

EXHIBIT T

**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**



US00D579186S

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

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(45) **Date of Patent:** **** Oct. 28, 2008**

(54) **SHOE UPPER**

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

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

(21) Appl. No.: **29/319,683**

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Related U.S. Application Data

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(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
D95,204 S	4/1935	Haffin
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.

(Continued)

OTHER PUBLICATIONS

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

(Continued)

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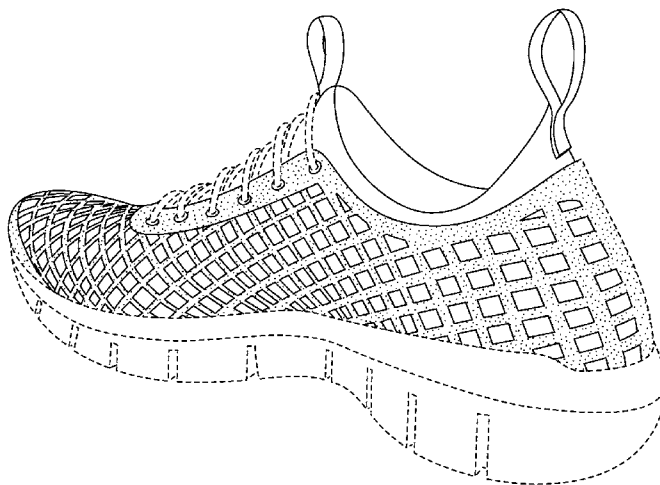
(57) **CLAIM**

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

DESCRIPTION

The FIGURE is a 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, 1 Drawing Sheet



U.S. PATENT DOCUMENTS

D362,953 S 10/1995 Greene
 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 D2/972
 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 D2/919
 D414,321 S 9/1999 Blakeslee
 D422,132 S 4/2000 Fogg
 D424,798 S * 5/2000 McDowell D2/972
 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
 D499,875 S * 12/2004 Lozano D2/972
 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

