

## **EXHIBIT M**



US00D546541S

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

(10) **Patent No.:** **US D546,541 S**

(45) **Date of Patent:** **\*\* Jul. 17, 2007**

(54) **PORTION OF A SHOE UPPER**

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

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

(21) Appl. No.: **29/276,392**

(22) Filed: **Jan. 24, 2007**

(51) **LOC (8) CL.** ..... **02-99**

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

(58) **Field of Classification Search** ..... D2/902,  
D2/906-908, 943, 944, 969, 972-974; 36/45,  
36/50.1, 77 M, 77 R, 83, 88, 113, 114, 126-131  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D94,350 S	1/1935	Holtz	
D124,612 S	1/1941	Pierson	
D270,778 S *	10/1983	Casetta	D2/907
D272,012 S	1/1984	Trevisani	
D272,866 S *	3/1984	Casetta	D2/908
D294,998 S *	4/1988	Brown et al.	D2/973
D296,379 S	6/1988	Lee	
D298,982 S	12/1988	Lussier	
D302,898 S *	8/1989	Greenberg	D2/969
D313,304 S *	1/1991	Quan et al.	D2/973
D323,923 S *	2/1992	Hatfield	D2/973
D359,387 S	6/1995	Van Noy	
D373,460 S *	9/1996	Crowley	D2/969
D377,262 S	1/1997	Lucas	
D380,079 S	6/1997	Greene	
D383,294 S	9/1997	Lozano	
D407,547 S	4/1999	Fogg	
D408,986 S *	5/1999	Gray et al.	D2/972
D431,715 S	10/2000	Hatfield et al.	
D431,716 S	10/2000	Hatfield et al.	
D432,783 S	10/2000	Fallon	
D461,044 S	8/2002	McCourt	
D461,951 S	8/2002	Hlavacs	
D467,411 S	12/2002	Dombrow	
D468,089 S	1/2003	Smith	

D477,457 S	7/2003	Neely	
D501,986 S	2/2005	Lotti	
D513,856 S	1/2006	Fullum	
D516,798 S	3/2006	Blakeslee	
D519,274 S	4/2006	Chang	
D524,527 S *	7/2006	Shin	D2/972
D526,773 S *	8/2006	Caine	D2/972
D527,517 S *	9/2006	Gajowskyj	D2/972

**OTHER PUBLICATIONS**

NIKE Footwear Catalog, Late Spring 1997, p. 160, published Sep. 1996.  
 NIKE Footwear Catalog, Fall 1998, pp. W134 and W141, published Dec. 1997.  
 NIKE Footwear Catalog, Holiday 1998, p. M19, published Feb. 1998.  
 NIKE Footwear Catalog, Spring 2001, pp. M4 and M27, published Jun. 2000.  
 NIKE Footwear Catalog, Holiday 2001, pp. M41 and M57, published Feb. 2001.  
 NIKE Footwear Catalog, Holiday 2006, p. 127, published Mar. 2006.  
 Golfsmith 2006 Holiday Drive Insert, p. 13, ECCO Casual Pitch Hydromax shoe, date unknown but sometime in 2006 prior to the filing of the current application.

\* cited by examiner

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(57) **CLAIM**

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

**DESCRIPTION**

FIG. 1 is a front perspective view of a portion 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 uneven broken line immediately adjacent to the shaded area represents an unclaimed boundary of the design. The uneven broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 3 Drawing Sheets**

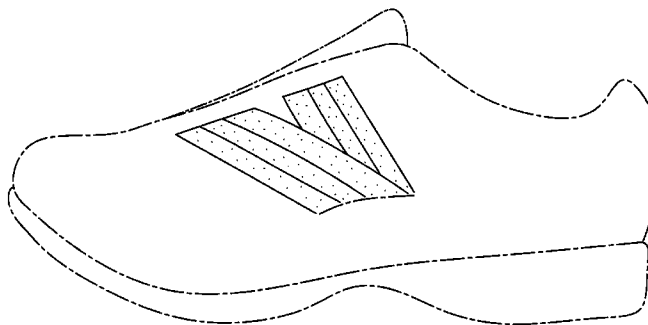
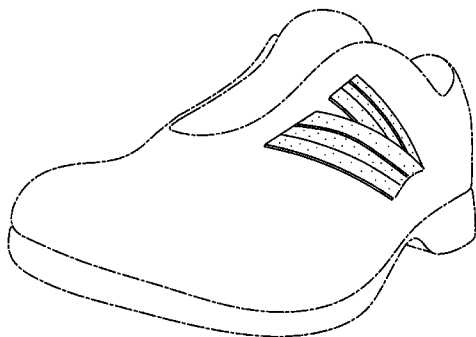


FIG. 1

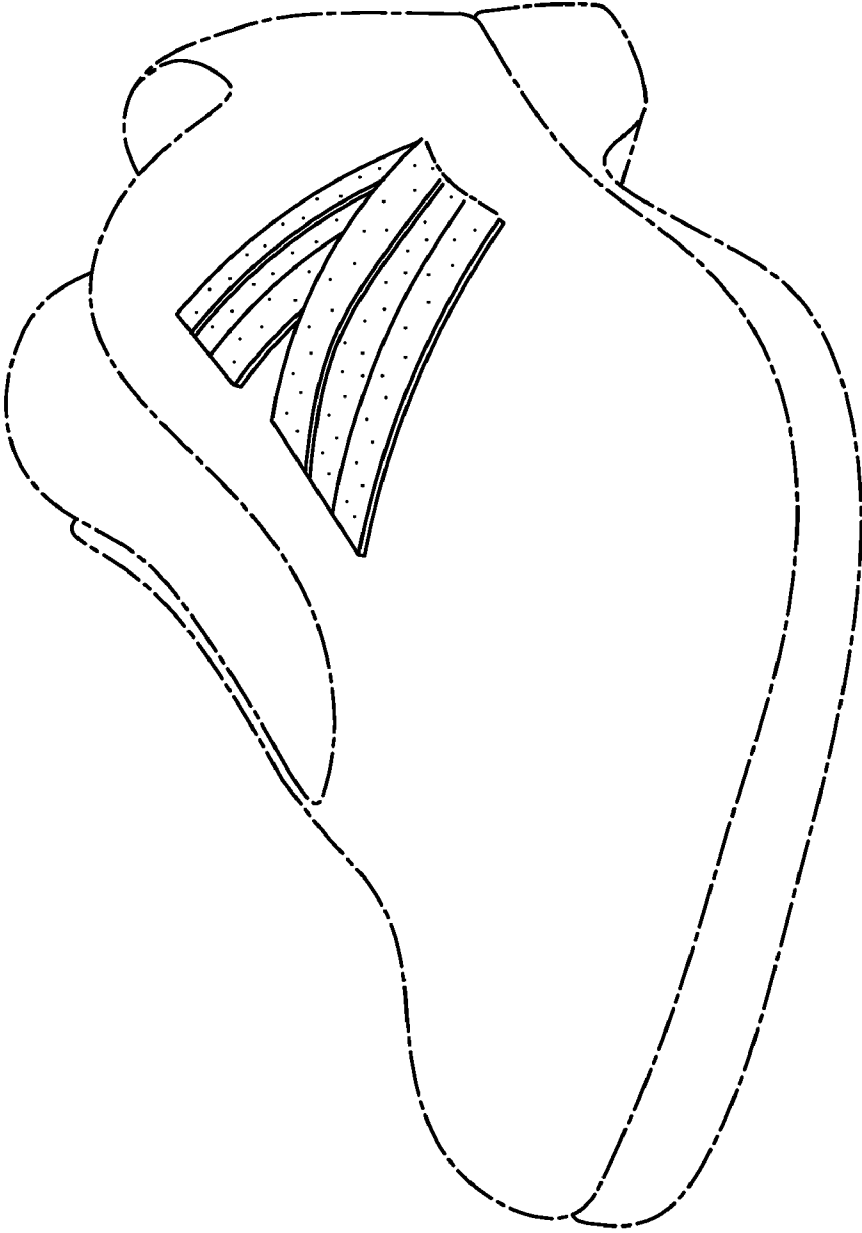


FIG. 2

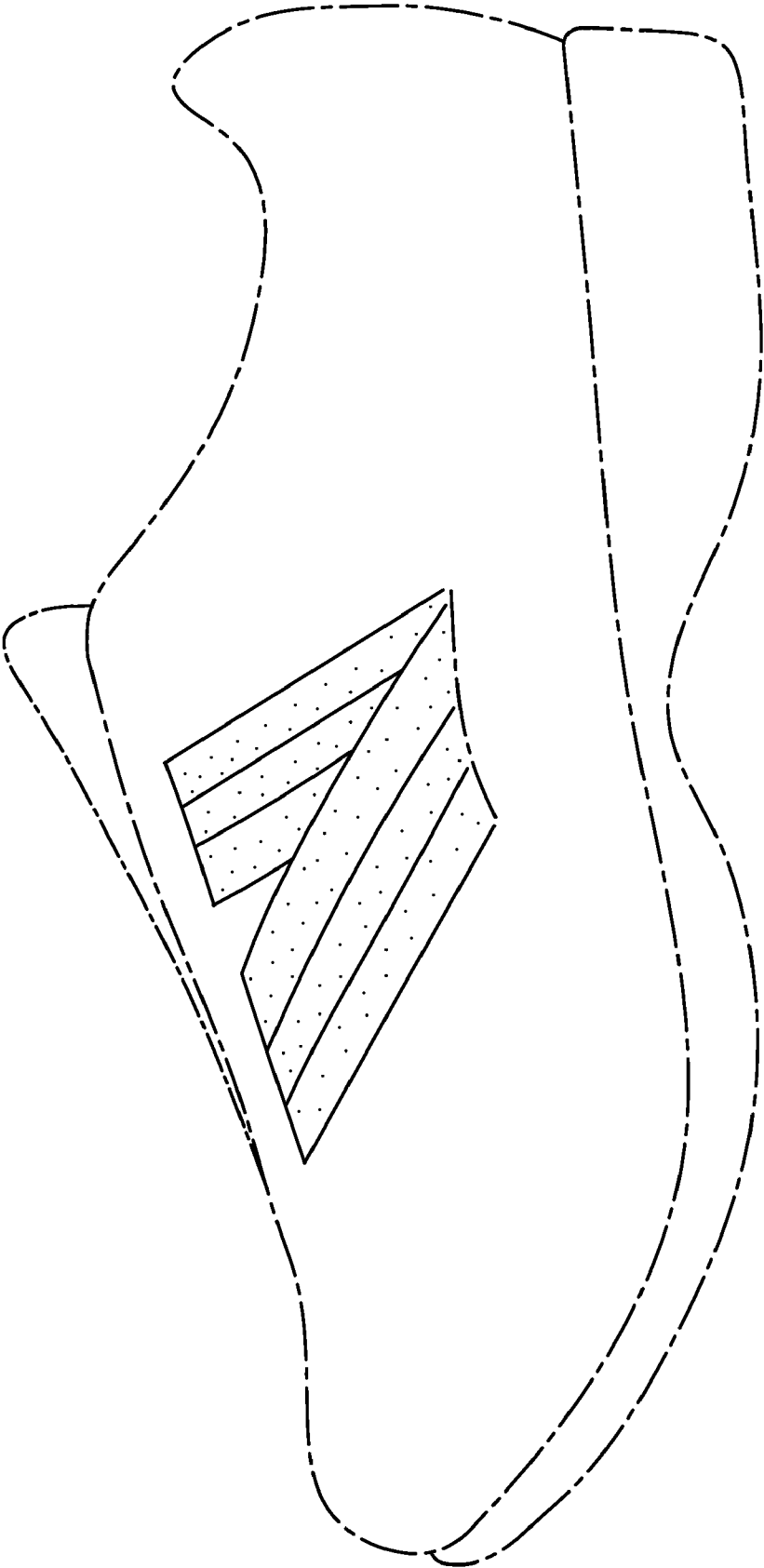


FIG. 3

