

EXHIBIT W

**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**



US00D586548S

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

(10) **Patent No.:** **US D586,548 S**

(45) **Date of Patent:** **** Feb. 17, 2009**

(54) **SHOE UPPER**

(75) Inventor: **Andreas Harlow**, Portland, OR (US)

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

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

(21) Appl. No.: **29/326,386**

(22) Filed: **Oct. 16, 2008**

(51) **LOC (9) Cl.** **02-99**

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

(58) **Field of Classification Search** D2/896,
D2/902, 906-908, 943, 944, 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.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D112,344 S	11/1938	Lutz	
D334,088 S	3/1993	Teague	
D334,277 S	3/1993	Teague	
D336,148 S	6/1993	Adams	
D387,591 S	12/1997	Hatfield et al.	
D398,753 S *	9/1998	von Conta et al.	D2/969
D398,761 S	9/1998	Smith, III	
D407,201 S	3/1999	Backus et al.	
D408,983 S	5/1999	Maxwell	
D456,129 S	4/2002	Smith, III	
D467,719 S *	12/2002	Blakeslee	D2/972
D474,882 S	5/2003	Cooper	
D490,972 S	6/2004	Blakeslee	
D491,346 S	6/2004	Roulo	
D508,603 S *	8/2005	Newson	D2/972
D510,473 S *	10/2005	Burg	D2/969
D513,556 S *	1/2006	Smith, III	D2/972
D515,288 S	2/2006	Della Valle	
D523,615 S	6/2006	Burg	
D524,524 S	7/2006	Hobson	
D527,885 S	9/2006	Young	
D530,903 S	10/2006	Wilken	
D535,463 S	1/2007	Matis et al.	

D538,021 S *	3/2007	Matis et al.	D2/969
D545,053 S *	6/2007	Harlow	D2/972
D546,045 S	7/2007	Matis et al.	
D563,644 S	3/2008	Matis et al.	
D563,651 S	3/2008	Matis et al.	
D569,601 S	5/2008	Hatfield	
D570,586 S	6/2008	Hatfield	
D571,995 S	7/2008	Mochen	
D572,000 S	7/2008	Petrie	
D574,591 S *	8/2008	Belley et al.	D2/969
D574,594 S	8/2008	St-Louis et al.	
D574,595 S *	8/2008	Belley et al.	D2/969
D574,598 S *	8/2008	Belley et al.	D2/969
D575,492 S	8/2008	St-Louis et al.	
D578,292 S *	10/2008	Horne et al.	D2/969
D580,148 S *	11/2008	Schoenborn	D2/969

OTHER PUBLICATIONS

Nike Footwear Catalog, Fall 1987, p. 24, 28, 56 and 72, published Jan. 1987.

Nike Footwear Catalog, Spring 1986, p. 11, 13, 31 and 36, published Jun. 1985.

(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

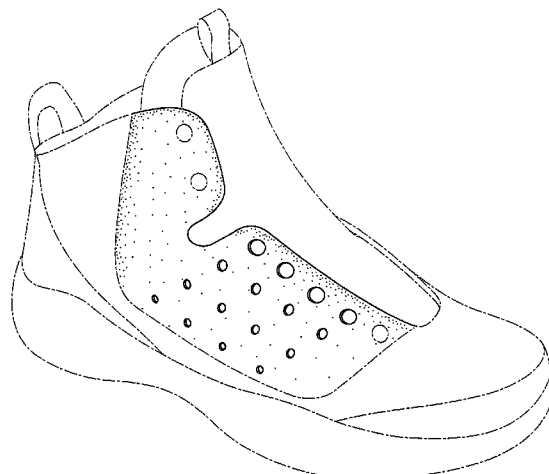
FIG. 1 is a front perspective view of a shoe upper showing my new design;

FIG. 2 is a rear perspective view thereof; and,

FIG. 3 is a side view thereof.

The broken line immediately adjacent to the shaded area represents an unclaimed boundary of the design. The broken line showing of the three circular regions within the shaded area and the remainder of the shoe is for environmental purposes only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



OTHER PUBLICATIONS

Nike Footwear Catalog, Fall 1986, p. 44 and 94, published Jan. 1986.
Nike Footwear Catalog, 1985, p. 61, published Dec. 1984.
Nike Footwear Catalog, Fall 1989, p. 54, 72 and 78, published Dec. 1988.
Nike Footwear Catalog, Fall 1990, p. 88, published Dec. 1989.
Nike Footwear Catalog, Spring 1991, p. 28, published Jun. 1990.
Nike Footwear Catalog, Spring 1992, p. 40, published May 1991.
Nike Footwear Catalog, Fall 1992, p. 32, published Dec. 1991.
Nike Footwear Catalog, Spring 1993, p. 22, 24 and 28, published Jun. 1992.
Nike Footwear Catalog, Fall 1993, p. 40, published Dec. 1992.
Nike Footwear Catalog, Holiday 1993, p. 11, published Mar. 1993.
Nike Footwear Catalog, Spring 1994, p. 40 and 148, published Jun. 1993.
Nike Footwear Catalog, Late Spring 1994, p. 66, published Sep. 1993.
Nike Footwear Catalog, Spring 1995, p. 28, published Jun. 1994.
Nike Footwear Catalog, Fall 1995, p. 33, published Nov. 1994.
Nike Footwear Catalog, Late Spring 1996, p. 46, published Aug. 1995.

Nike Footwear Catalog, Spring 1997, p. 45, published Jun. 1996.
Nike Footwear Catalog, Late Spring 1997, p. 35, published Sep. 1996.
Nike Footwear Catalog, Fall 1997, p. 203 and 213, published Dec. 1996.
Nike Footwear Catalog, Holiday 1997, p. 34 and 37, published Mar. 1997.
Nike Footwear Catalog, Spring 1998, p. 28, published Jun. 1997.
Nike Footwear Catalog, Late Spring 1998, p. 215, published Sep. 1997.
Nike Footwear Catalog, Holiday 1998, p. M87, published Feb. 1998.
Nike Footwear Catalog, Holiday 1999, p. M42, published Mar. 1999.
Nike Footwear Catalog, Holiday 2002, p. W69, published Mar. 2002.
Nike Footwear Catalog, Fall 2003, p. W9, published Nov. 2002.
Nike Footwear Catalog, Holiday 2003, p. M60, published Mar. 2003.
Nike Footwear Catalog, Spring 2004, p. M100, published Jun. 2003.
Nike Footwear Catalog, Spring 2005, p. M45, published Jun. 2004.
Nike Footwear Catalog, Fall 2006, p. 133, published Nov. 2005.
Nike Footwear Catalog, Spring 2008, p. 42, published May 2007.

* cited by examiner

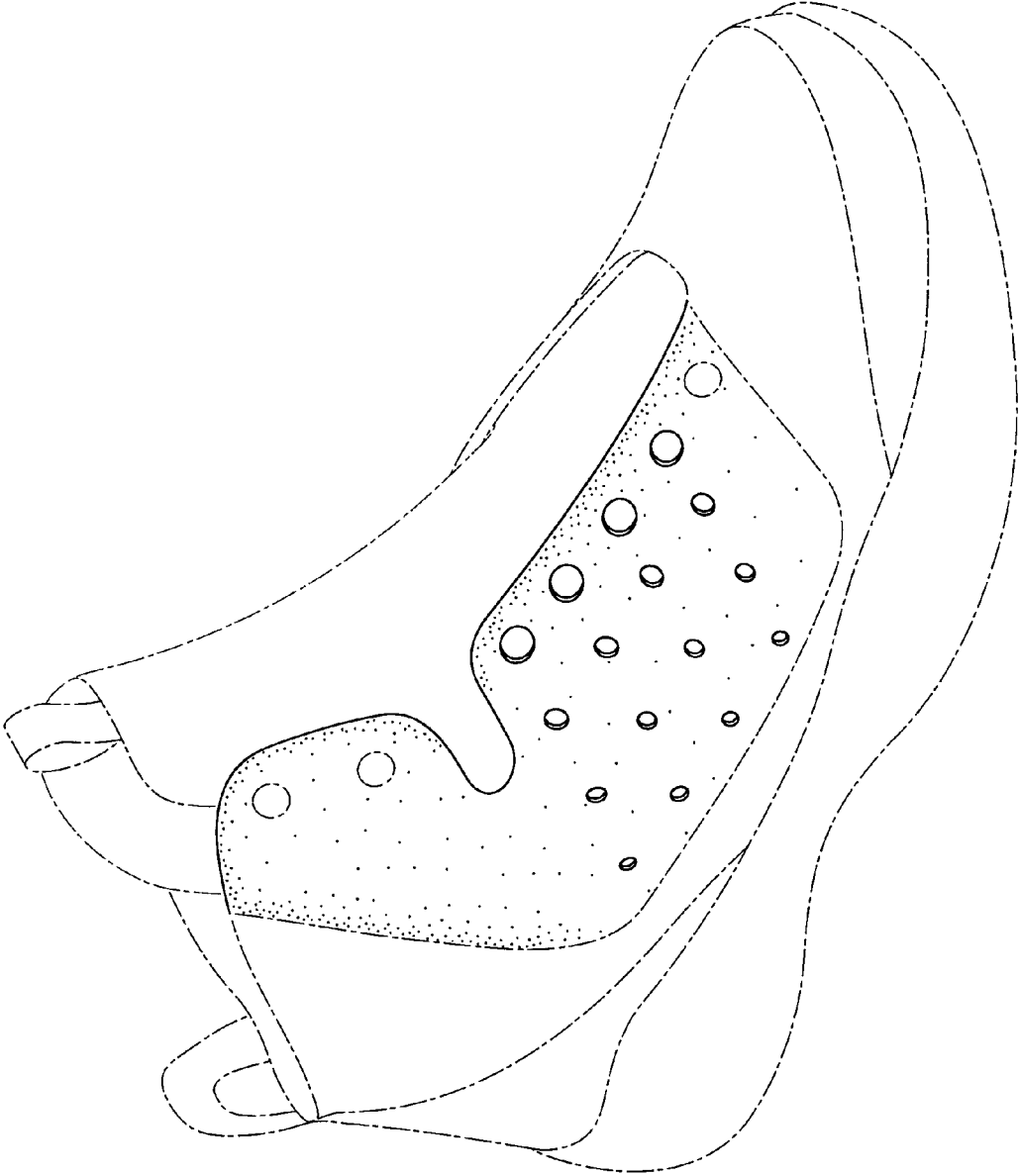


FIG. 1

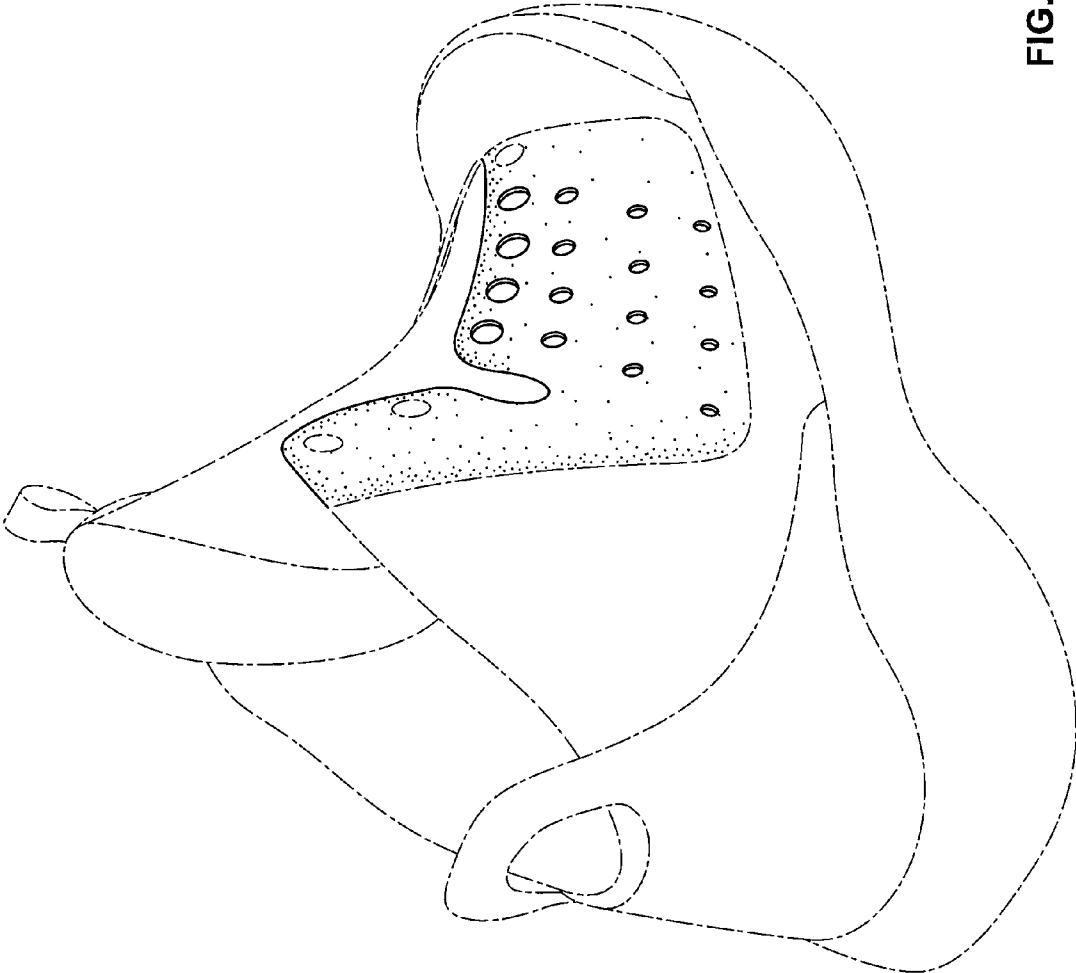


FIG. 2

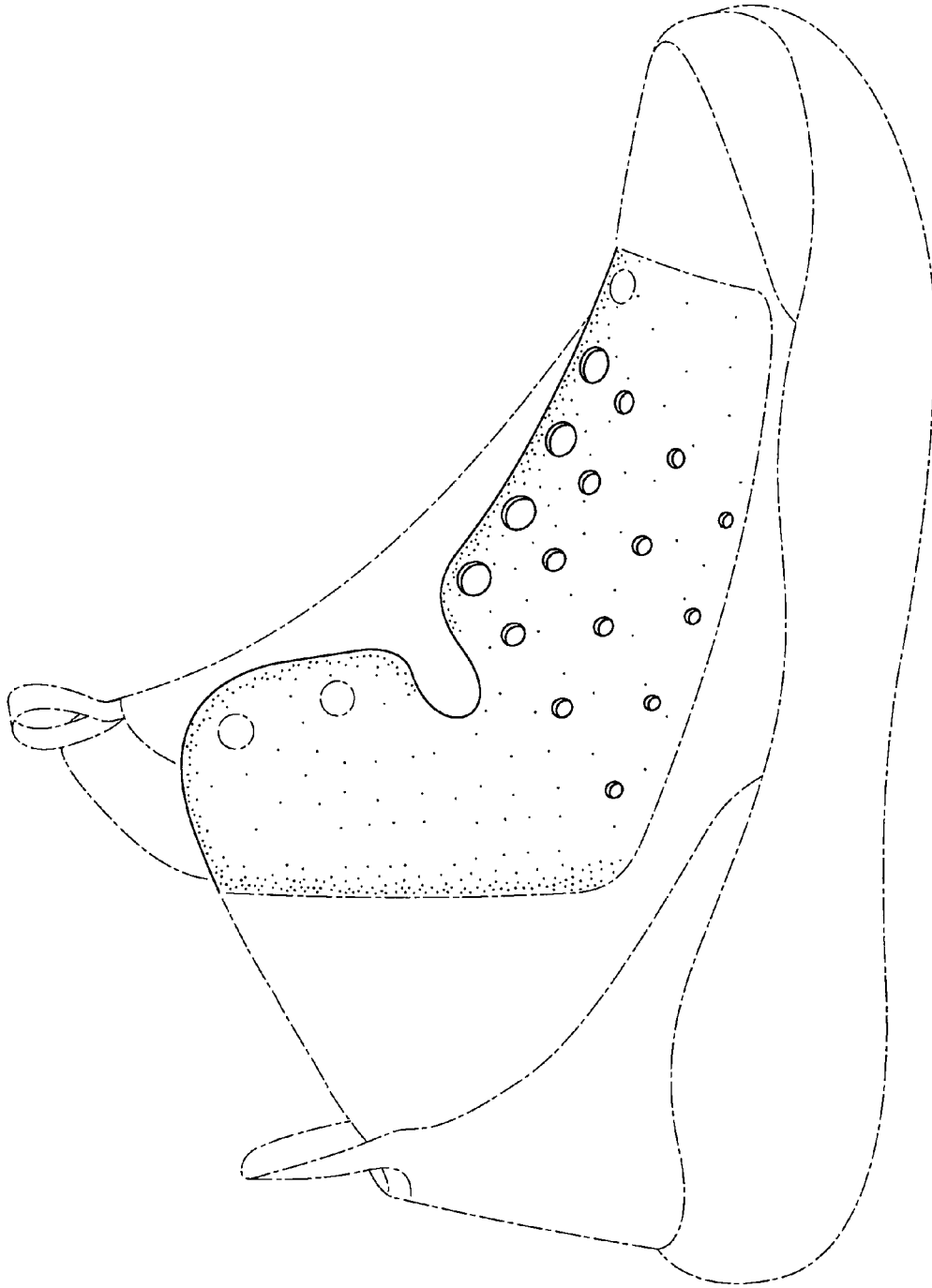


FIG. 3