



US00D805754S

(12) **United States Design Patent** (10) **Patent No.:** **US D805,754 S**
Mariscal et al. (45) **Date of Patent:** **** Dec. 26, 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**

(21) Appl. No.: **29/604,406**

(22) Filed: **May 17, 2017**

(51) **LOC (10) Cl.** **02-99**

(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 13/186;
A43B 13/188; A43B 23/00; A43B 23/02;
A43B 5/00; A43B 23/26; A43B 1/04;
A43B 11/14; A43B 7/00; 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
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
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	
D385,996 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

(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 lateral perspective view of a shoe upper showing my new design;

FIG. 2 is a front medial perspective view thereof;

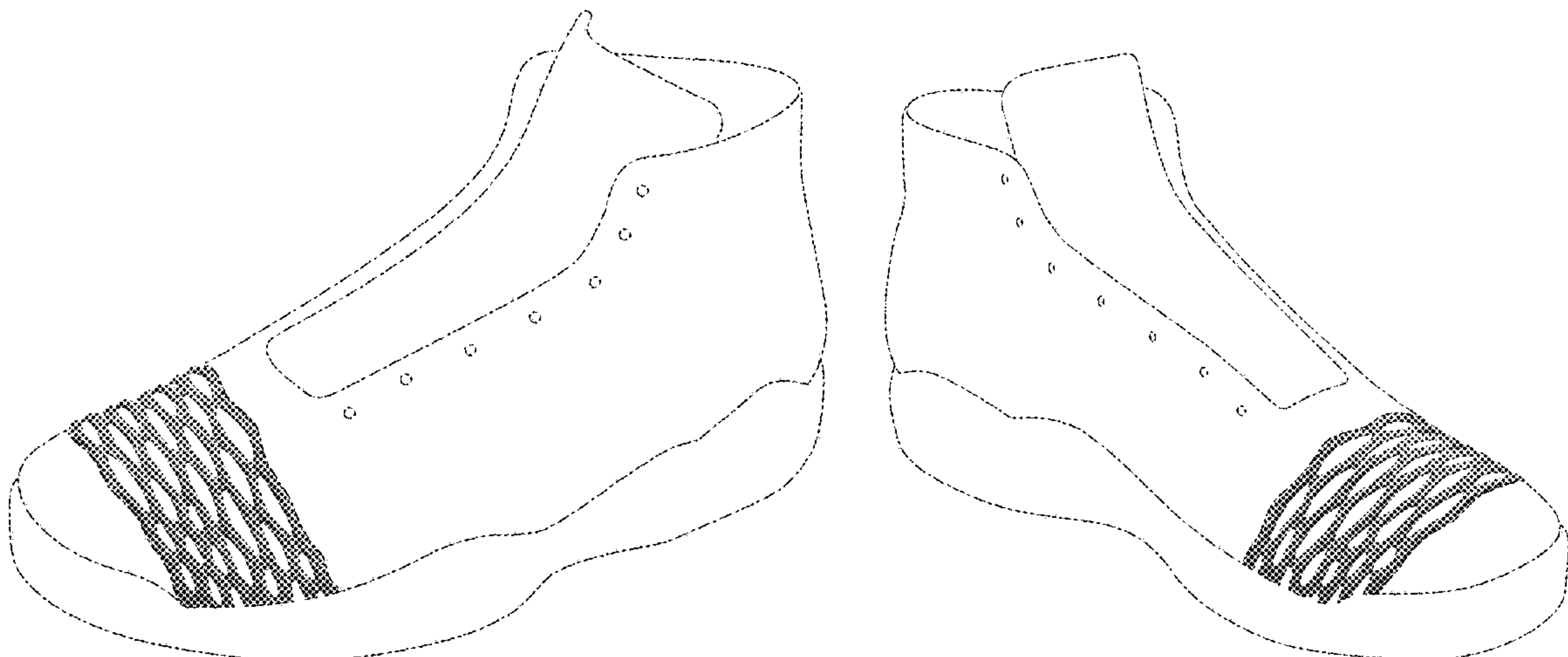
FIG. 3 is a top view thereof;

FIG. 4 is a lateral side view thereof; and,

FIG. 5 is a medial side view thereof.

The broken lines immediately adjacent to the front, rear, medial side, and lateral side edges of 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, 5 Drawing Sheets



(56)

References Cited

OTHER PUBLICATIONS

U.S. PATENT DOCUMENTS

D511,885 S	11/2005	Young	
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
D693,103 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	D2/972
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

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 Fall Men's and Women's Footwear (blue cover), p. 10, published Nov. 1999, 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, 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. 47, published Nov. 2002, 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, 2004 Fall Men's, Women's, and Kids' Footwear, p. 45, published Nov. 2003, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Fall Footwear, p. 4, published Nov. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Spring Footwear, p. 41, published Jun. 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

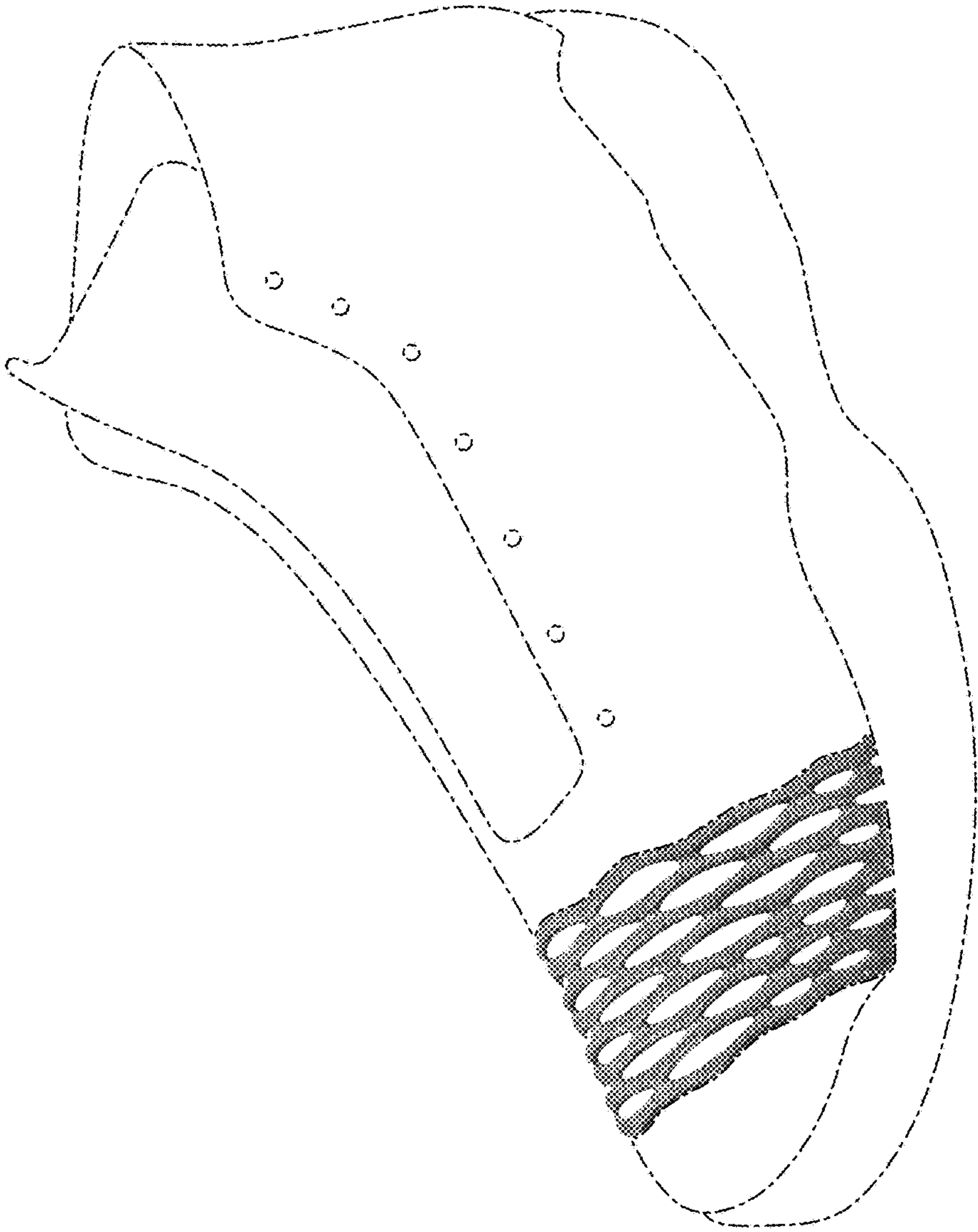


FIG. 1

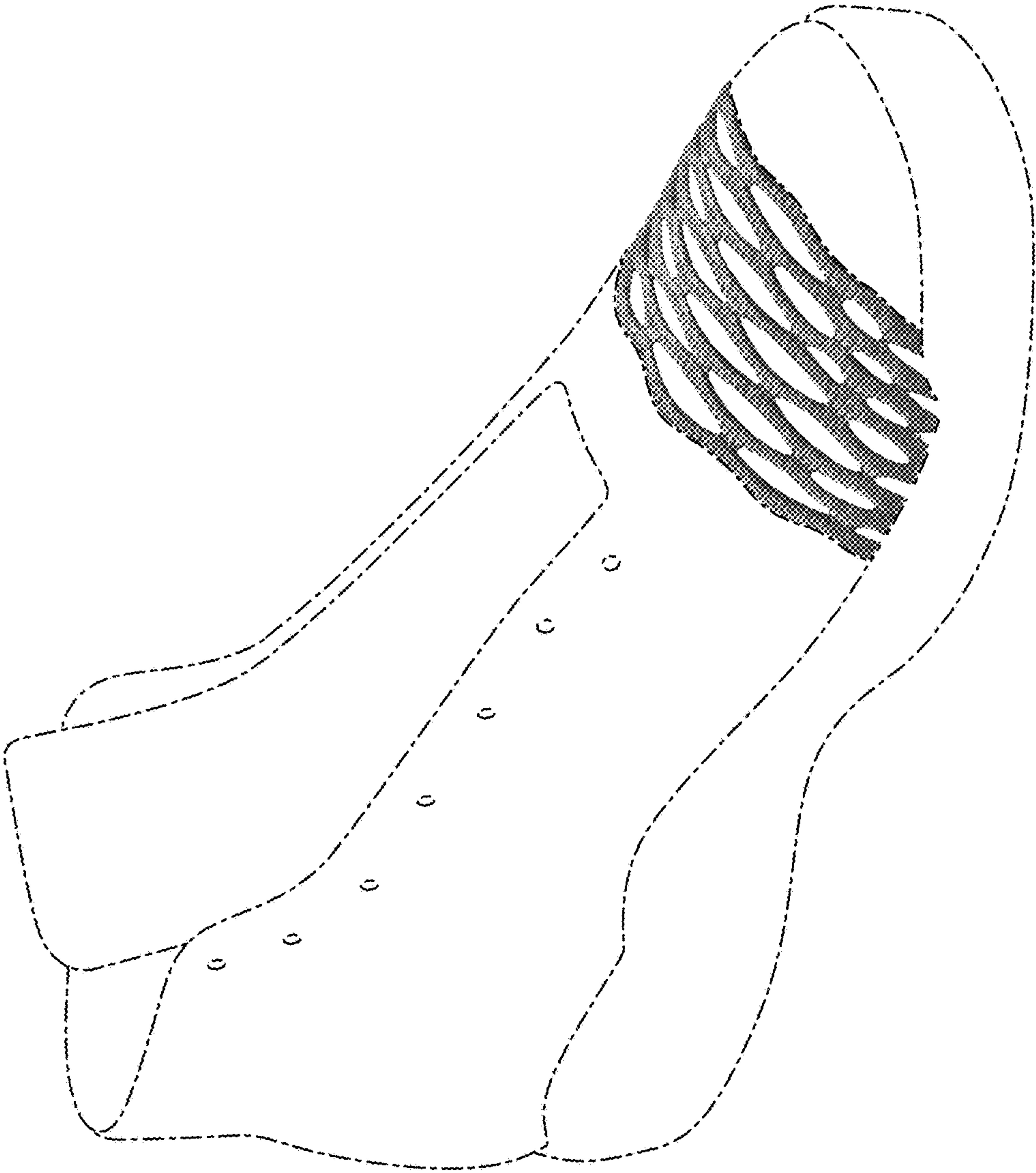


FIG. 2

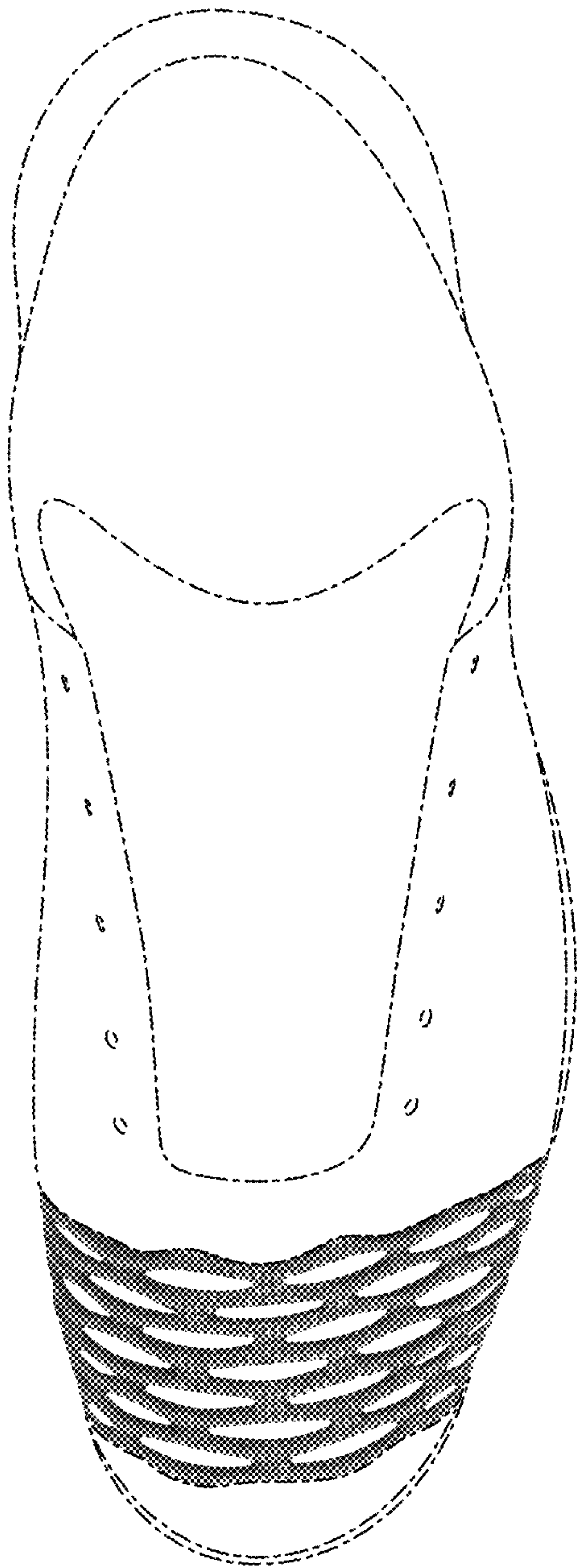


FIG. 3

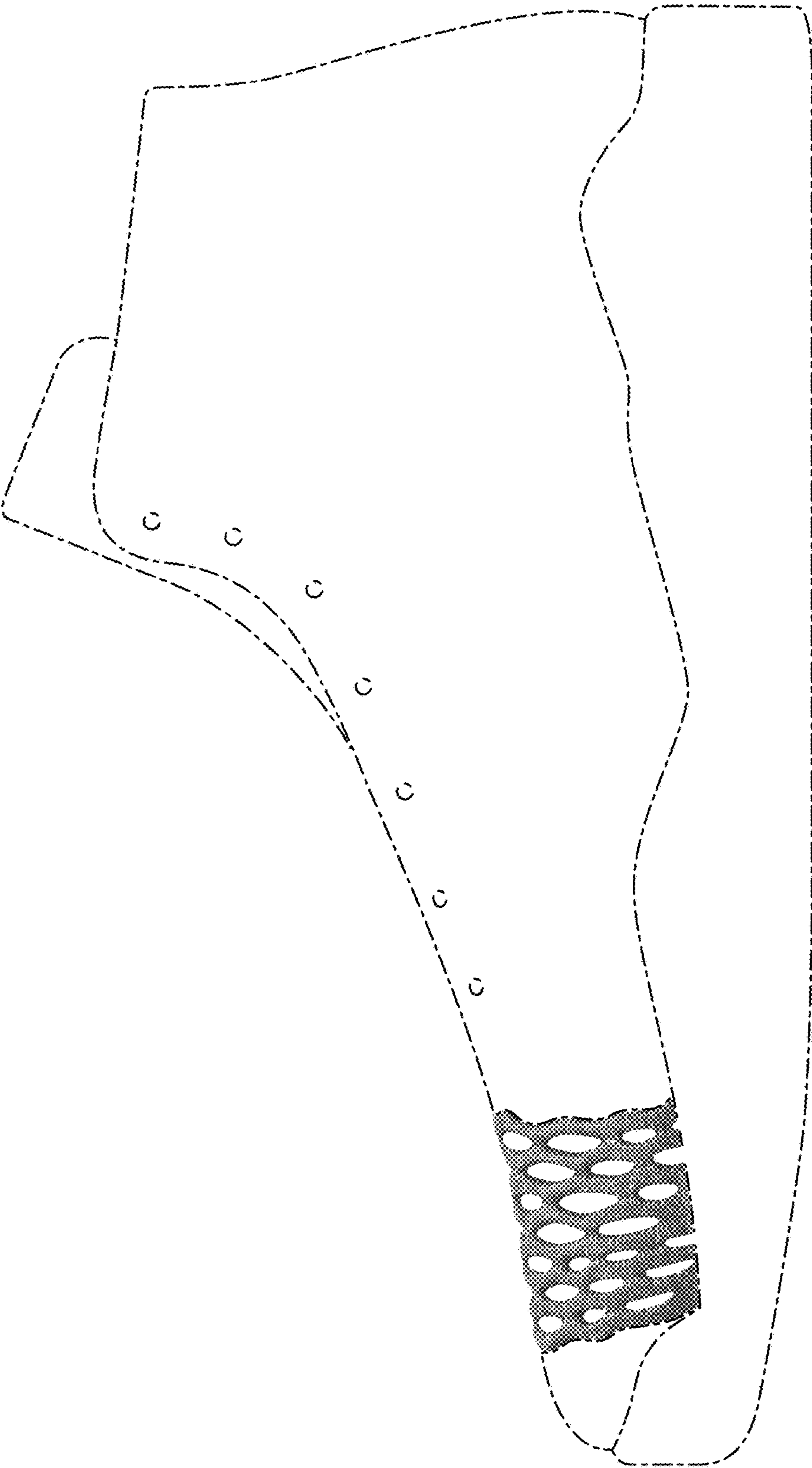


FIG. 4

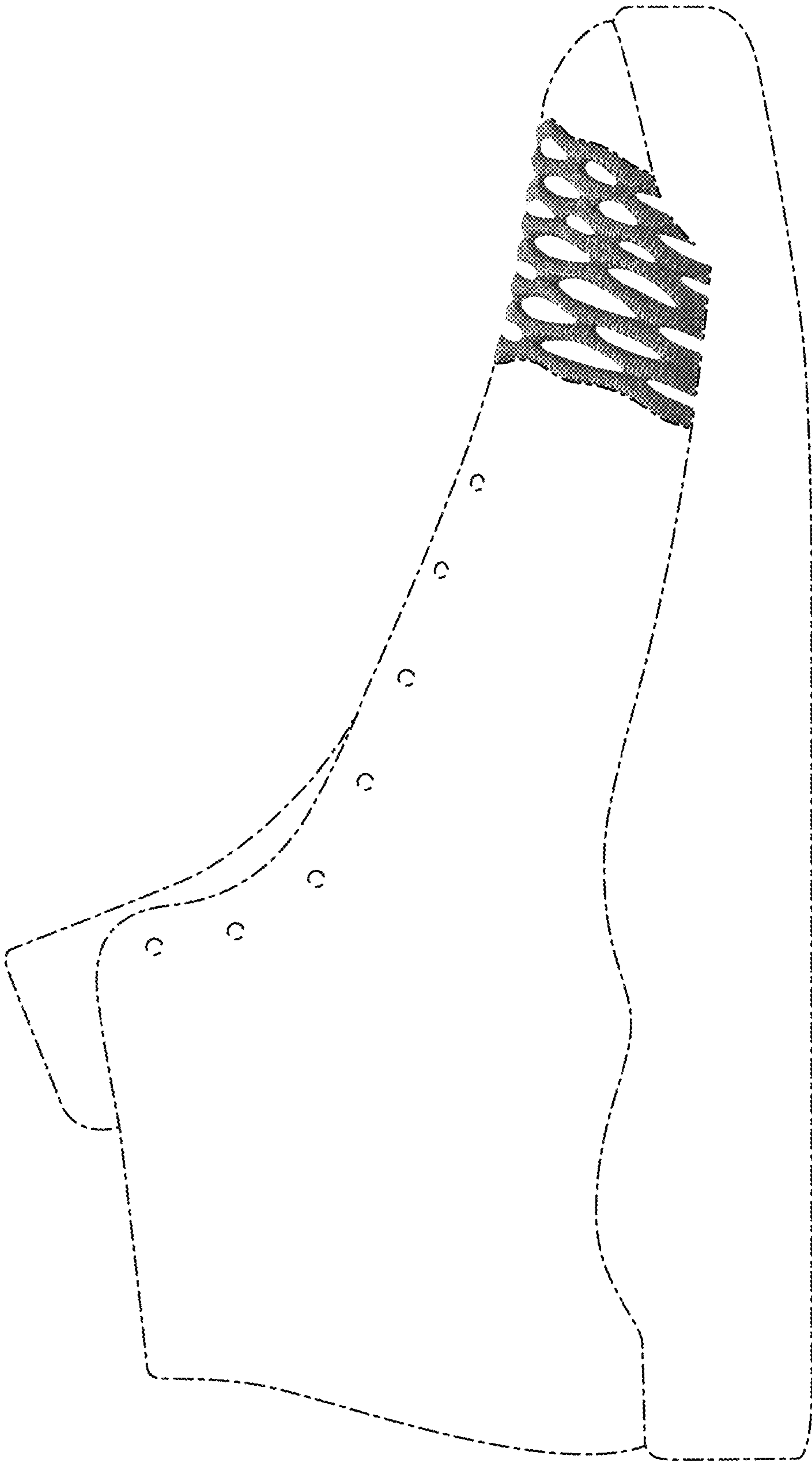


FIG. 5