



US00D814778S

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

(10) **Patent No.:** **US D814,778 S**
(45) **Date of Patent:** **** Apr. 10, 2018**

(54) **SHOE UPPER WITH SURFACE ORNAMENTATION**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)
(72) Inventor: **Mark J. Smith**, Portland, OR (US)
(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
(**) Term: **15 Years**

(21) Appl. No.: **29/605,789**

(22) Filed: **May 30, 2017**

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

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

(58) **Field of Classification Search**
USPC D2/902, 906-908, 923, 944, 969,
D2/971-974; 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

D306,370 S	3/1990	Selbiger et al.
D348,978 S	7/1994	Avar
D354,163 S	1/1995	Hatfield
D361,884 S	9/1995	Lozano
D376,901 S	12/1996	Avar et al.
D383,294 S	9/1997	Lozano
D383,298 S	9/1997	Yun
D383,561 S	9/1997	Tresser
D383,791 S	9/1997	Avar

(Continued)

OTHER PUBLICATIONS

The Legend of Future Past the Air Max 95 OG [online], [retrieved May 12, 2017], Retrieved from Internet <URL: <http://news.nike.com/news/the-legend-of-future-past-the-air-max-95-og>>; 8 color sheets, Dated Jul. 23, 2015.

com/news/the-legend-of-future-past-the-air-max-95-og>; 8 color sheets, Dated Jul. 23, 2015.

(Continued)

Primary Examiner — Dominic V Simone
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(57) **CLAIM**

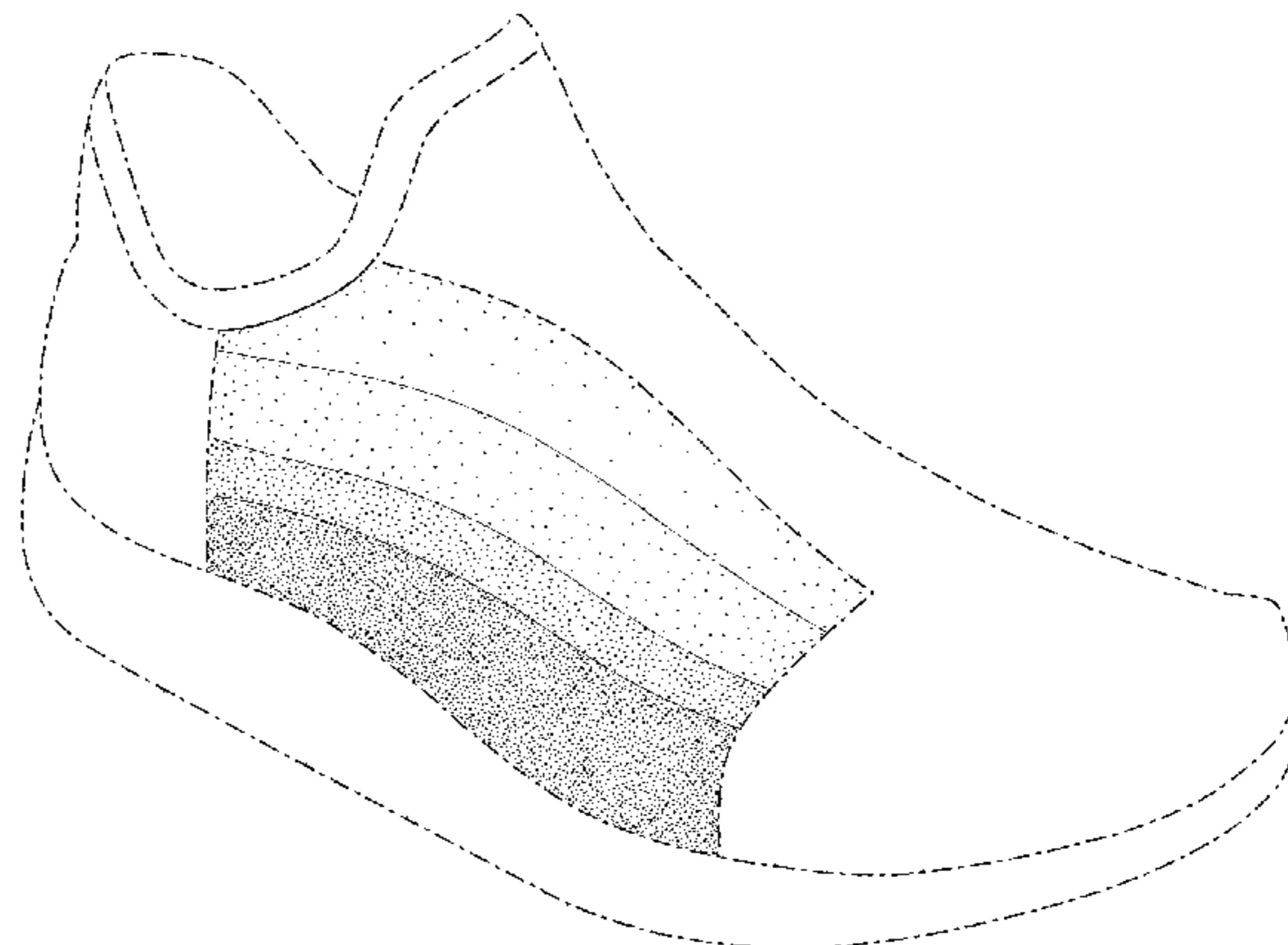
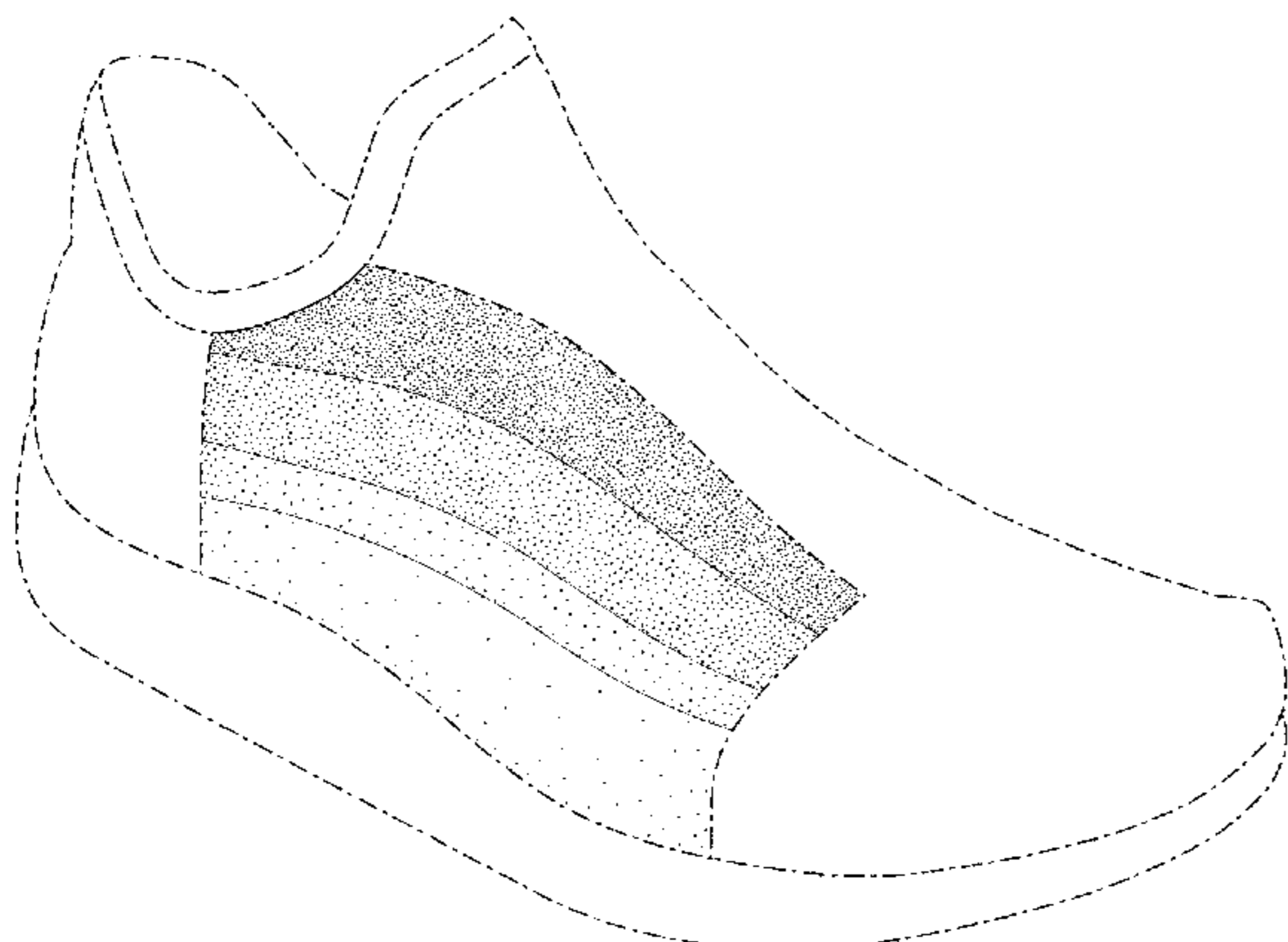
The ornamental design for a shoe upper with surface ornamentation, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a shoe upper with surface ornamentation showing my new design;
FIG. 2 is a lateral side view thereof;
FIG. 3 is a rear perspective view thereof;
FIG. 4 is a front perspective view of an alternative embodiment of a shoe upper with surface ornamentation showing my new design;
FIG. 5 is a lateral side view thereof;
FIG. 6 is a rear perspective view thereof;
FIG. 7 is a front perspective view of an alternative embodiment of a shoe upper with surface ornamentation showing my new design;
FIG. 8 is a lateral side view thereof;
FIG. 9 is a rear perspective view thereof;
FIG. 10 is a front perspective view of an alternative embodiment of a shoe upper with surface ornamentation showing my new design;
FIG. 11 is a lateral side view thereof; and,
FIG. 12 is a rear perspective view thereof.

The contrast in stippling density in the four regions represents a contrast in color appearance and does not represent any particular color. The broken lines immediately surrounding 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, 12 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D385,693	S	11/1997	Cass	
D391,050	S	2/1998	Morris	
D407,548	S	4/1999	Holmes	
D409,827	S	5/1999	Holmes	
D412,235	S	7/1999	Taylor et al.	
D413,194	S	8/1999	Cooper	
D414,599	S	10/1999	Doxey	
D415,883	S	11/1999	Kozo	
D415,884	S	11/1999	Kozo	
D417,948	S	12/1999	Cooper	
D427,759	S	7/2000	Hlavacs	
D431,899	S	10/2000	Cooper	
D434,213	S	11/2000	Smith	
D437,478	S	2/2001	Cadet	
D450,918	S	11/2001	Lozano	
D463,656	S	10/2002	Hudson	
D464,480	S	10/2002	Morris	
D468,087	S	* 1/2003	Estey	D2/972
D473,369	S	4/2003	Link	
D498,909	S	* 11/2004	Patt	D2/972
D498,913	S	11/2004	Cass	
D522,734	S	6/2006	Lubrano	
D528,279	S	* 9/2006	Smith, III	D2/972
D529,277	S	* 10/2006	Roulo	D2/972
D529,708	S	10/2006	Caine	
D533,712	S	* 12/2006	Fuerst	D2/972
D544,687	S	6/2007	Caine	
D553,345	S	10/2007	Rasmussen	
D577,902	S	10/2008	Mermet	
D676,642	S	2/2013	Rasmussen	
D683,533	S	6/2013	Williams, Jr.	
D684,760	S	6/2013	Williams, Jr.	
D684,761	S	6/2013	Williams, Jr.	
D707,949	S	7/2014	VanHook	
D734,018	S	7/2015	Wright	
D735,462	S	8/2015	Pauk	
D737,039	S	8/2015	Pauk	
D759,363	S	6/2016	Lane, III	
D767,865	S	10/2016	Chang	
D776,910	S	1/2017	Johnson	
D777,416	S	* 1/2017	Kuerbis	D2/972
D779,185	S	2/2017	Abe et al.	
D781,552	S	3/2017	Madore	
D783,986	S	4/2017	Williams, Jr.	
D783,987	S	4/2017	Williams, Jr.	
D784,678	S	4/2017	Mondesir	
D785,311	S	5/2017	Yun	
D787,803	S	5/2017	Lee	
D796,817	S	9/2017	Schenone	
D798,574	S	* 10/2017	James	D2/972
D799,190	S	* 10/2017	Enayah	D2/972
D801,674	S	* 11/2017	Ford	D2/972
D801,676	S	* 11/2017	Durand	D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, 1995 Fall Footwear, p. 96, published Nov. 1994, NIKE, Inc., USA.
 Nike Footwear Catalog, 1995 Holiday Footwear, p. 16, published Mar. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Fall Footwear, p. 24, published Dec. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Fall Footwear, p. 25, published Dec. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Holiday Footwear, p. 82, published Mar. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Late Spring Footwear, p. 20, published Aug. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Late Spring Footwear, p. 28, published Aug. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1996 Late Spring Footwear, p. 112, published Aug. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1996 Spring Footwear, p. 168, published Jun. 1995, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Fall Footwear, p. 31, published Dec. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Fall Footwear, p. 41, published Dec. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Fall Footwear, p. 167, published Dec. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Fall Footwear, p. 188, published Dec. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Holiday Footwear, p. 65, published Mar. 1997, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Holiday Footwear, p. 133, published Mar. 1997, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Late Spring Footwear, p. 143, published Sep. 1996, NIKE, Inc., USA.
 Nike Footwear Catalog, 1998 Fall Men's, Women's, and Kids' Footwear, p. 118, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.
 Nike Footwear Catalog, 1998 Fall Men's, Women's, and Kids' Footwear, p. 166, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.
 Nike Footwear Catalog, 1998 Late Spring Footwear, p. 213, published Sep. 1997, NIKE, Inc., USA.
 Nike Footwear Catalog, 1998 Spring Footwear, p. 12, published Jun. 1997, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. M47, published Nov. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Fall Men's and Women's Footwear, p. M73, published Nov. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Holiday Men's and Women's Footwear, p. M86, published Mar. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Late Spring Men's and Women's Footwear, p. w29, published Sep. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Late Spring Men's and Women's Footwear, p. W55, published Sep. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Spring Men's Specialty and Women's & Kids' Footwear, p. W31, published Jun. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 1999 Spring Men's Specialty and Women's & Kids' Footwear, p. W39, published Jun. 1998, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Spring Men's and Women's Footwear 1, p. W12, published Jul. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 2000 Spring Men's and Women's Footwear 2, p. W23, published Jul. 1999, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Jordan, p. 4, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 38, published Nov. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2001 Fall Men's and Women's Footwear, p. 66, published Nov. 2000, NIKE, Inc., USA.
 Nike Footwear Catalog, 2010 Fall Urban Better Footwear, p. 25, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.
 Nike Footwear Catalog, 2011 Fall Men's Sportswear Footwear, p. 3, published Nov. 2010, NIKE, Inc., USA.
 Nike Footwear Catalog, 2012 Fall Men's Footwear Sportswear Best, p. 12, published Nov. 2011, NIKE, Inc., USA.
 Nike Footwear Catalog, 2013 Fall Mens Sportswear Footwear Best, p. 13, published Nov. 2012, NIKE, Inc., USA.
 Nike Footwear Catalog, 2015 Fall Boutique, p. 2, published Nov. 26, 2014, NIKE, Inc., USA.
 Nike Footwear Catalog, 2015 Fall Sporting Goods Best NA, p. 164, published Nov. 27, 2014, NIKE, Inc., USA.
 Nike Footwear Catalog, 2016 Fall Athletic Specialty Footwear NA, p. 118, published Aug. 1, 2014, NIKE, Inc., USA.
 Nike Footwear Catalog, 2016 Fall Strategic Sporting Goods Footwear NA, p. 119, published Aug. 1, 2014, NIKE, Inc., USA.

* cited by examiner

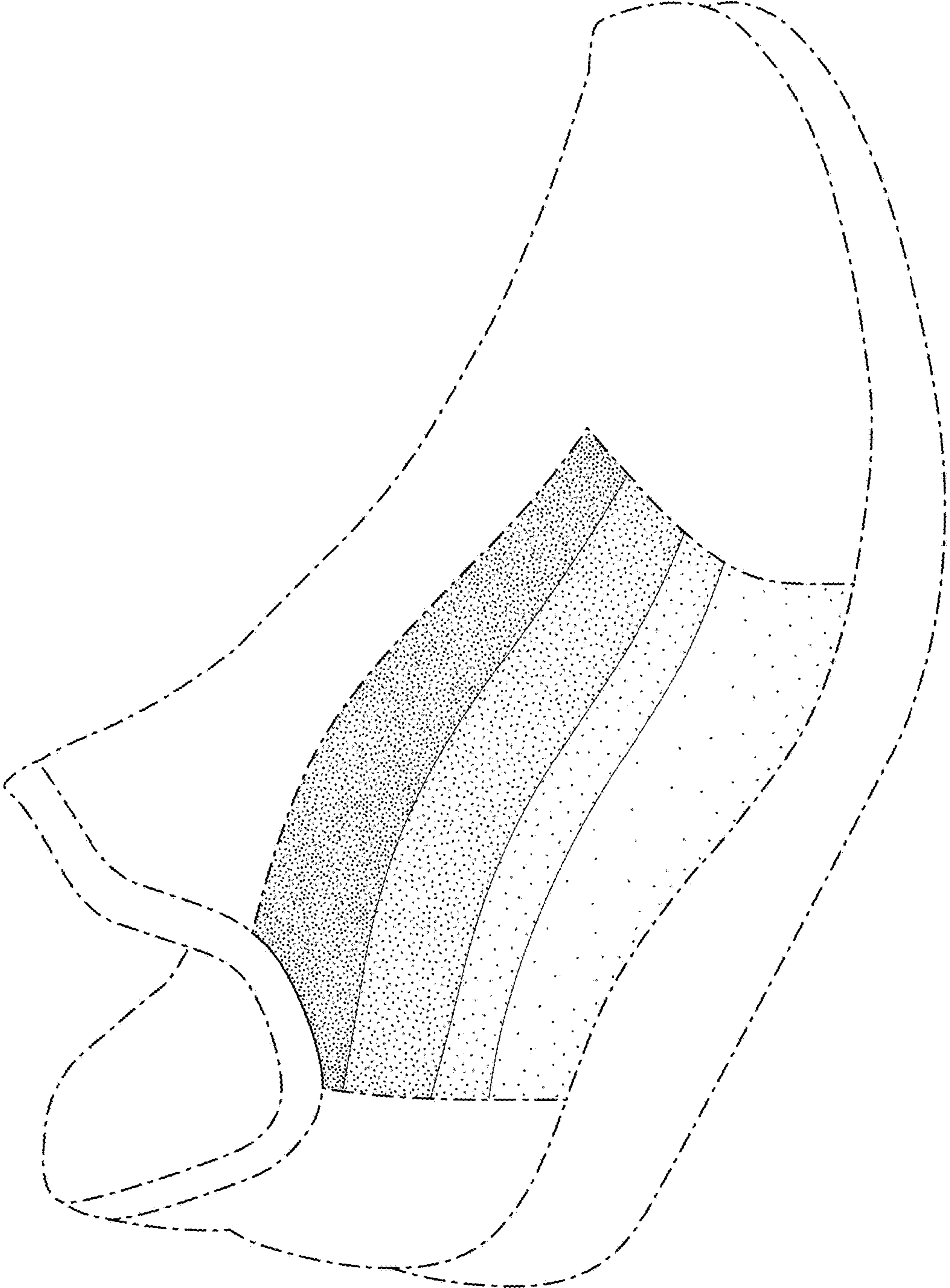


FIG. 1

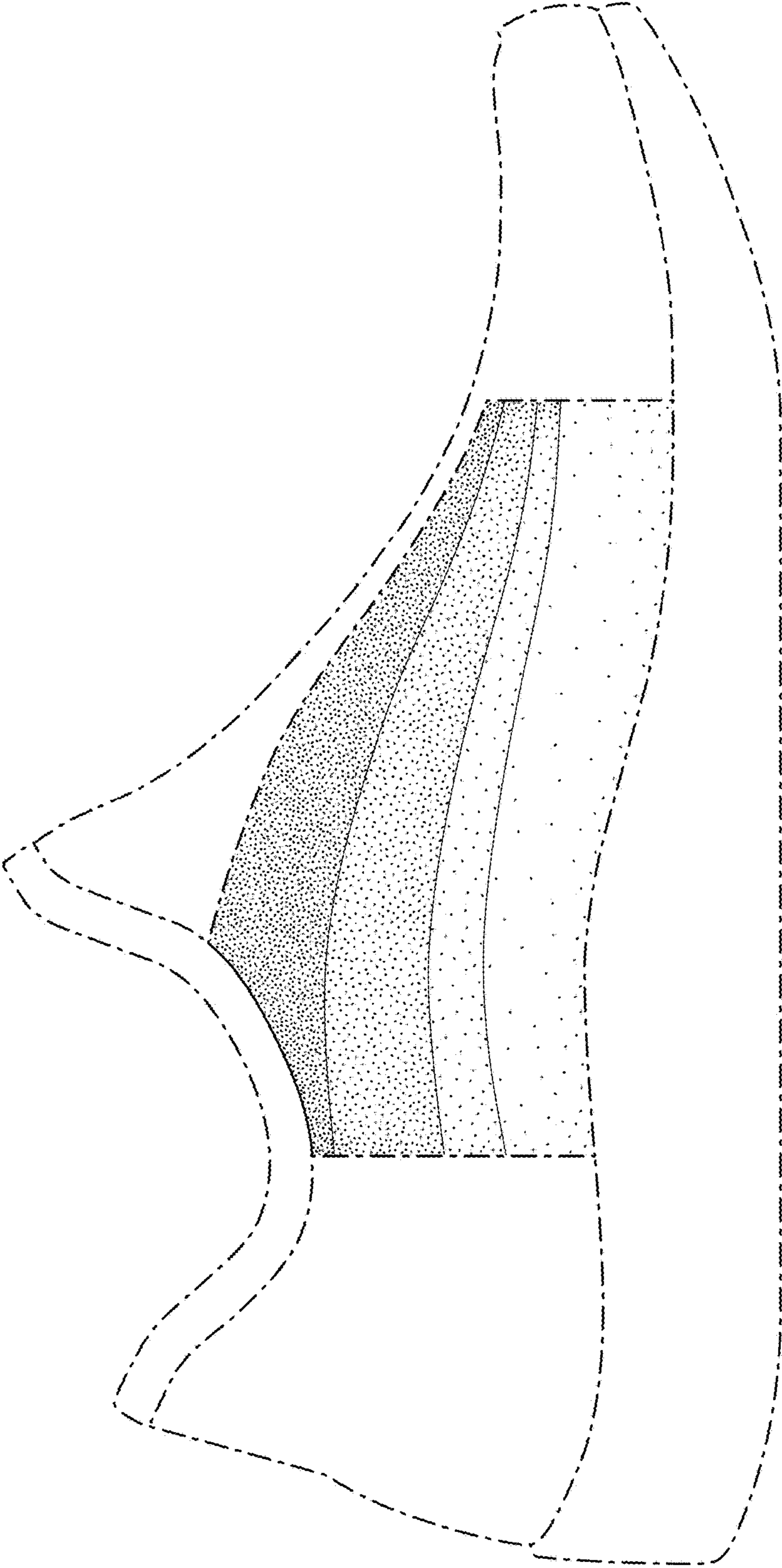


FIG. 2

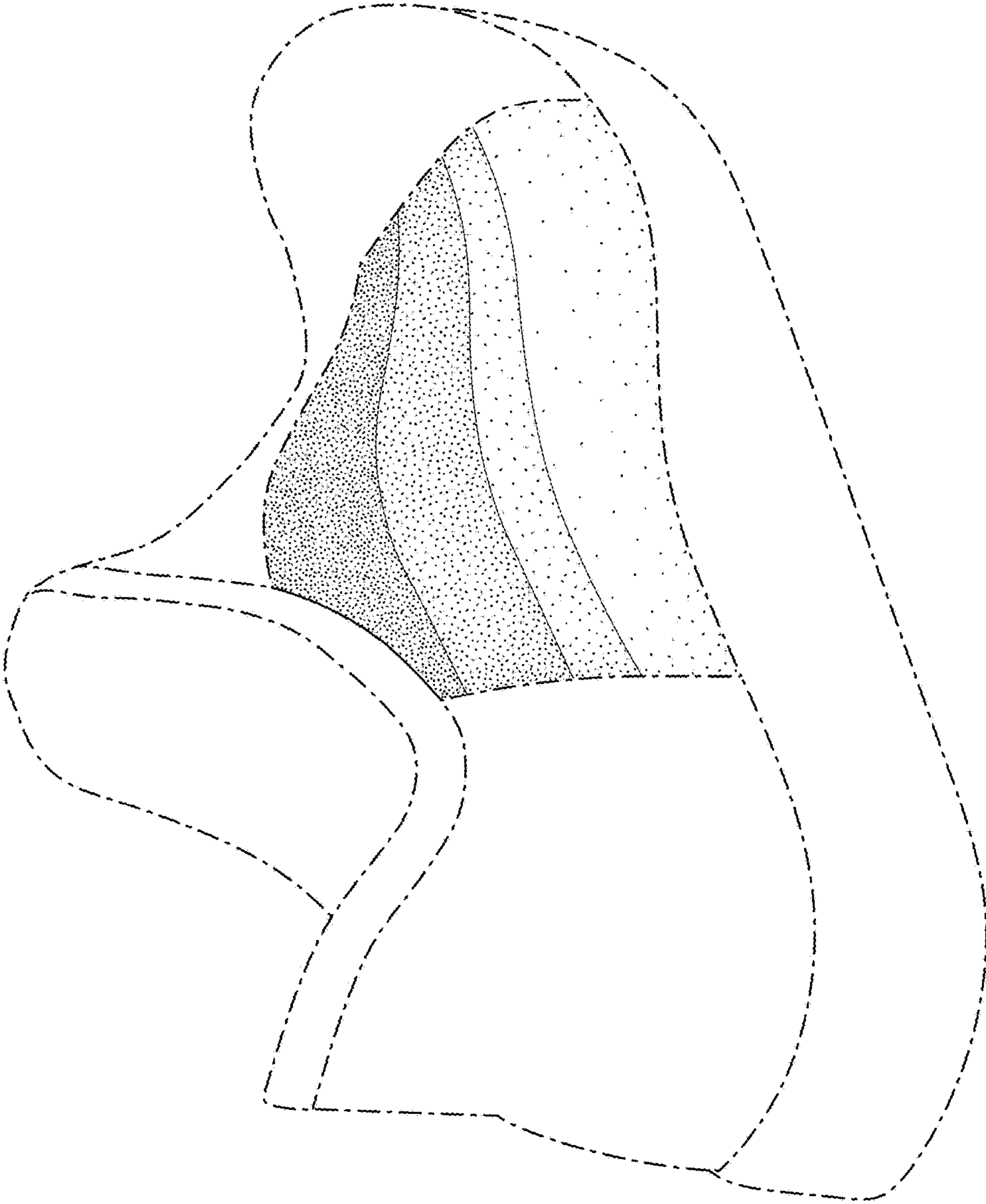


FIG. 3

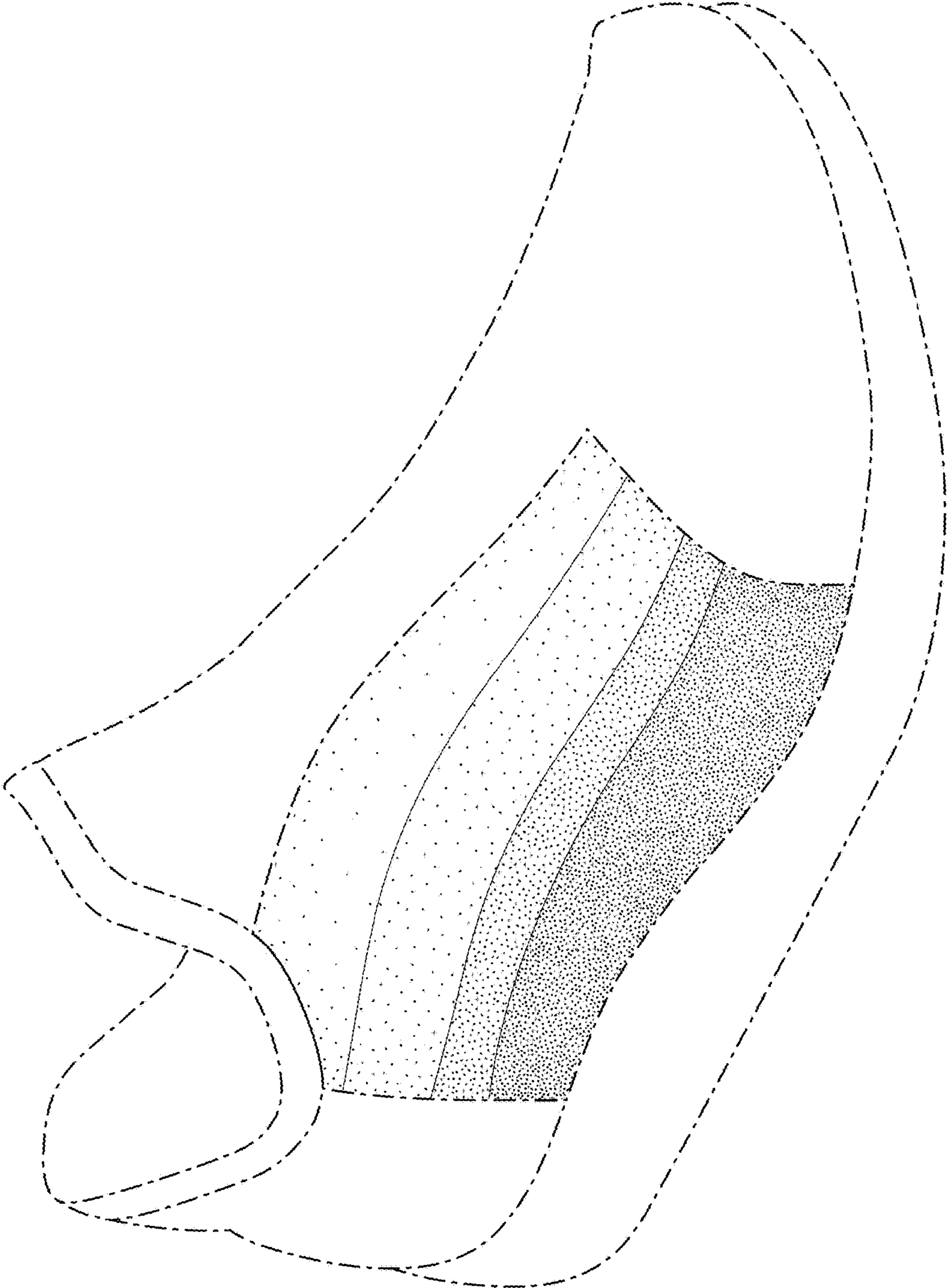


FIG. 4

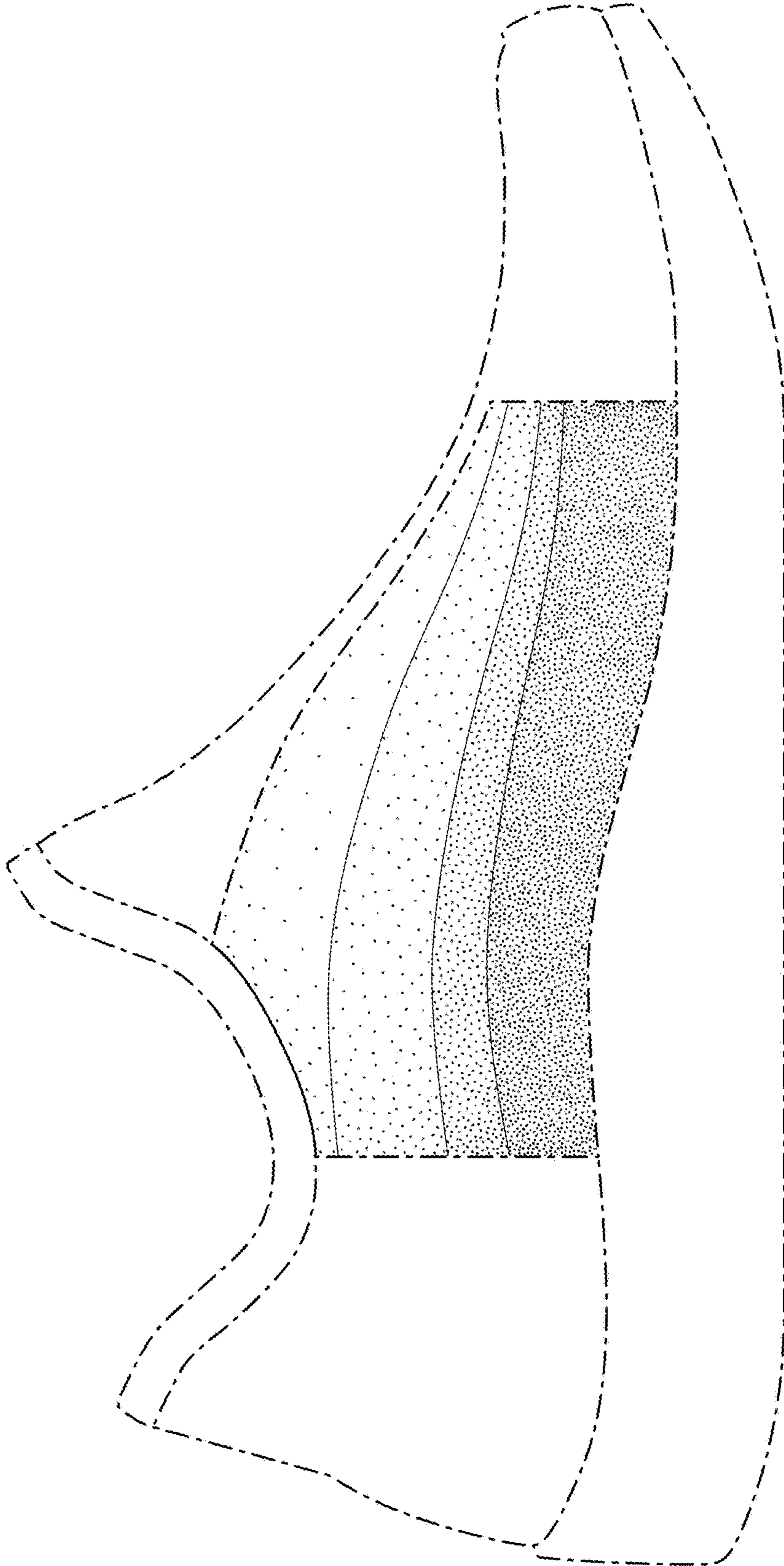


FIG. 5

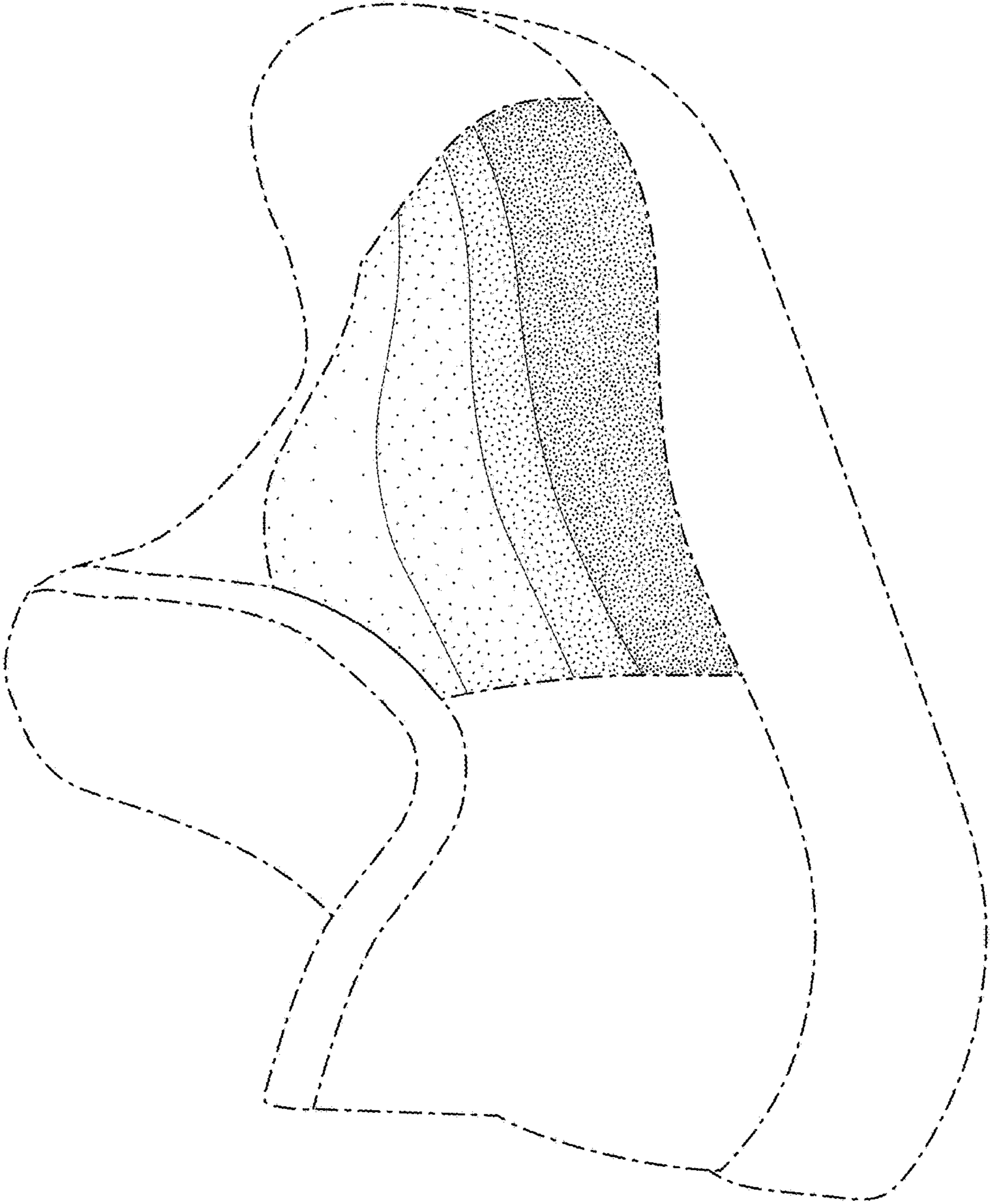


FIG. 6

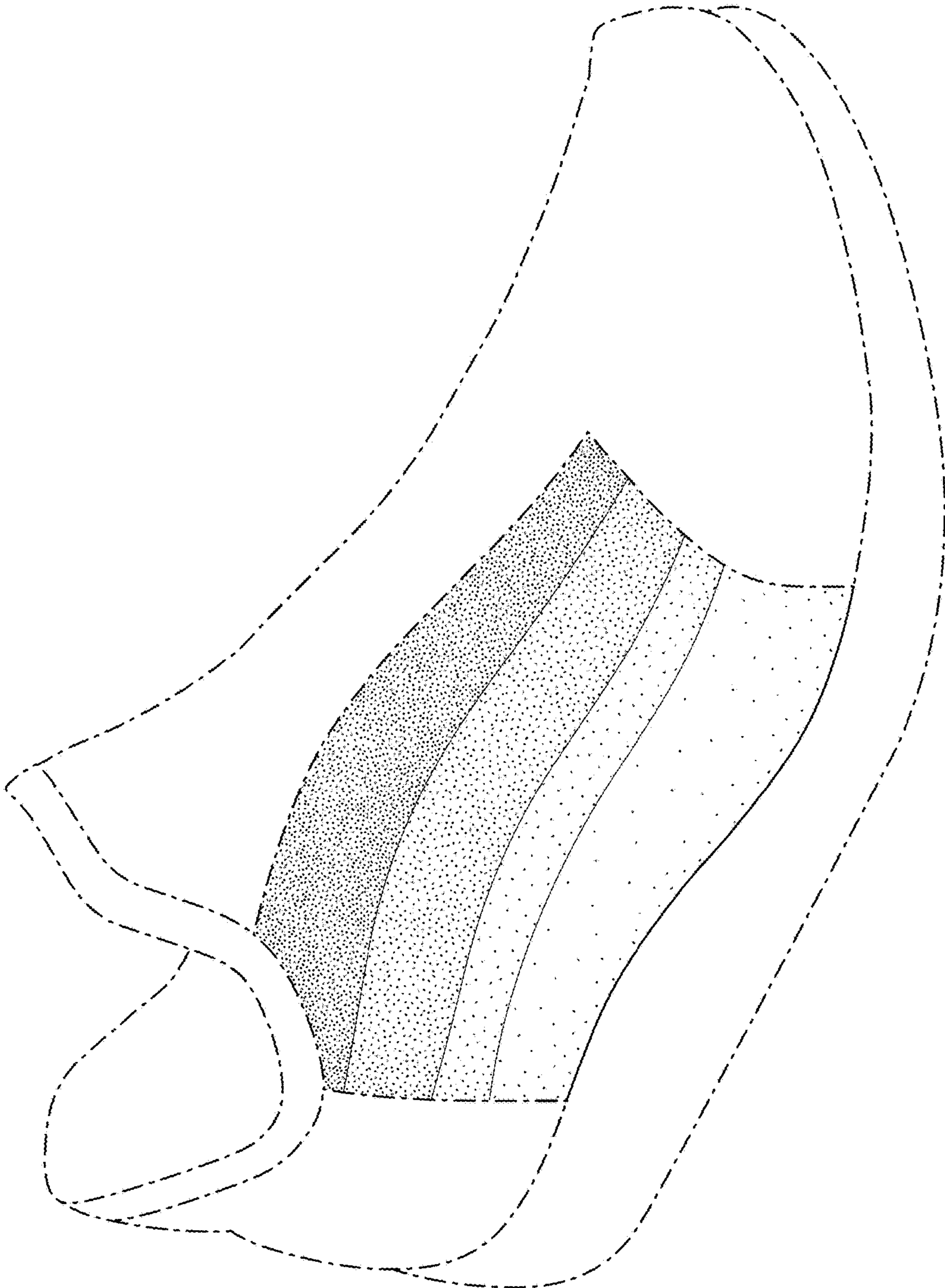


FIG. 7

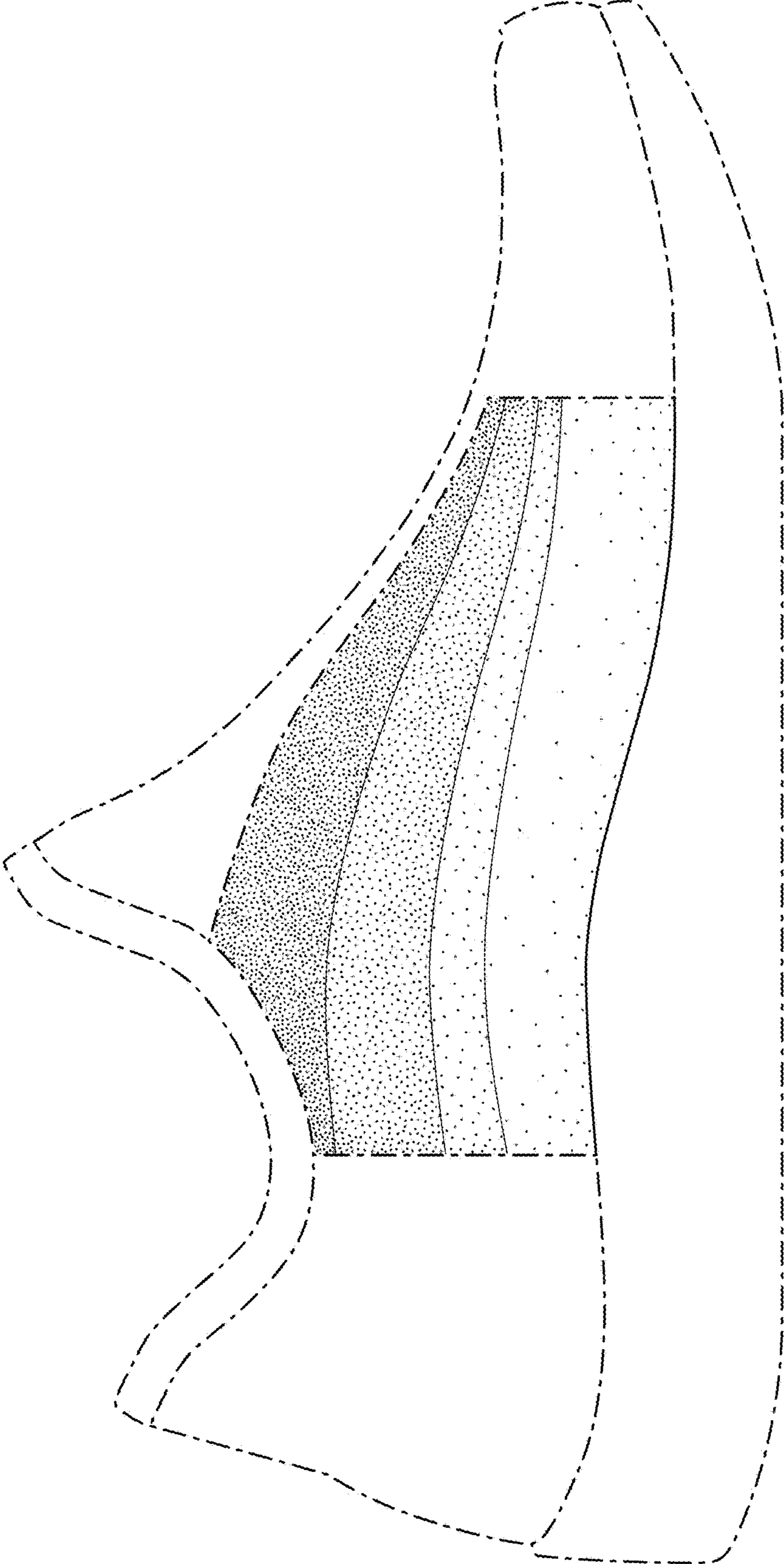


FIG. 8

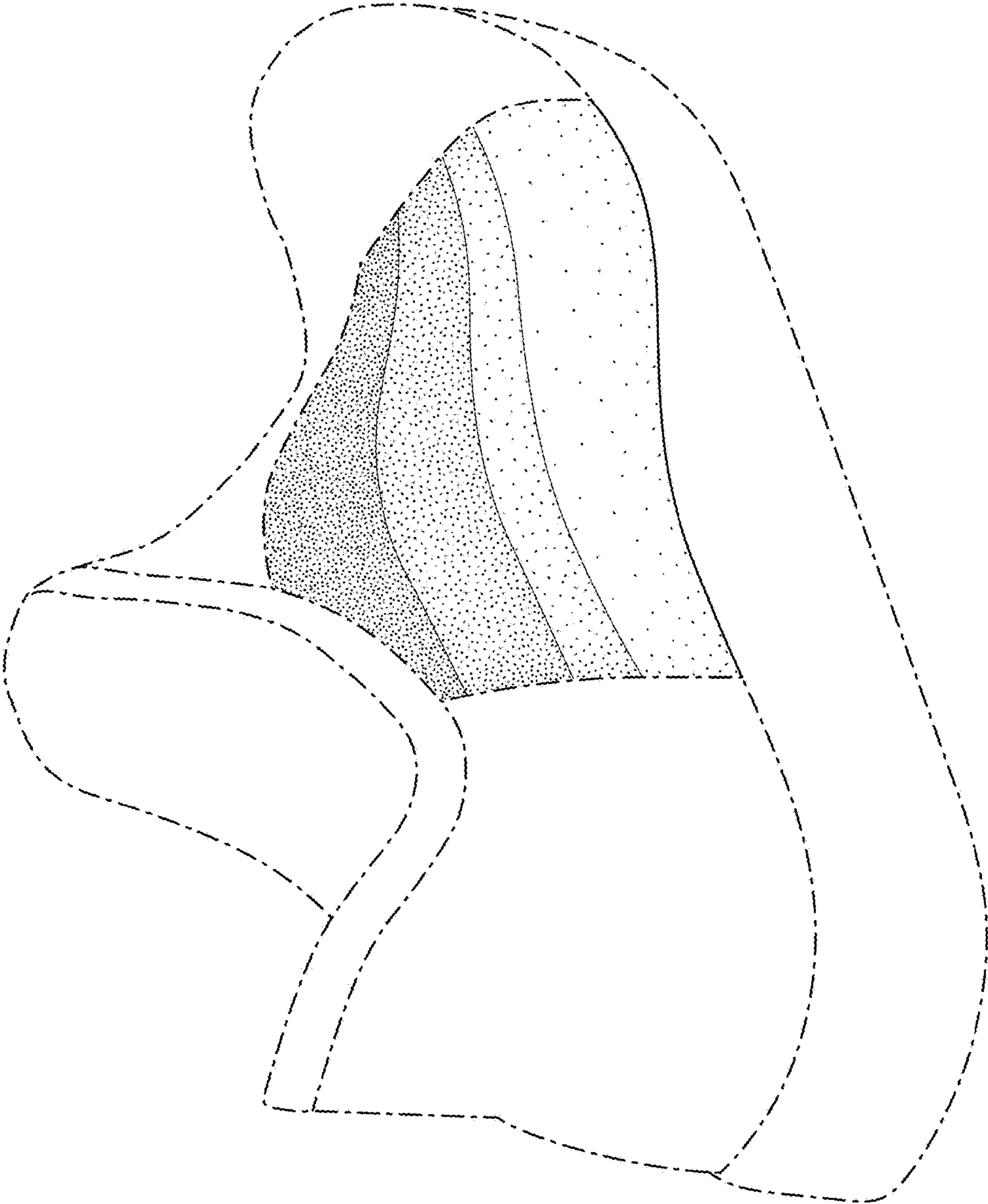


FIG. 9

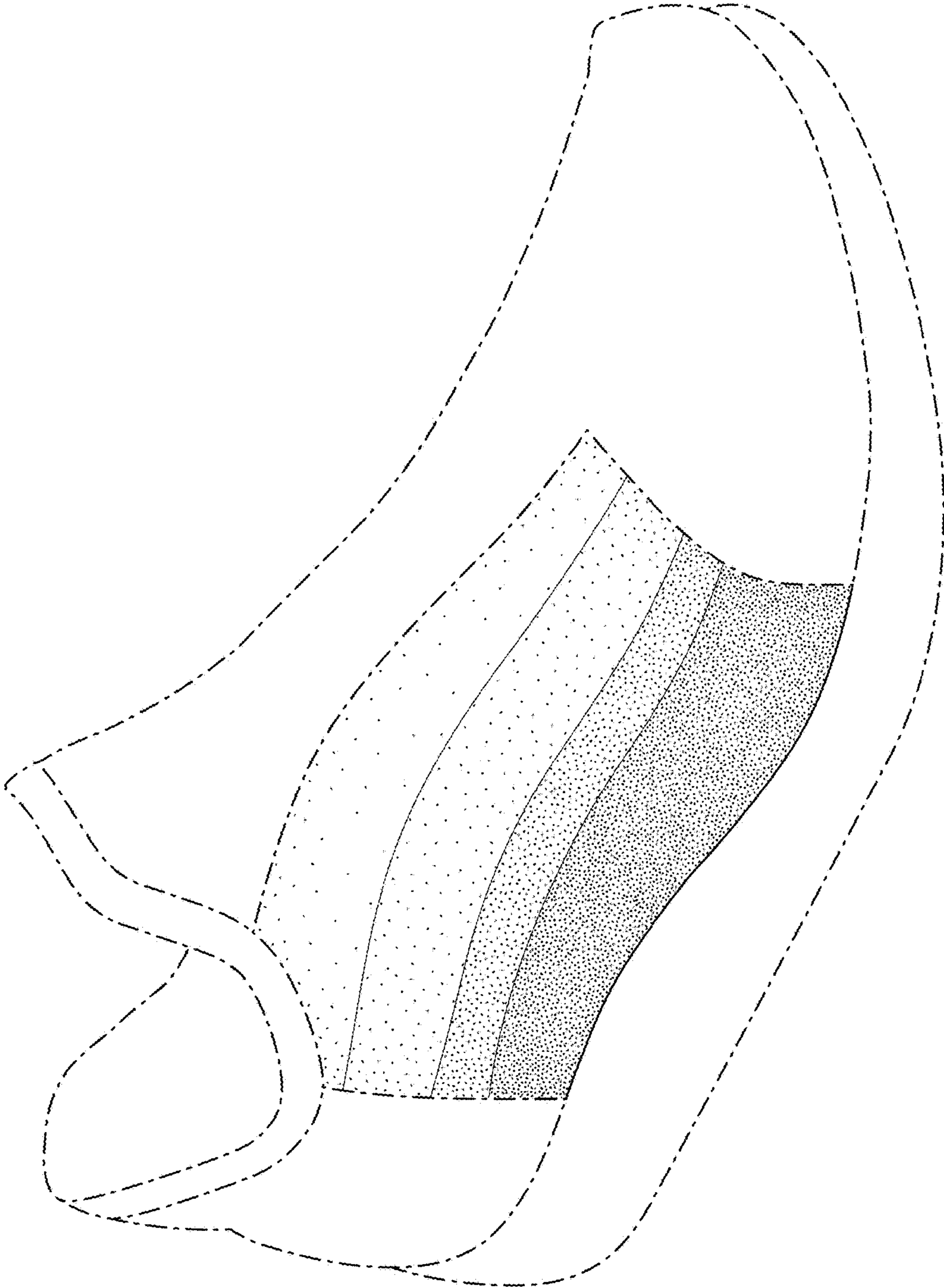


FIG. 10

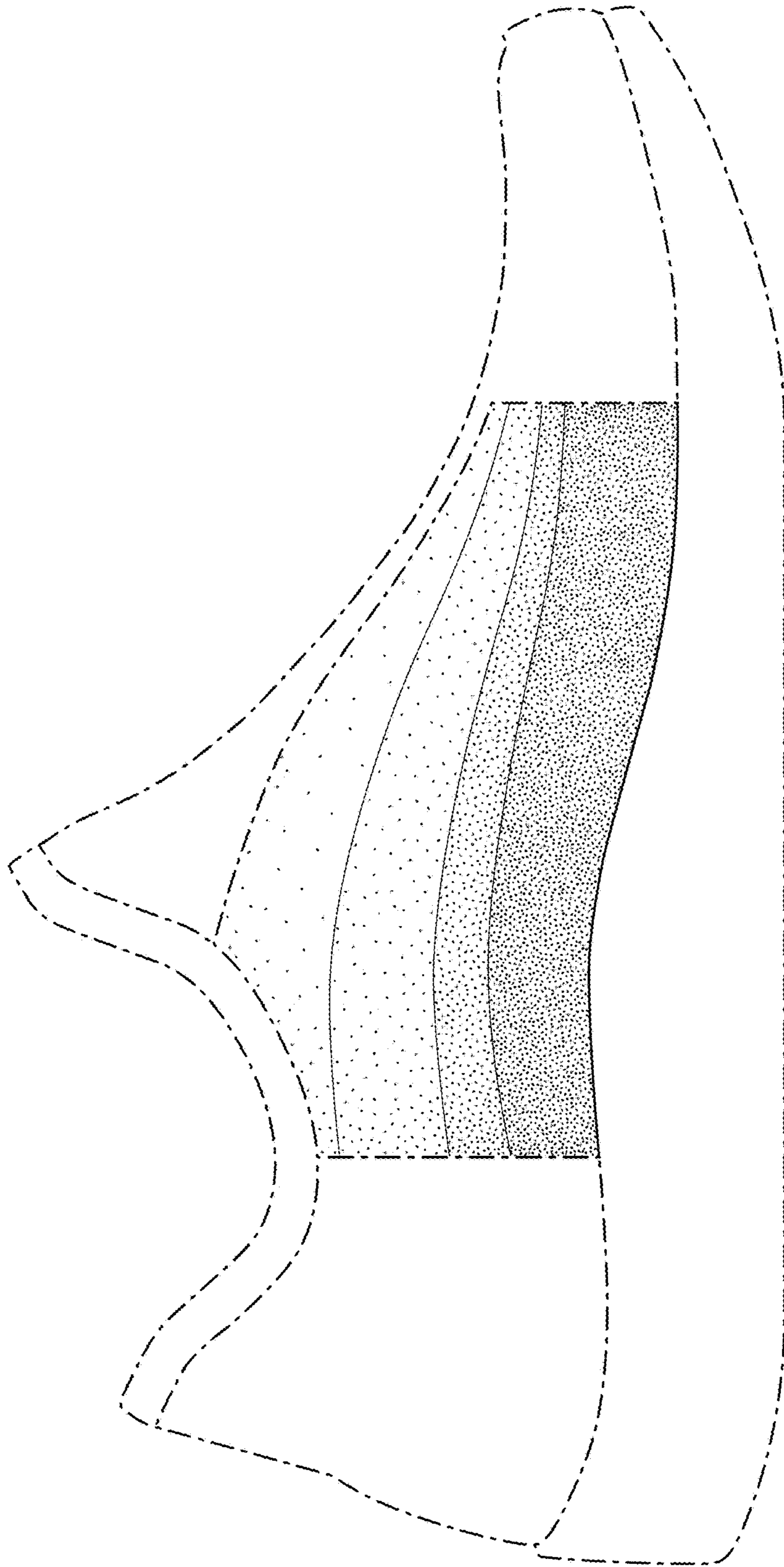


FIG. 11

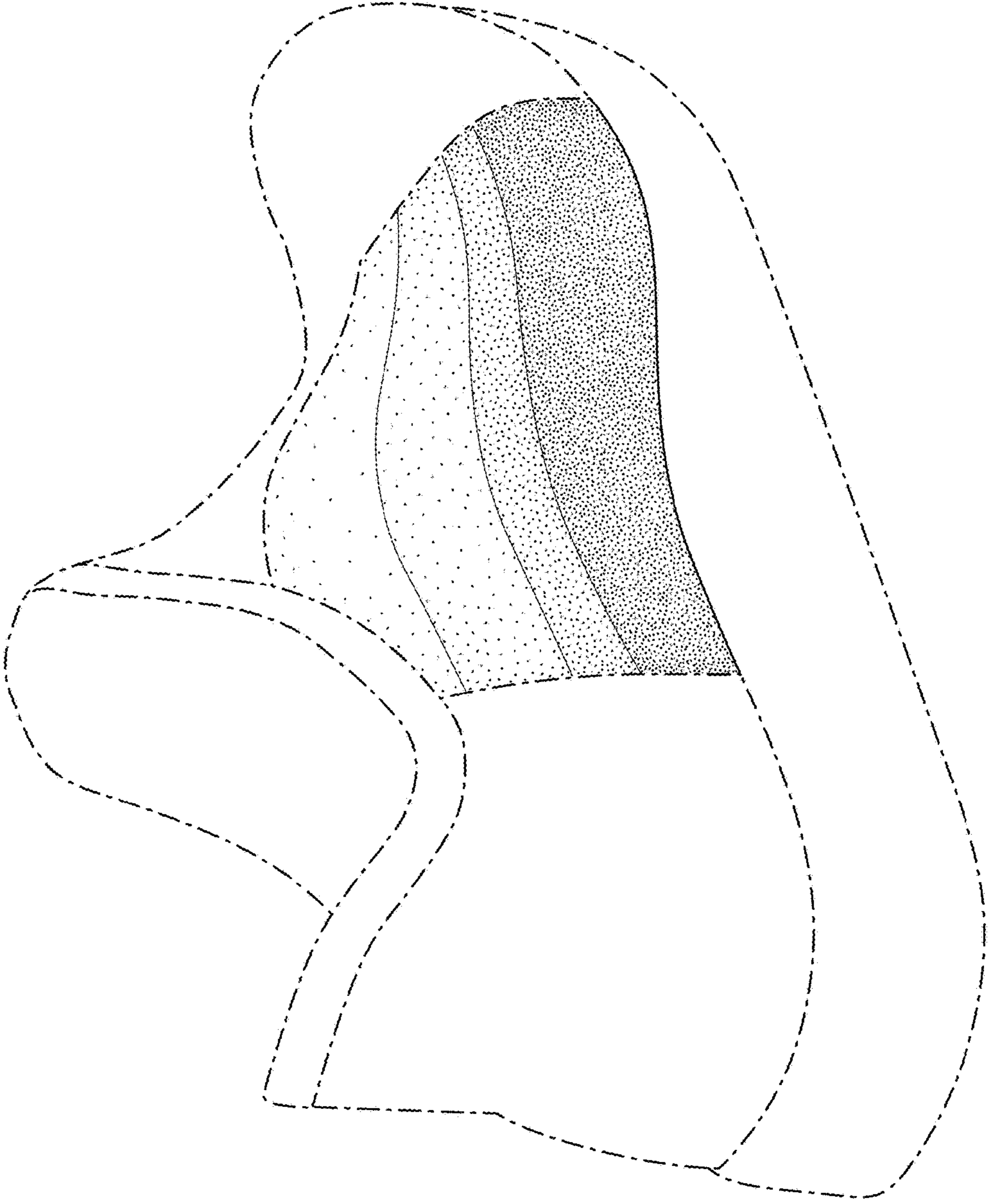


FIG. 12