



US00D422783S

# United States Patent [19]

[11] Patent Number: Des. 422,783

Brooks et al.

[45] Date of Patent: \*\* Apr. 18, 2000

[54] SHOE UPPER

[75] Inventors: **Mike Brooks**, Nelsonville; **Edgar H. Simpson**, Lancaster, both of Ohio; **Theodore A. Kastner**, Raymond, Me.; **Diana A. Wurfbain**, Athens, Ohio

[73] Assignee: **Rocky Shoes & Boots, Inc.**, Nelsonville, Ohio

[\*\*] Term: **14 Years**

[21] Appl. No.: **29/098,204**

[22] Filed: **Dec. 23, 1998**

D. 384,195	9/1997	Brooks et al.	.....	D2/970
D. 385,397	10/1997	Duclos	.....	D2/970
D. 399,043	10/1998	Duclos et al.	.....	D2/969
D. 399,044	10/1998	Hamel	.....	D2/970
D. 400,699	11/1998	Brooks et al.	.....	D2/970
D. 402,100	12/1998	Greenberg	.....	D2/970
D. 403,148	12/1998	Kelchak	.....	D2/970
D. 403,849	1/1999	Greenberg	.....	D2/969
D. 404,553	1/1999	Greenberg	.....	D2/969
D. 404,905	2/1999	Kelchak	.....	D2/970
D. 405,238	2/1999	Hamel	.....	D2/970
D. 405,599	2/1999	Hamel	.....	D2/969
D. 408,979	5/1999	Boyer	.....	D2/970
D. 410,326	6/1999	Duclos	.....	D2/970
2,591,211	4/1952	Spencer	.....	36/4
3,545,107	12/1970	Cinquegrana et al.	.....	36/50.1
3,798,804	3/1974	Funck	.....	36/45

### Related U.S. Application Data

[62] Division of application No. 29/080,764, Dec. 15, 1997, Pat. No. Des. 410,141.

[51] **LOC (6) Cl.** ..... **02-04**

[52] **U.S. Cl.** ..... **D2/970; D2/910; D2/909**

[58] **Field of Search** ..... **D2/902, 907-912, D2/969, 970, 947-960; 36/83, 89, 102, 106, 114, 113, 126-131, 3 R, 45, 46.5, 48, 50.1, 25 R, 4**

### [56] References Cited

#### U.S. PATENT DOCUMENTS

D. 233,805	12/1974	Kubo	.....	D2/902
D. 240,280	6/1976	Senter	.....	D2/902
D. 248,512	7/1978	Nova et al.	.....	D2/912
D. 279,620	7/1985	Ueda	.....	D2/908
D. 296,037	6/1988	Brown et al.	.....	D2/970
D. 303,868	10/1989	Argyropoulos	.....	D2/907
D. 341,937	12/1993	Minkin	.....	D2/970
D. 345,460	3/1994	Ryder	.....	D2/969
D. 346,897	5/1994	Morris et al.	.....	D2/970
D. 349,806	8/1994	Minkin	.....	D2/970
D. 351,939	11/1994	Ryder	.....	D2/970
D. 354,165	1/1995	Werman	.....	D2/970
D. 358,930	6/1995	Blanchini	.....	D2/970
D. 380,597	7/1997	Brooks et al.	.....	D2/970
D. 381,798	8/1997	Cyr	.....	D2/970
D. 382,992	9/1997	Chiu	.....	D2/970

### OTHER PUBLICATIONS

Cabela's Catalog, p. 95, Items A & B, Chukka Boot; p. 126, Rockport Chukka & Cabela's Classic Safari Boot, Jul. 1991. Cabela's Catalog, p. 195 Cabela's Outfitter Series; p. 244 Teton II Hikers, Kalmath and Kahnteena Hikers, Gunnison Hiker; p. 246, Grand Mesa Hikers, Aug. 1999.

*Primary Examiner*—Louis S. Zarfaz

*Assistant Examiner*—G Andoll

*Attorney, Agent, or Firm*—Porter, Wright, Morris & Arthur

### [57] CLAIM

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

### DESCRIPTION

FIG. 1 is a right side elevational view of a shoe upper showing our new design;

FIG. 2 is a left side elevational view thereof;

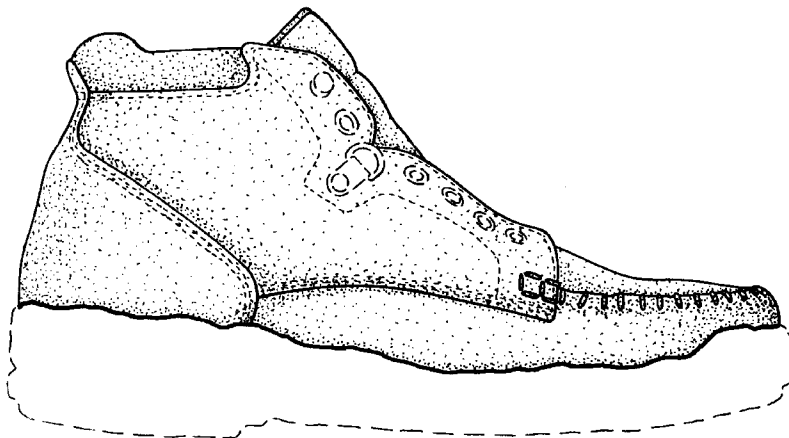
FIG. 3 is a top plan view thereof;

FIG. 4 is a front elevational view thereof; and,

FIG. 5 is a rear elevational view thereof.

The broken line showing of a shoe sole, eyelets and label in the figures is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets



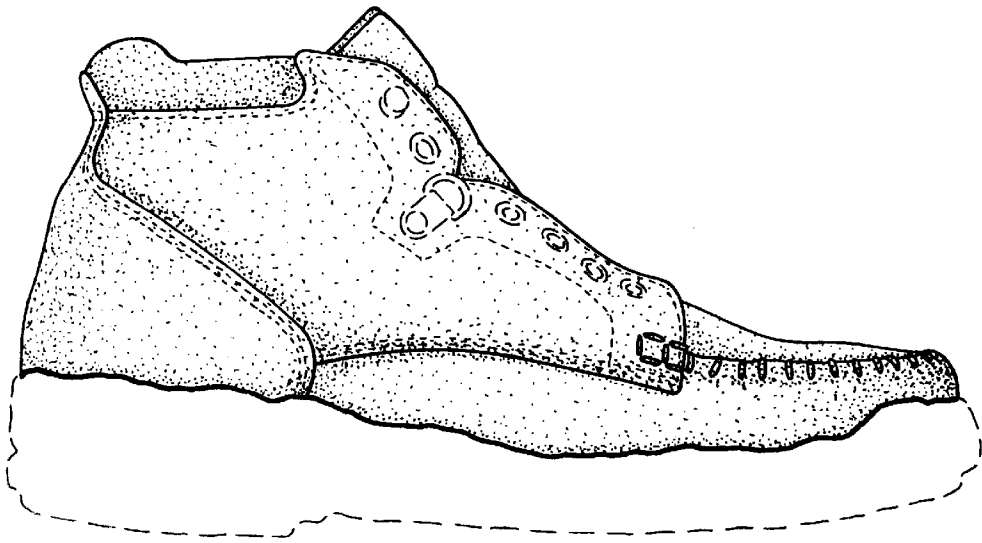


FIG. 1

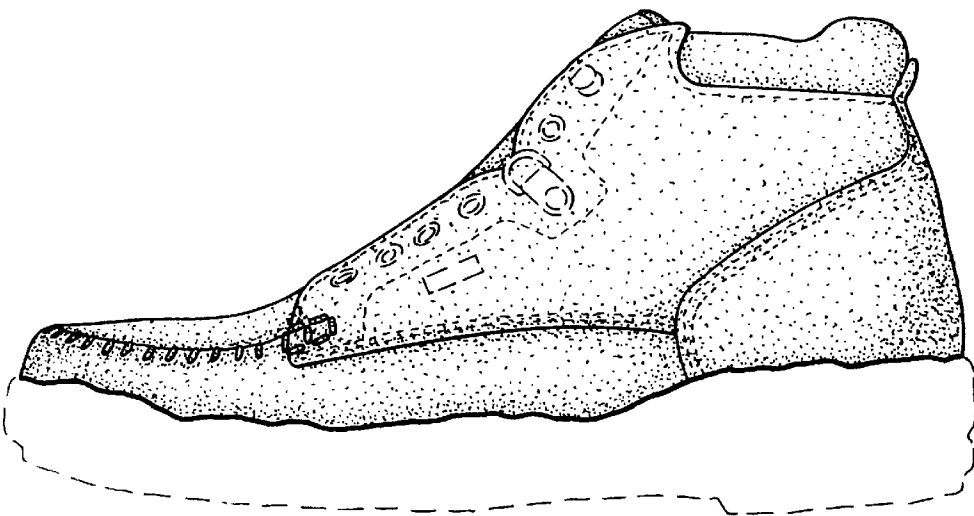


FIG. 2

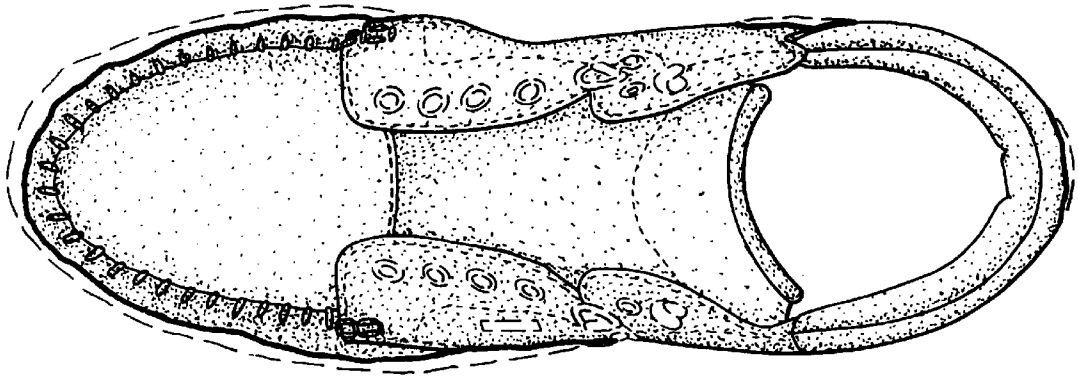


FIG. 3

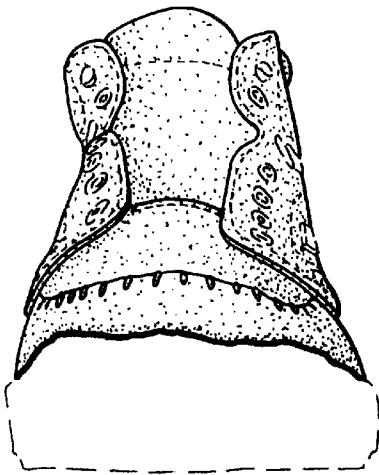


FIG. 4

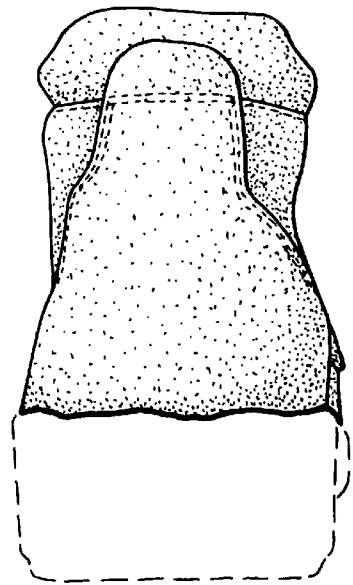


FIG. 5