

EXHIBIT K

**TO DECLARATION AND LOCAL RULE 7-5 CERTIFICATION OF ERIK
S. MAURER IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER, SEIZURE ORDER, AND
PRELIMINARY INJUNCTION**



US00D524529S

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

(10) **Patent No.:** **US D524,529 S**

(45) **Date of Patent:** **** Jul. 11, 2006**

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

D508,603 S * 8/2005 Newson D2/972

(75) Inventor: **John Hlavacs**, Portland, OR (US)

OTHER PUBLICATIONS

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

Nike Footwear Catalog Late Spring 1997, p. 8, published Sep. 1996.

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

Nike Footwear Catalog Fall 1997, p. 11, published Dec. 1996.

(21) Appl. No.: **29/229,860**

Nike Footwear Catalog Late Spring 1998, p. 142, published Sep. 1997.

(22) Filed: **May 13, 2005**

Nike Footwear Catalog Late Fall 1998, pp. 16, 86, published Mar. 1998.

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

Nike Footwear Catalog Holiday 1999, pp. W116, M54, published Mar. 1999.

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

Nike Footwear Catalog Late Spring 2003, p. W5, published Sep. 2002.

(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.

Nike Footwear Catalog Fall 2003, p. M21, published Nov. 2002.

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

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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;

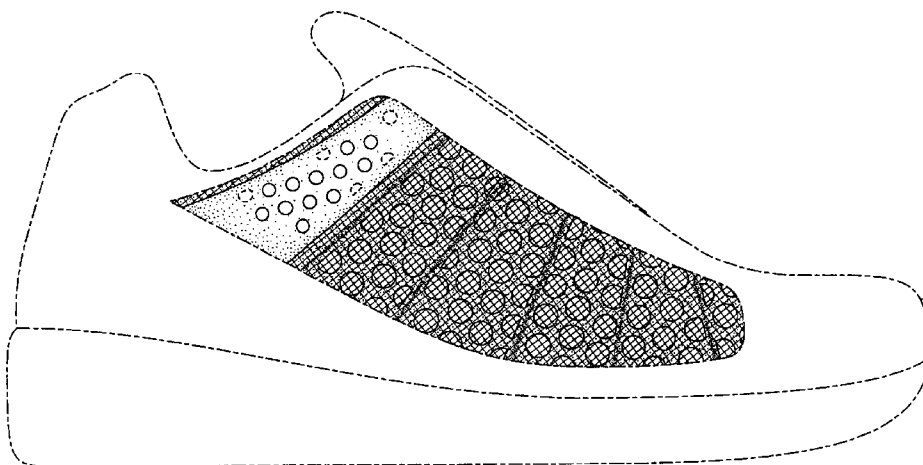
FIG. 2 is a rear perspective view thereof;

FIG. 3 is a side elevational view thereof; and,

FIG. 4 is a top plan view thereof.

The uneven broken line immediately adjacent 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 and the unshaded regions within the circles and partial circles do not form part of the claimed design.

1 Claim, 4 Drawing Sheets



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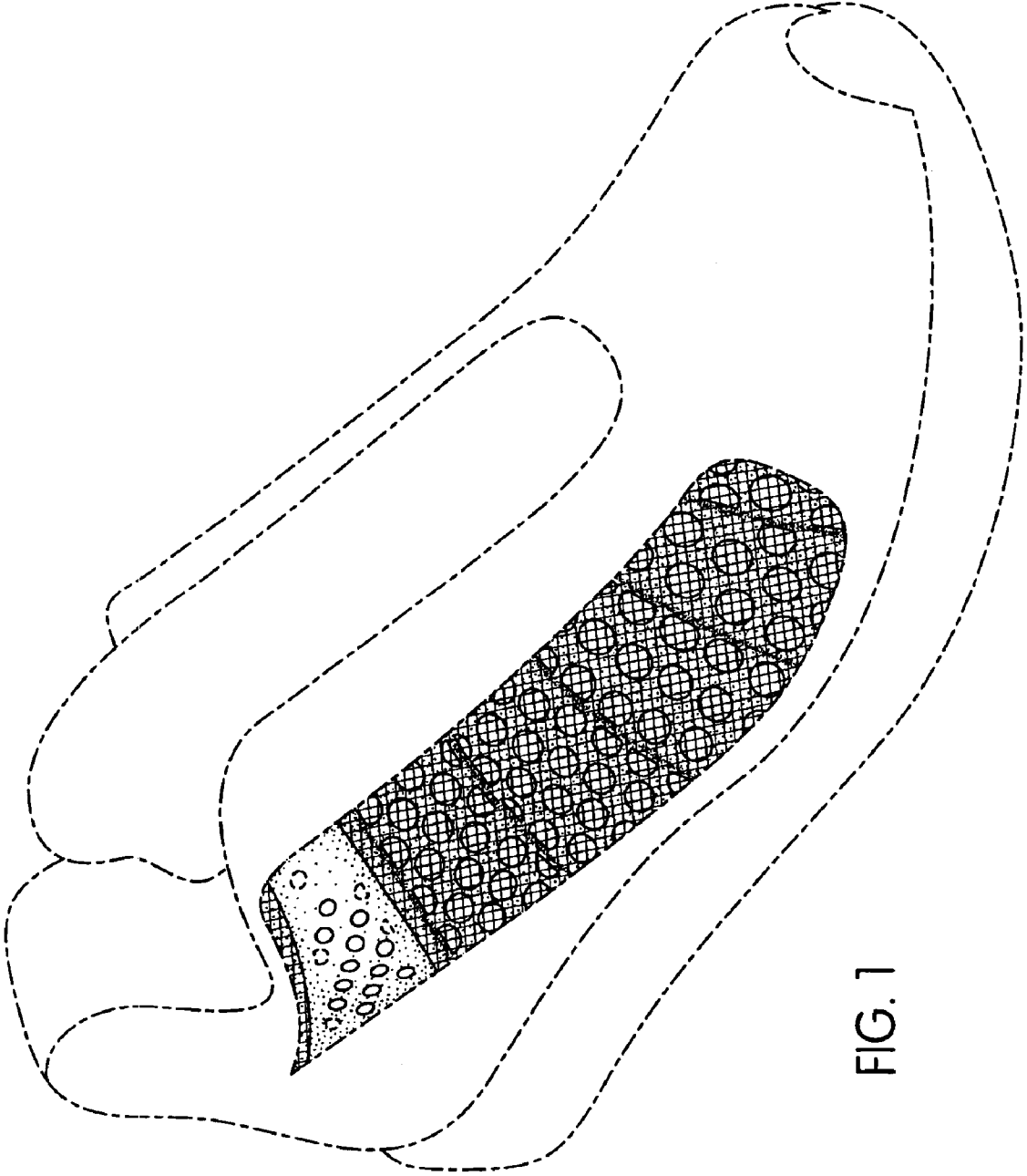


FIG. 1

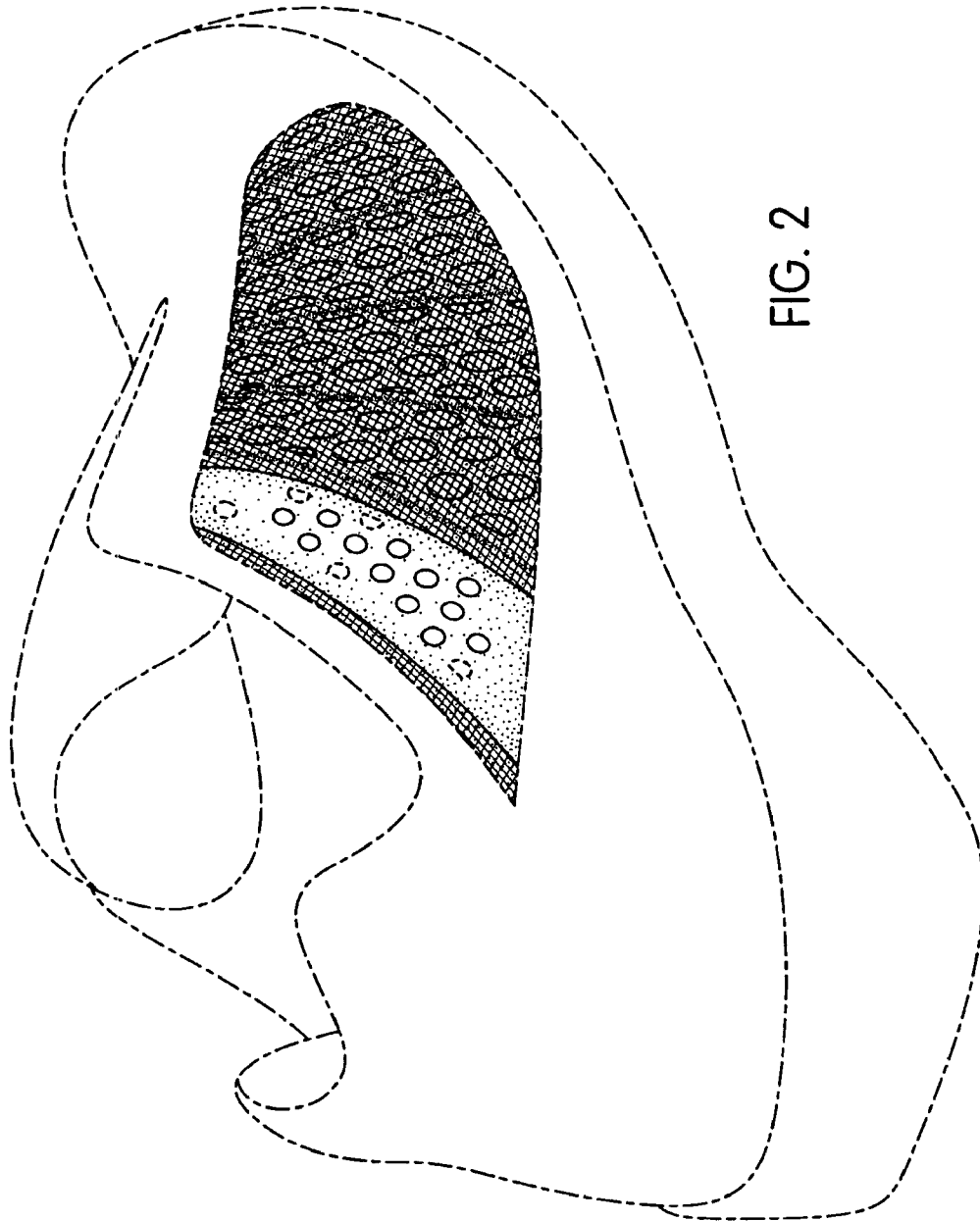


FIG. 2

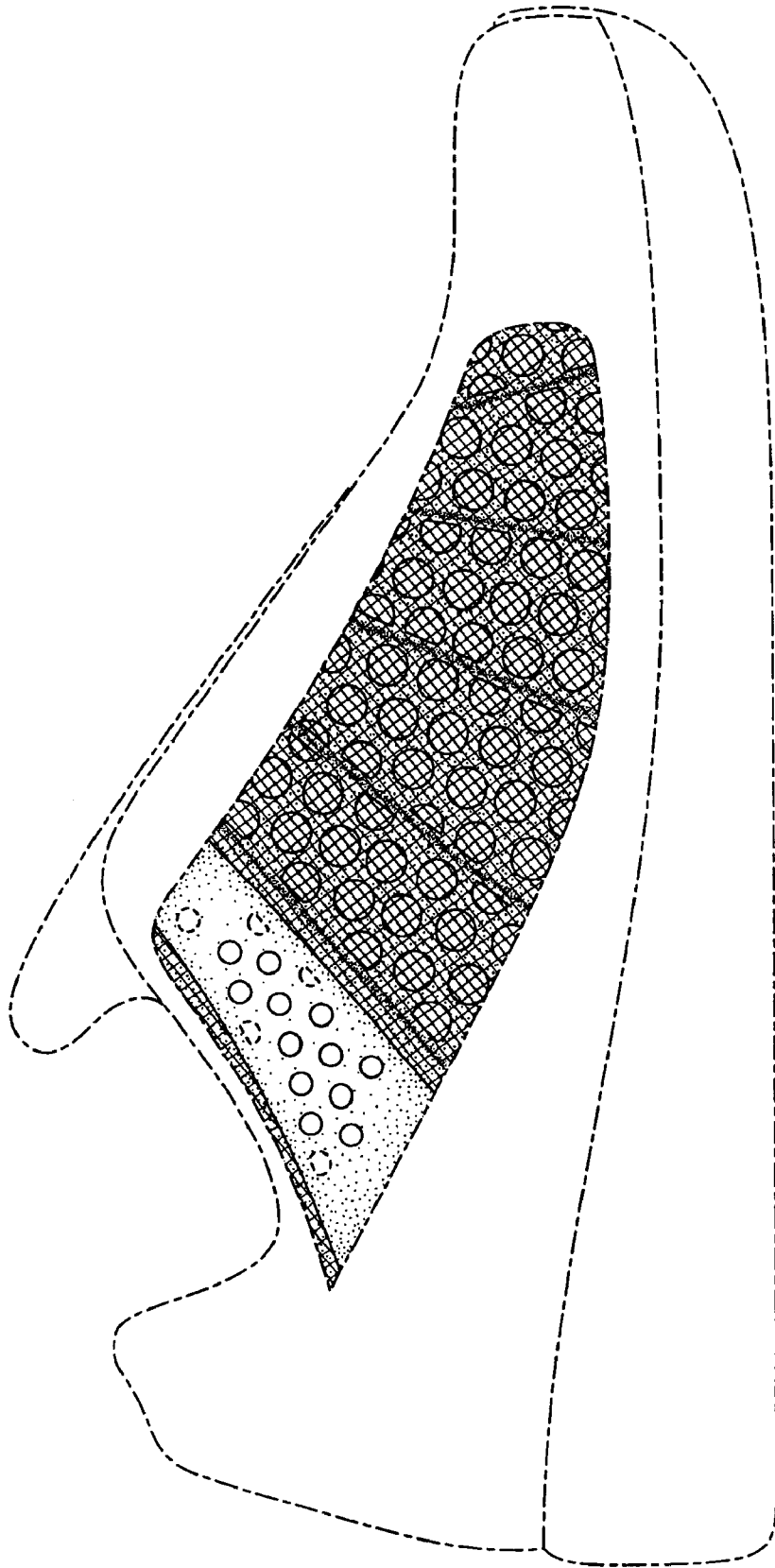


FIG. 3

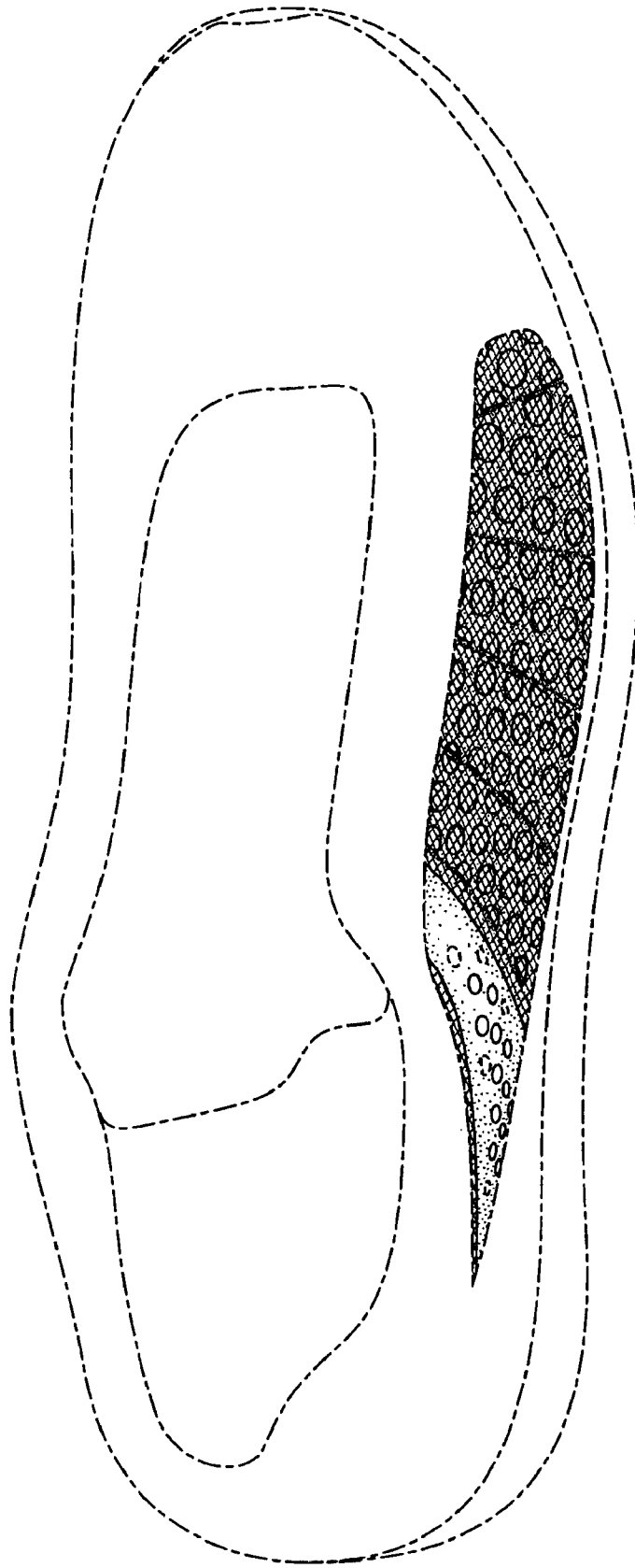


FIG. 4