

EXHIBIT S



US00D578294S

(12) **United States Design Patent**
Mervar et al.

(10) **Patent No.:** **US D578,294 S**

(45) **Date of Patent:** **** Oct. 14, 2008**

(54) **SHOE UPPER**

(75) Inventors: **Robert Mervar**, Portland, OR (US);
Pamela Greene, Portland, OR (US)

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

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

(21) Appl. No.: **29/319,685**

(22) Filed: **Jun. 12, 2008**

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

(52) **U.S. Cl.** **D2/969**

(58) **Field of Classification Search** D2/896,
D2/902, 903, 906-908, 943, 944, 946, 969,
D2/972-974; 36/45, 50.1, 77 M, 77 R, 83,
36/88, 113, 114, 126-131

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,746,478	A	2/1930	Howland
D82,079	S	9/1930	Daniels
D90,233	S	7/1933	Daniels
D90,234	S	7/1933	Daniels
D90,235	S	7/1933	Daniels
D90,369	S	7/1933	Kaminski
1,958,135	A	5/1934	Dunbar et al.
D95,204	S	4/1935	Hafin
D115,200	S	6/1939	Doree
2,226,110	A	12/1940	Bass
D160,838	S	11/1950	Brower
D173,699	S	12/1954	Hosker
2,954,617	A	10/1960	Yamaguchi
4,222,183	A	9/1980	Haddox
D278,947	S	5/1985	Foldes
D281,459	S	11/1985	Parker
D293,964	S	2/1988	Baungratz
D293,966	S	2/1988	Baungratz
D293,968	S	2/1988	Baungratz
4,813,158	A	3/1989	Brown
D301,657	S	6/1989	Brown
4,858,339	A	8/1989	Hayafuchi et al.
D303,729	S	10/1989	Macasieb

D304,128	S	*	10/1989	Kolman et al.	D2/969
D319,721	S		9/1991	Clark		
D325,120	S		4/1992	Clark		
D334,275	S		3/1993	Miller et al.		
D349,394	S		8/1994	Hatfield		
D357,794	S		5/1995	Avar et al.		
D362,953	S		10/1995	Greene		

(Continued)

OTHER PUBLICATIONS

Air Trainer TW, Nike Spring 1989 Catalog, p. 62.

(Continued)

Primary Examiner—Dominic Simone
(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a lateral side view of a shoe upper showing my new design;

FIG. 2 is a medial side view thereof;

FIG. 3 is a front view thereof;

FIG. 4 is a rear view thereof;

FIG. 5 is a top view thereof; and,

FIG. 6 is a front perspective view thereof.

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, 5 Drawing Sheets



U.S. PATENT DOCUMENTS

D367,754 S 3/1996 James
D377,414 S 1/1997 Hatfield
D379,031 S 5/1997 Hatfield
D380,078 S 6/1997 Von Conta
D381,799 S 8/1997 Hatfield
D384,805 S 10/1997 Smith, III
D385,411 S 10/1997 Cooper et al.
D385,996 S 11/1997 Tresser
D393,939 S 5/1998 Greene
D394,743 S 6/1998 Koh
D404,194 S 1/1999 Smith
D404,904 S 2/1999 Greenberg
D412,776 S * 8/1999 Biedermann D2/903
D414,321 S 9/1999 Blakeslee
D415,882 S * 11/1999 McDowell D2/972
D422,132 S 4/2000 Fogg
D428,245 S * 7/2000 Brown D2/972
D430,725 S 9/2000 McDowell
D431,352 S * 10/2000 Hlavacs D2/972
D438,697 S 3/2001 Matis et al.
D456,985 S * 5/2002 Clegg D2/972
D457,296 S * 5/2002 Burt D2/969
D458,015 S 6/2002 Dolan et al.
6,401,364 B1 6/2002 Burt
D460,251 S 7/2002 Dolan
D467,063 S 12/2002 Chen
D467,065 S 12/2002 Chen
D482,514 S 11/2003 Whittington
D487,336 S 3/2004 Matis
D490,972 S 6/2004 Blakeslee
D498,355 S 11/2004 Fullum
D499,250 S 12/2004 Smith
D500,408 S 1/2005 Rask
D504,012 S 4/2005 Fullum
D515,801 S 2/2006 Smith, III
D525,420 S 7/2006 Cass
D532,590 S 11/2006 Belley et al.
D544,198 S 6/2007 Caine
D544,693 S 6/2007 Caine

D544,699 S 6/2007 Link
D545,557 S 7/2007 Caine
D547,039 S 7/2007 Belley et al.
D548,948 S 8/2007 Hui
D553,340 S 10/2007 Dirsra
D562,541 S 2/2008 Avar
D568,599 S 5/2008 Avar
D570,089 S 6/2008 Avar

OTHER PUBLICATIONS

Lava High, Nike Spring 1989 Catalog, p. 80.
Son of a Lava Dome, Nike Spring 1989 Catalog, p. 80.
TC Lite, Nike Spring 1989 Catalog, p. 84.
Air Solo Flight, Nike Fall 1989 Catalog, p. 24.
Air Force STS, Nike Fall 1989 Catalog, p. 24.
Net Lite, Nike Fall 1986 Catalog, p. 50.
Air Windrunner, Nike Fall 1990 Catalog, p. 136.
Air Digs Pro II High, Nike Fall 1993 Catalog, p. 32.
Air International, Nike Fall 1991 Catalog, p. 142.
Air Max2 Uptempo, Nike Spring 1995 Catalog, p. 21.
Air Straight, Nike Spring 1995 Catalog, p. 128.
Air Max, Nike Fall 1995 Catalog, p. 9.
Air Skylon Triax, Nike Fall 1995 Catalog, p. 11.
Air Windrunner, Nike Fall 1995 Catalog, p. 12.
Air Streak, Nike Fall 1996 Catalog, p. 13.
Footsweep, Nike Fall 1996 Catalog, p. 78.
Air Astrea Lite, Nike Fall 1996 Catalog, p. 151.
Air Myriad, Nike Fall 1998 Catalog, p. 44.
ACG- Water Sport, Nike Holiday 1998 Catalog, p. M76.
Air Zela, Nike Holiday 1998 Catalog, p. W10.
Air Rollin, Nike Holiday 1998 Catalog, p. W11.
Air Wintrailia, Nike Holiday 1998 Catalog, p. W16.
Air Max Sphere, Nike Fall 2002 Catalog, p. W21.
Air Kukini, Nike Late Spring 2003 Catalog, p. M3.
Zoom Ventulus Plus, Nike Late Spring 2003 Catalog, p. M16.
Wmns Zoom Jana Star, Nike Late Spring 2006 Catalog, p. 28.
Rival XC, Nike Late Spring 2006 Catalog, p. 29.
Wmns Nike Shox Certified, Nike Late Spring 2006 Catalog, p. 148.
Air Diego Runner, Nike Late Spring 2003 Catalog, p. M3.

* cited by examiner

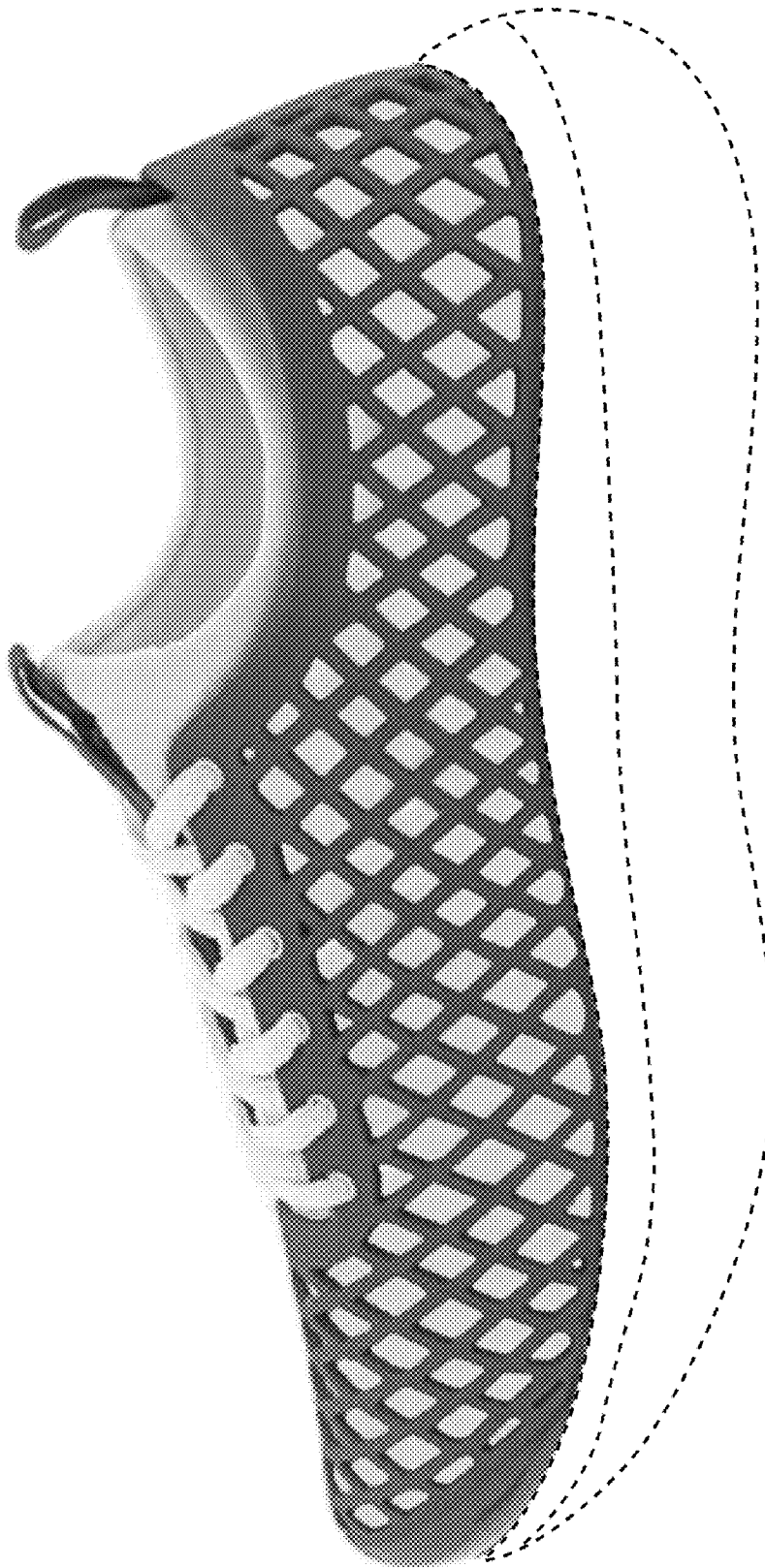


FIG. 1

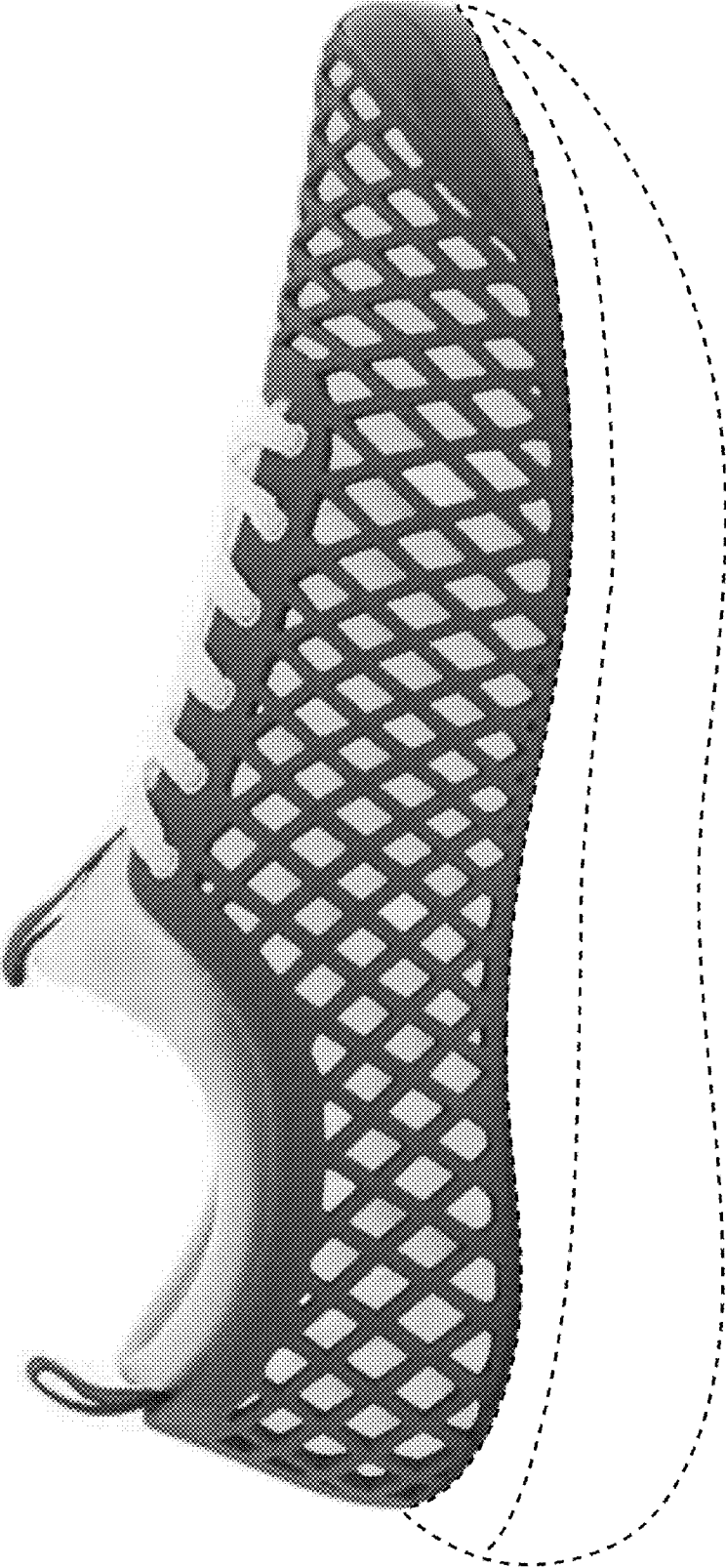


FIG. 2

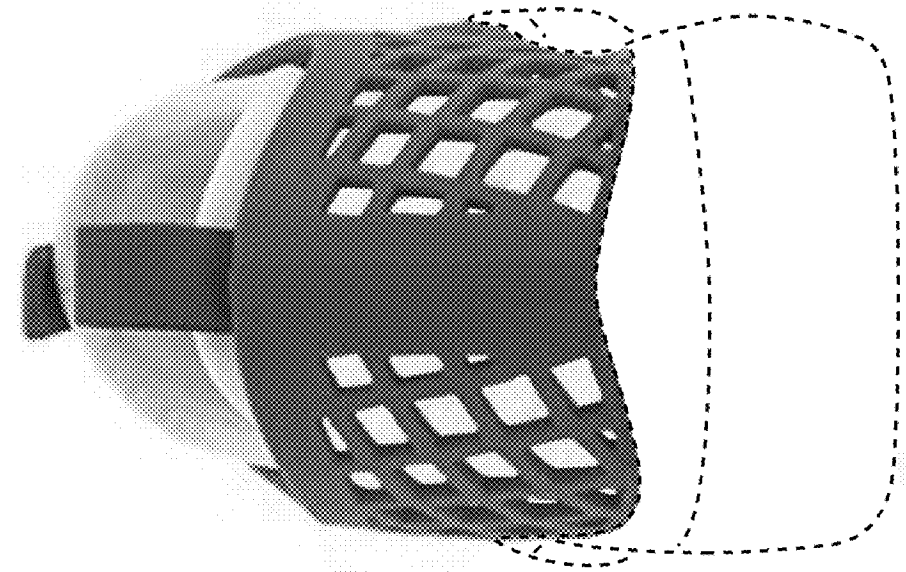


FIG. 3

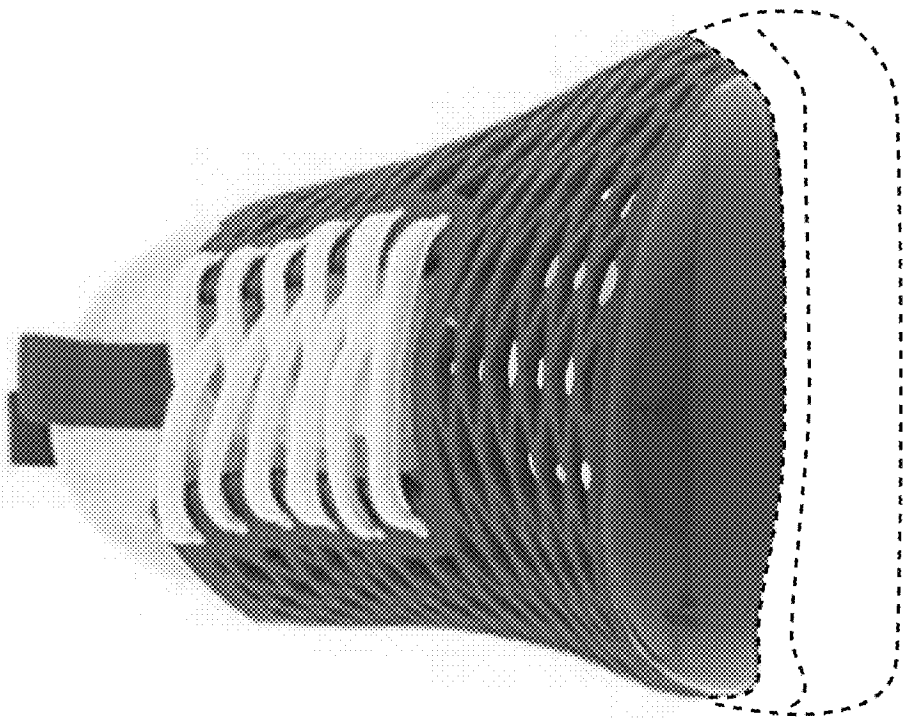


FIG. 4



FIG. 5



FIG. 6