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(12) **United States Design Patent** (10) **Patent No.:** **US D823,588 S**  
**Miner** (45) **Date of Patent:** **\*\* Jul. 24, 2018**

(54) **SHOE UPPER**

D668,033 S 10/2012 Shaffer  
D668,034 S 10/2012 Shaffer  
D672,135 S 12/2012 Williams, Jr.  
D676,643 S 2/2013 Lee  
D692,224 S 10/2013 Fogg  
D694,512 S 12/2013 James  
D694,516 S 12/2013 Anceresi et al.  
D696,853 S 1/2014 Martin  
D700,423 S 3/2014 Martin

(Continued)

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

(21) Appl. No.: **29/549,803**

(22) Filed: **Dec. 28, 2015**

(51) **LOC (11) Cl.** ..... **02-04**

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

(58) **Field of Classification Search**  
USPC ..... D2/969, 972-974, 902, 906-908, 909,  
D2/911-912, 943-945, 970; D5/47, 54,  
D5/63  
CPC ... A43B 3/0052; A43B 3/0057; A43B 3/0063;  
A43B 3/0068; A43B 3/0073; A43B 1/04;  
A43B 1/06; A43B 5/02; A43B 5/06;  
A43B 5/10; A43B 5/14; A43B 3/0047;  
A43C 3/00; A43C 7/06

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D132,351 S 5/1942 Boothby  
D378,242 S 3/1997 Smith  
D381,800 S 8/1997 Greene  
D385,043 S 10/1997 Worthington  
D386,607 S 11/1997 Selbiger  
D392,794 S 3/1998 Greene  
D444,938 S 7/2001 Smith  
D591,496 S 5/2009 Earle  
D667,211 S 9/2012 Shaffer  
D667,625 S 9/2012 Shaffer  
D667,626 S 9/2012 Shaffer  
D667,627 S 9/2012 Shaffer  
D668,031 S 10/2012 Shaffer  
D668,032 S 10/2012 Shaffer

**OTHER PUBLICATIONS**

“Men’s & Women’s Nike Air Zoom Structure 19 Release dates,”  
Nike Air Zoom Structure 19 pictured therein, as posted at  
SneakerBarDetroit.com [online], posted on Sep. 24, 2015 [site  
visited Jan. 5, 2017]. Available on the Internet, <URL: <http://sneakerbardetroit.com/nike-air-zoom-structure-19-release-dates/>>.\*

(Continued)

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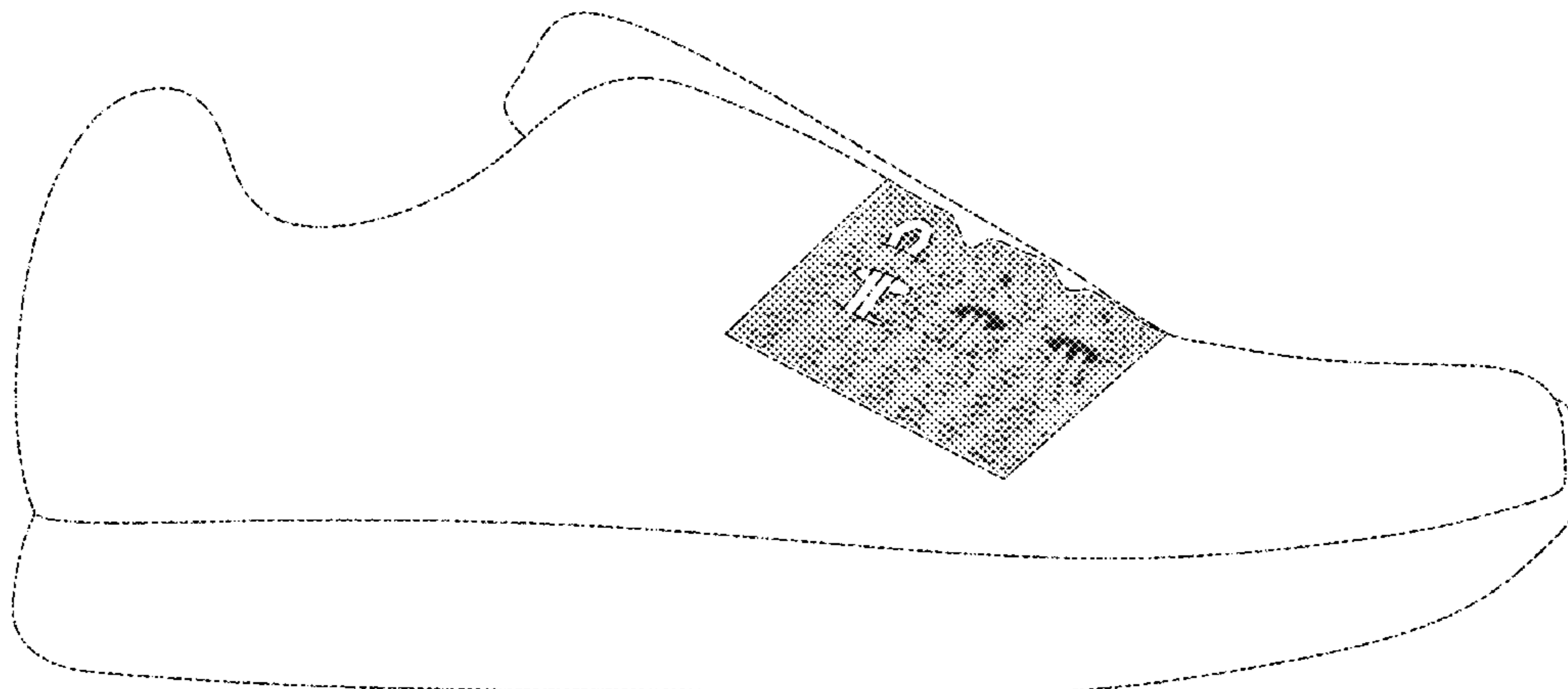
(57) **CLAIM**

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; and,  
FIG. 3 is a rear perspective view thereof.  
The photographic area is the claim. The broken lines immediately adjacent to the photographic area represent the bounds of the claimed design and form no part thereof. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D707,027 S	6/2014	Shaffer	
D707,028 S	6/2014	Parker et al.	
D707,032 S	6/2014	Martin	
D707,955 S	7/2014	Petrie	
D710,591 S	8/2014	Mervar	
D718,040 S	11/2014	Miner	
D722,224 S	2/2015	Williams, Jr.	
D722,225 S	2/2015	Williams, Jr.	
D738,097 S	* 9/2015	Miner	D2/973
D742,110 S	* 11/2015	Miner	D2/973
D747,865 S	* 1/2016	Gerig	D2/973
D752,331 S	* 3/2016	Williams, Jr.	D2/973
D752,332 S	* 3/2016	Williams, Jr.	D2/973
D762,965 S	* 8/2016	Miner	D2/973
D762,966 S	* 8/2016	Miner	D2/973
D765,384 S	* 9/2016	Williams, Jr.	D2/973
D765,385 S	* 9/2016	Williams, Jr.	D2/973
D778,587 S	* 2/2017	Lee	D2/973
D790,206 S	* 6/2017	O'Connor	D2/973
D794,313 S	* 8/2017	Yun	D2/973
D795,562 S	* 8/2017	Engel	D2/972

OTHER PUBLICATIONS

Nike Womens Air Zoom Structure 18, as posted at Amazon.com, first available on Aug. 22, 2015 [site visited Jan. 5, 2017]. Available

on the Internet, <URL: <https://www.amazon.com/Nike-Womens-Air-Zoom-Structure/dp/B014AYP8T4/>>.\*

“Nike Air Zoom 2015 Collection,” Nike Air Zoom Structure 19 pictured therein, as posted at SneakerBarDetroit.com [online], posted on Jun. 8, 2015 [site visited Jan. 3, 2017]. Available on the Internet, <URL: <http://sneakerbardetroit.com/nike-zoom-air-2015-collection/>>.\*

Nike Footwear Catalog, 2013 Fall Mens Performance Footwear, p. 11, published Nov. 2012, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall Mens Performance Footwear, p. 7, published Nov. 2012, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Fall City Specialty Footwear Best Final, p. 89, published Nov. 1, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Fall Sporting Goods Footwear Best, p. 9, published Nov. 1, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Holiday Men’s Performance Footwear, p. 5, published Feb. 1, 2014, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Holiday Men’s Performance Footwear, p. 9, published Feb. 1, 2014, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Spring Men’s Footwear Performance, p. 13, published May 22, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2014 Summer Sporting Goods Best, p. 10, published Aug. 15, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2015 Spring Nike Running Specialty, p. 89, published May 14, 2014, NIKE, Inc., USA.

\* cited by examiner

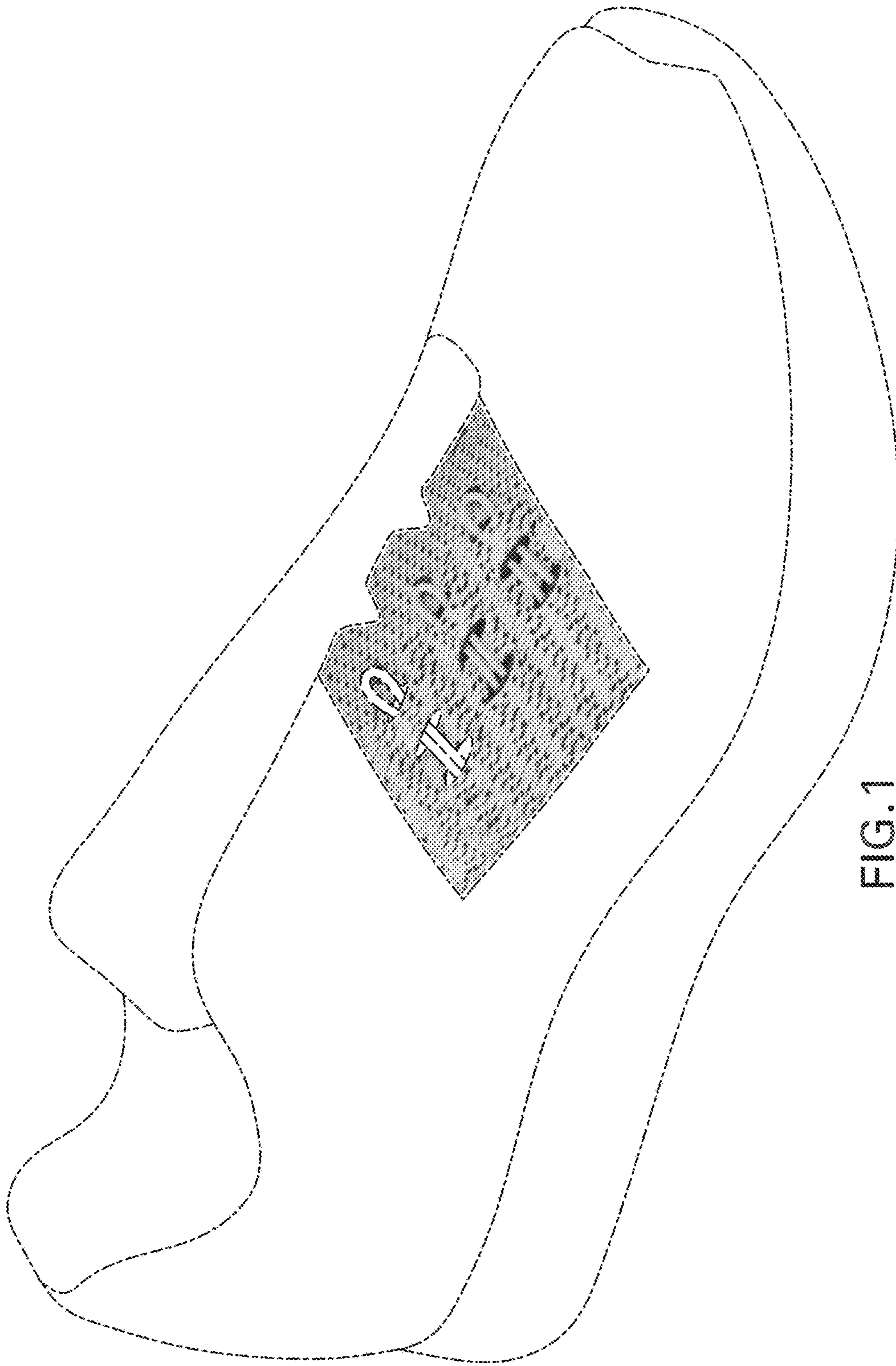


FIG. 1

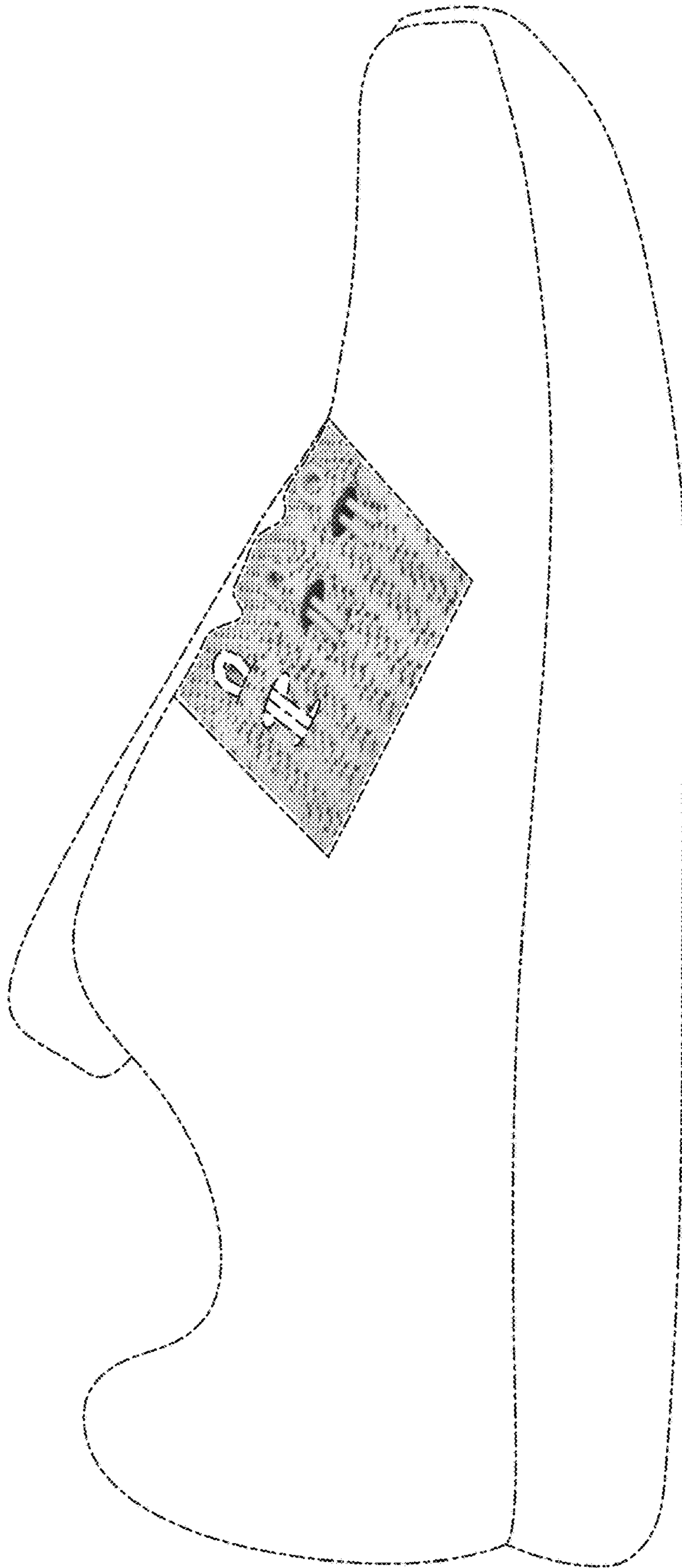


FIG. 2

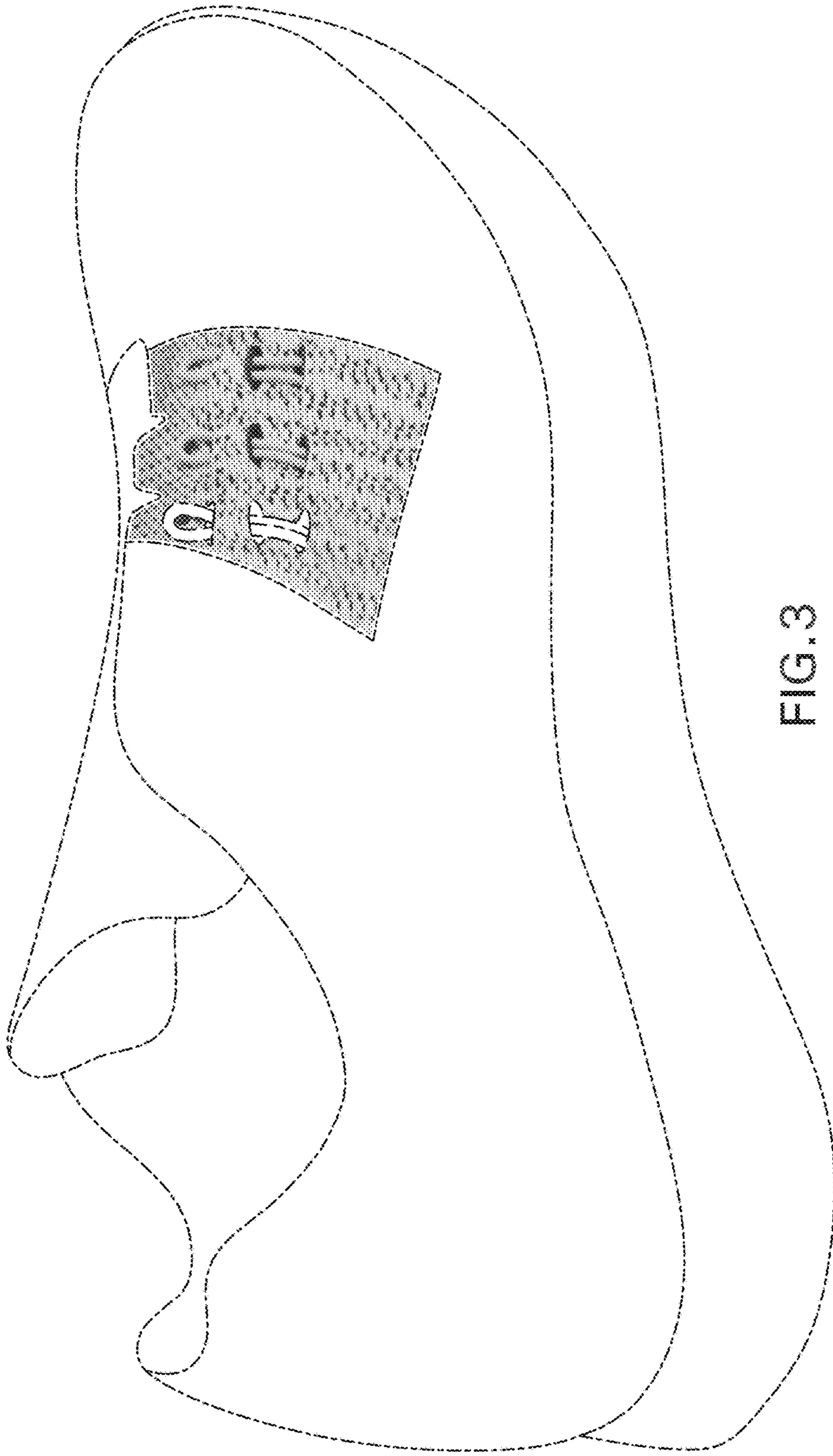


FIG. 3