

EXHIBIT E

**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**



US00D494353S1

(12) **United States Design Patent** (10) **Patent No.:** **US D494,353 S**
McDowell (45) **Date of Patent:** **** Aug. 17, 2004**

(54) **PORTION OF A SHOE UPPER**
(75) Inventor: **Sean Michael McDowell**, Beaverton, OR (US)
(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
(**) Term: **14 Years**
(21) Appl. No.: **29/194,306**
(22) Filed: **Nov. 24, 2003**
(51) **LOC (7) Cl.** **02-99**
(52) **U.S. Cl.** **D2/972; D2/973**
(58) **Field of Search** D2/896, 902, 907, D2/908, 943, 944, 972-974; 36/45, 50.1, 77 M, 77 R, 83, 88, 113, 114, 126-130

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Nike Footwear Catalog Late Spring 2003, p. W15, published Sep. 2002.*

* cited by examiner

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(57) **CLAIM**

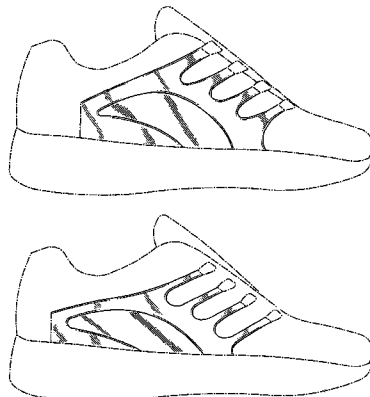
The ornamental design for a portion of a shoe upper, as shown and described.

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 view thereof;
FIG. 4 is a front view thereof;
FIG. 5 is a top plan view thereof;
FIG. 6 is a front perspective view of a portion of a shoe upper showing a second embodiment of my new design;
FIG. 7 is a rear perspective view thereof;
FIG. 8 is a side view thereof;
FIG. 9 is a front view thereof; and,
FIG. 10 is a top view thereof.

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

1 Claim, 10 Drawing Sheets



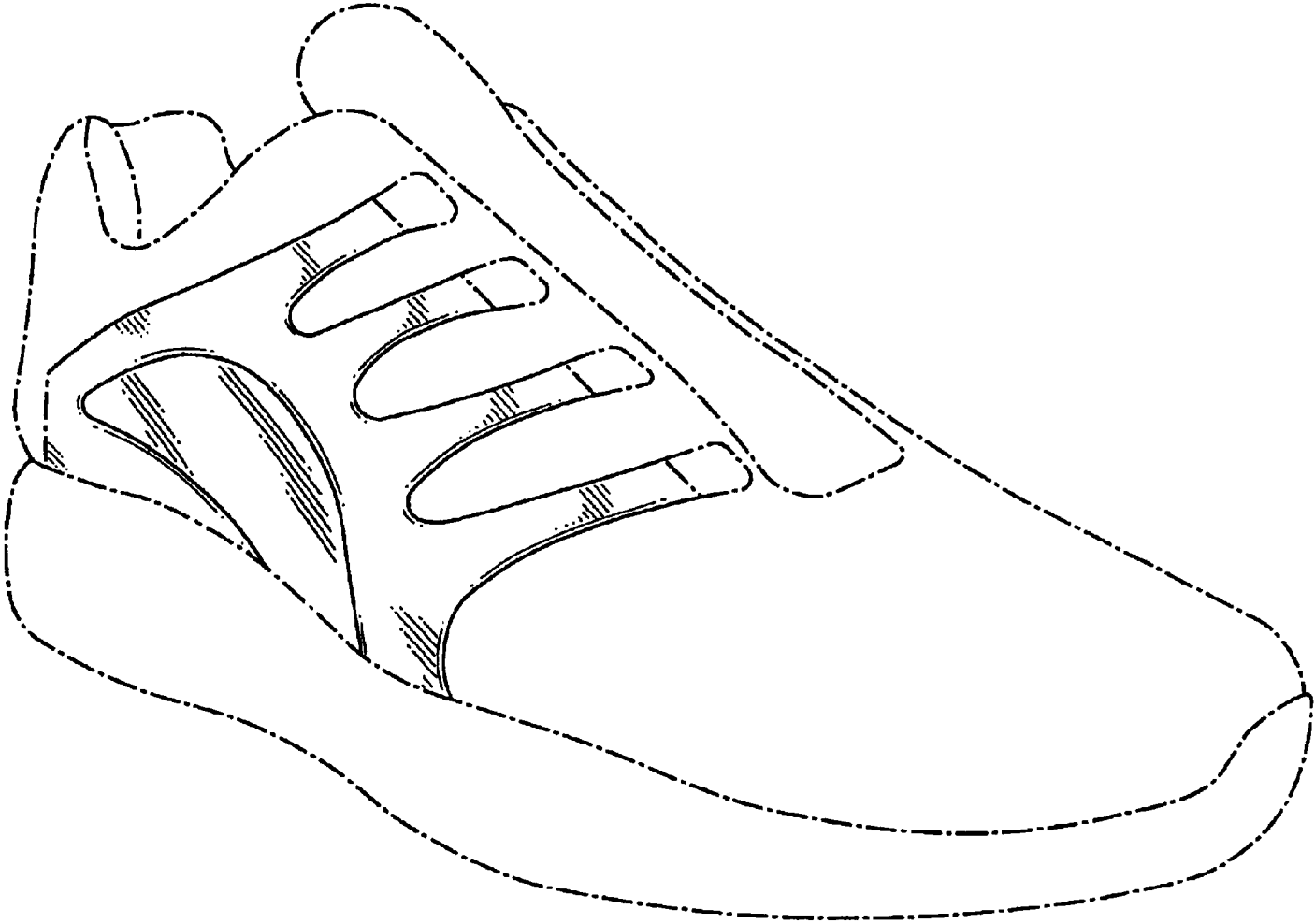


FIG. 1



FIG. 2

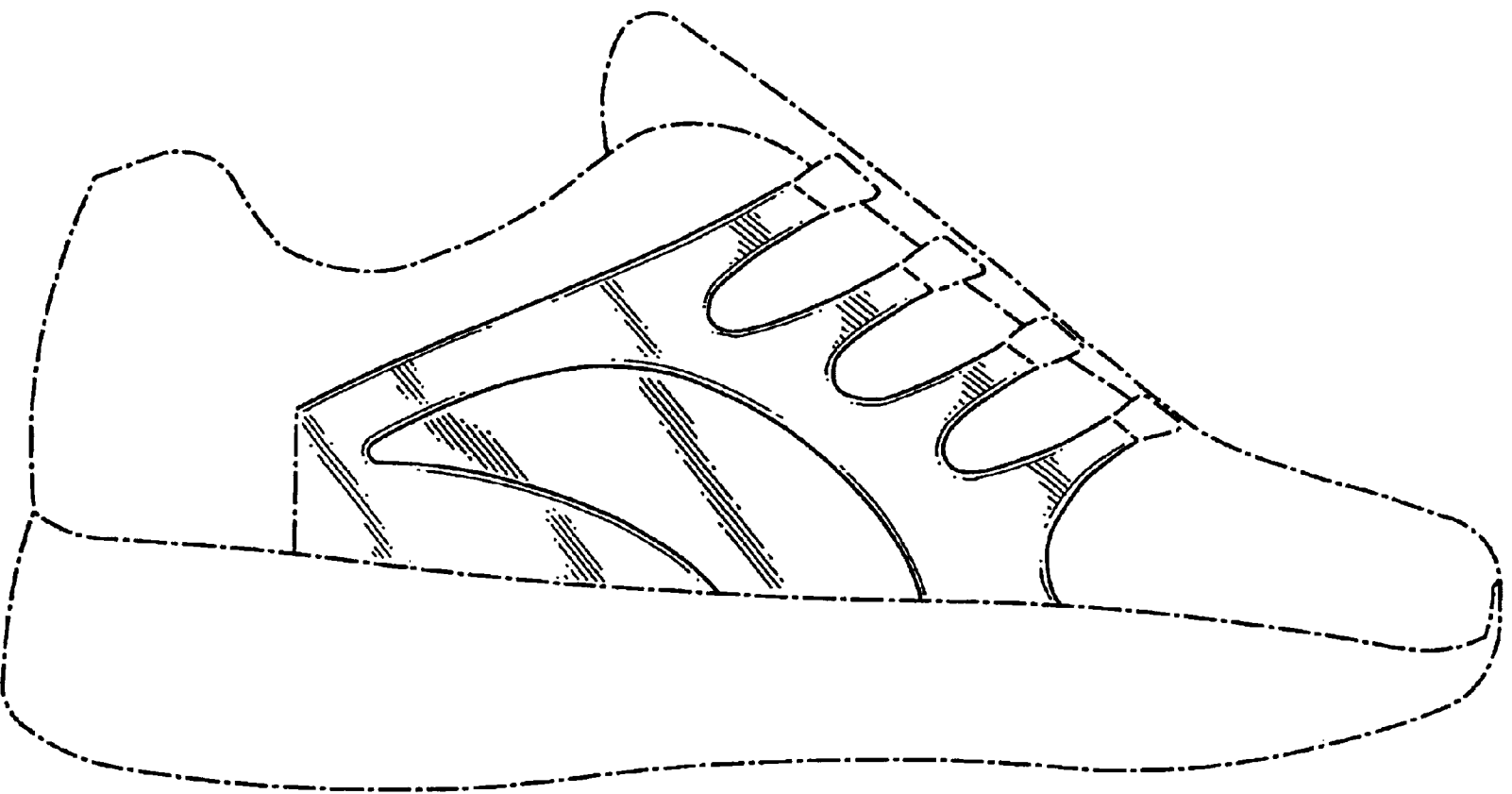


FIG.3

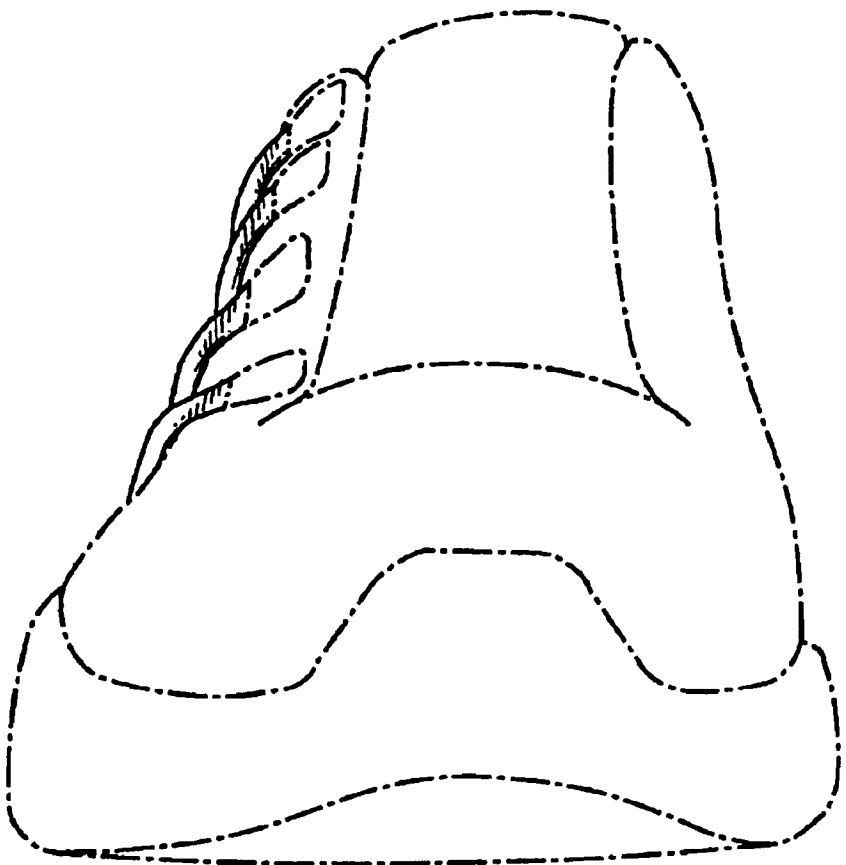


FIG.4

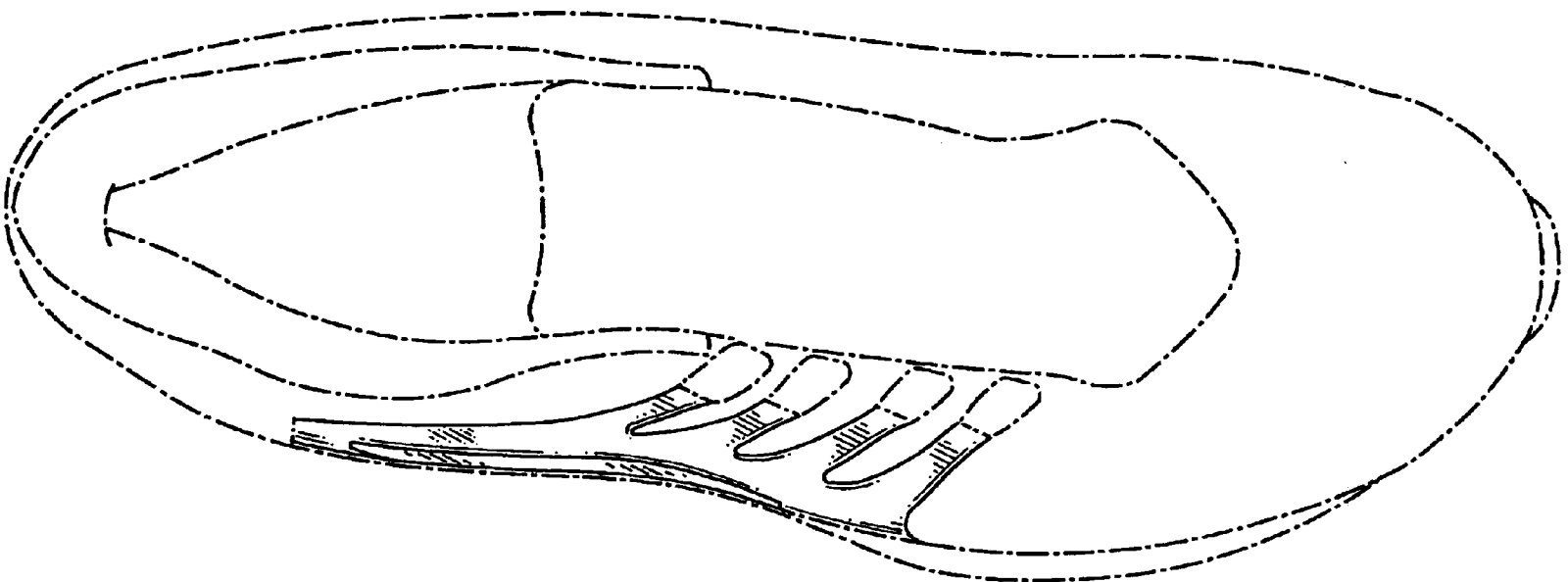


FIG.5

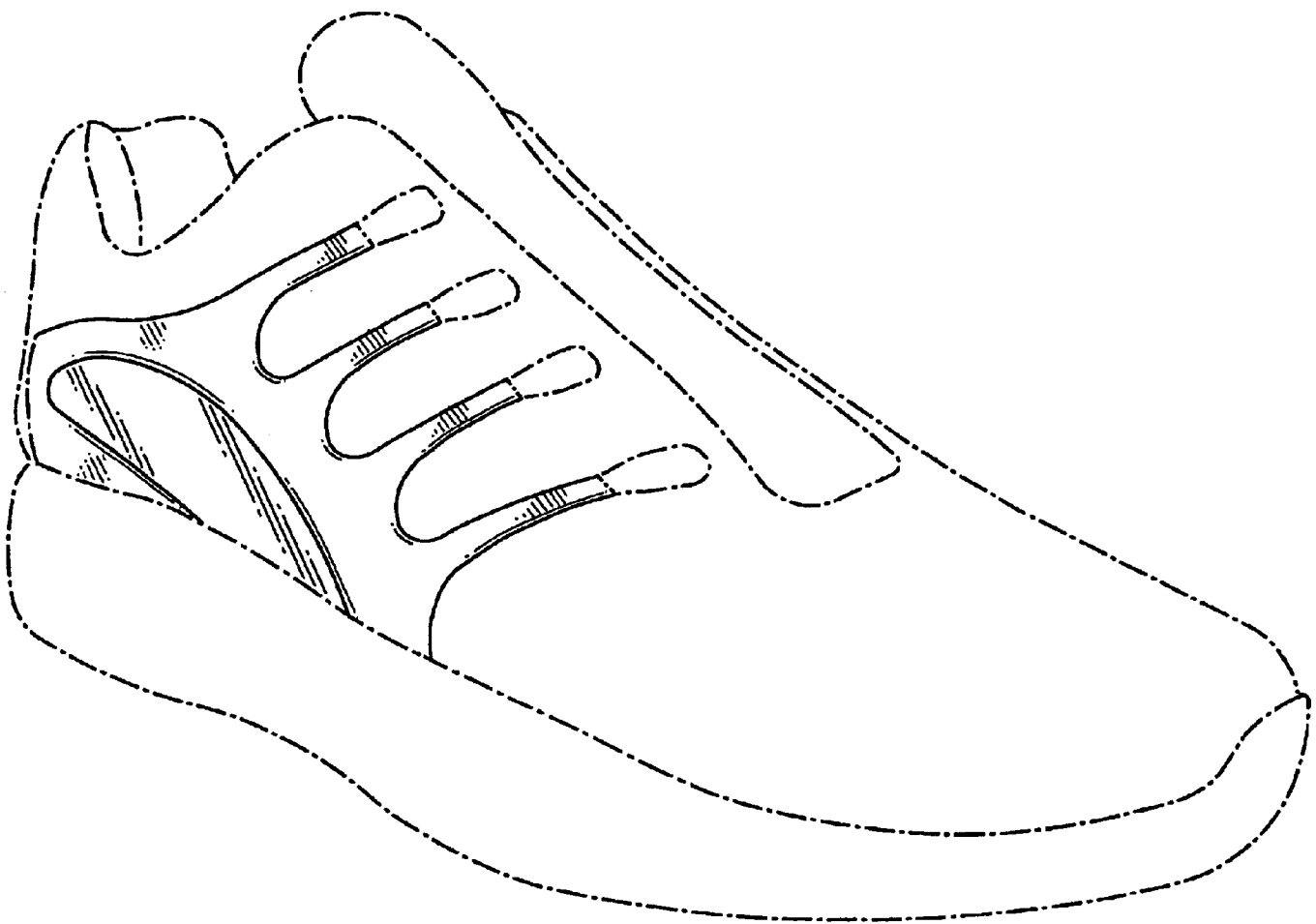


FIG.6

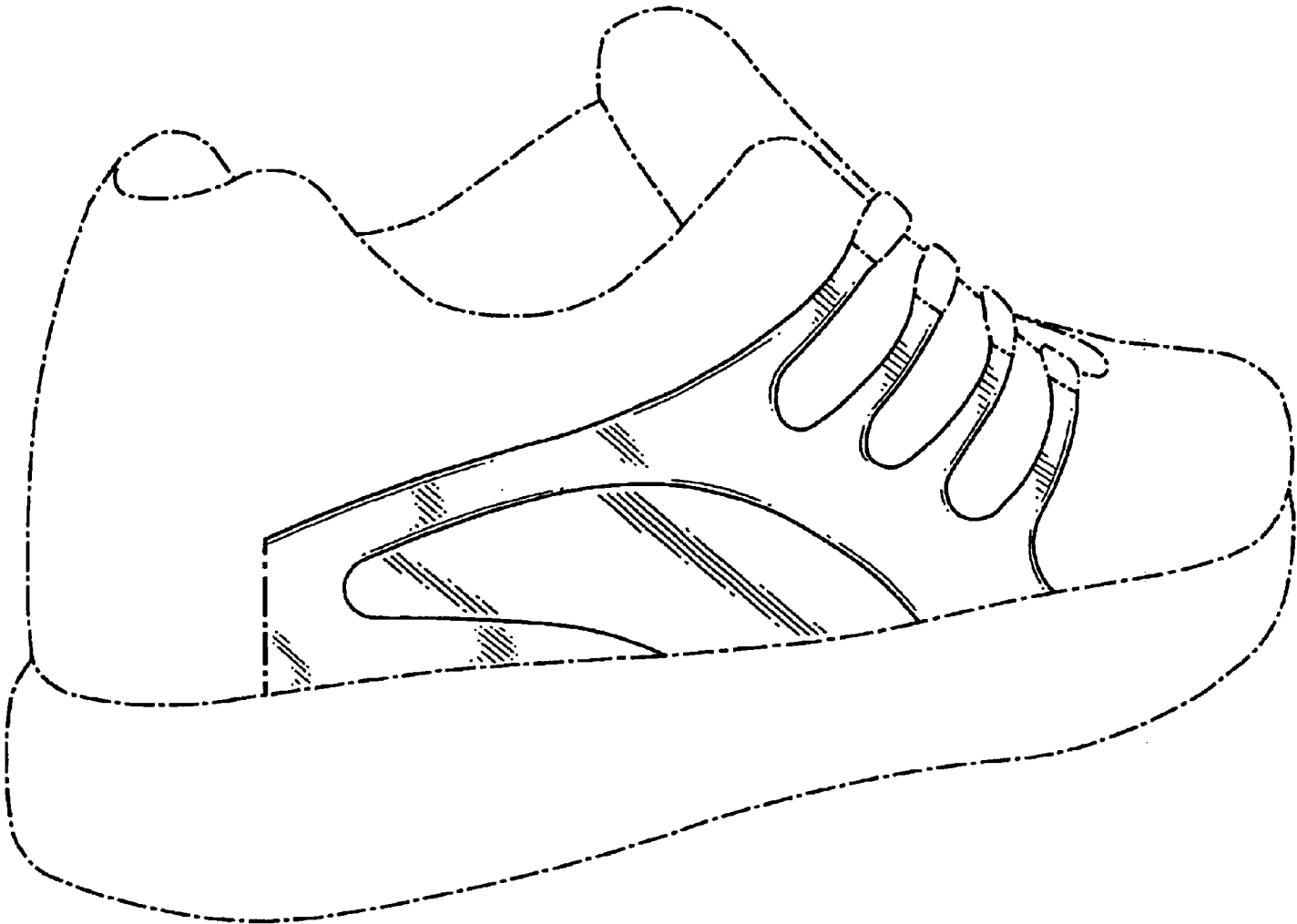


FIG.7

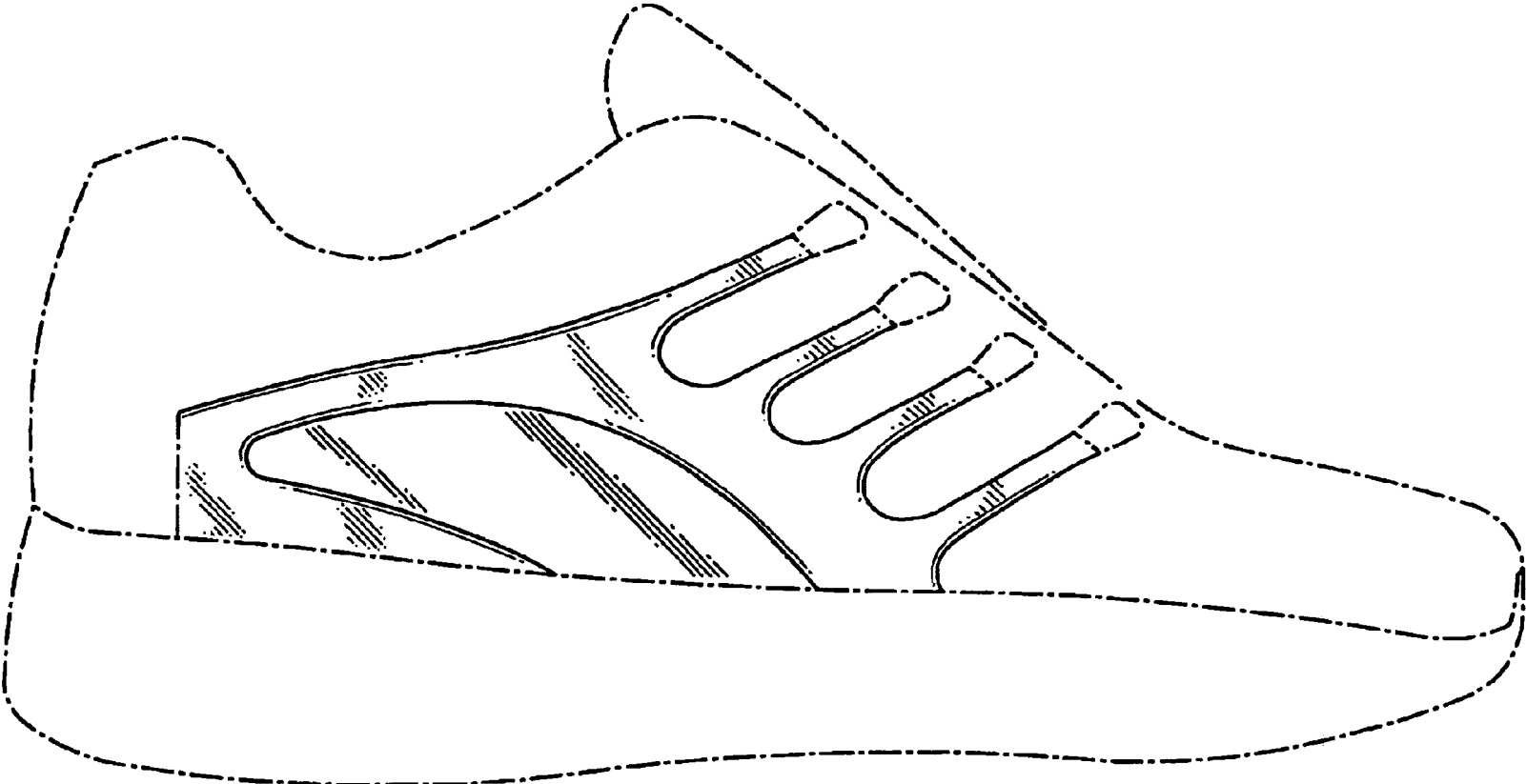


FIG.8

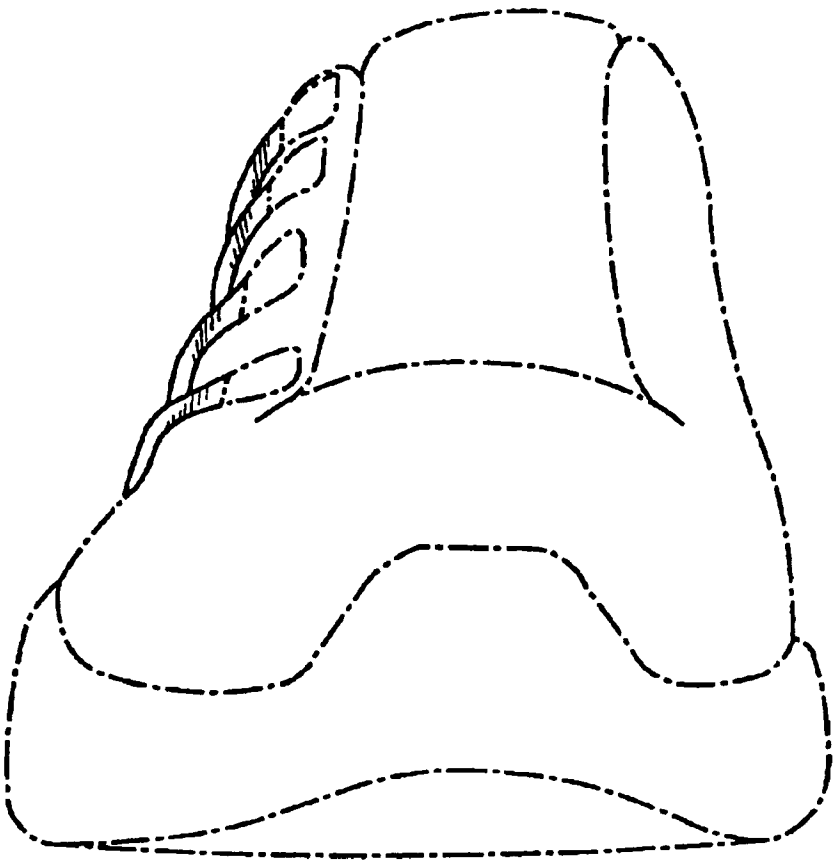


FIG.9

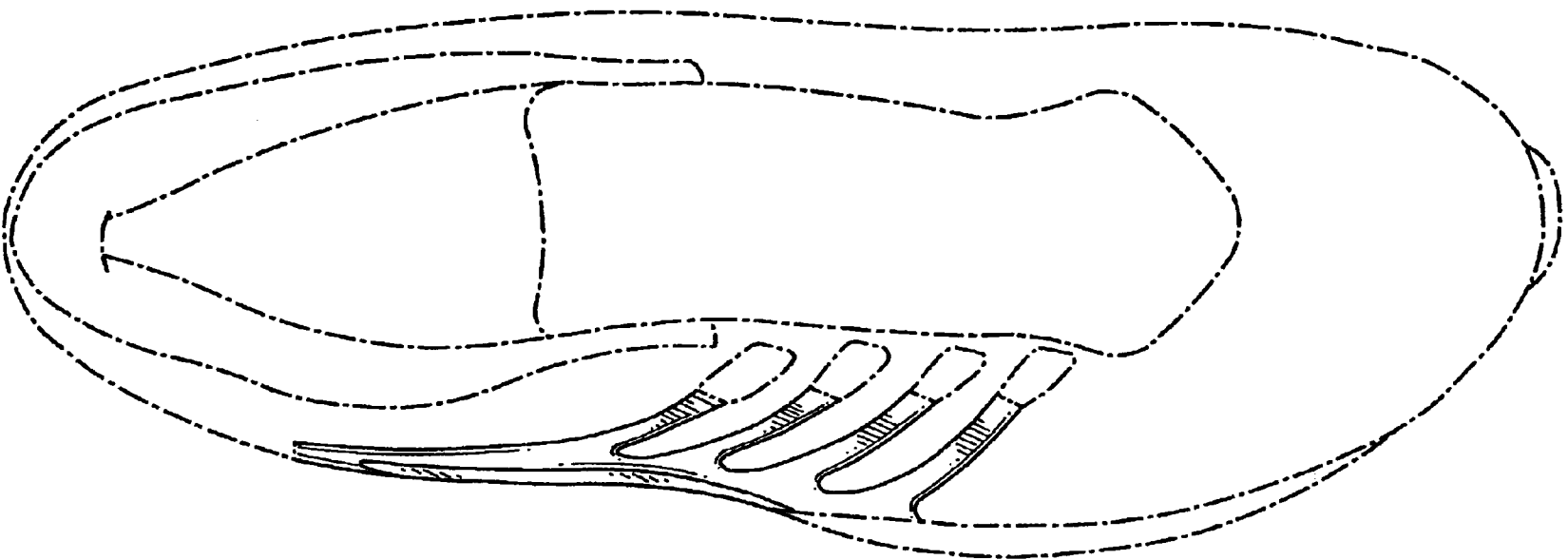


FIG.10