

US00D943263S

(12) **United States Design Patent** (10) **Patent No.:** **US D943,263 S**  
**Gerke** (45) **Date of Patent:** **\*\* Feb. 15, 2022**

(54) **FOOTWEAR UPPER**

(71) Applicant: **Deckers Outdoor Corporation**, Goleta, CA (US)

(72) Inventor: **Seth Gerke**, Santa Barbara, CA (US)

(73) Assignee: **DECKERS OUTDOOR CORPORATION**, Goleta, CA (US)

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

(21) Appl. No.: **29/745,147**

(22) Filed: **Aug. 4, 2020**

(51) **LOC (13) Cl.** ..... **02-04**

(52) **U.S. Cl.**  
USPC ..... **D2/970; D2/910**

(58) **Field of Classification Search**  
USPC ..... D2/896, 900, 909-912, 943-946,  
D2/969-974

CPC ..... A43B 3/16; A43B 3/02; A43B 3/00  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D349,395 S *	8/1994	Kelchak	.....	D2/912
D526,115 S *	8/2006	Ferraresso	.....	D2/970
D587,891 S *	3/2009	Minami	.....	D2/972
D602,682 S *	10/2009	Joules	.....	D2/910
D646,051 S *	10/2011	Estrada	.....	D2/970
D687,625 S *	8/2013	Aveni	.....	D2/972
D761,526 S *	7/2016	Siegel	.....	D2/908
D782,788 S *	4/2017	Cook	.....	D2/909
D809,762 S *	2/2018	Wright	.....	D2/972
D838,945 S *	1/2019	Spring	.....	D2/910
D900,460 S *	11/2020	VanHook	.....	D2/972
D929,708 S *	9/2021	Shevchuk	.....	D2/910

**OTHER PUBLICATIONS**

Teva Blog, "Behind the Design: The Ember Moc", Aug. 31, 2017  
<https://www.teva.com/blog?postid=embermoc>

HiConsumption, "Teva Ember Lace Alpine Slippers", Aug. 20, 2018 <https://hiconsumption.com/teva-ember-lace-alpine-slippers/>.  
Teva Ember Moc 2, on sale at least as early as Sep. 1, 2019 <https://hellojapan.shop/en/men/49646-teva-ember-moc-2-burnt-olive-18fw-i.html>.

Teva Men's Ember Mid with zipper, on sale at least as early as Sep. 1, 2019 [https://mountainhighoutfitters.com/mens-ember-mid-1103234.html?gclid=EAIaIQobChMI6JWH153D6gIVRR6tBh2TrA-NEAQYAvABEgJ\\_q\\_D\\_BwE](https://mountainhighoutfitters.com/mens-ember-mid-1103234.html?gclid=EAIaIQobChMI6JWH153D6gIVRR6tBh2TrA-NEAQYAvABEgJ_q_D_BwE).

Teva Women's Ember Mid with goring, on sale at least as early as Sep. 1, 2019 <https://www.teva.com/women-boots/ember-mid/1106209.html#q=ember%20mid&start=3&cgid=>.

Teva Kids Ember Mid with going, on sale at least as early as Sep. 1, 2019 <https://www.teva.com/kids-children/ember-mid/1103203C.html#q=ember%20mid&start=7&cgid=>.

\* cited by examiner

*Primary Examiner* — Rashida C. Walshon

(74) *Attorney, Agent, or Firm* — Greer, Burns & Crain, Ltd.

(57) **CLAIM**

The ornamental design for a footwear upper, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of a footwear upper showing my new design;

FIG. 2 is a side elevational view thereof;

FIG. 3 is an opposite side elevational view thereof;

FIG. 4 is a front elevational view thereof;

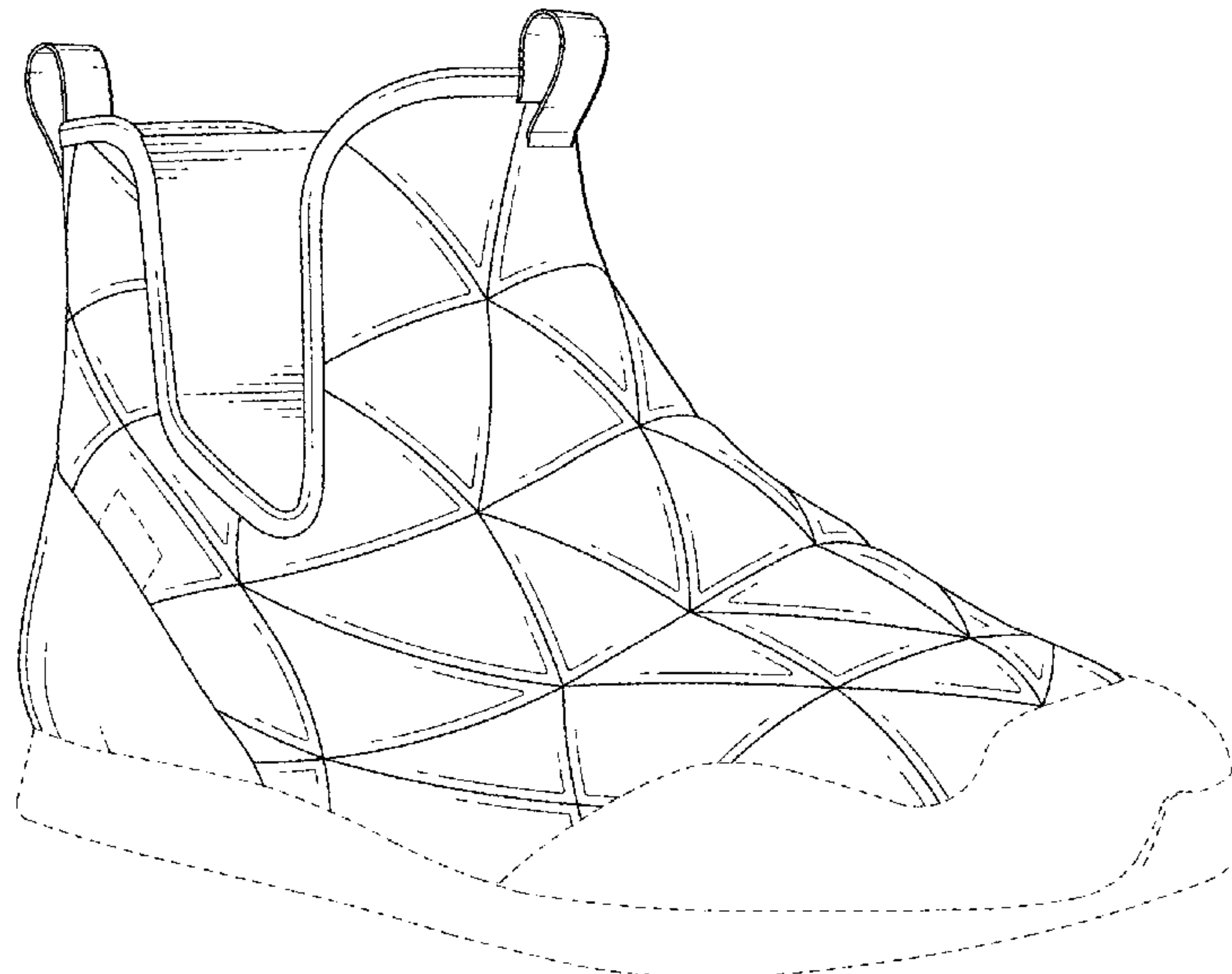
FIG. 5 is a rear elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

The broken lines in FIGS. 1-7 represent portions of the footwear that form no part of the claimed design. The broken lines which define the bounds of the claimed design form no part thereof.

**1 Claim, 3 Drawing Sheets**



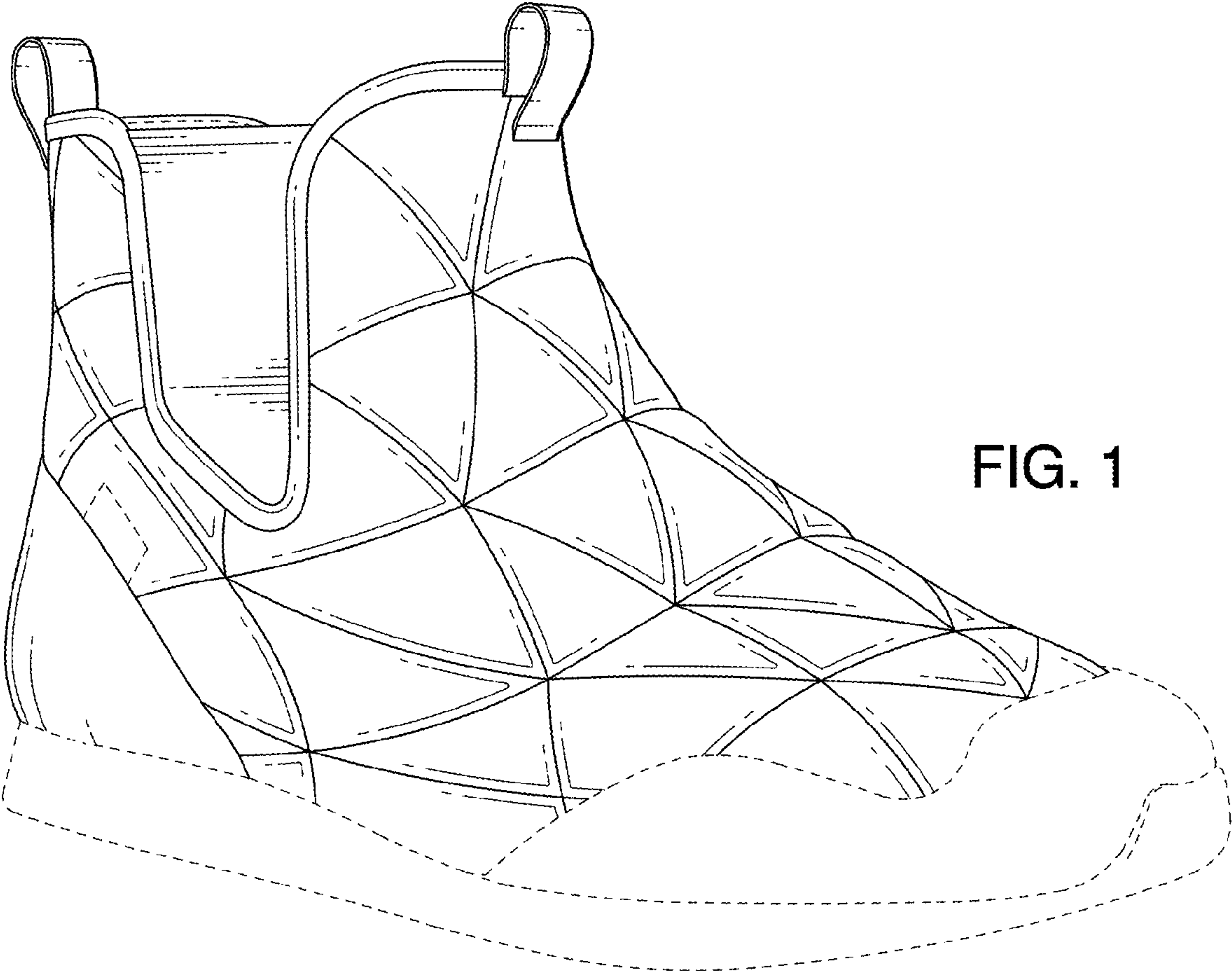


FIG. 1

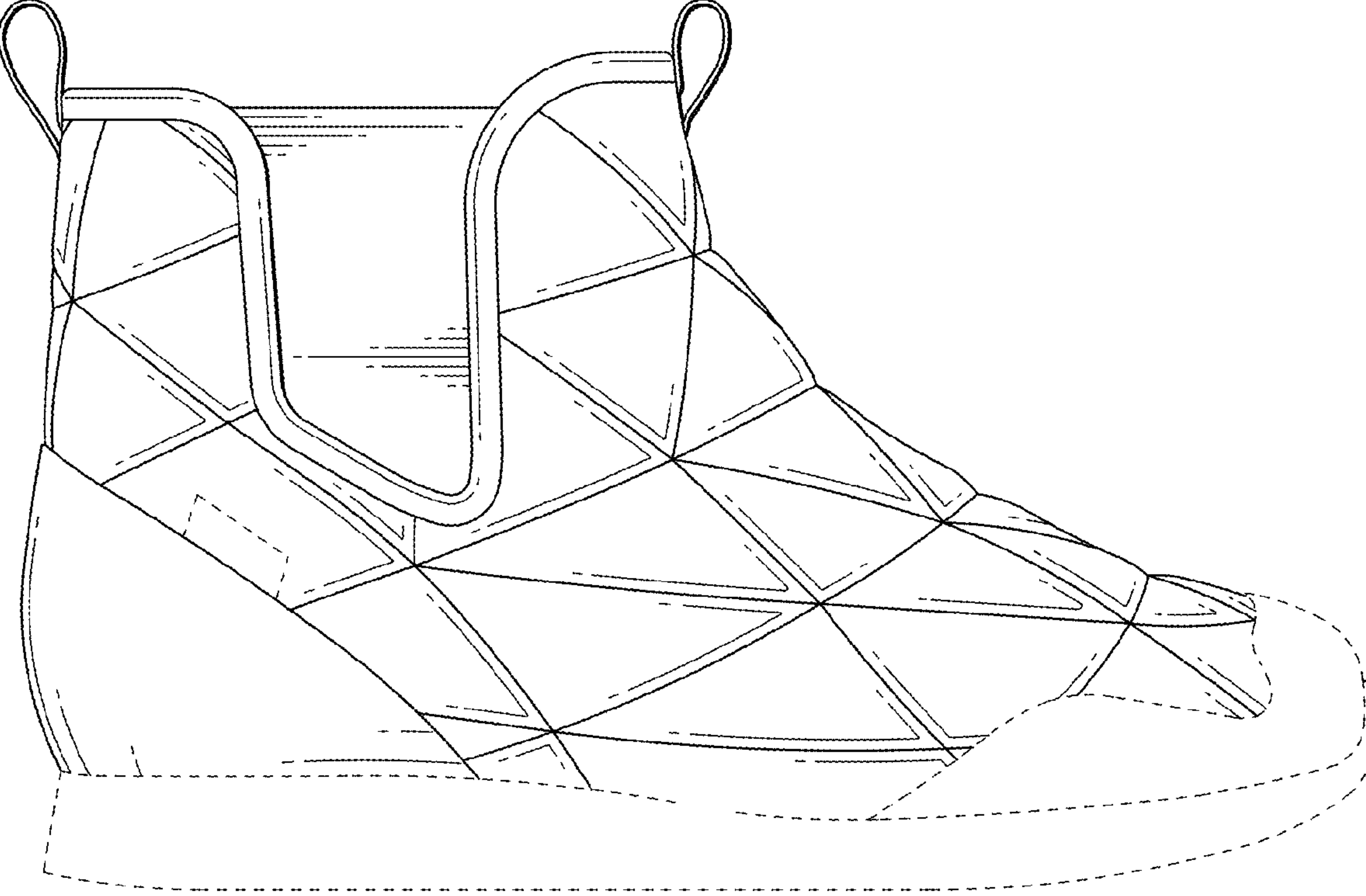


FIG. 2



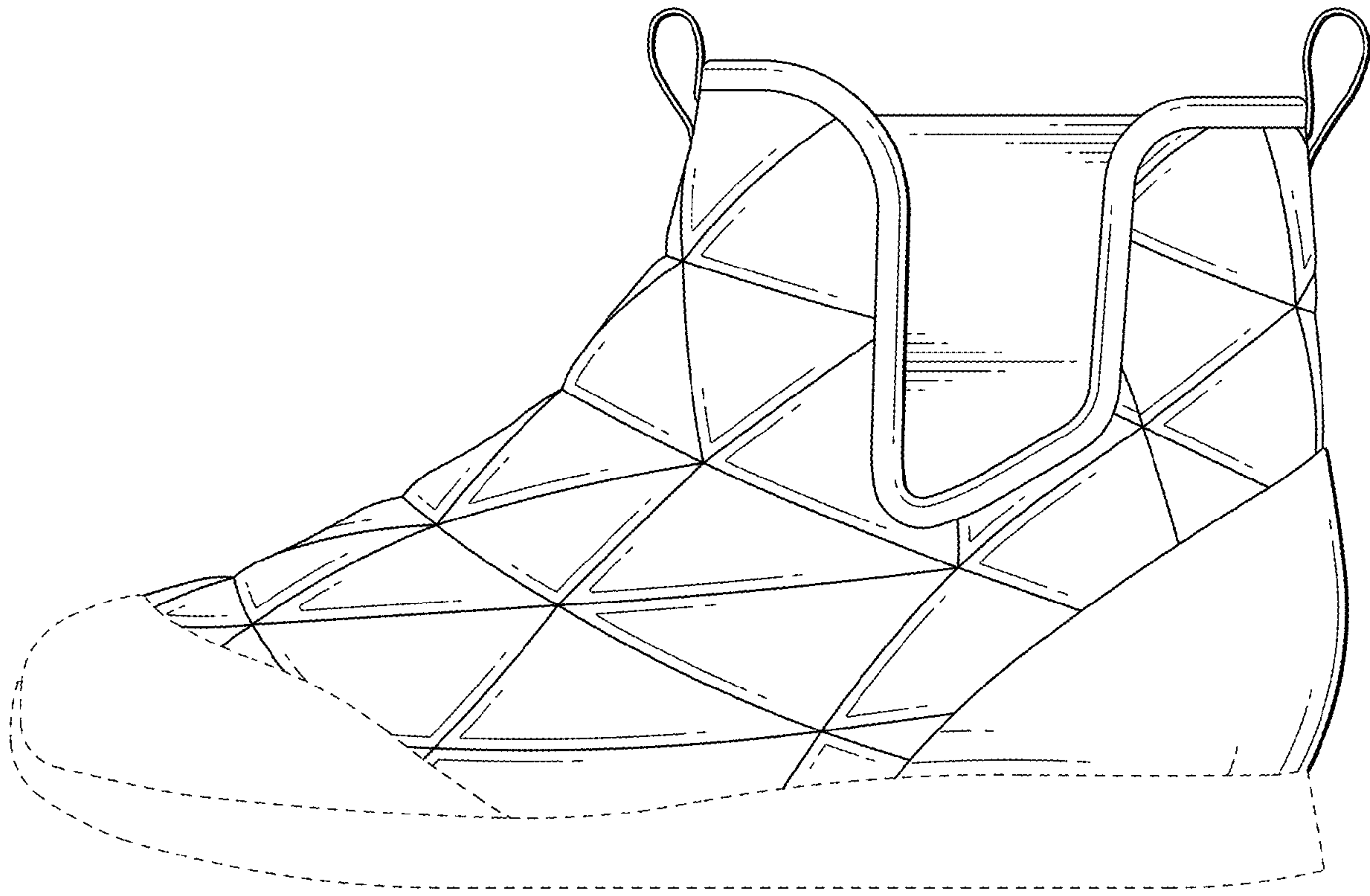


FIG. 3

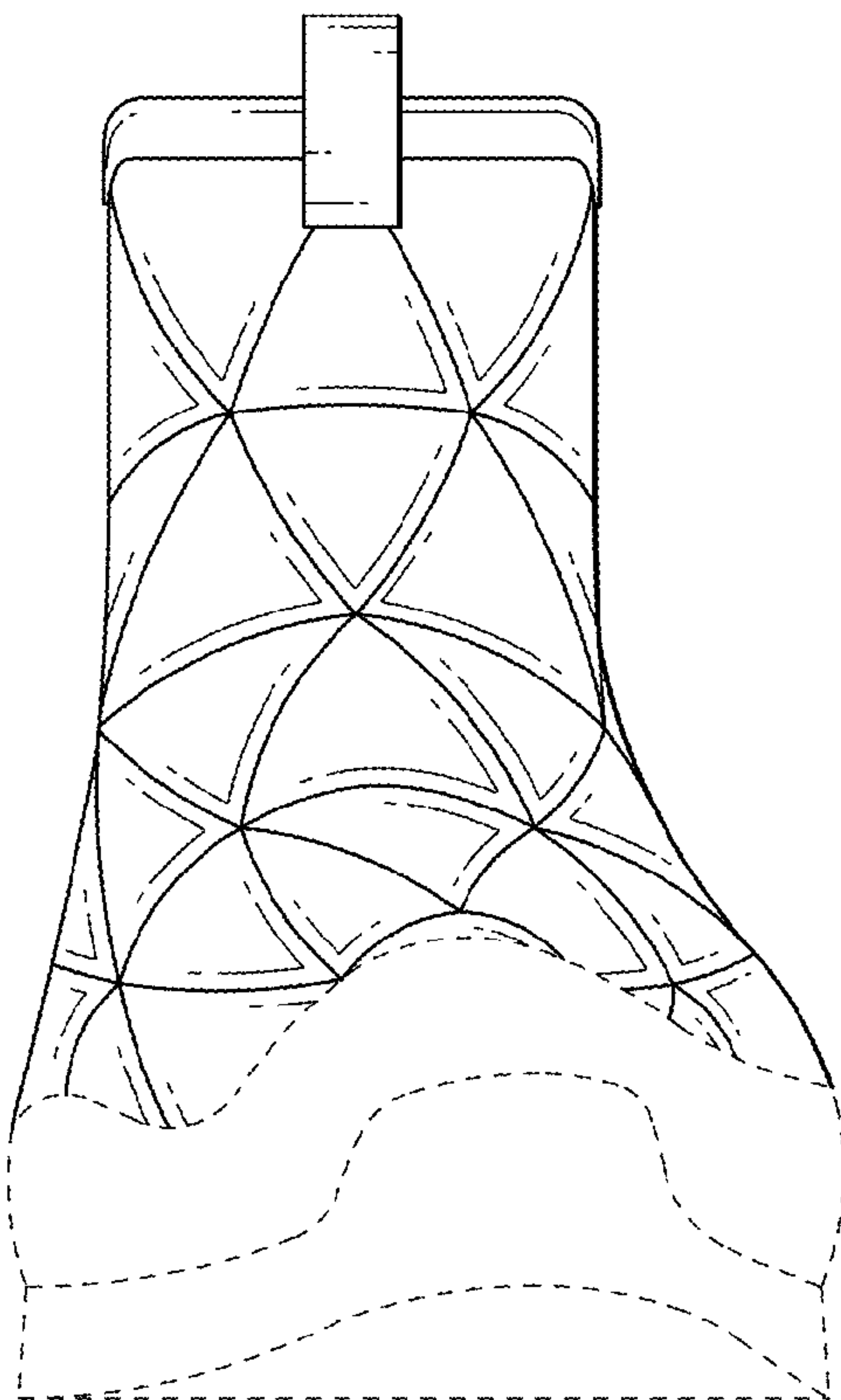


FIG. 4

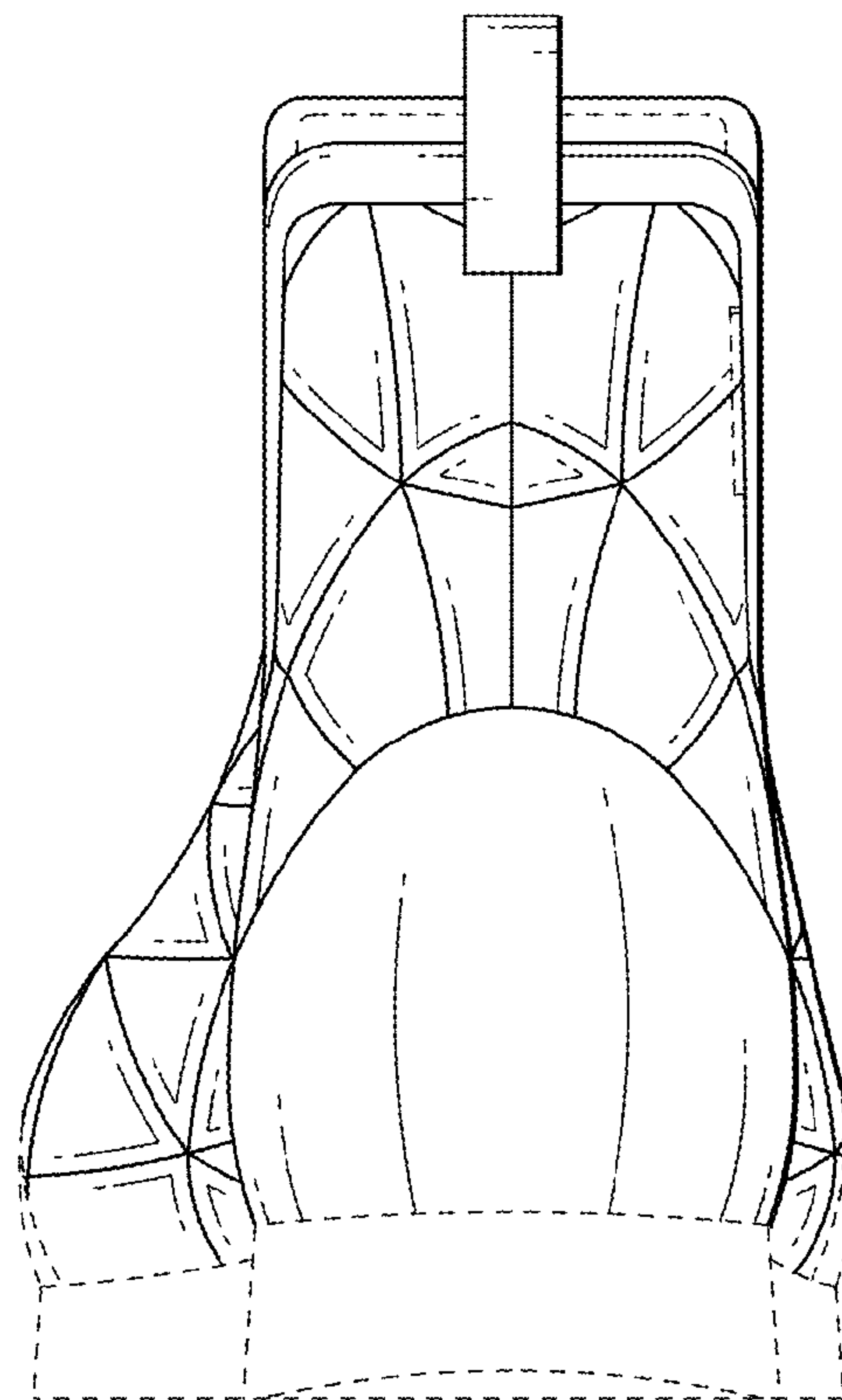


FIG. 5

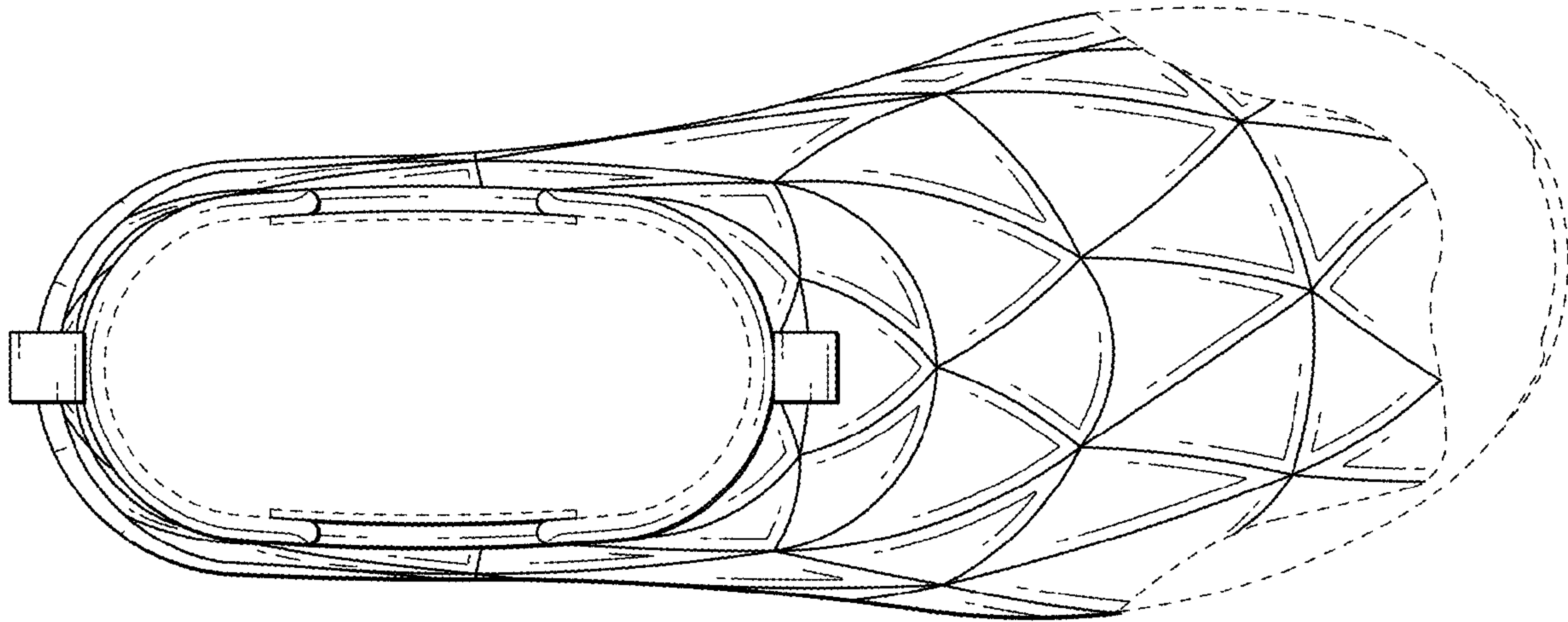


FIG. 6

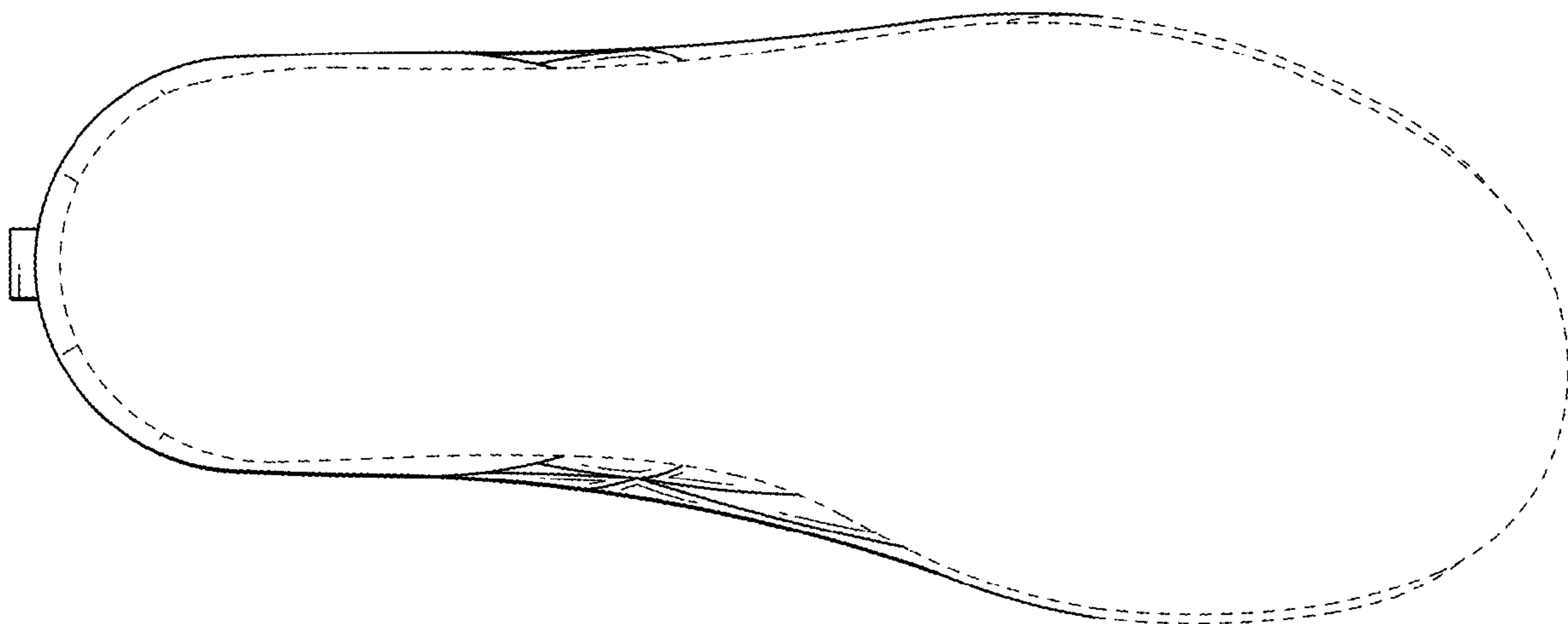


FIG. 7