

EXHIBIT D

**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**



US00D475523S

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

(10) **Patent No.:** **US D475,523 S**

(45) **Date of Patent:** **** Jun. 10, 2003**

- (54) **PORTION OF A SHOE UPPER**
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OR (US)
- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**

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(List continued on next page.)

- (21) Appl. No.: **29/176,468**
- (22) Filed: **Feb. 26, 2003**

- (51) **LOC (7) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/972**
- (58) **Field of Search** D2/896, 902, 907,
D2/943, 944, 946, 969, 972-974; 36/45,
50.1, 51, 77 M, 77 R, 83, 88, 113, 114,
126-130

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(57) **CLAIM**

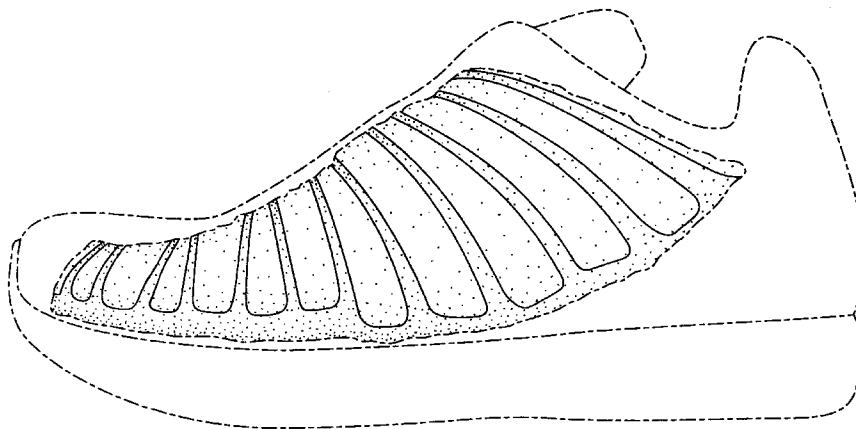
The ornamental design for a portion of a shoe upper, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a portion of a shoe upper showing my new design;
 FIG. 2 is a side elevational view of one side thereof;
 FIG. 3 is a top plan view thereof;
 FIG. 4 is a front elevational view thereof; and,
 FIG. 5 is a rear elevational view thereof.

The uneven broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



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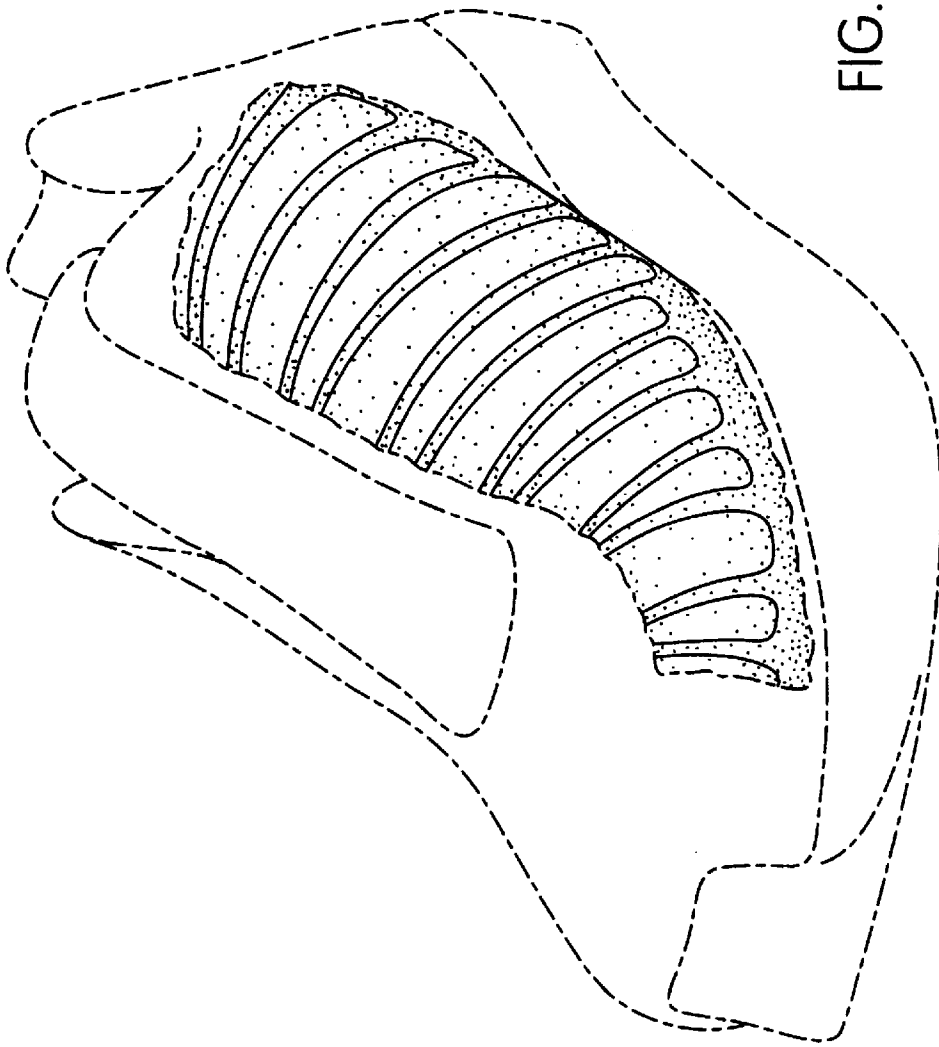


FIG. 1

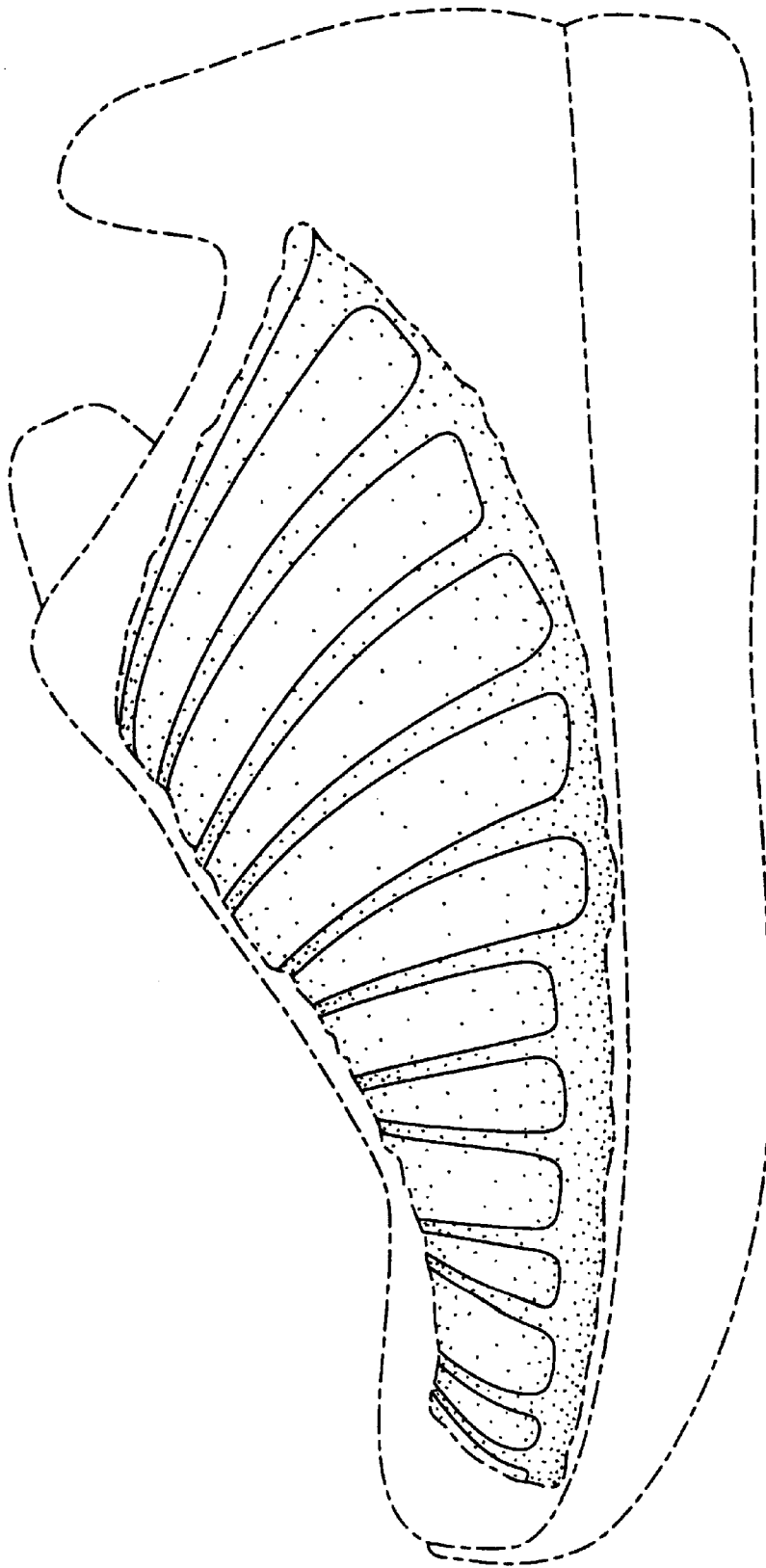


FIG. 2

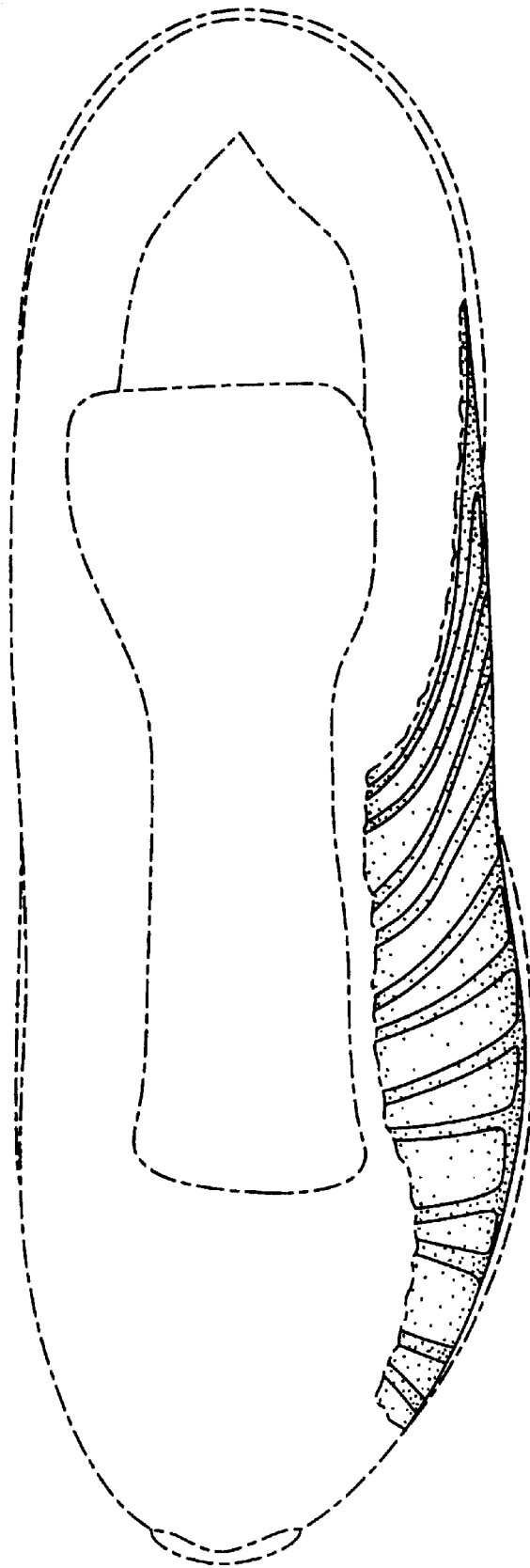


FIG. 3

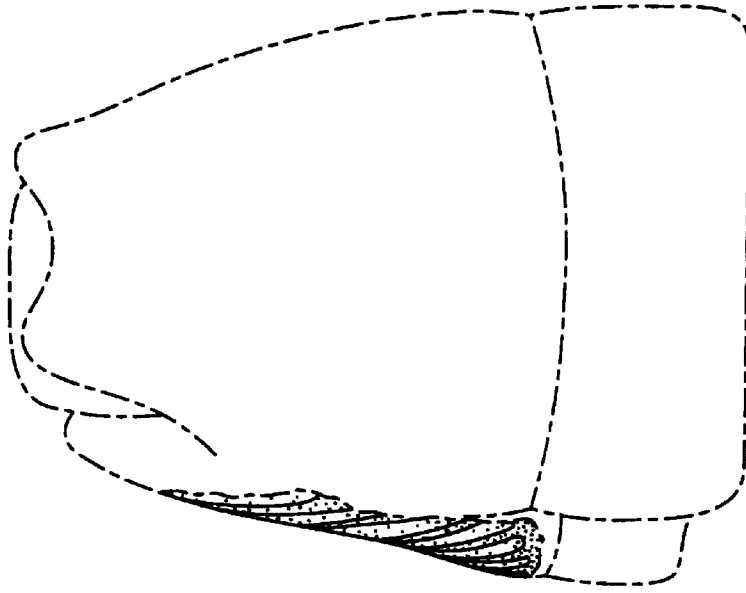


FIG. 5

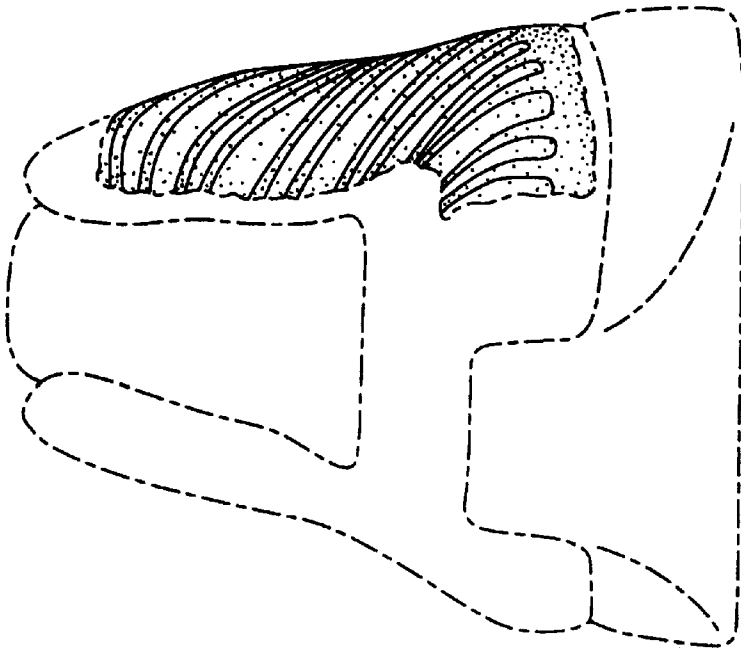


FIG. 4