

EXHIBIT I



US00D523618S

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

(10) **Patent No.:** **US D523,618 S**

(45) **Date of Patent:** **** Jun. 27, 2006**

- (54) **PORTION OF A SHOE UPPER**
- (75) Inventor: **John Hlavacs**, Portland, OR (US)
- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
- (21) Appl. No.: **29/229,120**
- (22) Filed: **May 4, 2005**

- (51) **LOC (8) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/972**
- (58) **Field of Classification Search** D2/902,
D2/907, 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

D108,320 S	*	2/1938	Eldon	D2/902
D361,884 S		9/1995	Lozano		
D385,996 S		11/1997	Tresser		
D386,896 S		12/1997	Fogg		
D393,360 S		4/1998	Aveni et al.		
D393,361 S		4/1998	Rask		
D407,550 S		4/1999	Clarke		
D440,753 S		4/2001	Morris		
D444,623 S		7/2001	Wilson		
D448,148 S		9/2001	Matis et al.		
D470,300 S	*	2/2003	Close	D2/969
D474,882 S		5/2003	Cooper		
D476,473 S		7/2003	Clegg		
D495,867 S		9/2004	Avar		
D498,355 S		11/2004	Fullum		

(Continued)

OTHER PUBLICATIONS

- Nike Footwear Catalog Late Spring 1997, p. 8, published Sep. 1996.
- Nike Footwear Catalog Fall 1997, p. 11, published Dec. 1996.

- Nike Footwear Catalog Late Spring 1998, p. 142, published Sep. 1997.
- Nike Footwear Catalog Late Fall 1998, pp. 16, 86, published Mar. 1998.
- Nike Footwear Catalog Holiday 1999, pp. W116, W54, published Mar. 1999.
- Nike Footwear Catalog Late Spring 2003, p. W5, published Sep. 2002.
- Nike Footwear Catalog Fall 2003, p. M21, published Nov. 2002.
- Nike Footwear Catalog Spring 2004, p. M8, published Jun. 2003.
- Nike Footwear Catalog Late Spring 2004, pp. M1, M27, published Sep. 2003.
- Nike Footwear Catalog Fall 2004, pp. W5, W6, M86, published Nov. 2003.
- Nike Footwear Catalog Spring 2005, pp. W29, M12, M86, published Jun. 2004.
- Nike Footwear Catalog Late Spring 2005, pp. 17, 21, 26, published Aug. 2005.

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(57) **CLAIM**

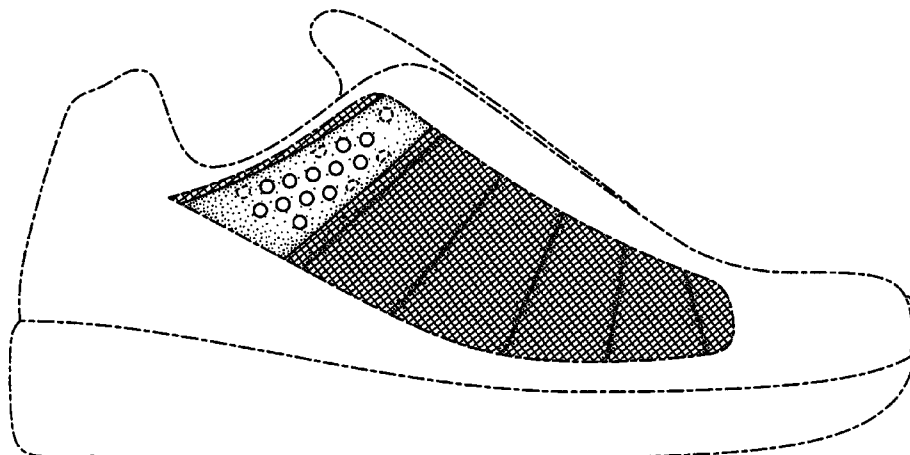
The ornamental design for a portion of a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a portion of a shoe upper showing my new design;
 FIG. 2 is a rear perspective view thereof;
 FIG. 3 is a side elevational view thereof; and,
 FIG. 4 is a top plan 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. The broken lines with the boundary and the unshaded areas within the circles do not form part of the design.

1 Claim, 4 Drawing Sheets



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U.S. PATENT DOCUMENTS

D499,246 S 12/2004 Kuerbis
D499,874 S 12/2004 Panariello, Jr.
D499,875 S 12/2004 Lozano
D500,199 S 12/2004 Clegg

D500,408 S 1/2005 Rask
D500,586 S 1/2005 Wozniak
D504,012 S 4/2005 Fullum
D505,002 S * 5/2005 Matis et al. D2/969

* cited by examiner

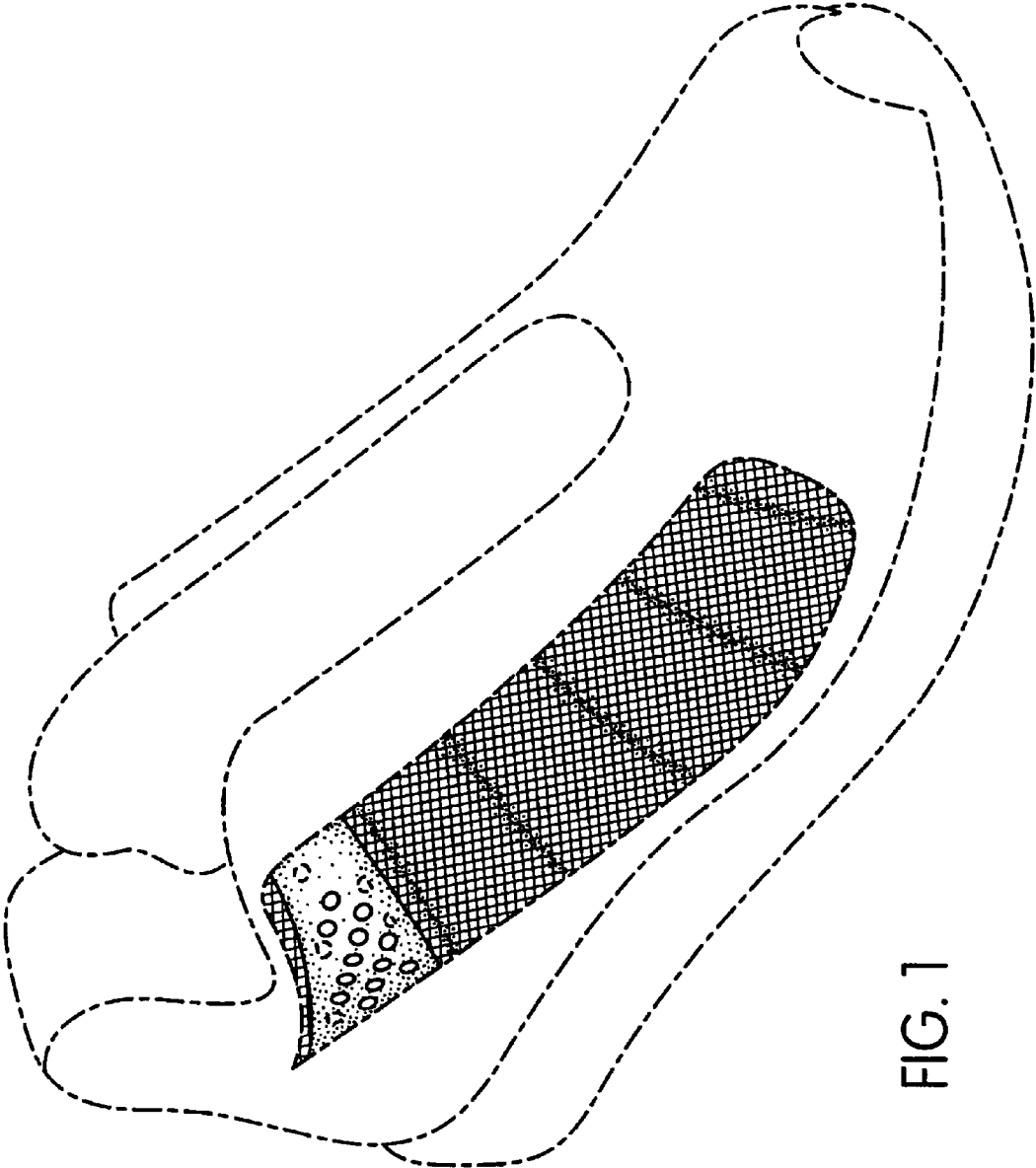


FIG. 1

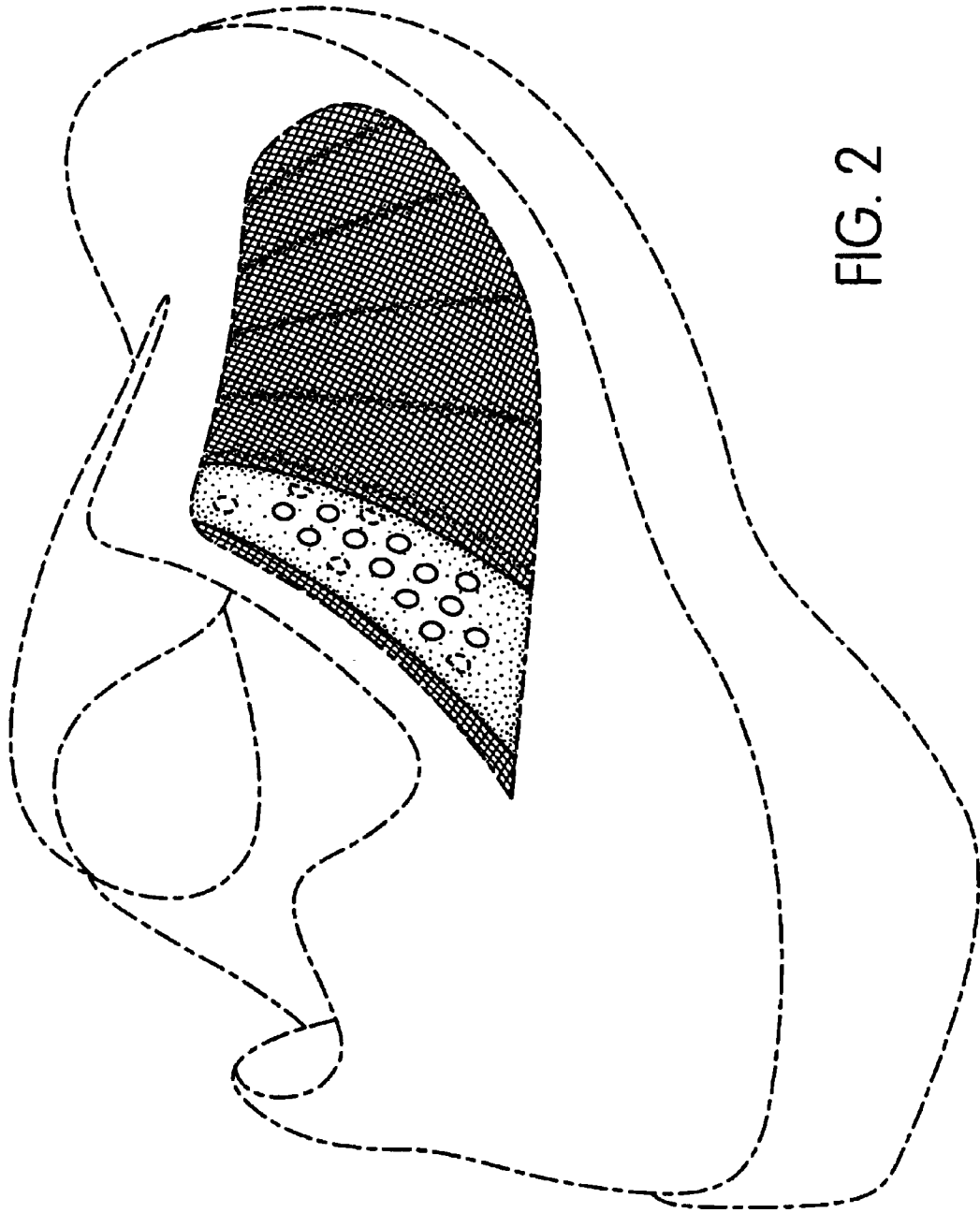


FIG. 2

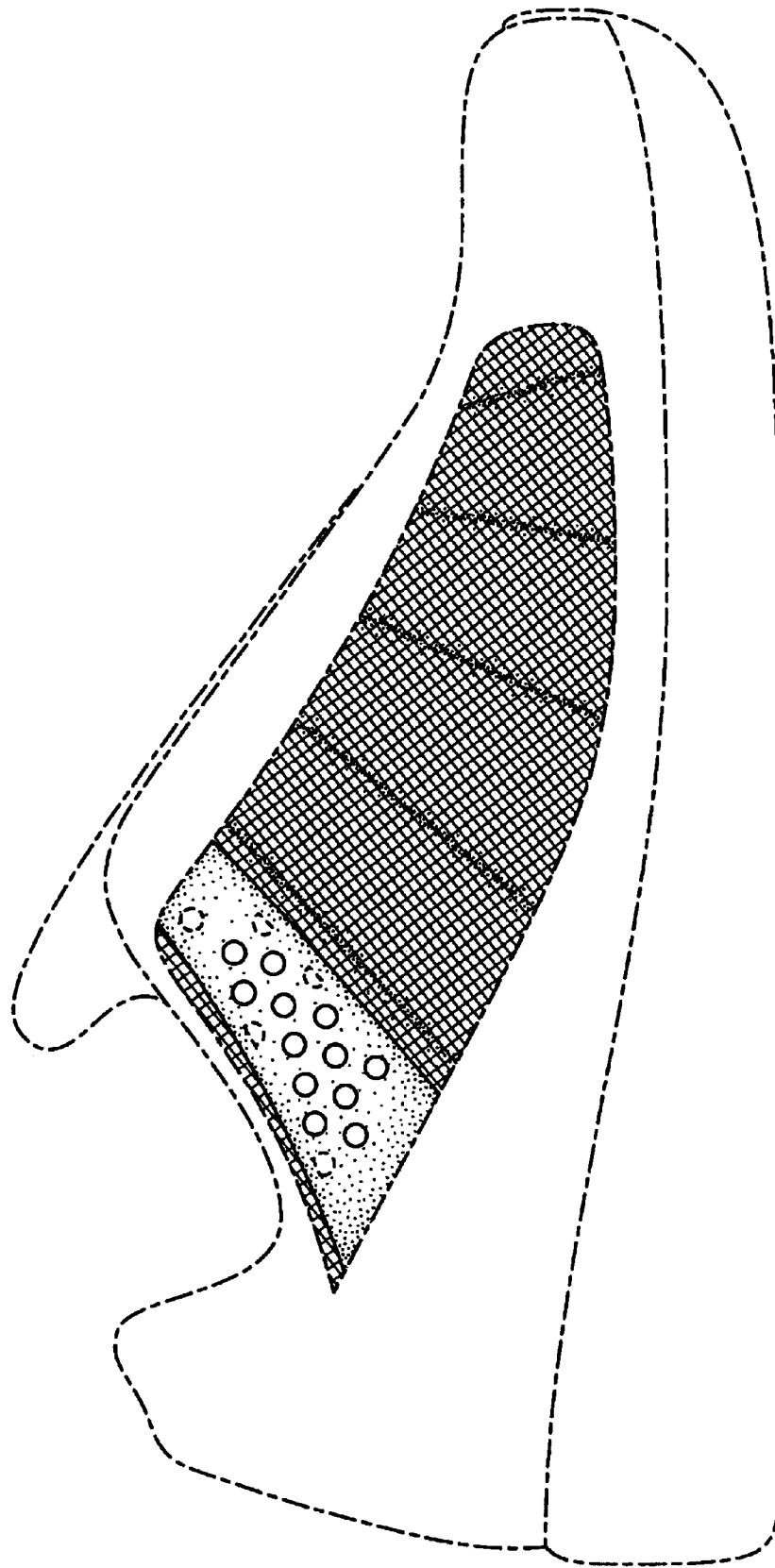


FIG. 3

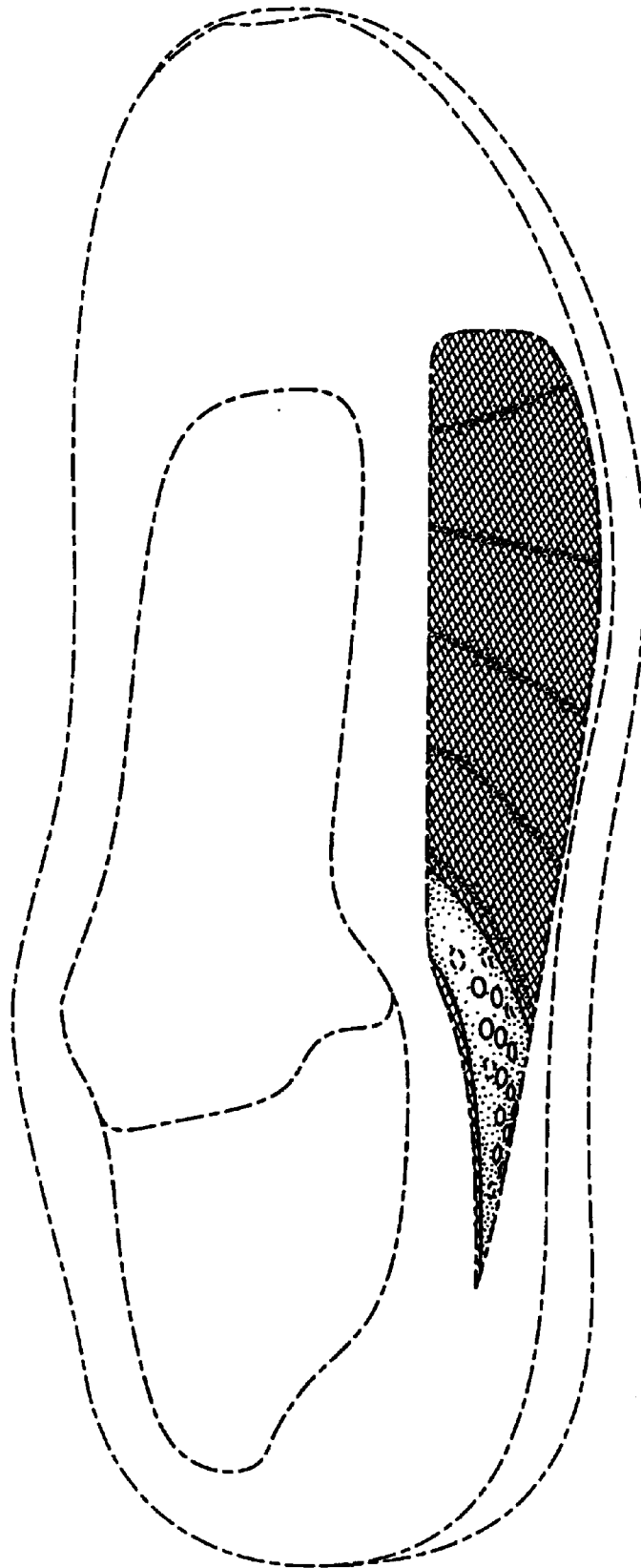


FIG. 4