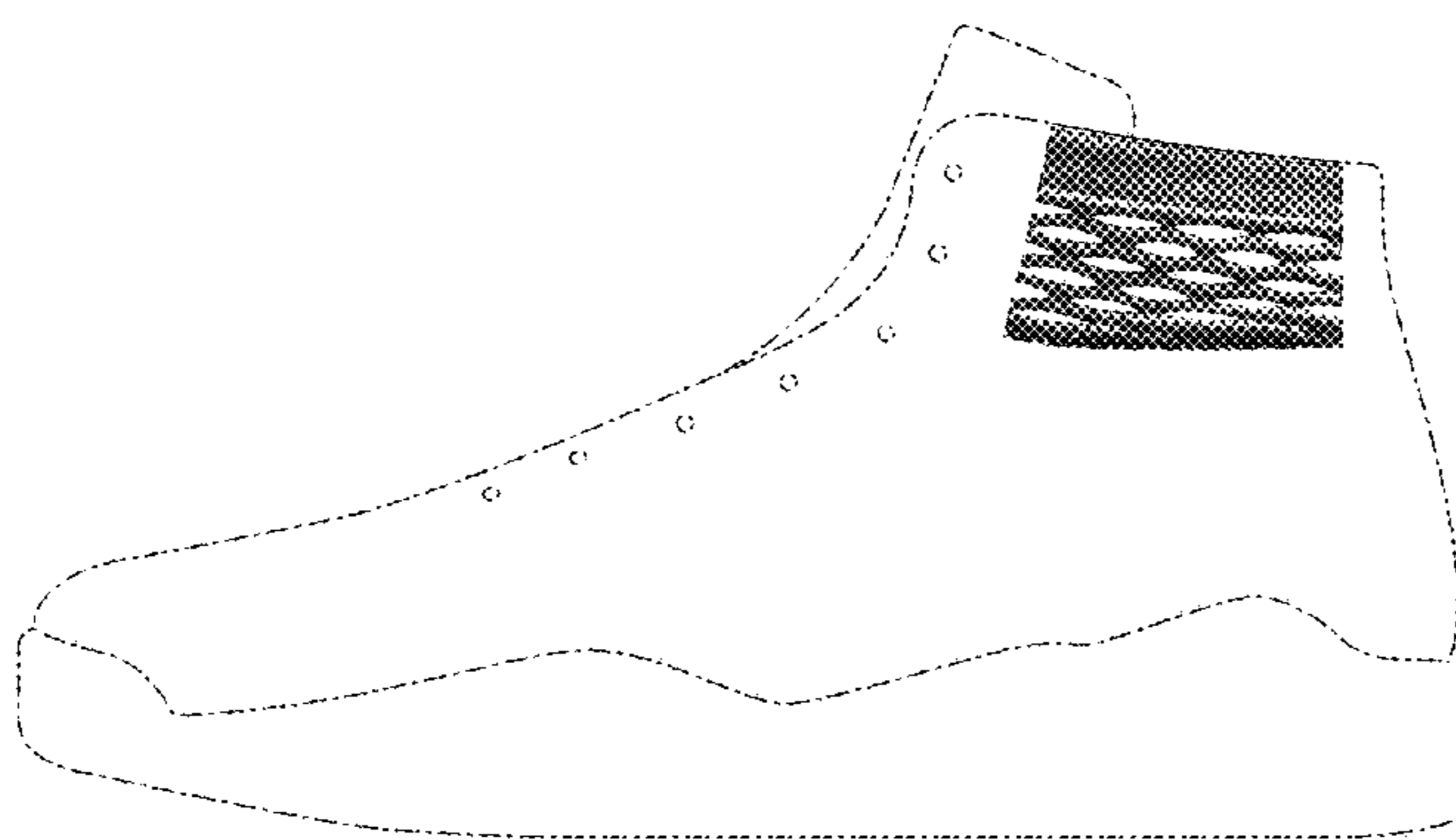
(57) **CLAIM**

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

**DESCRIPTION**

FIG. 1 is a front perspective view of a shoe upper showing our new design;  
FIG. 2 is a lateral side view thereof;  
FIG. 3 is a rear perspective view thereof;  
FIG. 4 is an enlarged view of FIG. 1 with environmental portions removed for clarity;  
FIG. 5 is an enlarged view of FIG. 2 with environmental portions removed for clarity; and,  
FIG. 6 is an enlarged view of FIG. 3 with environmental portions removed for clarity.  
The broken lines immediately adjacent to the photographic area define the bounds of the claimed design and form no part thereof. The unshaded regions within the photographic area 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, 6 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D385,996 S 11/1997 Tresser  
 D394,147 S 5/1998 Schenone  
 D404,554 S 1/1999 Kelchak  
 D412,241 S 7/1999 Hatfield et al.  
 D428,245 S \* 7/2000 Brown ..... D2/972  
 D498,583 S \* 11/2004 Yun ..... A43B 7/085  
 D2/972  
 D499,250 S 12/2004 Smith  
 D508,603 S 8/2005 Newson  
 D511,885 S 11/2005 Young et al.  
 D525,420 S 7/2006 Cass  
 D528,765 S \* 9/2006 Portzline ..... D2/972  
 D532,590 S 11/2006 Belley et al.  
 D568,037 S 5/2008 Kuerbis  
 D570,089 S 6/2008 Avar  
 D572,441 S 7/2008 Moretti  
 D574,136 S 8/2008 Avar  
 D578,294 S \* 10/2008 Mervar ..... D2/969  
 D587,001 S 2/2009 Jarvis  
 D595,499 S \* 7/2009 Dekovic ..... D2/972  
 D633,284 S 3/2011 Opie  
 D659,374 S 5/2012 Miner  
 D675,424 S 2/2013 Williams, Jr.  
 D680,711 S 4/2013 Bramani  
 D689,684 S \* 9/2013 McMillan ..... D2/972  
 D693,102 S \* 11/2013 Hoffer ..... D2/969  
 D693,103 S 11/2013 McMillan  
 D694,509 S 12/2013 Miner  
 D703,933 S 5/2014 Avar et al.  
 D703,935 S \* 5/2014 Seamarks ..... D2/972  
 D703,936 S 5/2014 Seamarks  
 D707,436 S \* 6/2014 Seamarks ..... D2/972  
 D707,943 S 7/2014 Nascimento  
 D707,947 S 7/2014 Seamarks  
 D713,632 S \* 9/2014 da Costa Pereira  
 Machado ..... D2/972  
 D716,039 S 10/2014 Mueller  
 D718,036 S 11/2014 McMillan  
 D737,562 S 9/2015 Avar  
 D738,087 S 9/2015 Roulo  
 D740,538 S 10/2015 Roulo  
 D753,377 S \* 4/2016 Bigolin ..... D2/907  
 D767,268 S 9/2016 Avar  
 D768,977 S 10/2016 Seamarks et al.  
 D771,927 S \* 11/2016 Rasmussen ..... D2/972  
 D772,553 S \* 11/2016 Williams, Jr. .... D2/972

D772,554 S \* 11/2016 McMillan ..... D2/972  
 D773,794 S \* 12/2016 Rasmussen ..... D2/972  
 D782,806 S 4/2017 Small  
 D783,983 S \* 4/2017 Yun ..... D2/972  
 D790,198 S \* 6/2017 Chang ..... D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 1993 Spring Footwear, p. 32, published Jun. 1992, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1997 Spring Footwear, p. 131, published Jun. 1996, NIKE, Inc., USA.  
 Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. M133, published Nov. 1998, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2000 Spring Men's and Women's Footwear 2, p. 120, published Jul. 1999, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2000 Fall Men's and Women's Footwear (blue cover), p. 10, published Nov. 1999, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 88, published Nov. 2000, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2003 Fall Men's and Women's Footwear, p. 29, published Nov. 2002, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2003 Fall Men's and Women's Footwear, p. 47, published Nov. 2002, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2004 Fall Men's, Women's, and Kids' Footwear, p. 45, published Nov. 2003, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2007 Spring Footwear, p. 41, published Jun. 2006, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2007 Fall Footwear, p. 4, published Nov. 2006, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2009 Spring Sport Performance Footwear, p. 66, published May 2008, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2011 Fall Men's Performance Footwear, p. 4, published Nov. 2010, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2012 Spring Men's Performance Footwear, p. 68, published May 2011, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2016 Fall Jordan Footwear, p. 6, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.  
 Nike Footwear Catalog, 2013 Fall Core Footwear, p. 3, published Nov. 2012, NIKE, Inc., USA.  
 This Is Klay Thompsons Next Signature Sneaker [online], [retrieved May 16, 2017], Retrieved from Internet (www.Solecollector.com) <URL:https://solecollector.com/news/2017/05/anta-kt-3-klay-thompson-release-date>; 5 color sheets, dated May 13, 2016.

\* cited by examiner

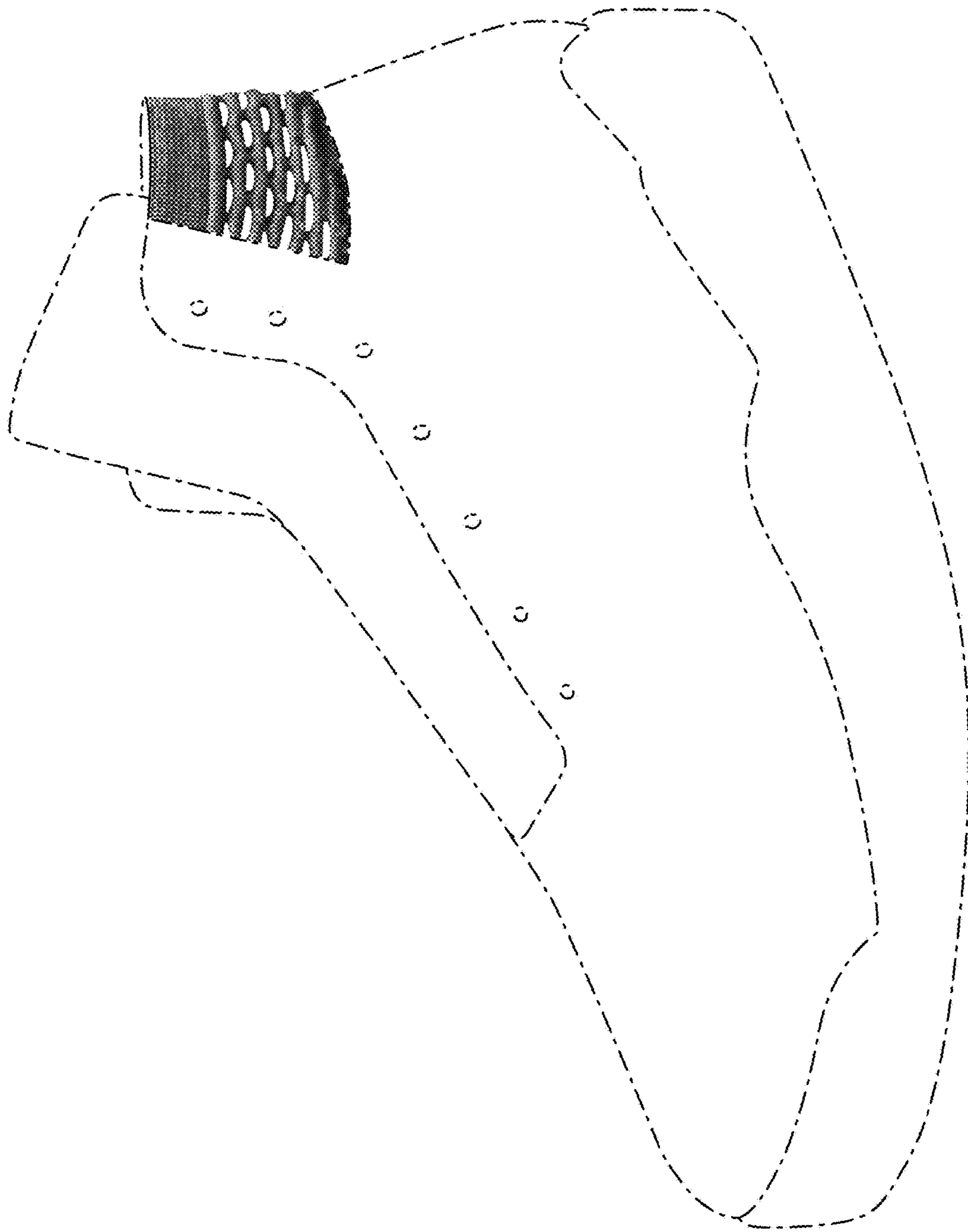


FIG. 1

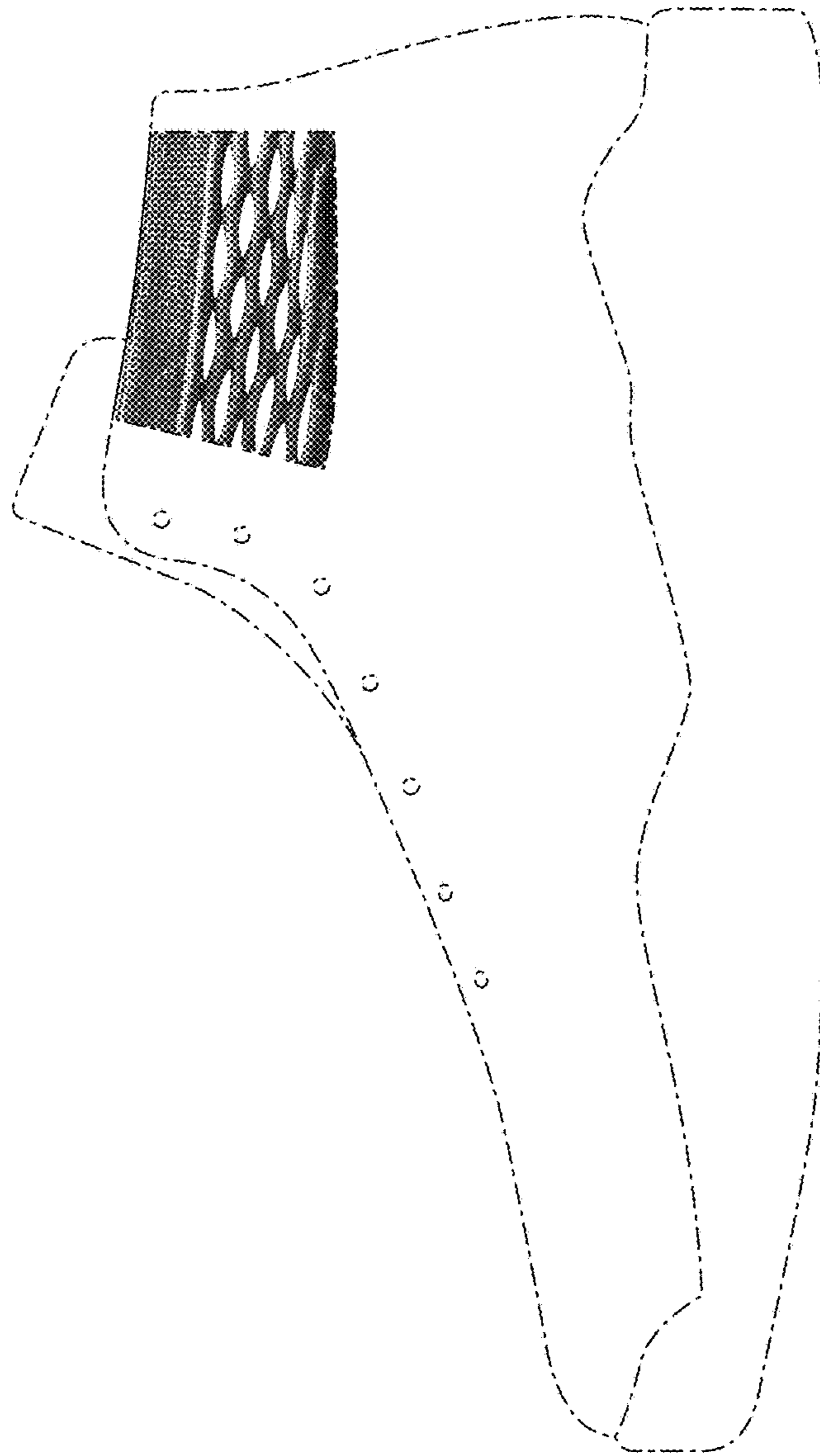


FIG. 2

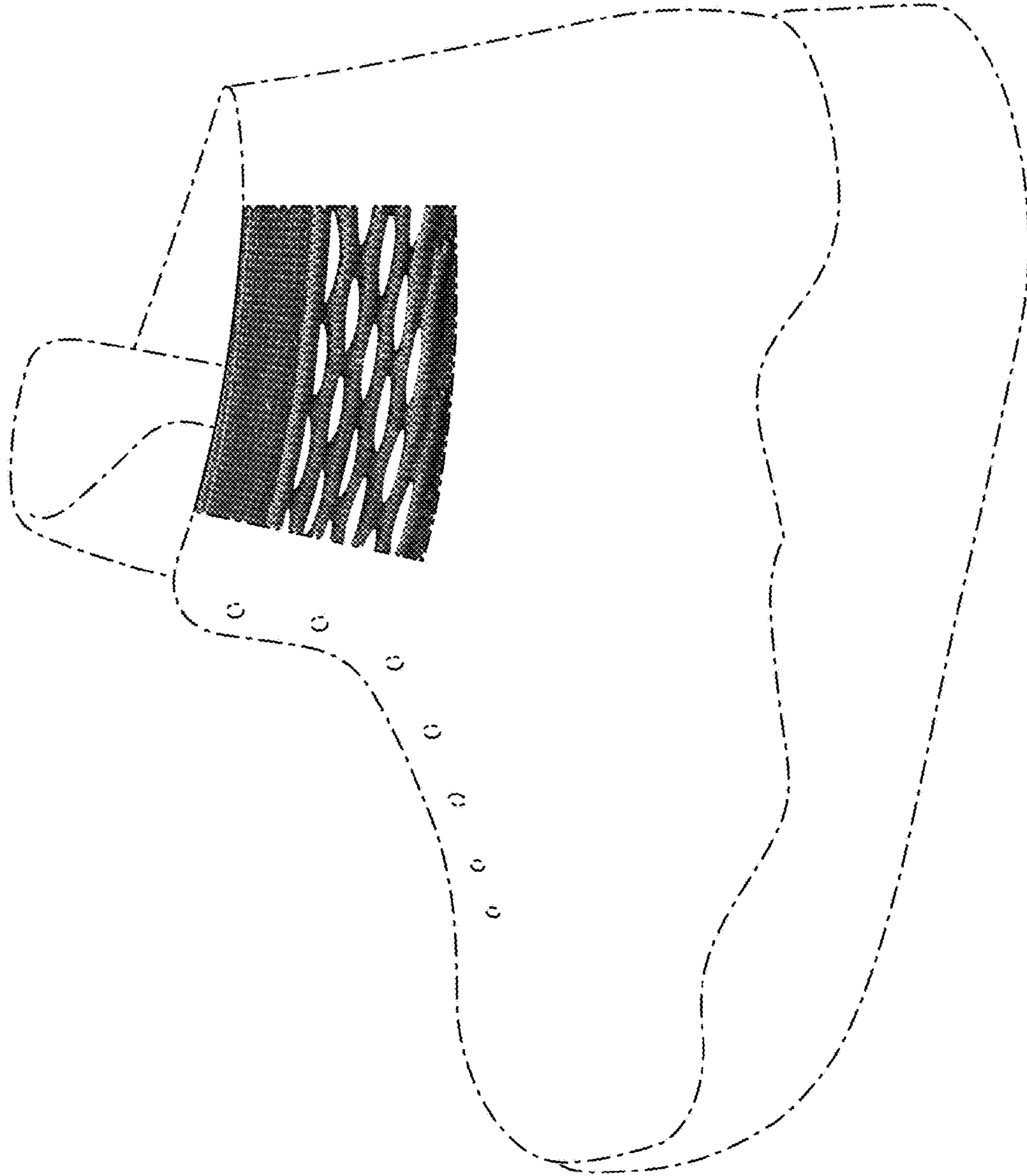


FIG. 3

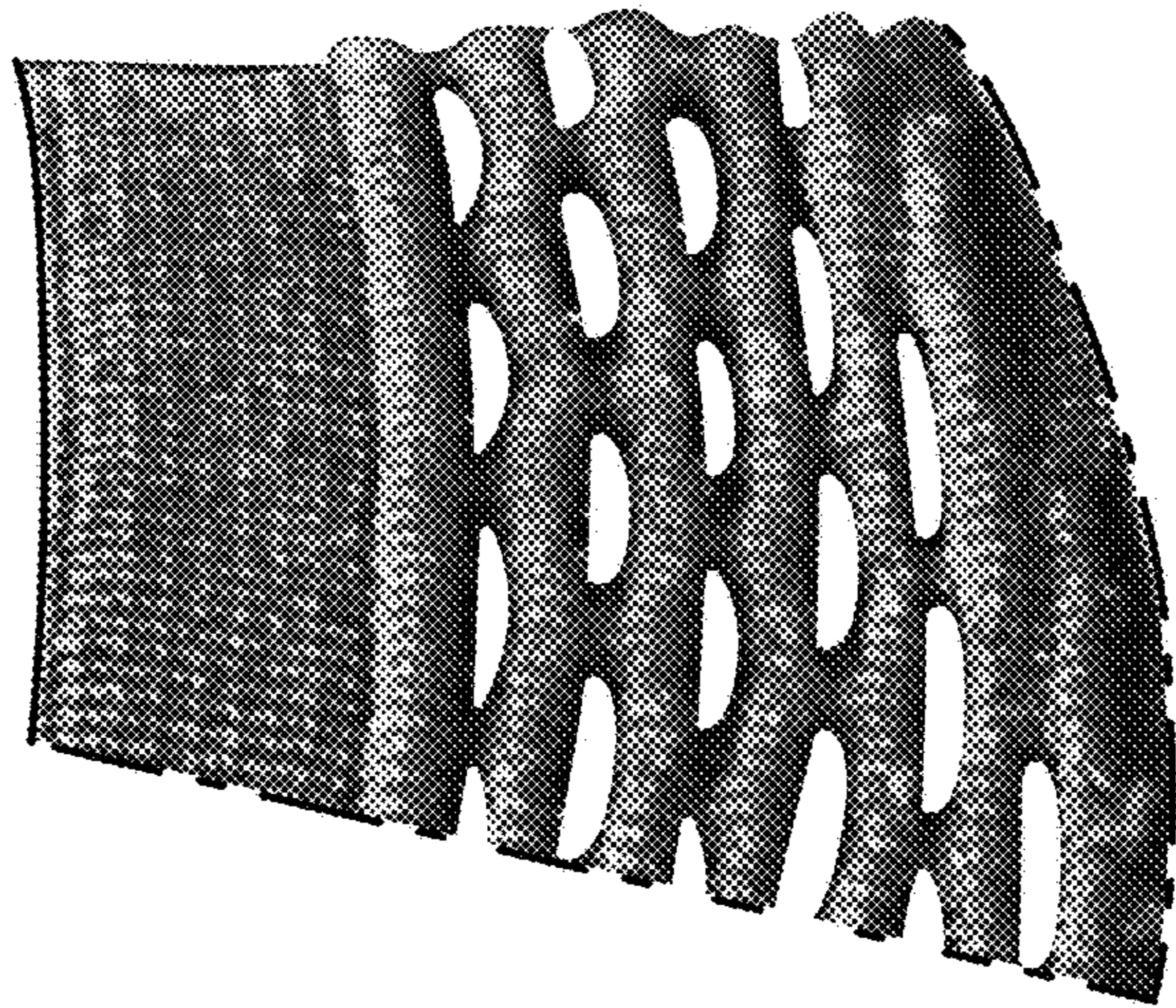


FIG. 4

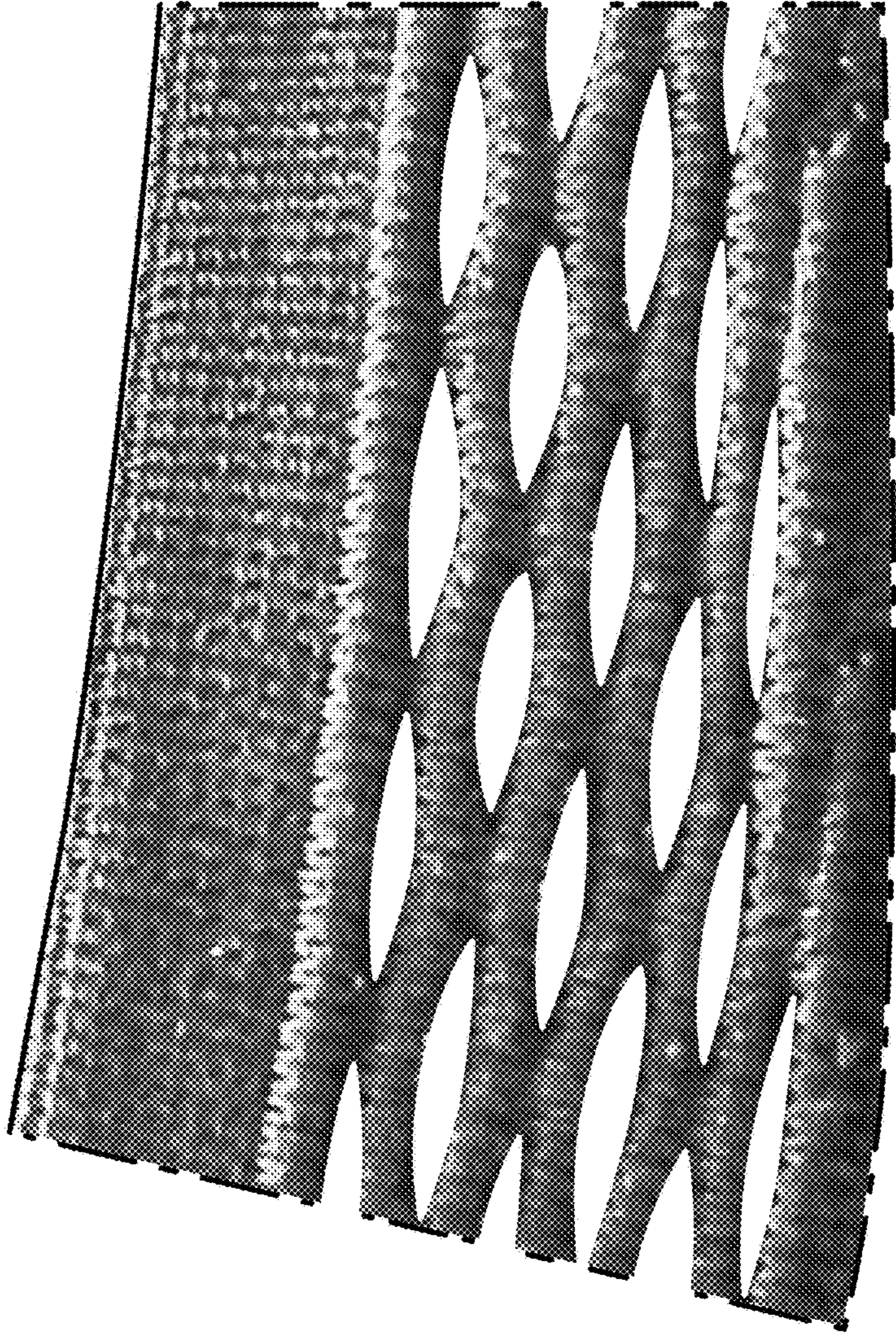


FIG. 5

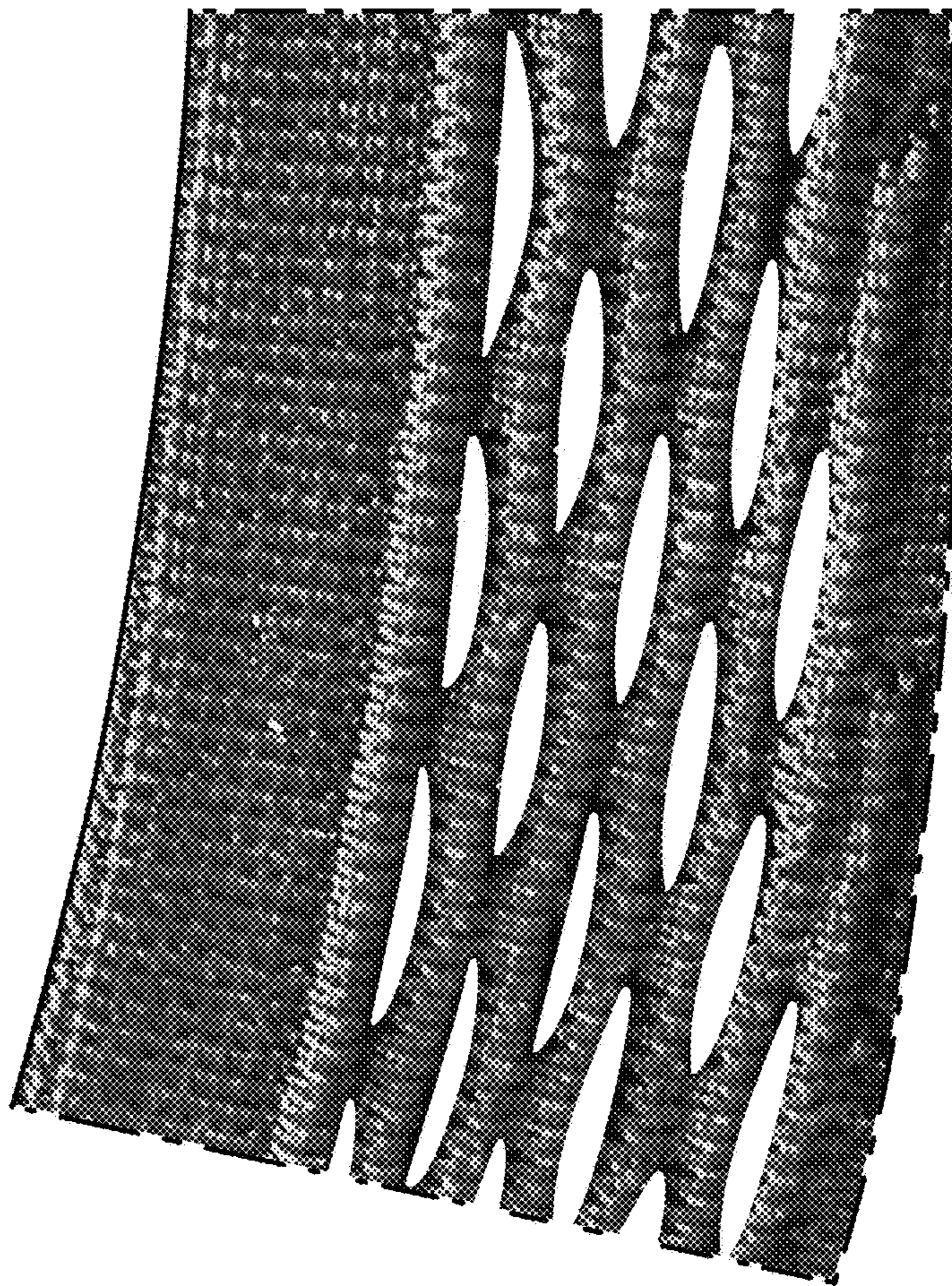


FIG. 6