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(12) **United States Design Patent**
Van Atta

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(54) **SHOE UPPER**
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(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
(**) Term: **15 Years**

D747,088 S * 1/2016 Tisci D2/972
D747,599 S * 1/2016 Woodman
D765,378 S * 9/2016 Seamarks D2/972
D765,379 S * 9/2016 Woodman
D767,865 S * 10/2016 Chang D2/972
D767,871 S * 10/2016 Avar D2/972
D772,556 S * 11/2016 Woodman
D781,537 S * 3/2017 Ungania D2/911
D783,998 S * 4/2017 Anceresi D2/972

(Continued)

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(51) **LOC (11) Cl.** **02-04**
(52) **U.S. Cl.**
USPC **D2/972**
(58) **Field of Classification Search**
USPC D2/902, 906–912, 943–947, 964,
D2/968–969, 970, 972–974, 977, 980,
D2/983–986, 994, 901; D24/192;
D5/1–3, 47, 53, 61
CPC ... A43B 3/0047; A43B 3/0052; A43B 3/0057;
A43B 3/0063; A43B 3/0068; A43B
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A43B 5/14; A43B 23/0245; A43B
13/125; A43B 13/186; A43C 3/00; A43C
7/06

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

387,035 A * 7/1888 Basch A43B 5/08
36/25 R
D302,763 S * 8/1989 Kilgore D2/972
D412,780 S * 8/1999 Hatfield D2/972
D693,102 S * 11/2013 Hoffer D2/969
D708,830 S * 7/2014 Williams, Jr.
D709,276 S * 7/2014 de Montgolfier
D710,585 S * 8/2014 Ho D2/972
D713,635 S * 9/2014 de Montgolfier D2/972
D715,530 S * 10/2014 de Montgolfier
D718,034 S * 11/2014 Hardman D2/972

OTHER PUBLICATIONS

“Next-Gen Nike Hypervenom Phantom III Released,” Nike Hypervenom Phantom III DF 2017 pictured therein, as posted at FootyHeadlines.com [online], posted on Jan. 16, 2017, [site visited Nov. 20, 2017]. Available from the Internet, <URL: <http://www.footyheadlines.com/2016/07/nike-hypervenom-phantom-iii-2017-boots.html>>.*

(Continued)

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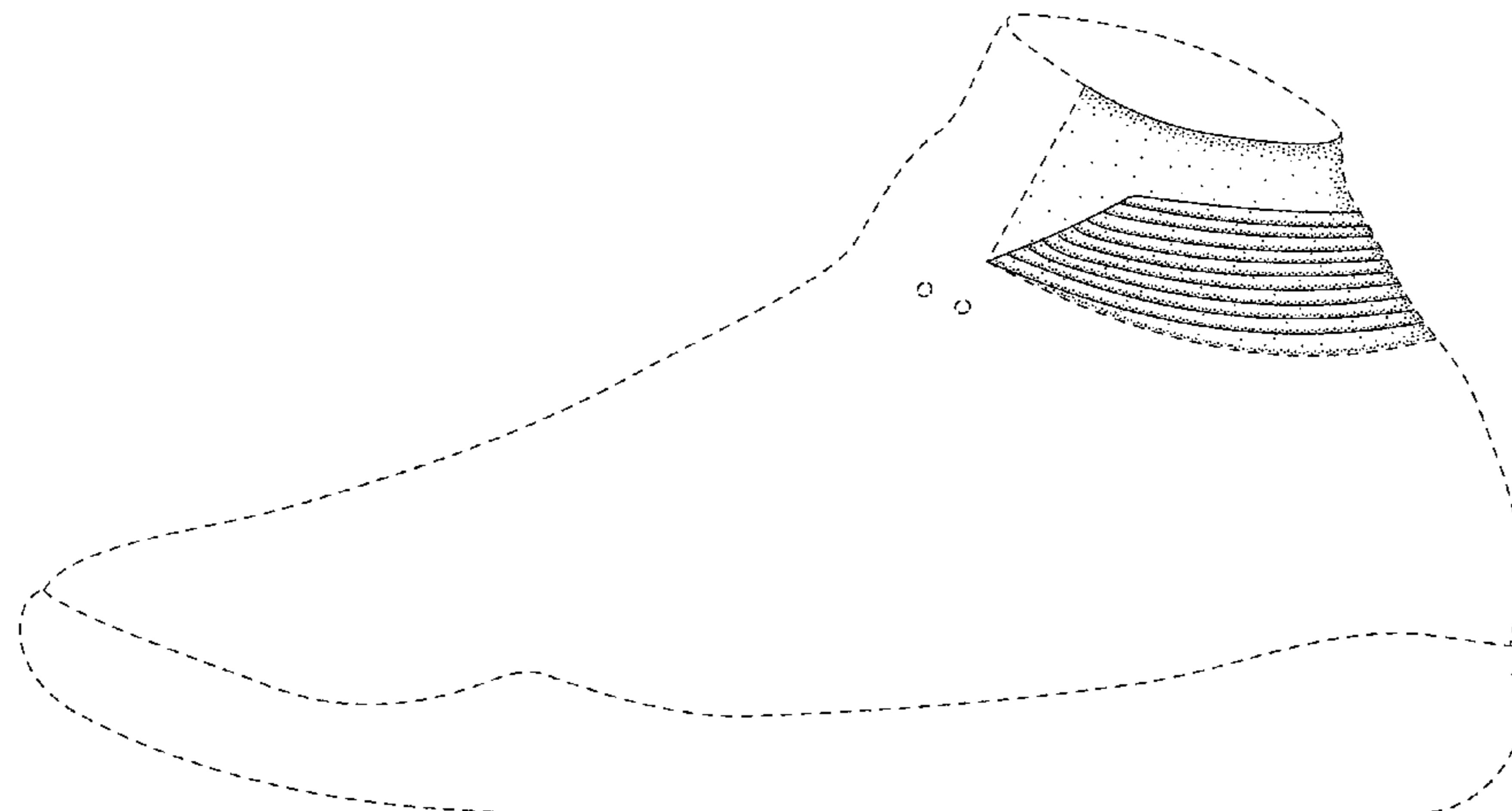
(57) **CLAIM**

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;
FIG. 3 is a front view thereof;
FIG. 4 is a rear view thereof; and,
FIG. 5 is a top view thereof.
The broken lines immediately adjacent to the shaded area define the bounds of the claimed design and form no part thereof. The broken lines showing the remainder of the shoe are for environmental purposes and form no part of the claimed design.

1 Claim, 5 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D785,920 S * 5/2017 Lee D2/972
D787,798 S * 5/2017 Portzline D2/970
D793,066 S * 8/2017 Hardman D2/972
D811,071 S * 2/2018 Small D2/972

OTHER PUBLICATIONS

“Nike Revamps the Free RN Motion Flyknit for Summer 2017,”
Nike Free RN Motion Flyknit 2 pictured therein, as posted at
SneakerBarDetroit.com [online], posted on Mar. 12, 2017, [site
visited Nov. 6, 2017]. Available from the Internet, <URL: [https://
sneakerbardetroit.com/nike-free-rn-motion-flyknit-2/](https://sneakerbardetroit.com/nike-free-rn-motion-flyknit-2/)>.*

Grey Nike Hypervenomx Proximo 2015 Boots Revealed [online],
[retrieved Apr. 19, 2017], Retrieved from Internet <URL: [http://
www.footyheadlines.com/2015/04/nike-hypervenomx-proximo-2015-
boots.html](http://www.footyheadlines.com/2015/04/nike-hypervenomx-proximo-2015-boots.html)>; 5 color sheets, Dated Jun. 5, 2015.

Nike Hypervenom Phantom II SG-Pro Anti Clog Traction [online],
[retrieved Apr. 19, 2017], Retrieved from Internet <URL: [http://
www.footballshirtculture.com/Football-boots/nike-hypervenom-
phantom-ii-sg-pro-anti-clog-traction.html](http://www.footballshirtculture.com/Football-boots/nike-hypervenom-phantom-ii-sg-pro-anti-clog-traction.html)>; 8 color sheets, Dated
Apr. 30, 2016.

Nike Hypervenom Phatal II DF LTR FG [online], [retrieved Apr. 26,
2017], Retrieved from Internet <URL: [http://www.prodirectsoccer.
com/products/Nike-Hypervenom-Phatal-II-Df-Ltr-FG-Mens-Football-
Boots-Firm-Ground-Black-BlackTotal-OrangeTotal-Orange-107879.
aspx](http://www.prodirectsoccer.com/products/Nike-Hypervenom-Phatal-II-Df-Ltr-FG-Mens-Football-Boots-Firm-Ground-Black-BlackTotal-OrangeTotal-Orange-107879.aspx)>; 8 color sheets, Date unknown but prior to Aug. 24, 2016.

* cited by examiner

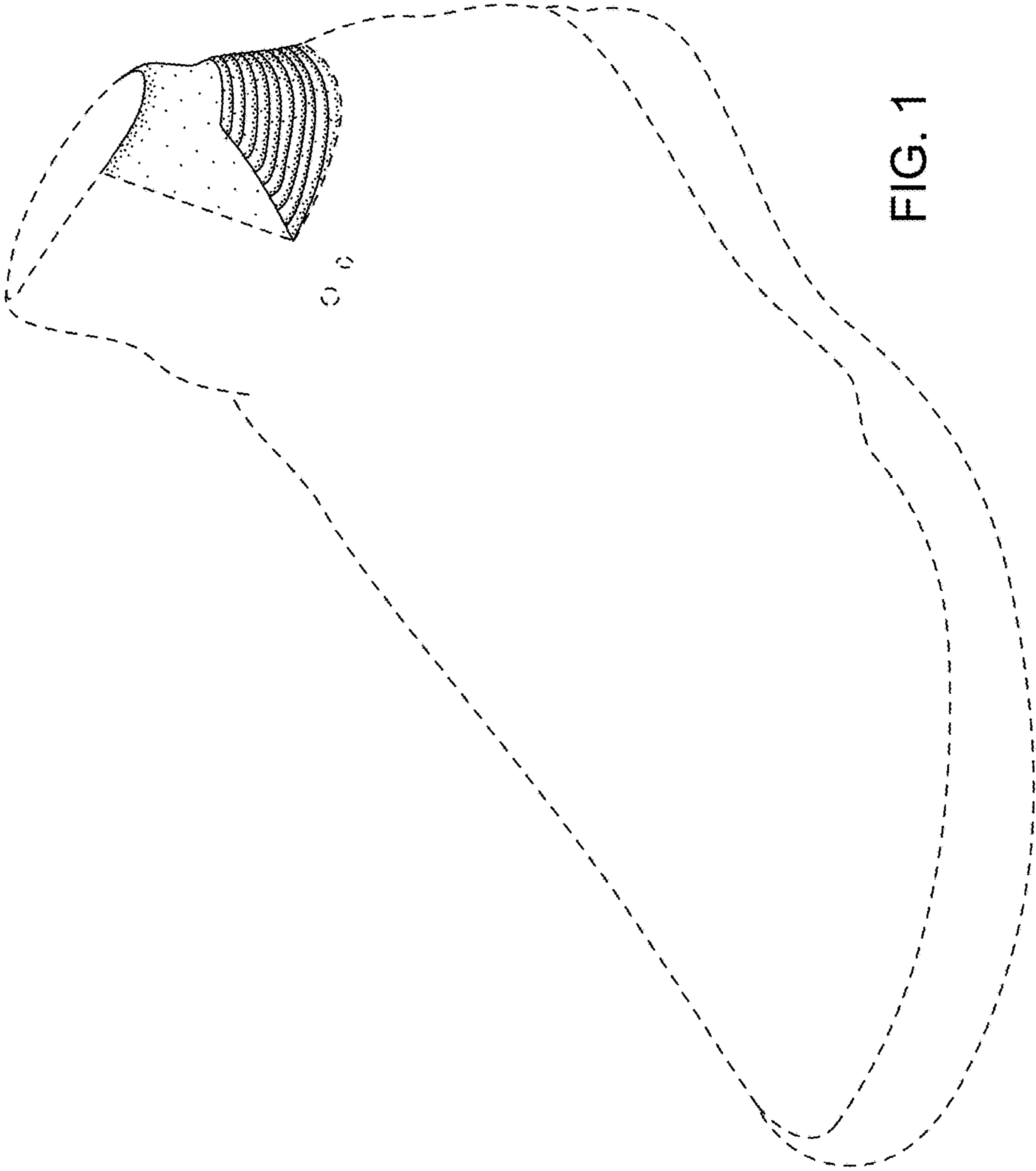


FIG. 1

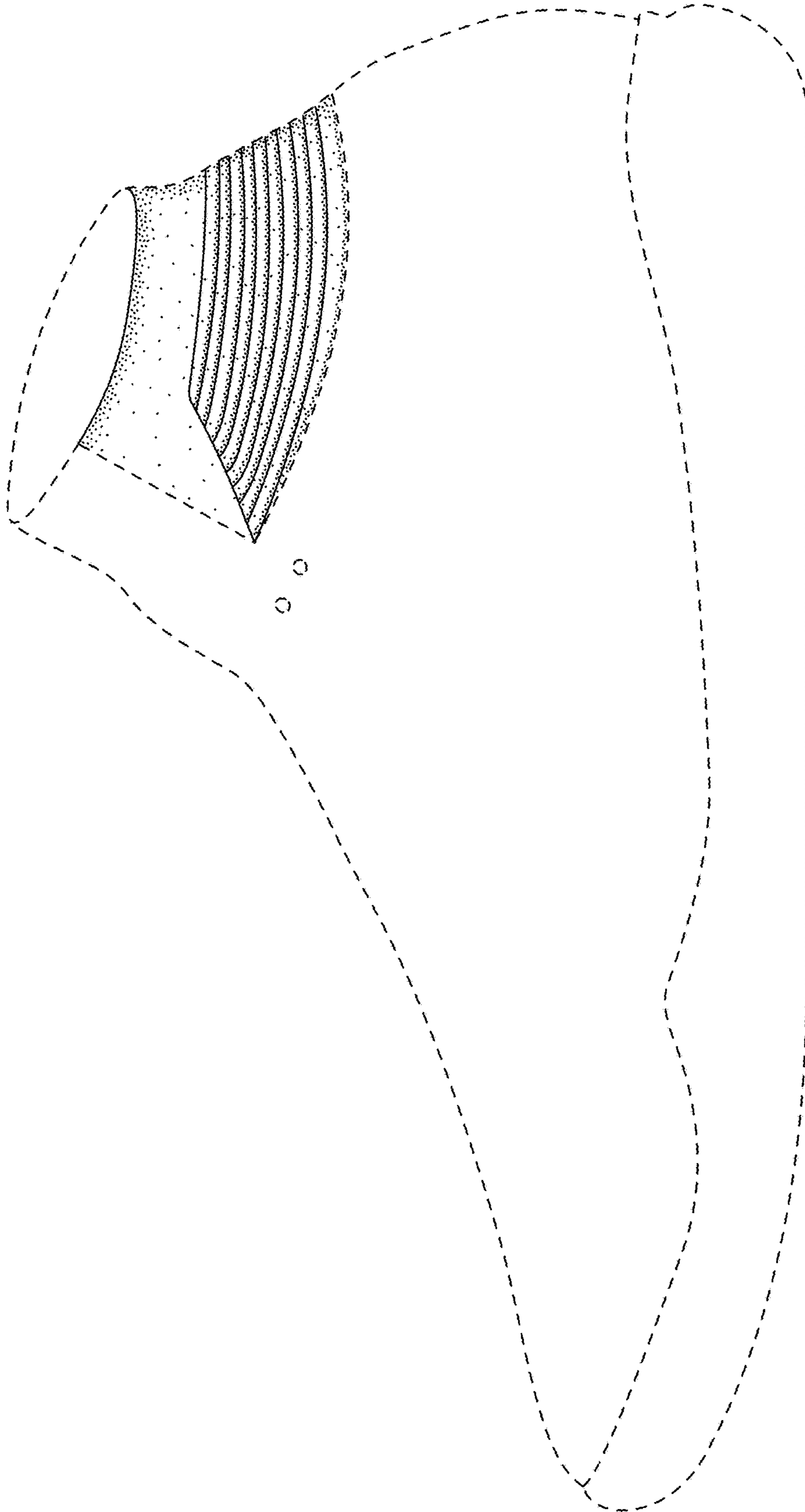


FIG. 2

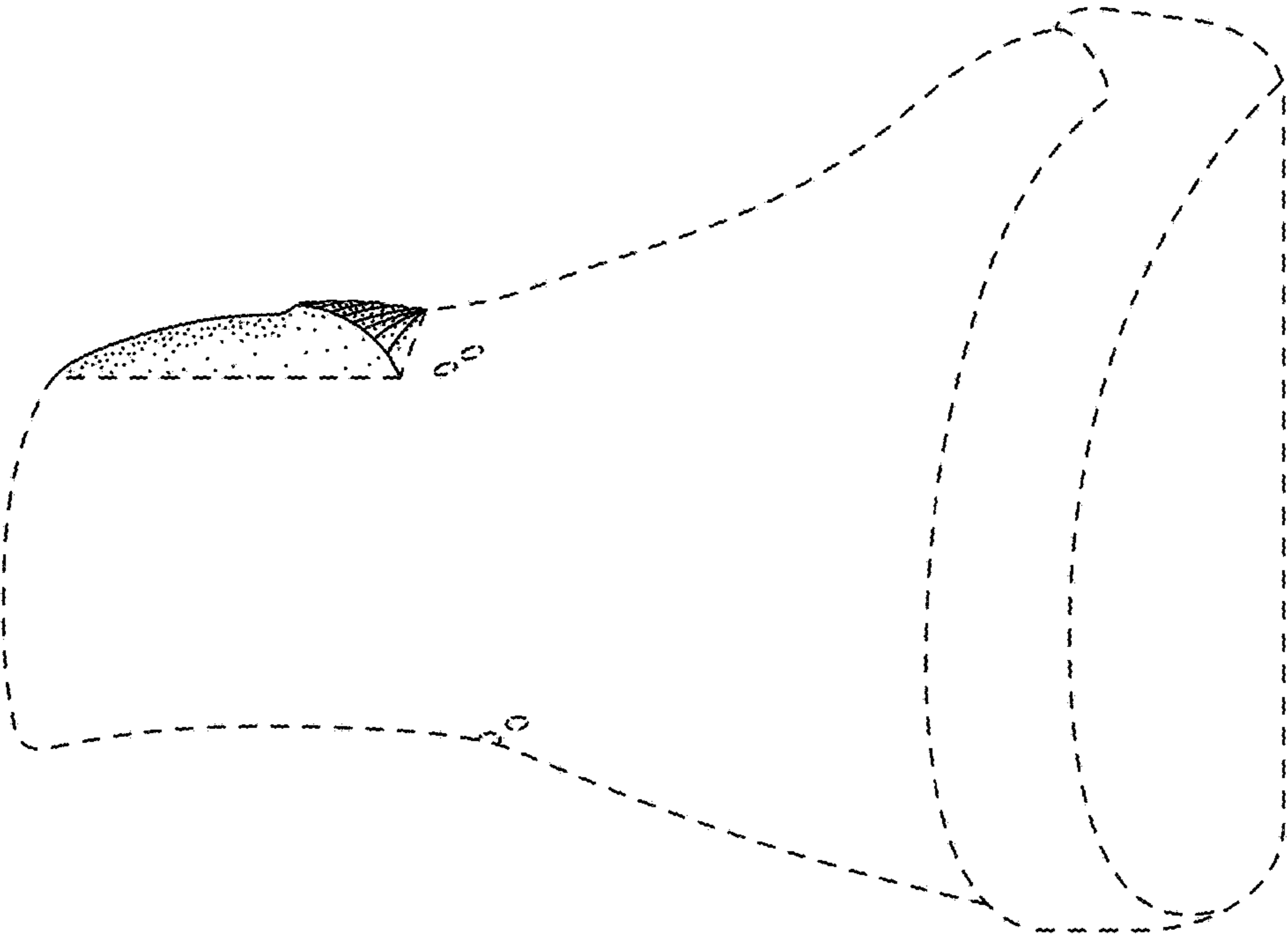


FIG. 3

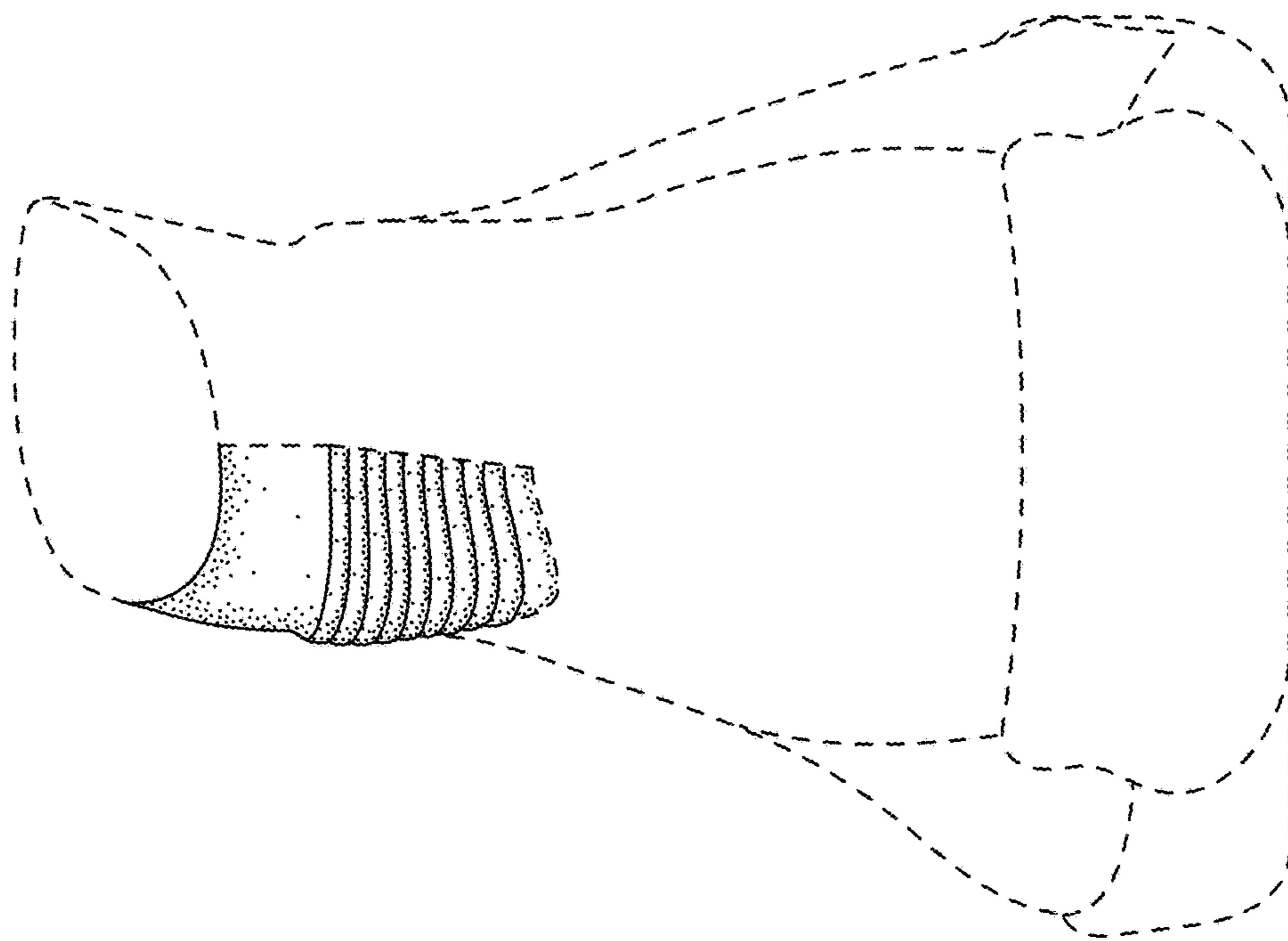


FIG. 4

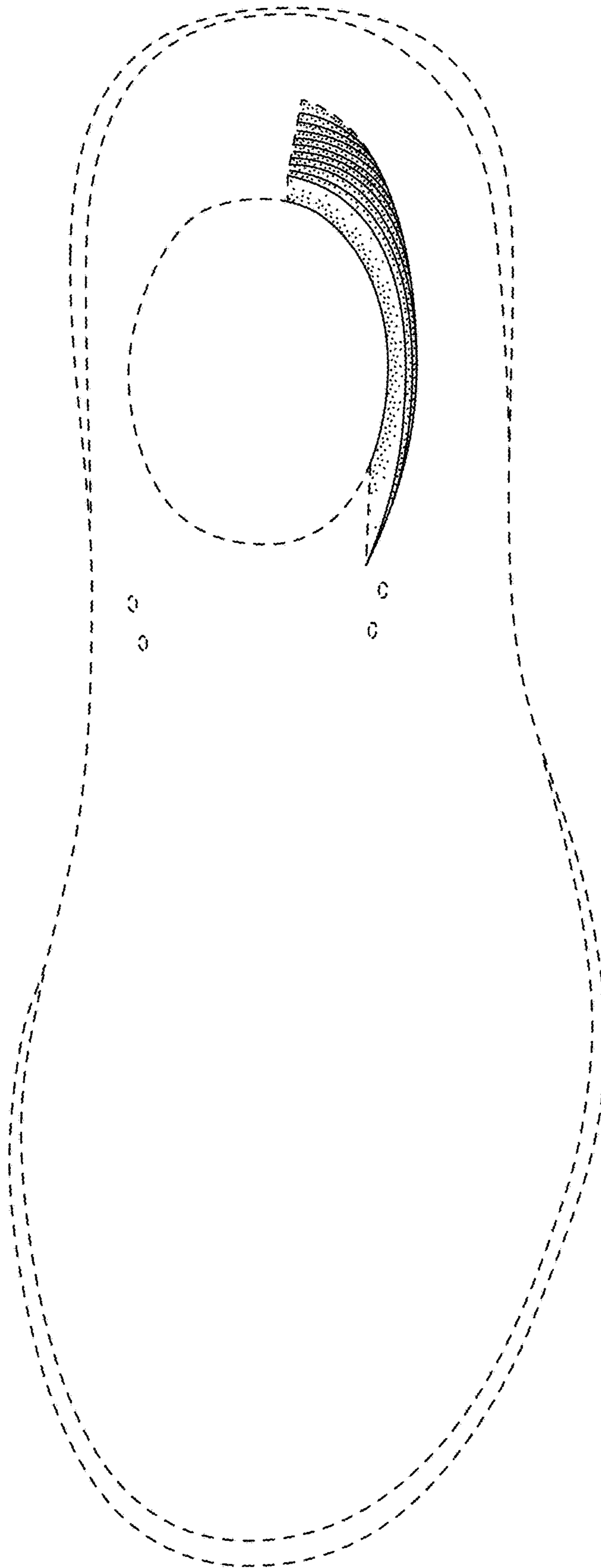


FIG. 5