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

(10) **Patent No.:** **US D645,241 S**

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(54) **SHOE UPPER**

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

(**) Term: **14 Years**

(21) Appl. No.: **29/393,193**

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(51) **LOC (9) Cl.** **02-99**

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

(58) **Field of Classification Search** D2/896,
D2/902, 906-908, 943, 944, 969, 972-974;
36/45-49, 50.1, 77 M, 77 R, 83, 88, 113,
36/114, 126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,894,939 A	1/1933	Brown et al.	
D112,009 S	11/1938	Ullman	
D226,882 S	5/1973	Powers	
4,222,183 A	9/1980	Haddox	
D325,811 S	5/1992	Backus et al.	
D338,550 S	8/1993	Koszelak	
D339,449 S	9/1993	Hatfield	
D341,703 S	* 11/1993	Hatfield et al.	D2/973
D342,600 S	12/1993	Hatfield et al.	
D342,604 S	12/1993	Avar	
D347,724 S	* 6/1994	Teague	D2/969
D349,394 S	8/1994	Hatfield	
D350,222 S	9/1994	Hase	
D368,578 S	4/1996	Smith	
D377,263 S	1/1997	Lucas	
D377,414 S	1/1997	Hatfield	
D377,712 S	2/1997	Avar et al.	
D397,855 S	9/1998	Clarke	
D398,756 S	* 9/1998	Tong	D2/972
D398,760 S	* 9/1998	Rask	D2/972
D428,246 S	7/2000	McCourt	
D431,714 S	10/2000	Hatfield et al.	
D450,438 S	11/2001	Dolan	

D495,866 S	9/2004	Holmes
D496,152 S	9/2004	Doxey
D498,580 S	11/2004	Schambra
D500,197 S	12/2004	Young

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog: Fall 1993, pp. 8 and 28, published Dec. 1992, Nike, Inc., USA.

(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 first embodiment of a shoe upper showing my new design;

FIG. 2 is a side view thereof;

FIG. 3 is a rear perspective view thereof;

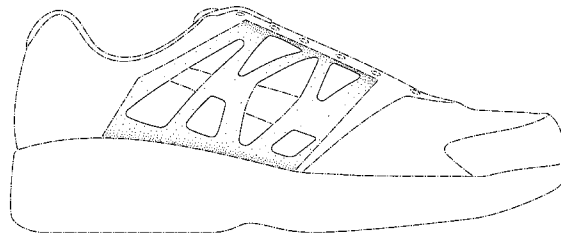
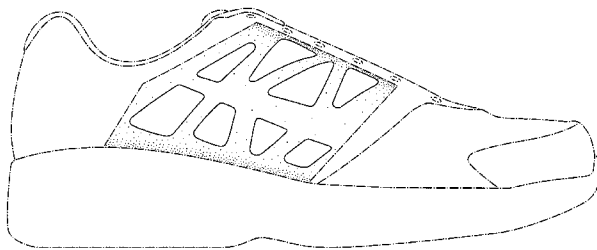
FIG. 4 is a front perspective view of a second embodiment of a shoe upper showing my new design;

FIG. 5 is a side view thereof; and,

FIG. 6 is a rear perspective view thereof.

The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The unshaded areas inside of the eight geometric regions demarcated by solid lines in FIGS. 1-3 form no part of the claimed design. The unshaded areas inside of the four geometric regions demarcated by solid lines in FIGS. 4-6 form no part of the claimed design. The unshaded areas inside of the two geometric regions demarcated by solid and broken lines in FIGS. 4-6 form no part of the claimed design. The broken lines showing the remainder of the shoe in FIGS. 1-6 are for environmental purposes only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets



U.S. PATENT DOCUMENTS

D500,199	S	12/2004	Clegg	
6,862,820	B2	3/2005	Farys et al.	
D512,213	S	12/2005	Hlavacs	
D513,855	S	1/2006	Rask	
D514,800	S	2/2006	Fogg	
D516,795	S *	3/2006	Tresser	D2/972
D517,794	S	3/2006	Shin	
D522,730	S	6/2006	Holmes	
D522,735	S	6/2006	Mermet	
D527,883	S *	9/2006	Holmes	D2/972
D531,397	S *	11/2006	Smith	D2/972
D537,617	S *	3/2007	Hlavacs	D2/972
D539,019	S *	3/2007	Matis et al.	D2/969
D546,052	S	7/2007	Hull	
D568,039	S	5/2008	Kuerbis	
D578,294	S	10/2008	Mervar et al.	
D579,186	S	10/2008	Mervar et al.	
D587,891	S	3/2009	Minami	
D595,499	S	7/2009	Dekovic	
D607,186	S	1/2010	McDonald	
D608,540	S	1/2010	Dekovic	
D615,284	S	5/2010	McDonald	
D617,084	S	6/2010	McDonald	
D636,585	S *	4/2011	Williams, Jr.	D2/972
D636,586	S *	4/2011	Williams, Jr.	
D638,621	S *	5/2011	Mayden	D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog, Footwear: Late Spring 1994, p. 20, published Sep. 1993, Nike, Inc., USA.

Nike Footwear Catalog: Fall 1994, pp. 8 and 24, published Nov. 1993, Nike, Inc., USA.

Nike Footwear Catalog: Fall 1996, pp. 6 and 146, published Dec. 1995, Nike, Inc., USA.

Nike Footwear Catalog: Holiday 1996, pp. 77 and 93, published Mar. 1996, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Fall 1998, p. M23, publication date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Catalog: Men's and Women's Footwear: Late Spring 1999, p. W16, published Sep. 1998, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear (blue cover): Fall 2000, p. 17, published Nov. 1999, Nike, Inc., USA.

Nike Footwear Catalog, Men's and Women's Footwear: Holiday 2002, p. 49, published Mar. 2002, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Fall 2004, p. 51, published Nov. 2003, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Holiday 2004, p. 9, published Mar. 2004, Nike, Inc., USA.

Nike Footwear Catalog, Men's, Women's, and Kids' Footwear: Late Spring 2004, p. 59, published Sep. 2003, Nike, Inc., USA.

Nike Footwear Catalog: Fall 2005, pp. 10, 19, and 161 published Nov. 2004, Nike, Inc., USA.

Nike Footwear Catalog, Footwear: Fall 2006, p. 28, 74, and 143, published Nov. 2005, Nike, Inc., USA.

Nike Footwear Catalog: Holiday 2006, p. 29, published Mar. 2006, Nike, Inc., USA.

Nike Footwear Catalog: Fall 2007, p. 22, published Nov. 2006, Nike, Inc., USA.

Nike Footwear Catalog: Holiday 2007, p. 20, published Feb. 2007, Nike, Inc., USA.

Nike Footwear Catalog: Summer 2008, p. 143, published Aug. 2007, Nike, Inc., USA.

Nike Footwear Catalog: Summer 2008, p. 230, published Aug. 2007, Nike, Inc., USA.

Nike Footwear Catalog, Urban Better Footwear: Fall 2010, p. 20, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Performance: Holiday 2010, pp. 21, 28 and 36, published Feb. 2010, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Performance: Fall 2011, pp. 6 and 9, publication date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, Men's Footwear: Performance: Holiday 2011, p. 20, published Feb. 2011, Nike, Inc. USA.

Nike Footwear Catalog, Men's Performance Footwear: Spring 2011, p. 30, publication date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

* cited by examiner

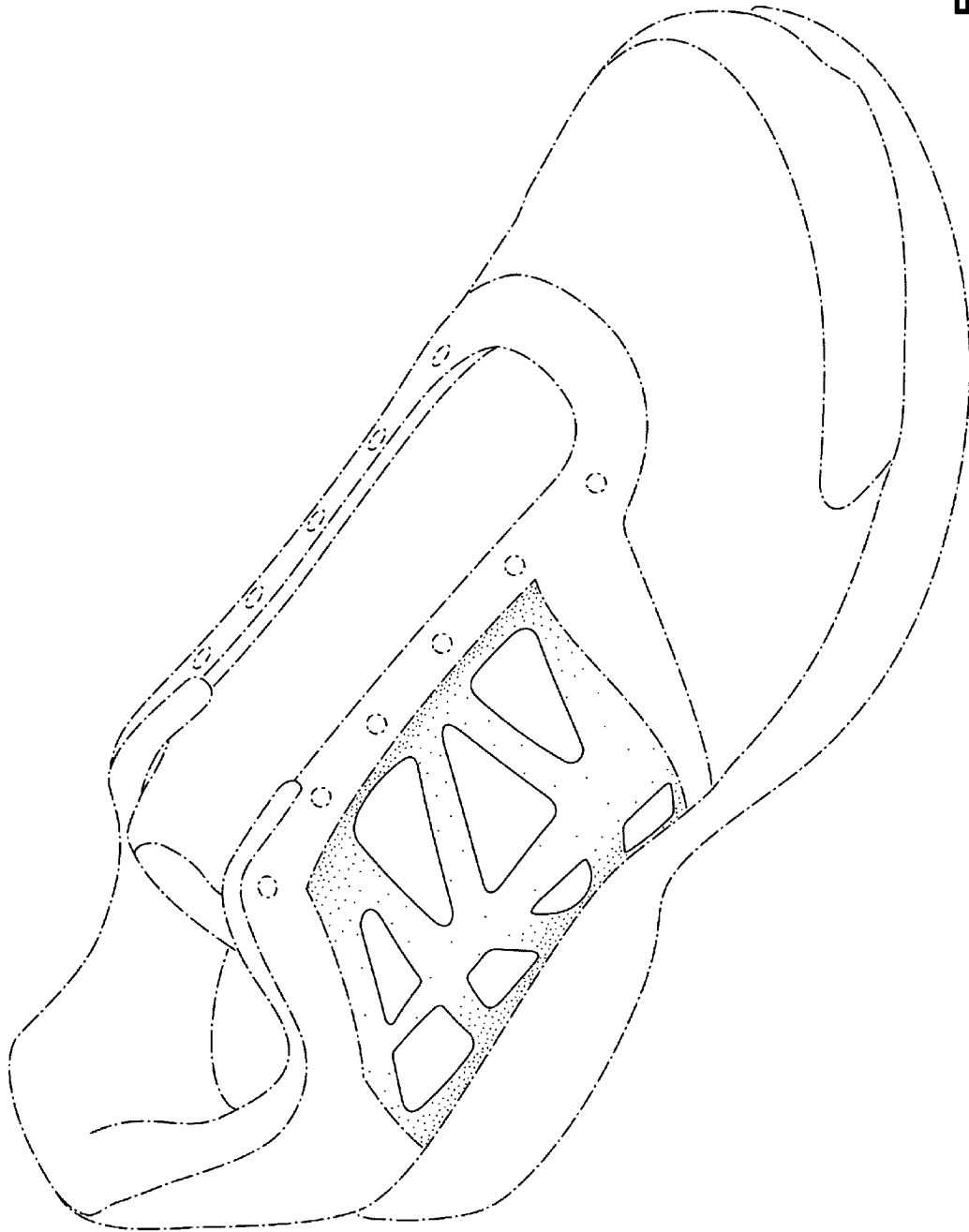


FIG. 1

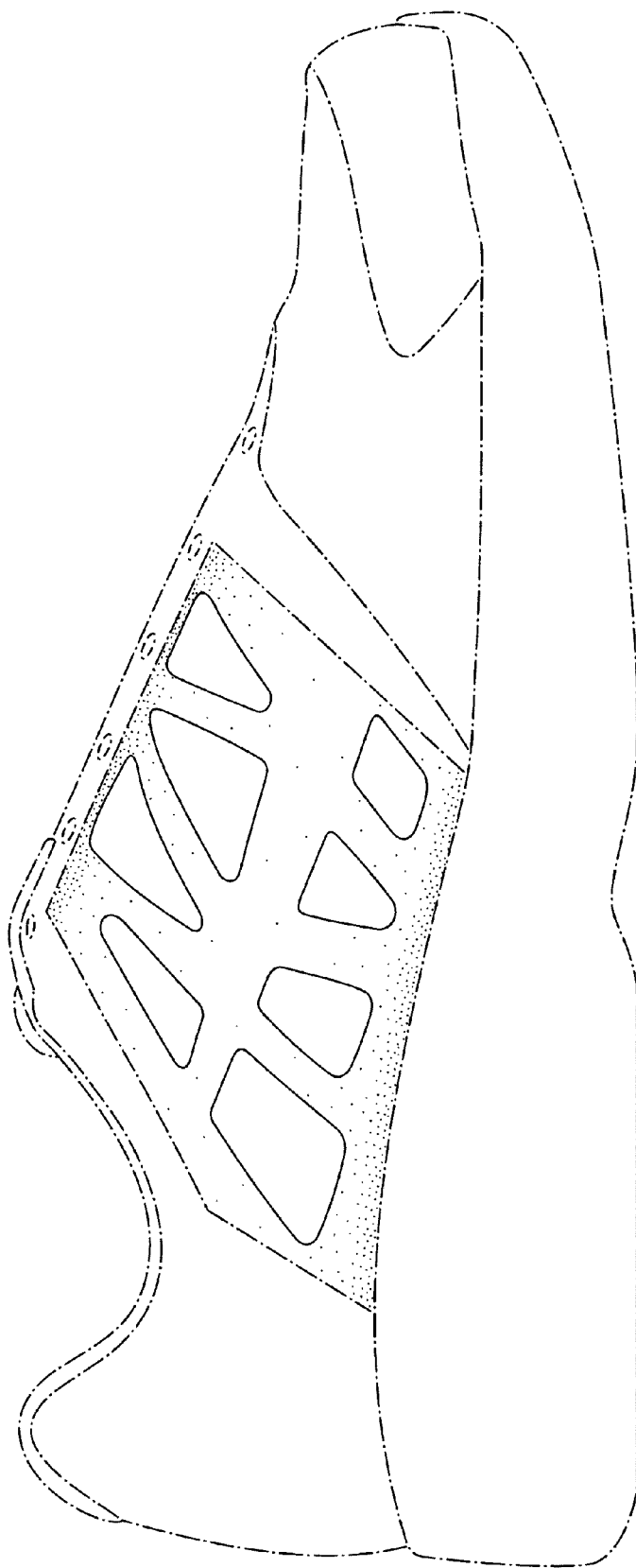


FIG. 2

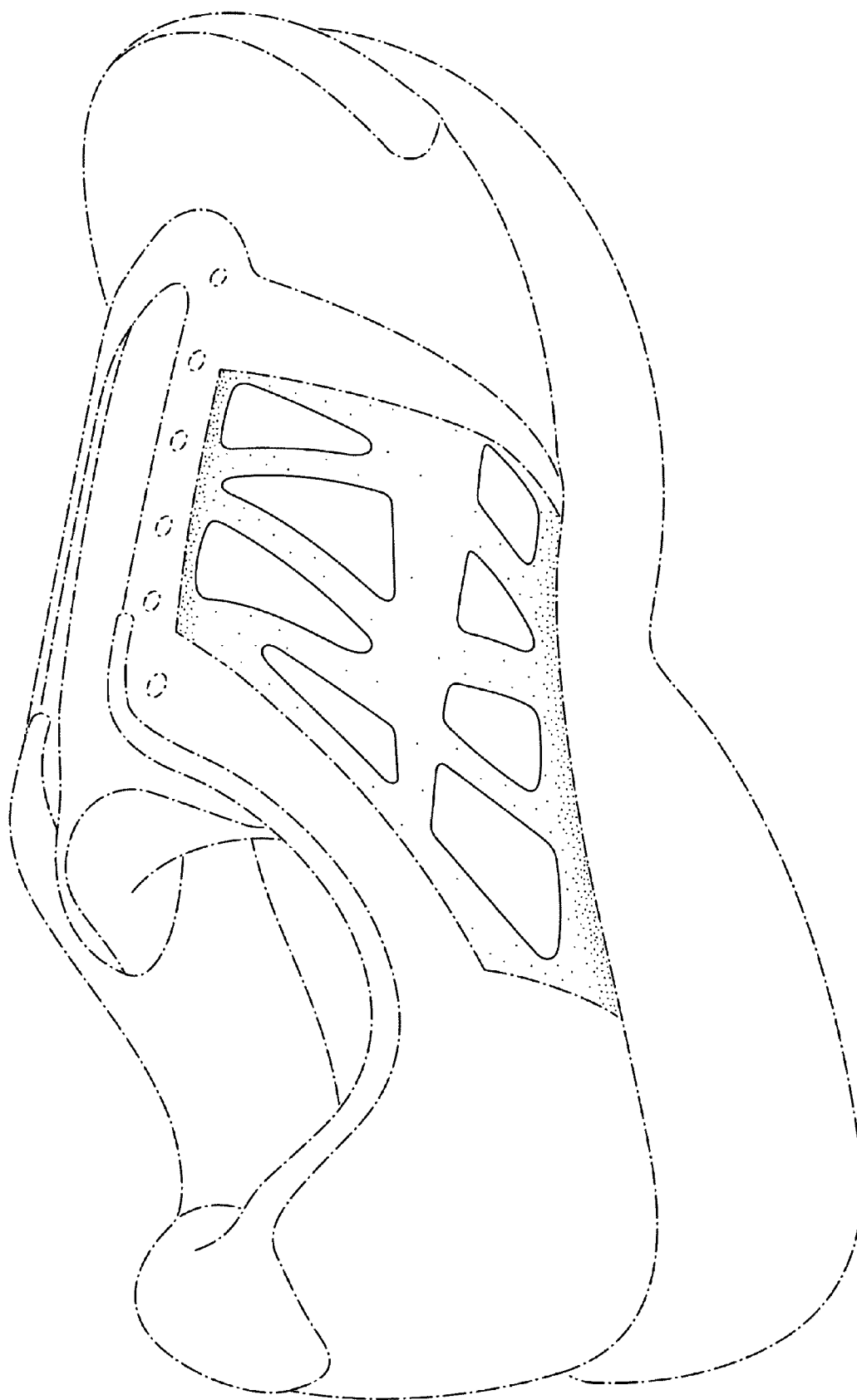


FIG. 3

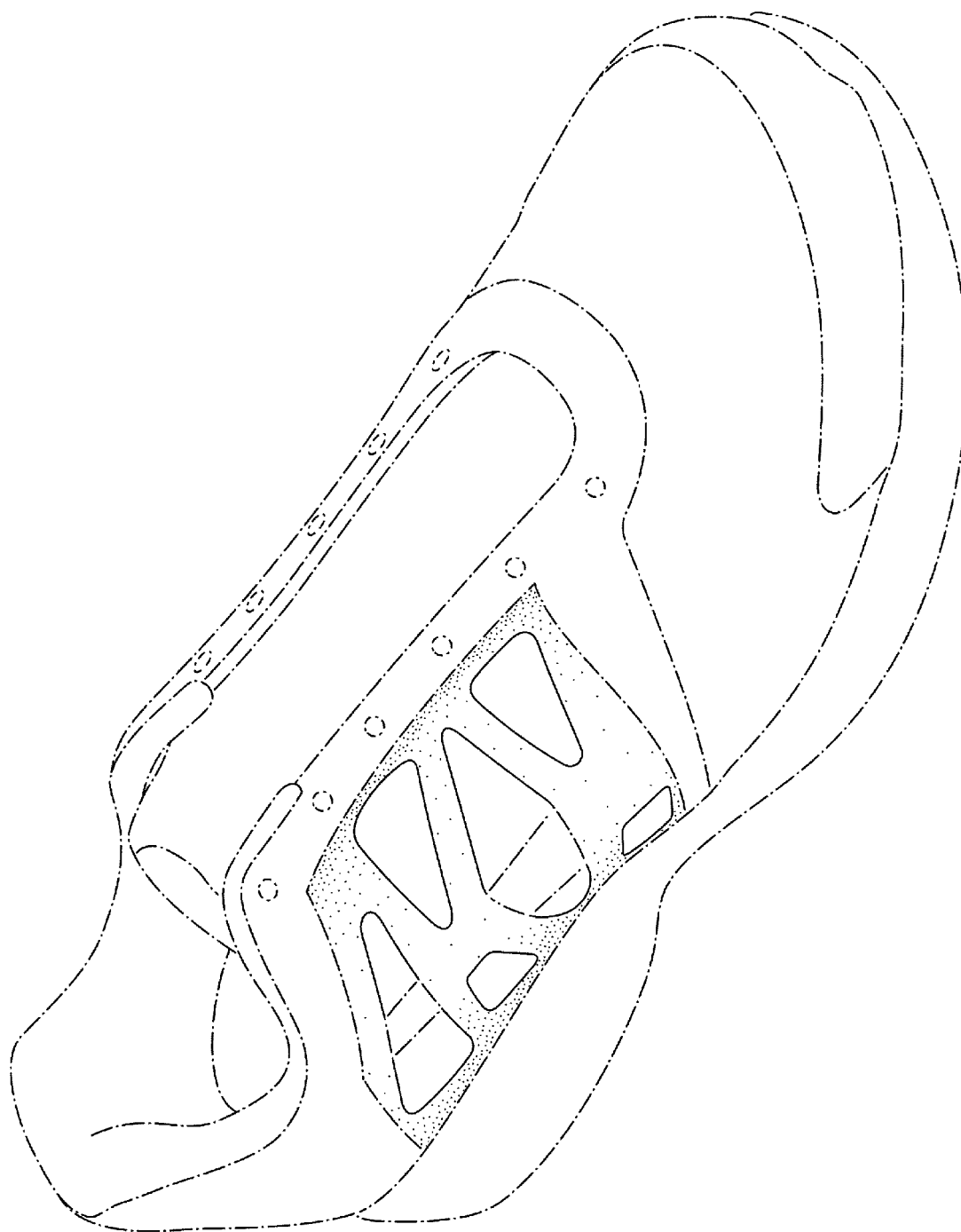


FIG. 4

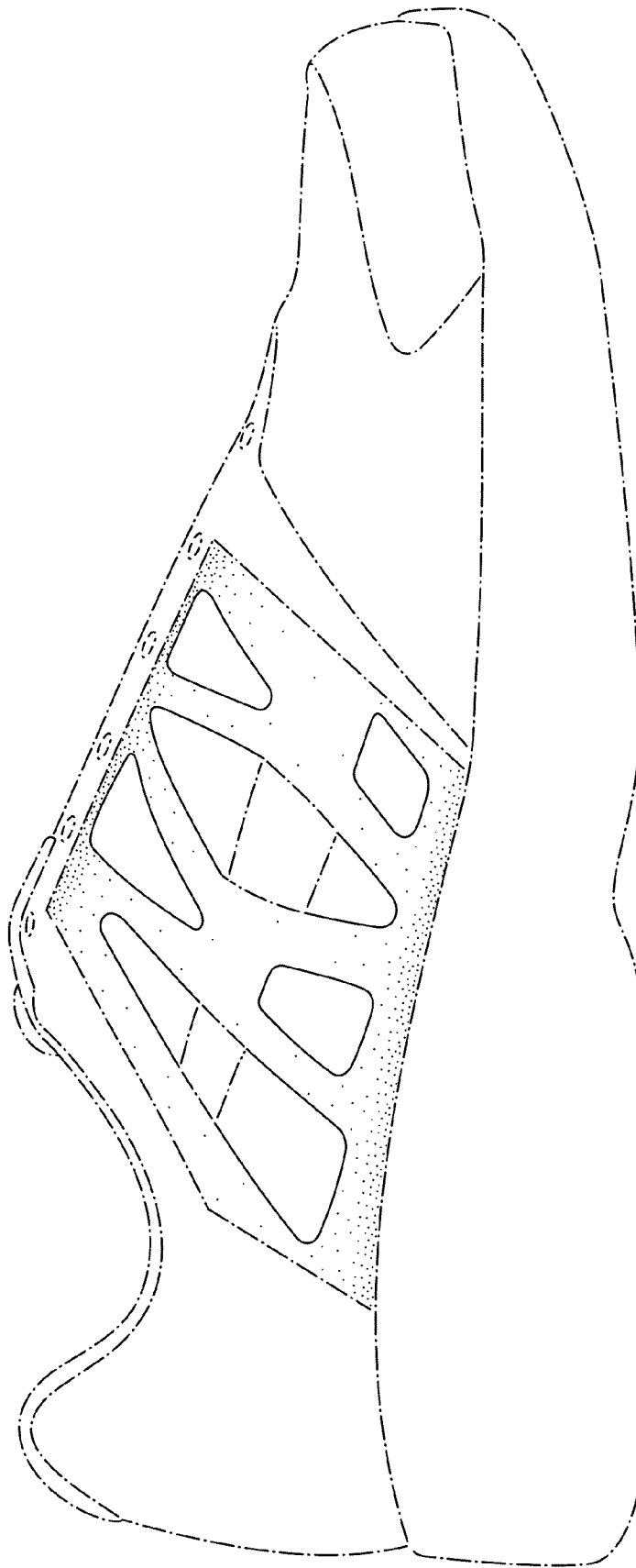


FIG. 5

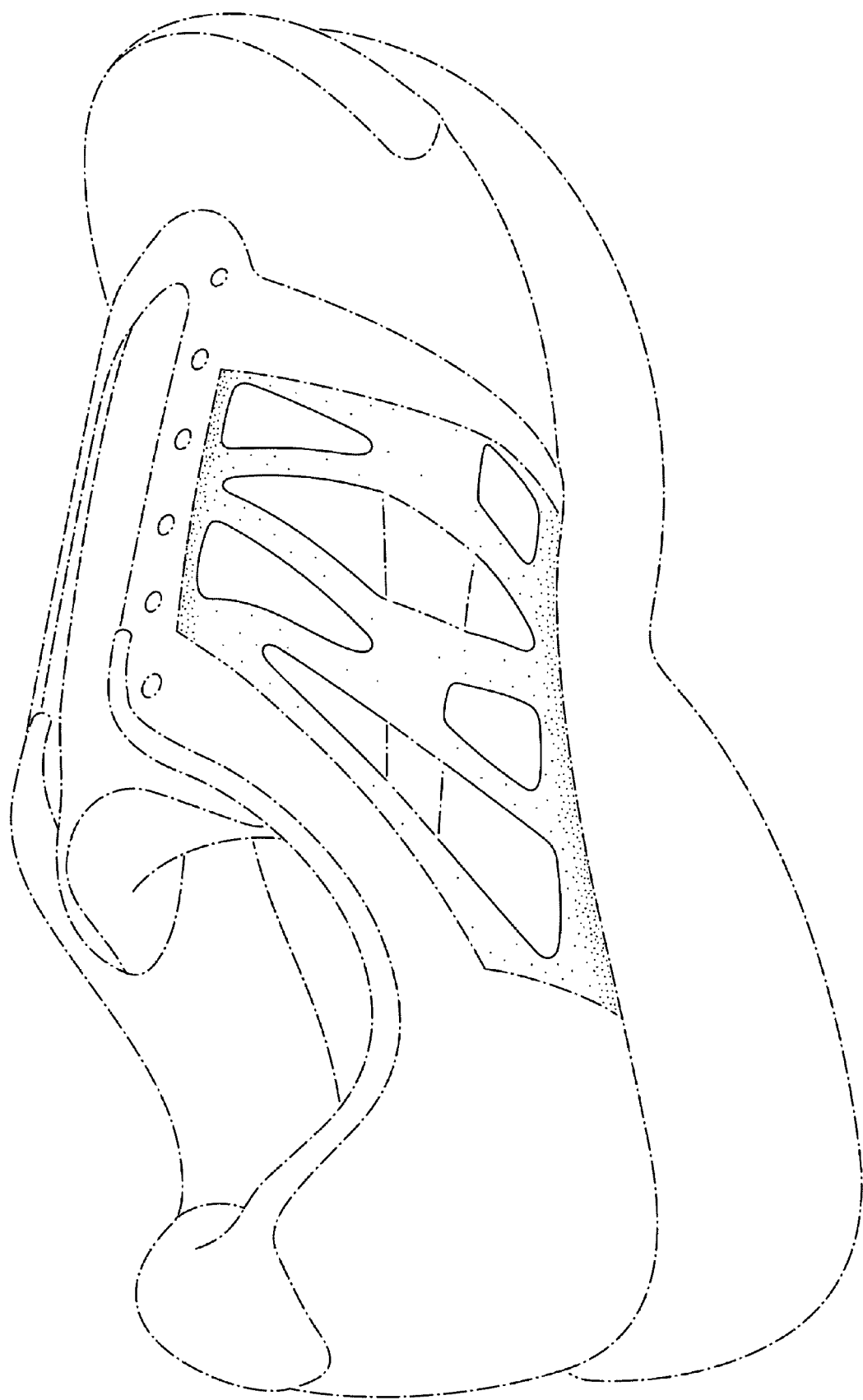


FIG. 6