



US00D814759S

(12) **United States Design Patent**  
**Kirschner**

(10) **Patent No.:** **US D814,759 S**  
(45) **Date of Patent:** **\*\* Apr. 10, 2018**

(54) **SHOE UPPER**

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

(72) Inventor: **Patrick B. Kirschner**, Beaverton, OR (US)

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

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

(21) Appl. No.: **29/617,192**

(22) Filed: **Sep. 12, 2017**

**Related U.S. Application Data**

(63) Continuation of application No. 29/564,826, filed on May 16, 2016, now Pat. No. Des. 804,796.

(51) **LOC (11) Cl.** ..... **02-99**

(52) **U.S. Cl.**  
USPC ..... **D2/969**

(58) **Field of Classification Search**

USPC ..... D2/902, 906-908, 923, 944, 946, 969,  
D2/972-975; D5/7, 15, 46, 47, 49

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; A43B 3/12

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D309,822 S	8/1990	Barret
D364,266 S	11/1995	Orzeck
D375,617 S	11/1996	Orzeck
D412,776 S	8/1999	Biedermann
D428,239 S	7/2000	Plamondon
D447,858 S	9/2001	Matis et al.
D458,443 S	6/2002	Matis
D467,708 S	12/2002	Portzline
D499,875 S	12/2004	Lozano
D508,603 S	8/2005	Newson

D517,303 S	3/2006	Laberge
D538,024 S	3/2007	Belley et al.
D549,441 S	8/2007	Chang
D550,947 S	9/2007	Caine

(Continued)

**OTHER PUBLICATIONS**

Kyrie 1 Flytrap Basketball Shoe Captures Deceptive Quickness [online], [retrieved Dec. 28, 2016] retrieved from internet <URL: <http://news.nike.com/news/nike-captures-what-it-means-to-be-deceptively-quick-in-the-kyrie-1-fly-trap/>; 9 color sheets, Dated Feb. 16, 2015.

(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 my new design;

FIG. 2 is a side view thereof;

FIG. 3 is an opposite side view thereof;

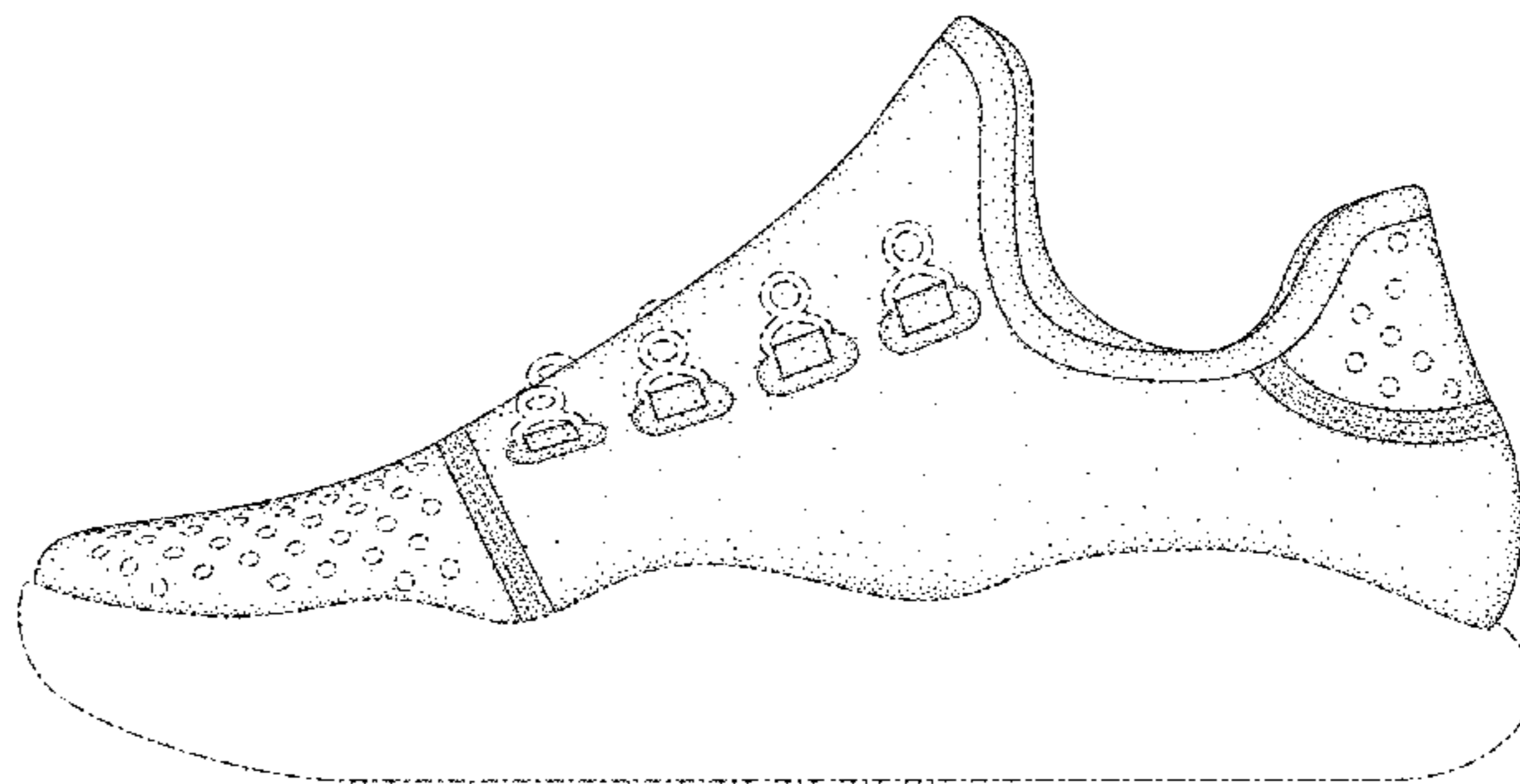
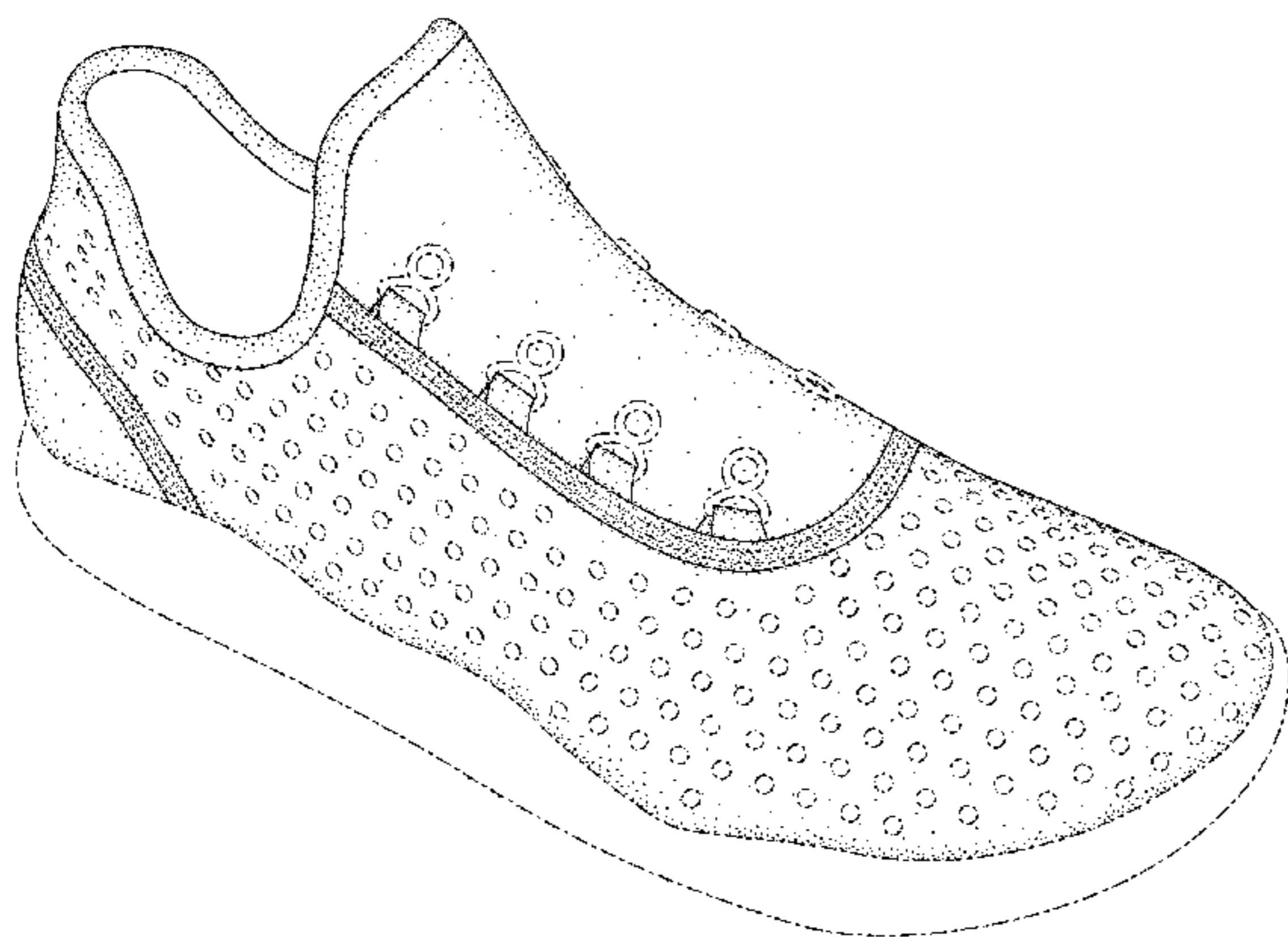
FIG. 4 is a front view thereof;

FIG. 5 is a rear view thereof; and,

FIG. 6 is a top view thereof.

The uneven-length broken line immediately adjacent to the bottom of the shaded area defines the bounds of the claimed design and forms no part thereof. The even-length broken lines within the shaded area represent stitching which forms no part of the claimed design. The uneven-length broken lines showing of the circular perforations, the lace holding elements, and the remainder of the shoe represents unclaimed subject matter and forms no part of the claimed design.

**1 Claim, 6 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D570,086 S 6/2008 McDowell  
 D578,746 S 10/2008 Usui  
 D605,386 S 12/2009 Cole  
 D633,708 S 3/2011 Hatfield et al.  
 D636,588 S 4/2011 Avar  
 D651,390 S \* 1/2012 Van Zyll De Jong ..... D2/969  
 D659,953 S 5/2012 Van Zyll De Jong et al.  
 D661,884 S 6/2012 Raysse  
 D662,696 S 7/2012 Baker  
 D666,798 S \* 9/2012 Now ..... D2/969  
 D675,418 S \* 2/2013 Van Zyll De Jong ..... D2/945  
 D676,223 S \* 2/2013 Dill ..... D2/923  
 D677,865 S 3/2013 Van Zyll De Jong et al.  
 D694,508 S 12/2013 Henrichot  
 D707,438 S 6/2014 Taylor  
 D718,033 S 11/2014 Cin  
 D721,479 S 1/2015 de Montgolfier  
 D723,788 S 3/2015 Raysse  
 D734,015 S 7/2015 Ringholz  
 D738,087 S 9/2015 Roulo  
 D738,091 S 9/2015 de Montgolfier  
 D740,012 S 10/2015 O'Connor  
 D743,159 S 11/2015 McMillan

D744,739 S 12/2015 Chang  
 D752,329 S 3/2016 Kirschner  
 D752,330 S 3/2016 O'Connor et al.  
 D762,965 S \* 8/2016 Miner ..... D2/973  
 D770,752 S 11/2016 McMillan  
 D778,578 S 2/2017 Hui  
 D784,000 S \* 4/2017 Kirschner ..... D2/972  
 D790,193 S 6/2017 Mueller  
 D801,663 S \* 11/2017 Kirschner ..... D2/969  
 D804,796 S \* 12/2017 Kirschner ..... D2/969

OTHER PUBLICATIONS

Nike Air Zoom Hypercross TR2: Going Low for High Intensity [online], [retrieved Dec. 12, 2016] retrieved from internet <URL: <<http://news.nike.com/news/nike-air-zoom-hypercross-tr2-going-low-for-high-intensity/>>; 8 color sheets, Dated Jun. 30, 2015.  
 Nike Zoom Hyperquickness 3—White13 Black [online], [retrieved Dec. 28, 2016] retrieved from internet <URL: <<http://sneakernews.com/2015/07/18/nike-zoom-hyperquickness-3-white-black/>>; 5 color sheets, Dated Jul. 18, 2015.  
 NIKE Footwear Catalog, 2006 Spring Men's, Women's, and Kid's Footwear, p. 8, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

\* cited by examiner

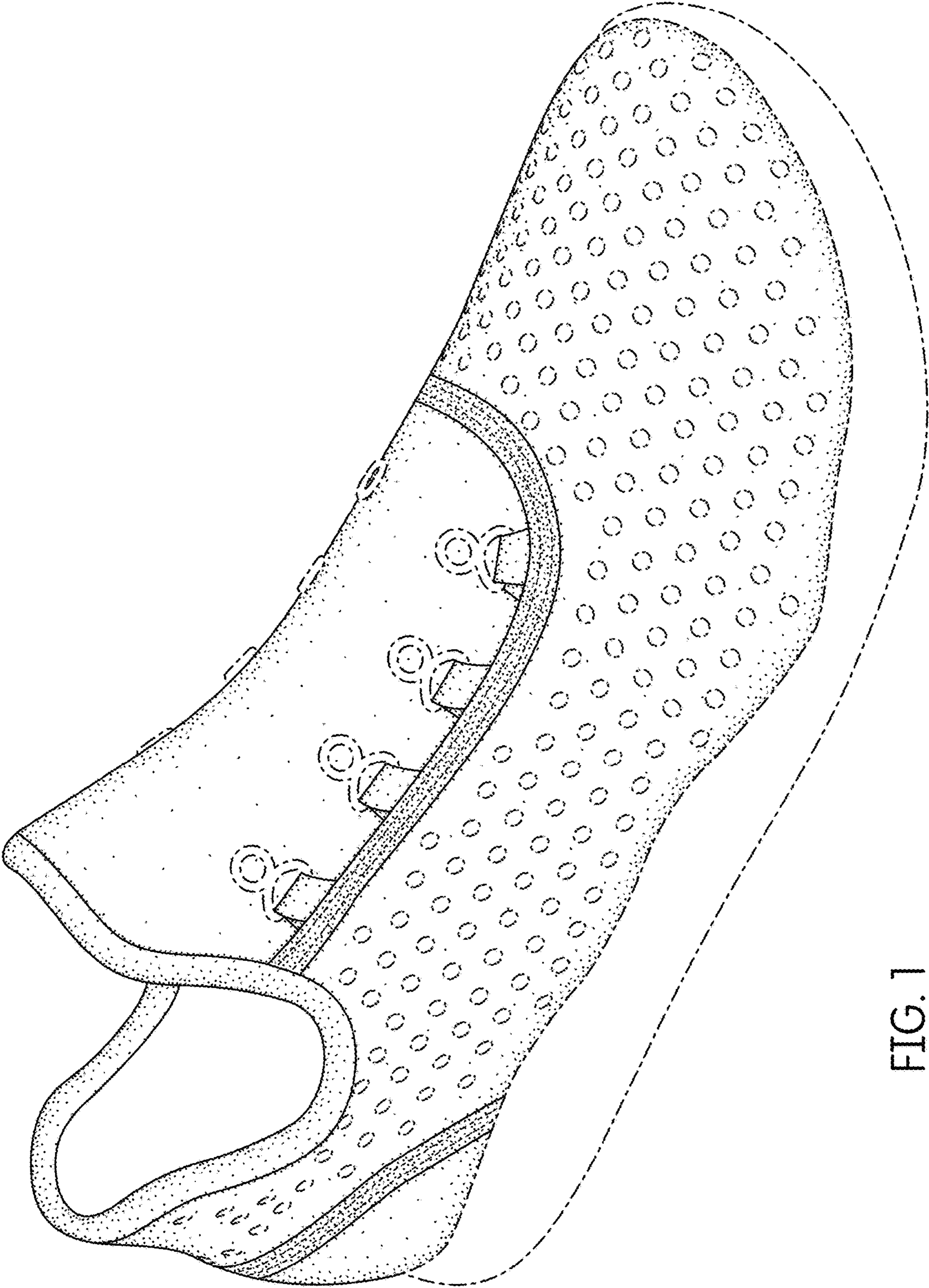


FIG. 1

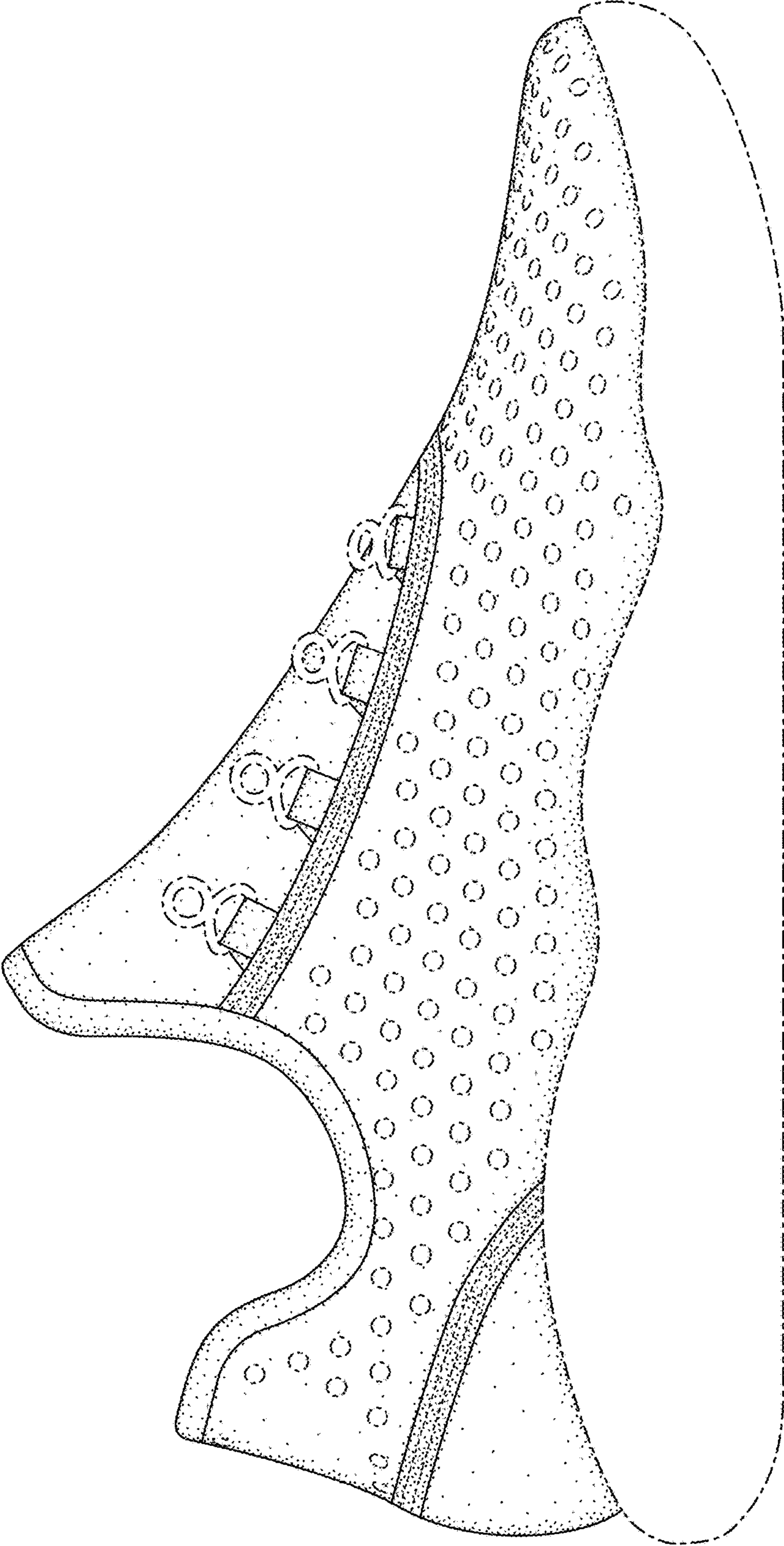


FIG. 2

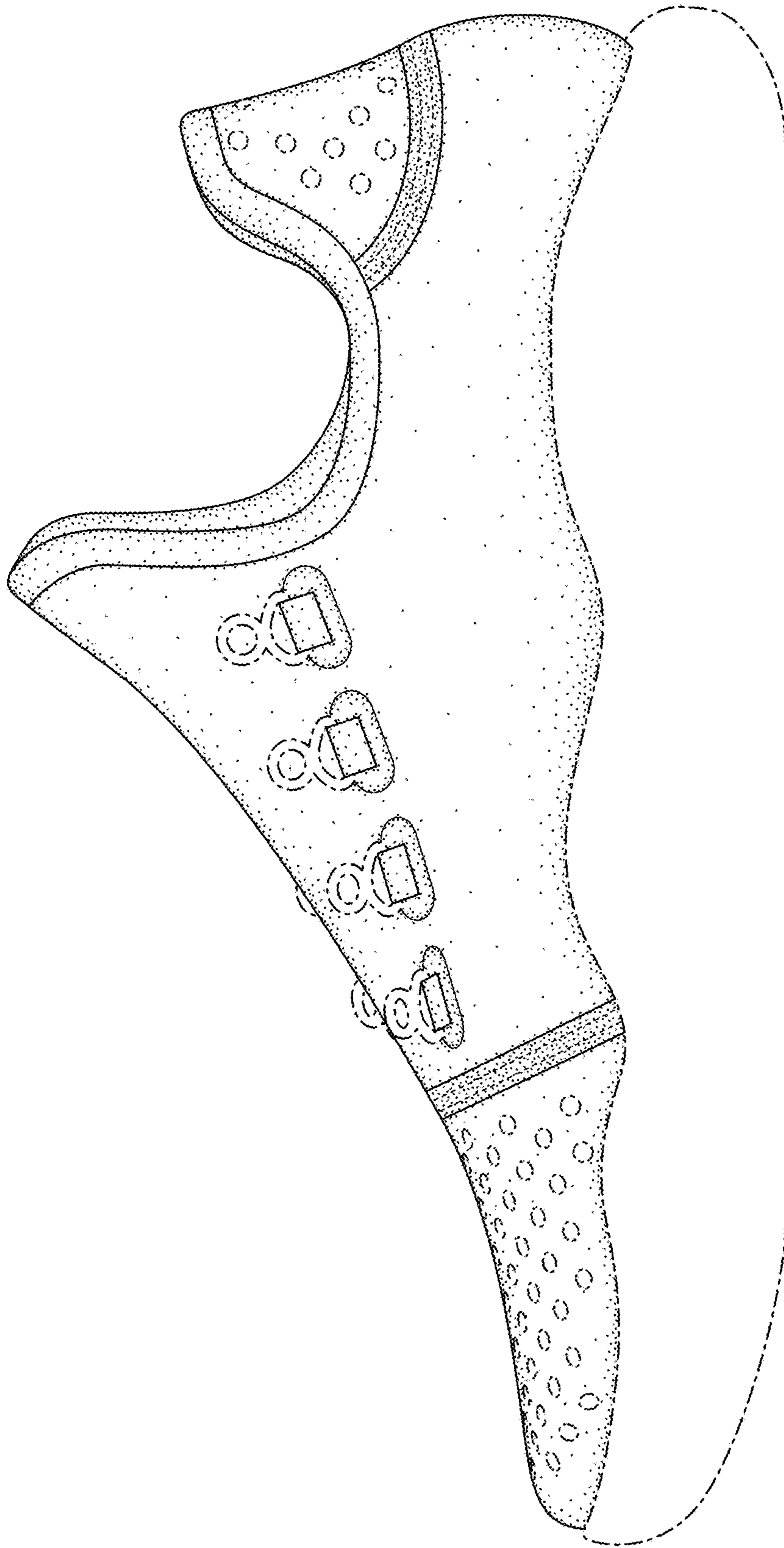


FIG. 3

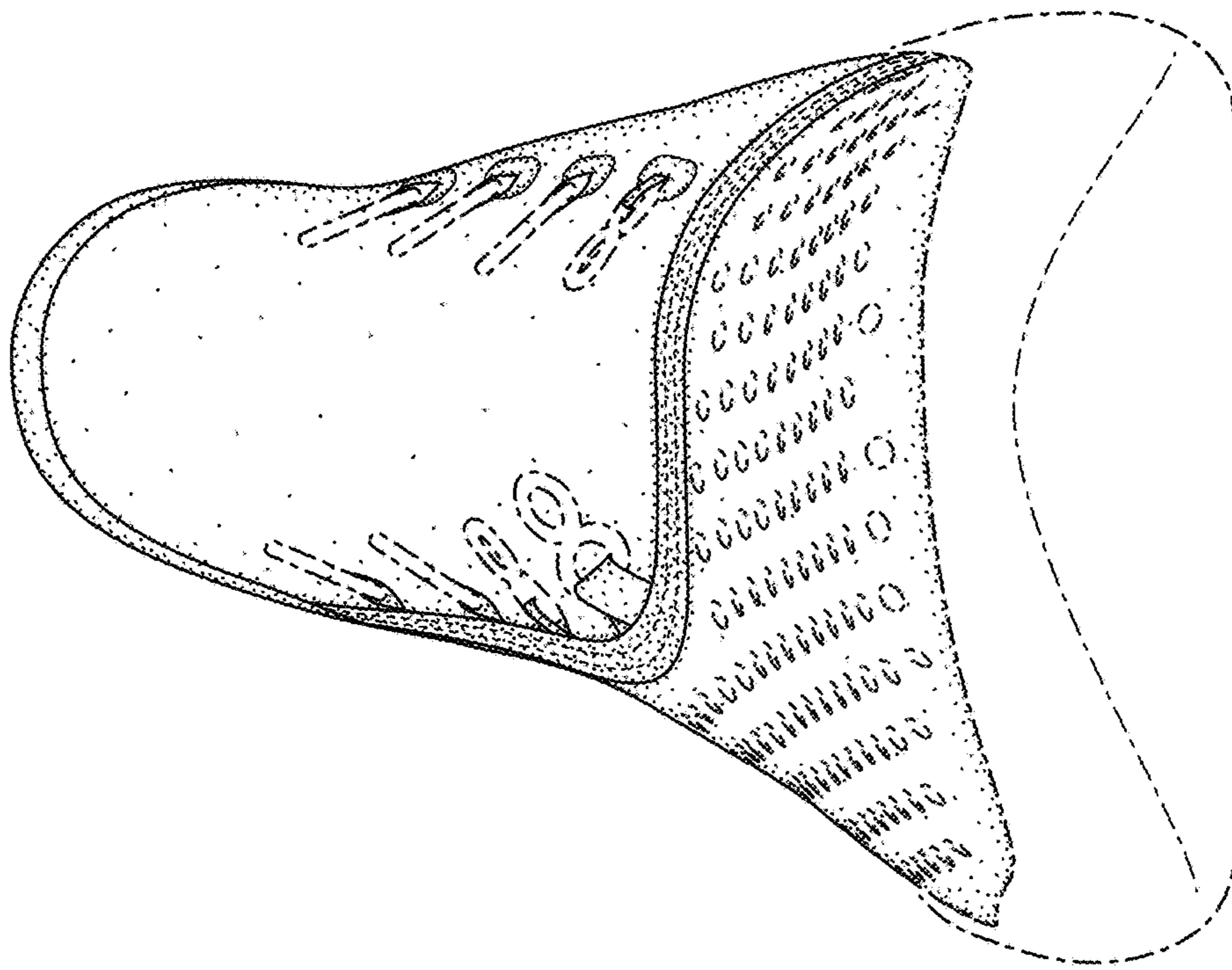


FIG. 4

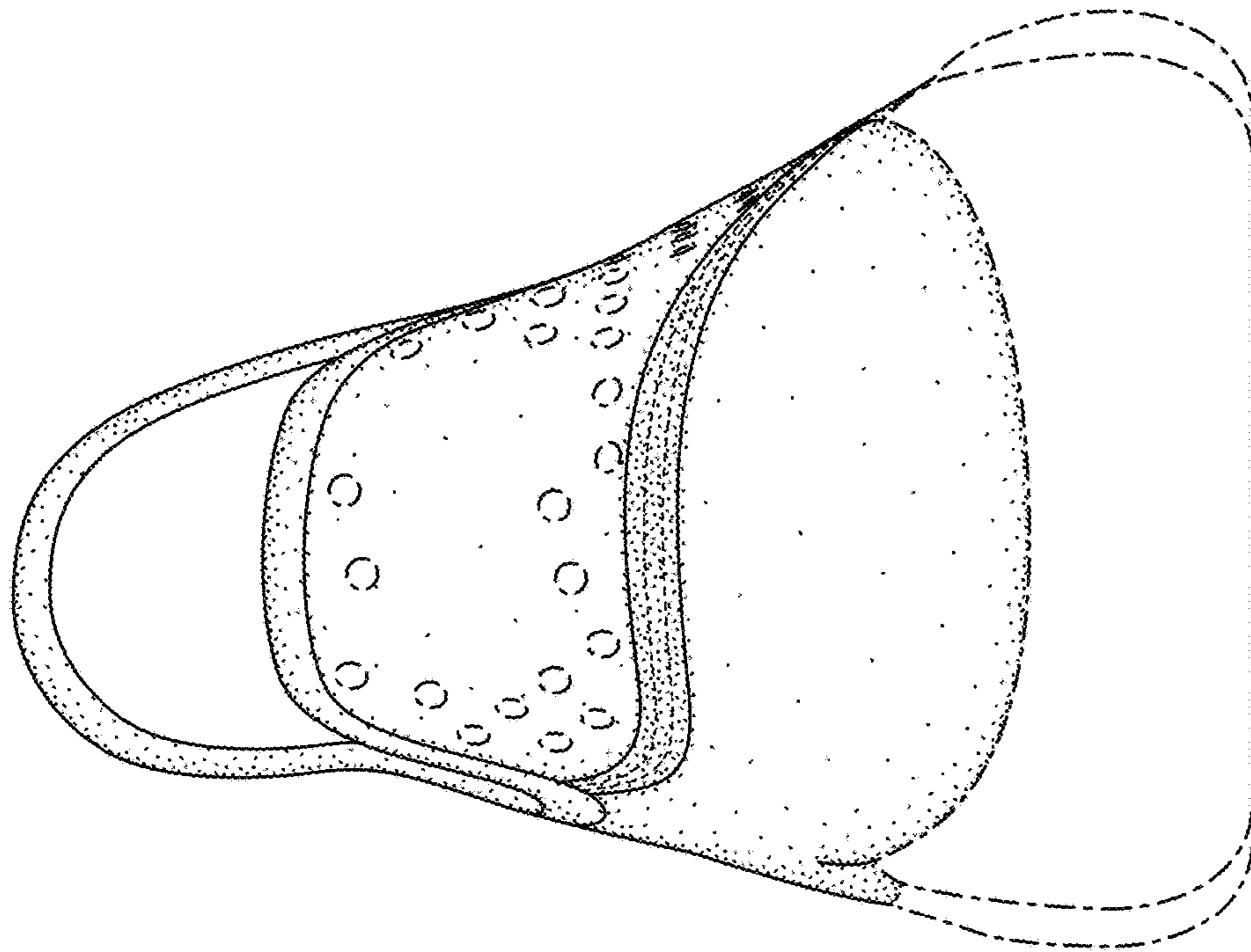


FIG. 5

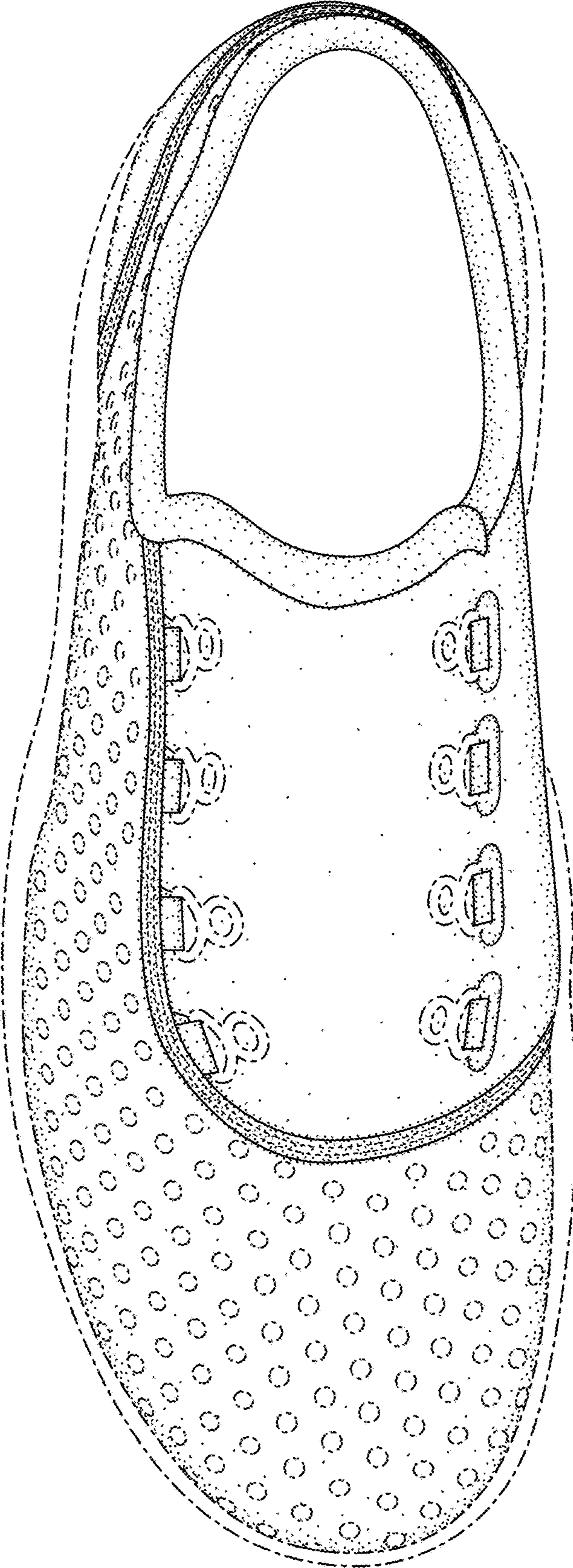


FIG. 6