

**EXHIBIT P**



US00D573338S

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

(10) **Patent No.:** **US D573,338 S**  
(45) **Date of Patent:** **\*\* Jul. 22, 2008**

- (54) **SHOE UPPER**
- (75) Inventor: **Morgan Stauffer**, Portland, OR (US)
- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (\*\*) Term: **14 Years**
- (21) Appl. No.: **29/317,338**
- (22) Filed: **Apr. 28, 2008**

D523,222 S *	6/2006	Savage .....	D2/972
D523,223 S	6/2006	Lotti	
D523,624 S	6/2006	Kuerbis	
D529,705 S	10/2006	Lupo	
D554,846 S	11/2007	Tetsuya	
D557,489 S	12/2007	Dolan	

**FOREIGN PATENT DOCUMENTS**

DE 3235475 3/1984

**OTHER PUBLICATIONS**

Nike Footwear Catalog, Fall 1997, p. M106, published Dec. 1996.

(Continued)

*Primary Examiner*—Dominic Simone

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

- (51) **LOC (8) Cl.** ..... **02-99**
- (52) **U.S. Cl.** ..... **D2/972**
- (58) **Field of Classification Search** ..... D2/902,  
D2/906–908, 943, 944, 946, 969, 972–974;  
36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114,  
36/126–131  
See application file for complete search history.

(57) **CLAIM**

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

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D47,238 S	4/1915	Miller	
D220,464 S	4/1971	Hayashi	
3,742,622 A	7/1973	Dassler	
D272,012 S	1/1984	Trevisani	
4,949,476 A	8/1990	Anderie	
D333,207 S	2/1993	Smith	
D405,950 S *	2/1999	Lozano .....	D2/972
D420,499 S	2/2000	Dolinsky	
D429,556 S	8/2000	Vestuti	
D432,783 S	10/2000	Fallon	
D461,304 S	8/2002	Clegg	
D467,412 S	12/2002	Morris	
D474,006 S	5/2003	Schroeder et al.	
D474,010 S	5/2003	Gerber	
D475,523 S	6/2003	McDowell	
D476,473 S *	7/2003	Clegg .....	D2/972
D479,036 S	9/2003	Matis	
D486,629 S	2/2004	Le et al.	
D492,103 S	6/2004	Galway	
D501,984 S	2/2005	Allen	
D504,562 S *	5/2005	Kuerbis .....	D2/972
D513,850 S	1/2006	Alfaro	
D514,303 S *	2/2006	Wahoske .....	D2/972
D520,226 S	5/2006	Lotti	

**DESCRIPTION**

FIG. 1 is a front perspective view of a first embodiment of a shoe upper showing my new design;

FIG. 2 is a rear perspective view thereof;

FIG. 3 is a side view thereof;

FIG. 4 is a front view thereof;

FIG. 5 is a top view thereof;

FIG. 6 is a front perspective view of a second embodiment of a shoe upper showing my new design;

FIG. 7 is a rear perspective view thereof;

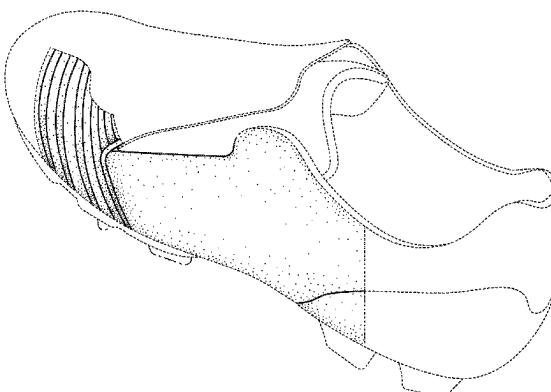
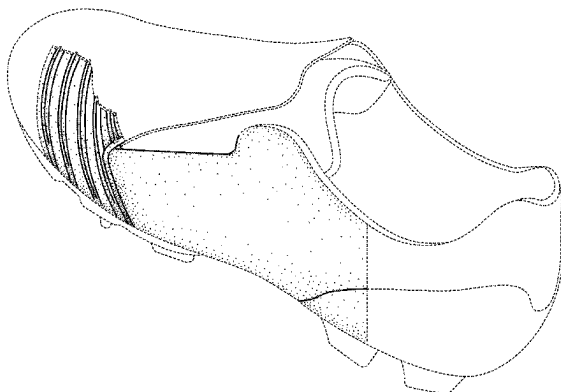
FIG. 8 is a side view thereof;

FIG. 9 is a front view thereof; and,

FIG. 10 is a top view thereof.

The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 10 Drawing Sheets**



OTHER PUBLICATIONS

Nike Footwear Catalog, Fall 2000, pp. M43, W79, published Nov. 1999.

Nike Footwear Catalog, Spring 2001, p. M125, published Jun. 2000.

Nike Footwear Catalog, Spring 2003, p. W78, published Jun. 2002.

Nike Footwear Catalog, Fall 2004, p. M30, published Nov. 2003.

Nike Footwear Catalog, Holiday 2004, pp. M6, M32, published Mar. 2004.

Nike Footwear Catalog, Fall 2005, p. M39, published Nov. 2004.

Nike Footwear Catalog, Late Spring 2005, p. 95, published Sep. 2005.

Nike Footwear Catalog, Fall 2006, p. 130, published Nov. 2005.

Nike Footwear Catalog, Spring 2006, p. 154, published Jun. 2005.

\* cited by examiner

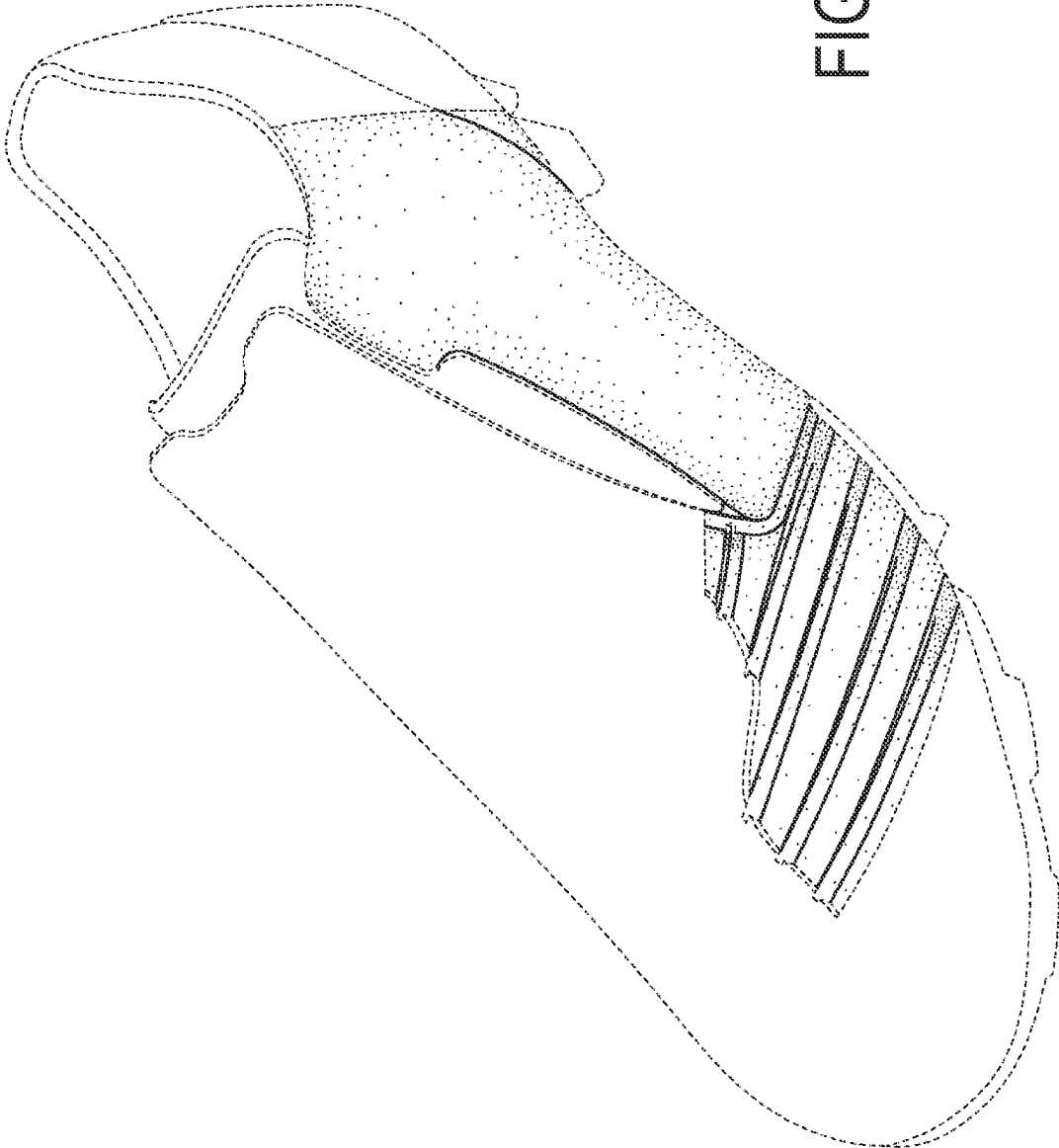


FIG. 1

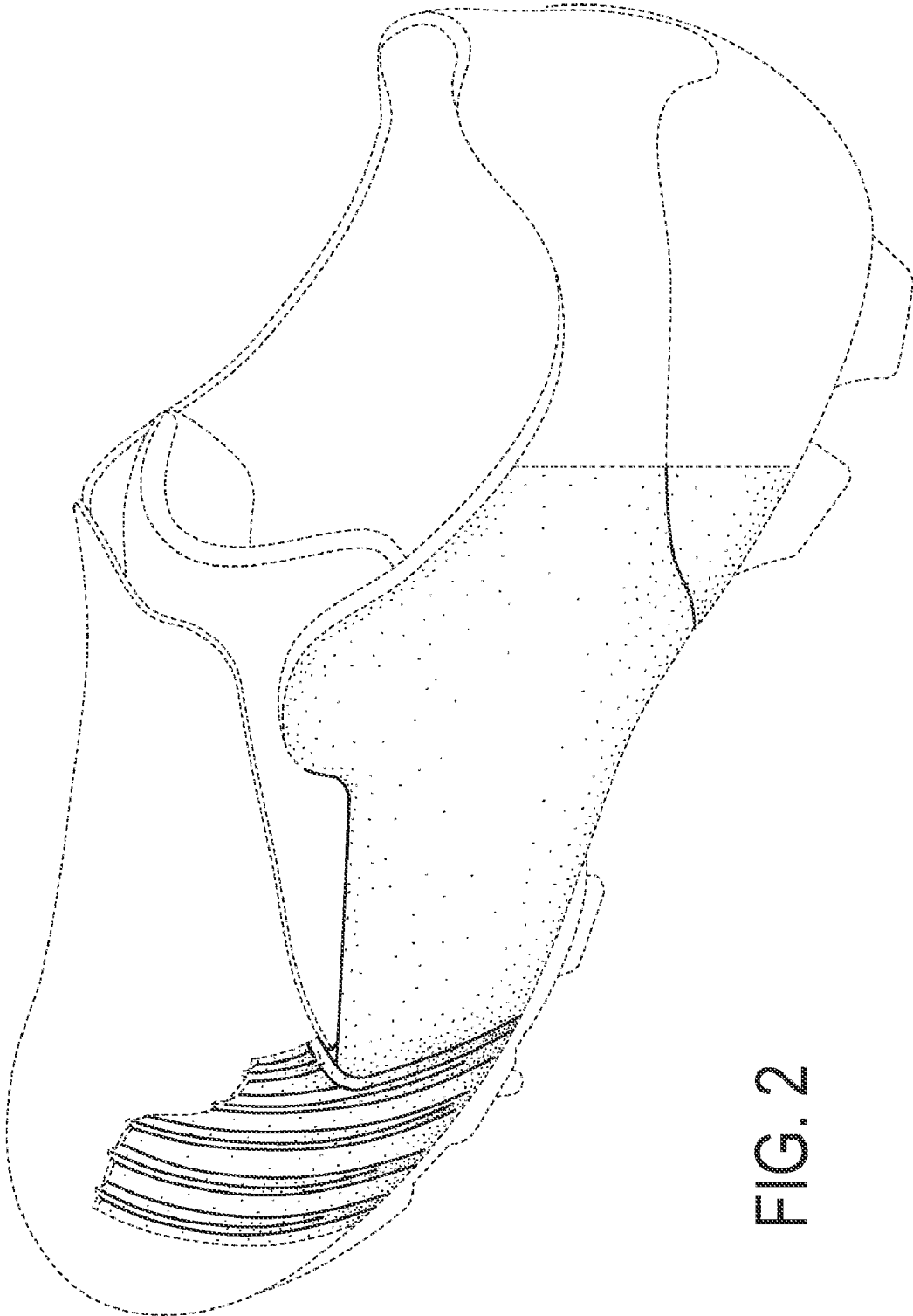


FIG. 2

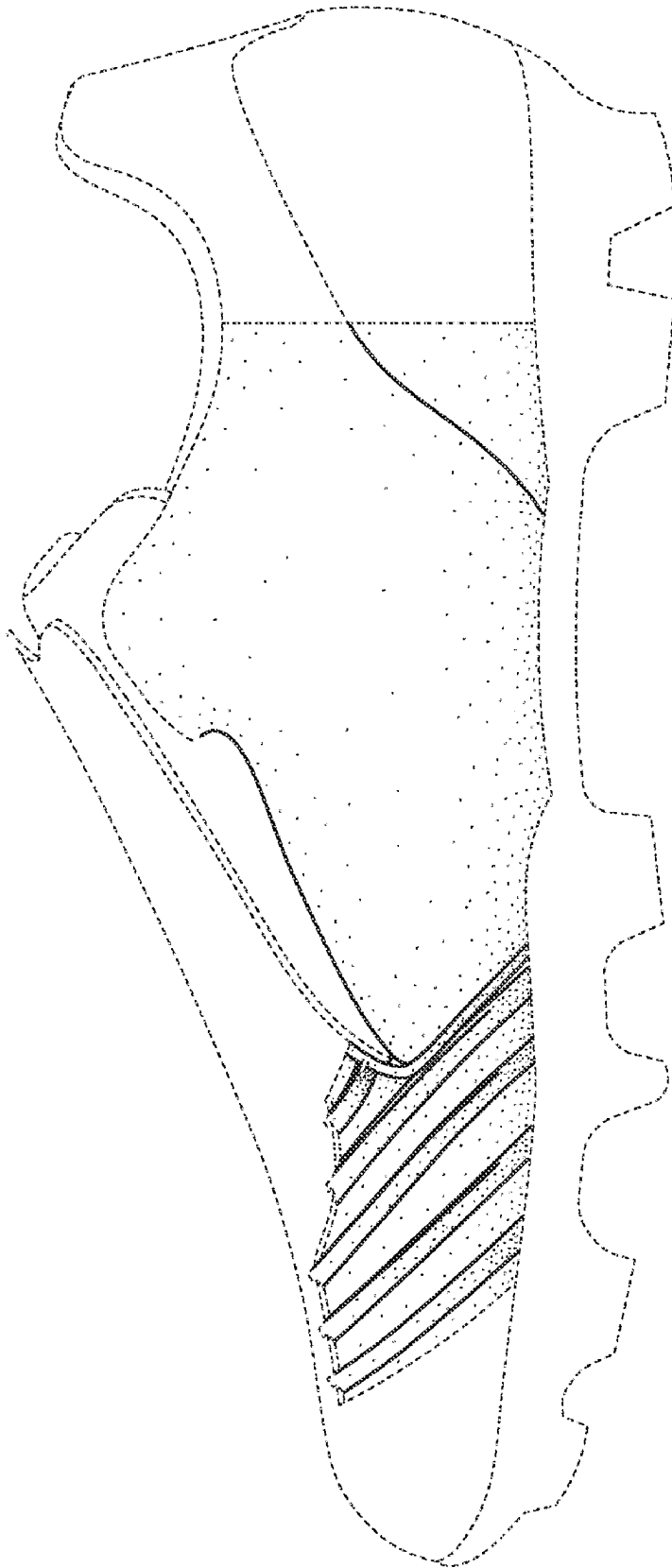


FIG. 3

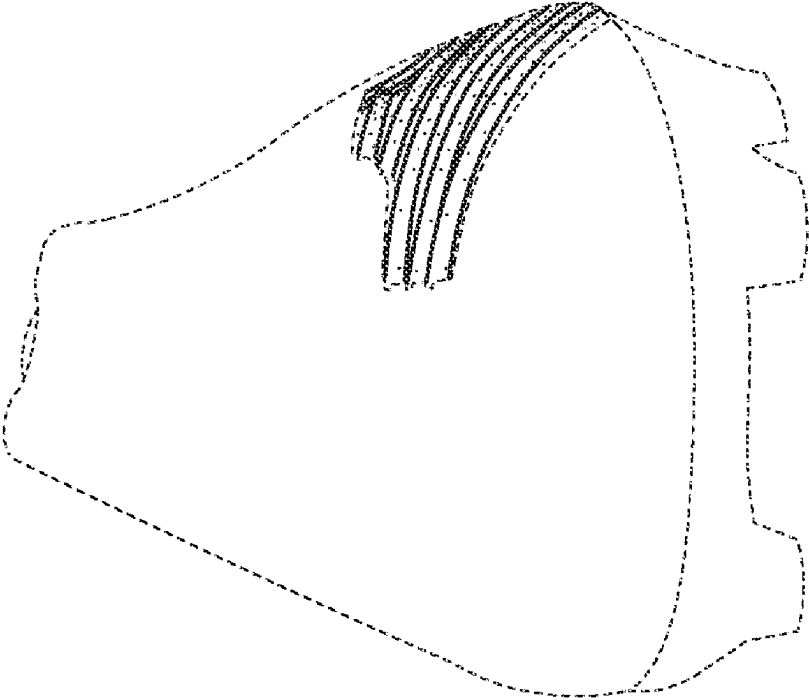


FIG. 4

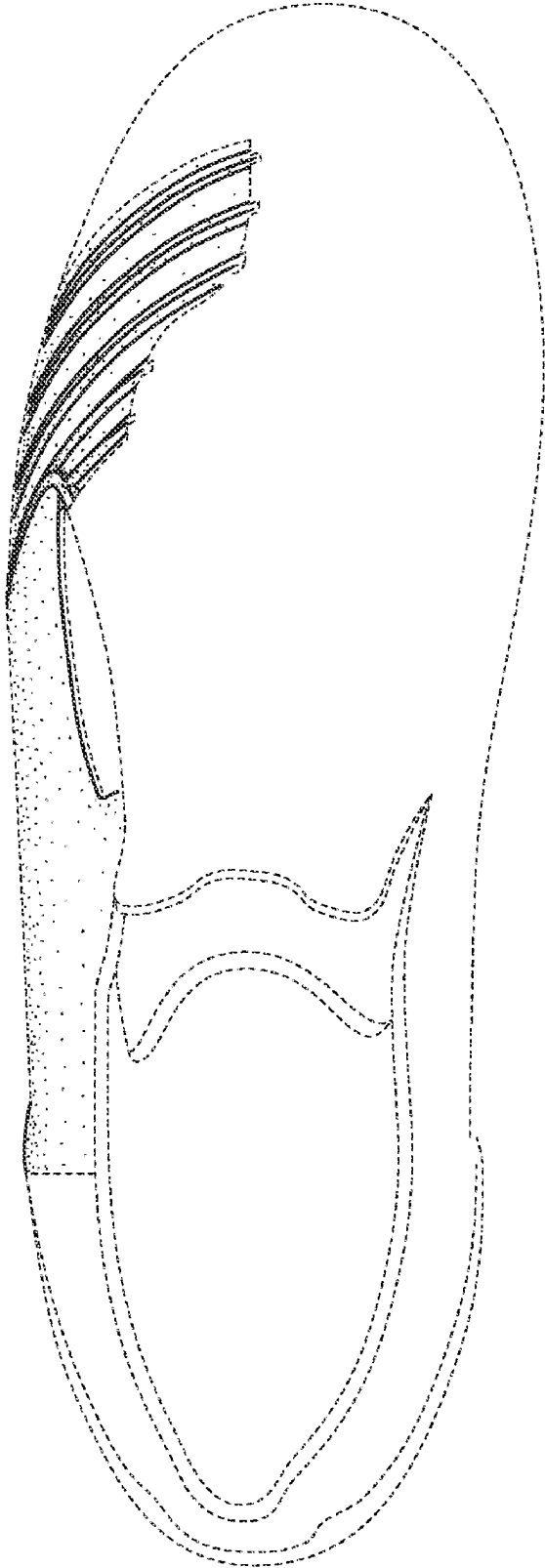


FIG. 5



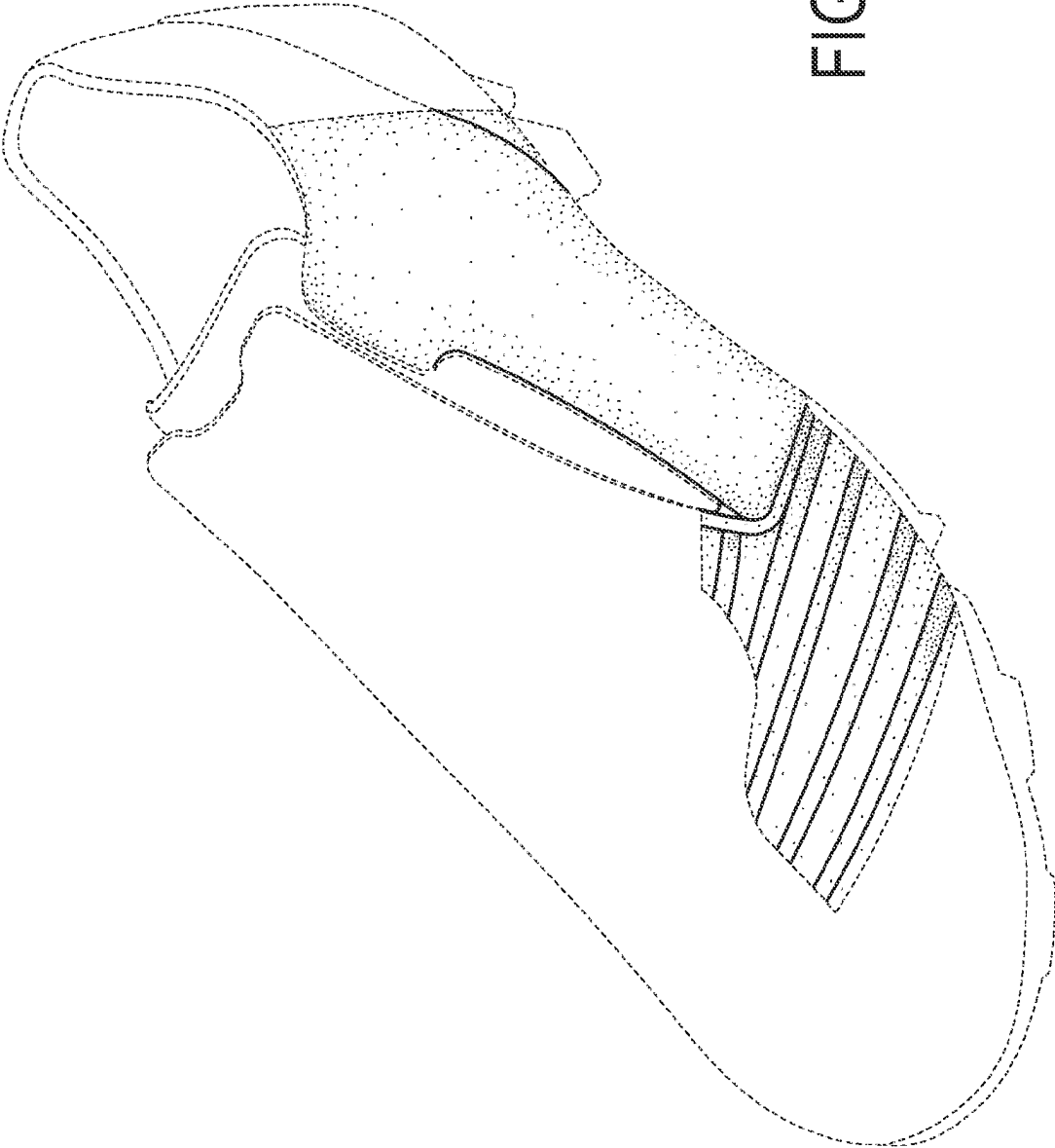


FIG. 6

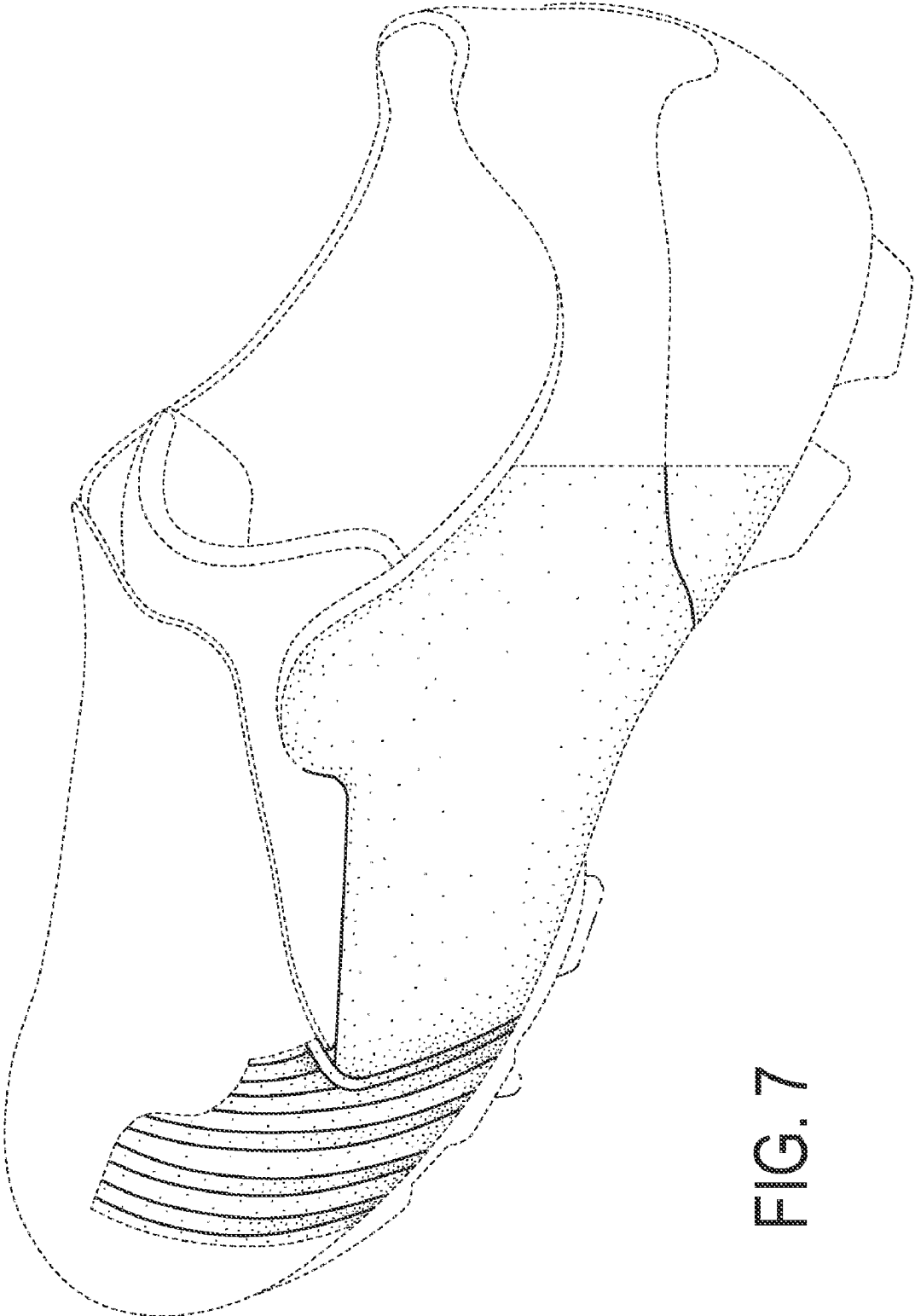


FIG. 7

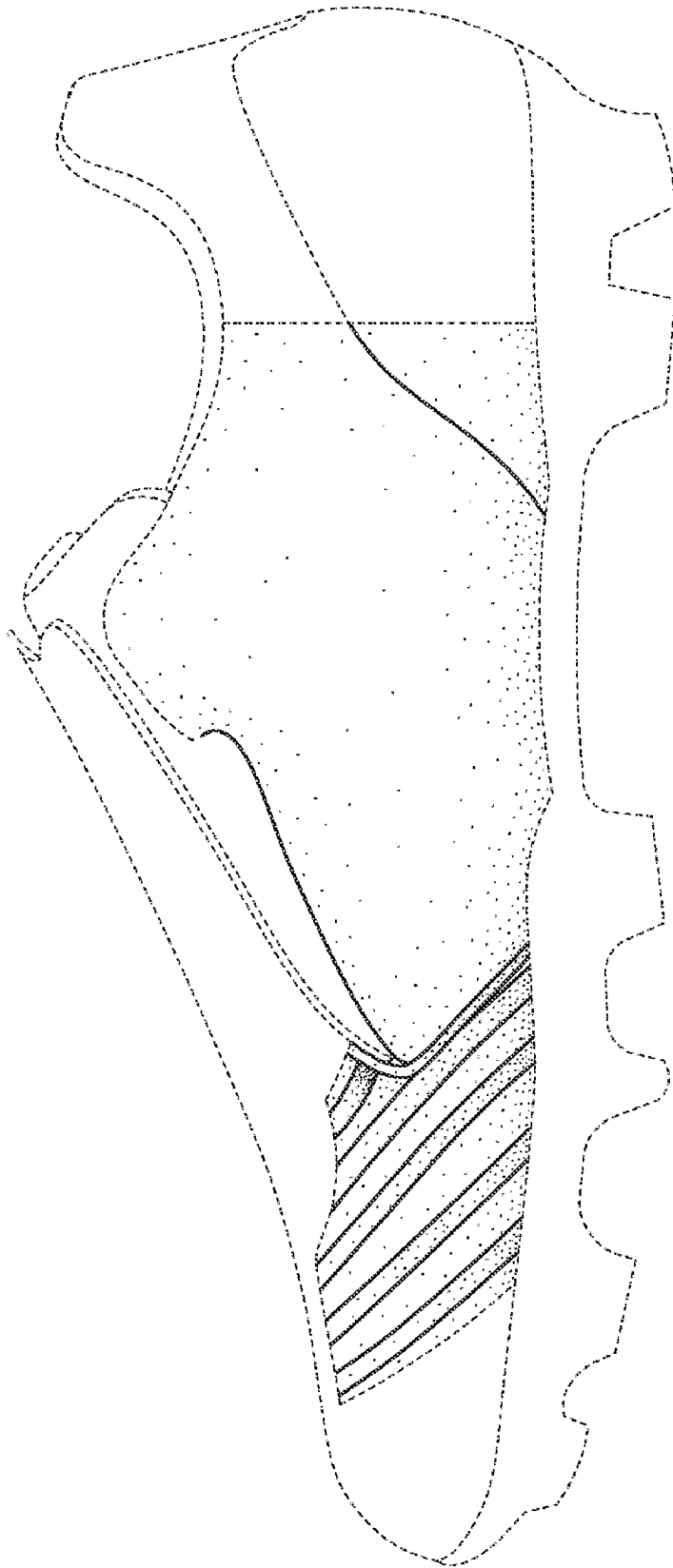


FIG. 8

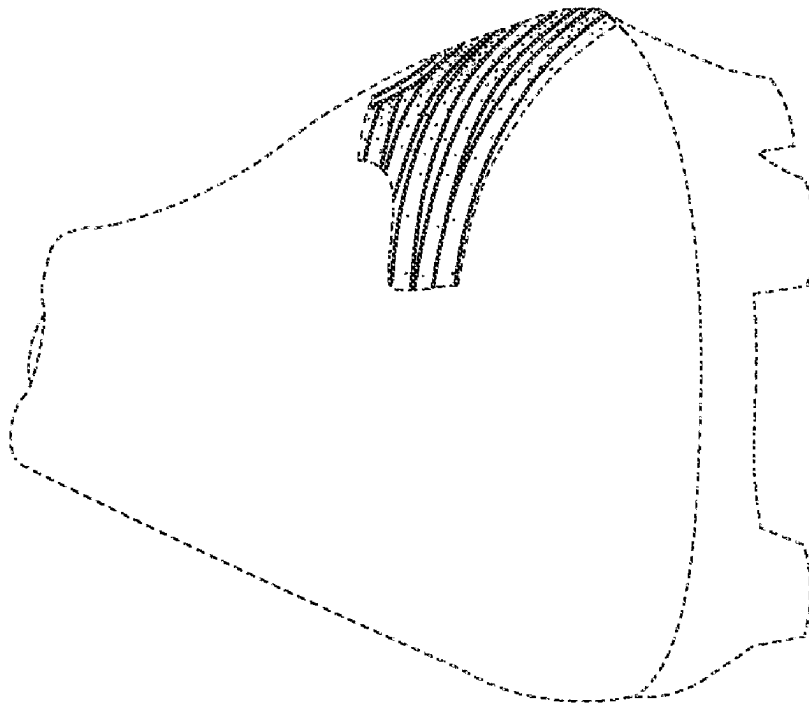


FIG. 9

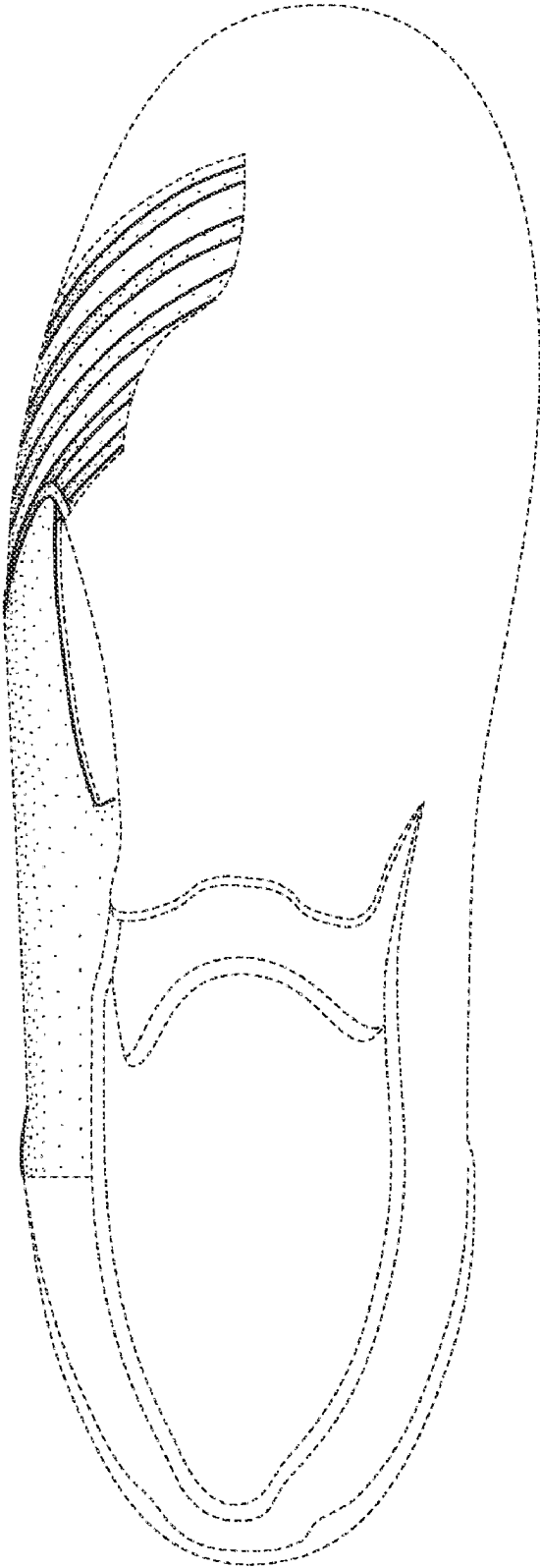


FIG. 10