

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS**

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SHERRYWEAR, LLC,

Plaintiff,

v.

NIKE, INC.,

Defendant.

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Case No. 1:23-cv-11599

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, SherryWear, LLC (“SherryWear”), through its undersigned counsel, hereby brings the following allegations, and asserts the following claims against the above-named Defendant, NIKE, Inc. (“NIKE”), to enforce its patents and obtain monetary and injunctive relief and recover its reasonable attorneys’ fees and costs:

**NATURE OF THE ACTION**

1. This is an action for willful direct and indirect infringement of SherryWear’s U.S. Patent Nos. 9,295,288 (“the ‘288 Patent”); 9,723,878 (“the ‘878 Patent”); 9,808,036 (“the ‘036 Patent”); 9,289,016 (“the ‘016 Patent”); 10,244,800 (“the ‘800 Patent”); 10,219,550 (“the ‘550 Patent”); 10,219,551 (“the ‘551 Patent”); and 10,869,510 (“the ‘510 Patent”) (collectively, the “Pocket Bra Patents”), in violation of the Patent Act, 35 U.S.C. § 271, based on NIKE’s unauthorized commercial making, use, offer for sale, sale, and importation of its products titled “Swoosh On The Run,” “Swoosh Bra,” “Swoosh Pocket Bra,” and variations of those products (collectively, the “Infringing Products”) in the United States.

2. SherryWear seeks injunctive relief to prevent NIKE from continuing to infringe the Pocket Bra Patents. In addition, SherryWear seeks monetary damages resulting from NIKE's past and ongoing infringement of the Pocket Bra Patents.

### **THE PARTIES**

3. SherryWear, LLC is a Florida limited liability company with its principal place of business at 1786 Cypress Lane, Vero Beach, Florida 32963.

4. NIKE, Inc. is an Oregon corporation with its principal place of business at One Bowerman Drive, Beaverton, Oregon 97005.

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the patent laws of the United States. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over NIKE because NIKE regularly solicits and conducts business in Massachusetts through its operation of eight NIKE retail stores in the state. This Court also has personal jurisdiction over NIKE because NIKE has committed and continues to commit acts of infringement in Massachusetts, including but not limited to using, offering to sell, and selling the Infringing Products in Massachusetts, and importing the Infringing Products into Massachusetts.

7. Venue lies in this district pursuant to 28 U.S.C. § 1400(b) because NIKE has committed acts of infringement within this district and has at least one regular and established place of business within this district.

**POCKET BRA PATENTS**

8. On March 29, 2016, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 9,295,288 (“the ‘288 Patent”), entitled “Pocket Bra System.” A true and accurate copy of the ‘288 Patent is attached hereto as **Exhibit 1**.

9. On March 22, 2016, the USPTO duly and legally issued U.S. Patent No. 9,289,016 (“the ‘016 Patent”), entitled “Pocket Bra System.” A true and accurate copy of the ‘016 Patent is attached hereto as **Exhibit 2**.

10. On August 8, 2017, the USPTO duly and legally issued U.S. Patent No. 9,723,878 (“the ‘878 Patent”), entitled “Pocket Bra System.” A true and accurate copy of the ‘878 Patent is attached hereto as **Exhibit 3**.

11. On November 7, 2017, the USPTO duly and legally issued U.S. Patent No. 9,808,036 (“the ‘036 Patent”), entitled “Pocket Bra System.” A true and accurate copy of the ‘036 Patent is attached hereto as **Exhibit 4**.

12. On April 2, 2019, the USPTO duly and legally issued U.S. Patent No. 10,244,800 (“the ‘800 Patent”), entitled “Bra Pocket System.” A true and accurate copy of the ‘800 Patent is attached hereto as **Exhibit 5**.

13. On March 5, 2019, the USPTO duly and legally issued U.S. Patent No. 10,219,550 (“the ‘550 Patent”), entitled “Pocket Bra System.” A true and accurate copy of the ‘550 Patent is attached hereto as **Exhibit 6**.

14. On March 5, 2019, the USPTO duly and legally issued U.S. Patent No. 10,219,551 (“the ‘551 Patent”), entitled “Bra Pocket System.” A true and accurate copy of the ‘551 Patent is attached hereto as **Exhibit 7**.

15. On December 22, 2020, the USPTO duly and legally issued U.S. Patent No. 10,869,510 (“the ‘510 Patent”), entitled “Bra Pocket System.” A true and accurate copy of the ‘510 Patent is attached hereto as **Exhibit 8**.

16. SherryWear is the lawful assignee and exclusive owner of all rights, title, and interest in and to the Pocket Bra Patents, including rights to sue for acts of past, present, and future infringement.

### **BACKGROUND**

17. A graduate of Babson College’s renowned entrepreneurial program, Sherry Goff founded SherryWear to empower women “one Pocket Bra at a time.”<sup>1</sup>

18. The Pocket Bra allows women to keep their “most precious possessions close, convenient, and safe in a comfortable [and] fashionable manner.”<sup>2</sup>

19. The Pocket Bra is a bra comprising built-in pockets that is designed, developed, marketed, and sold by SherryWear.

20. To protect the intellectual property covering the Pocket Bra, SherryWear spent considerable time and money developing the Pocket Bra Patents. SherryWear filed its first patent application on April 26, 2011. By early 2015, SherryWear had filed a total of four patent applications, two of which were issued.

21. On June 18, 2015, Ms. Goff submitted SherryWear’s then-issued and pending patents, and photographs of a SherryWear pocket bra, to NIKE via “NIKE Idea Submission,” an

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<sup>1</sup> *PocketBra® Mission & Vision*, POCKETBRA.COM, <https://pocketbra.com/pages/mission> (last visited July 13, 2023).

<sup>2</sup> *Id.*

online idea submission platform operated by NIKE. A copy of the June 18, 2015 NIKE Idea Submission is attached hereto as **Exhibit 9**.

22. The images below portray the photographs that SherryWear submitted to NIKE:



23. On information and belief, NIKE did not respond to SherryWear's 2015 Idea Submission.

24. In January 2017, Ms. Goff again tried to pitch her idea to NIKE. Ms. Goff contacted several high-ranking employees at NIKE via LinkedIn messenger including Evan Reynolds, then-Head of Marketplace Strategic Investments; Rick Boyd, then-Patent Footwear specialist; Nathan Plowman, then-Senior Director at NIKE; and Hillary Krane, then-General Counsel for NIKE. A copy of the correspondence is attached hereto as **Exhibits 10 & 11**.

25. On February 7, 2017, Ms. Krane forwarded Ms. Goff's communications to Paul Saraceni, then-VP of Global IP Transactions & Licensing at NIKE. *See Exhibit 11*.

26. Also, on February 7, 2017, Mr. Saraceni asked Ms. Goff to send a "non-confidential list of IP assets that [SherryWear] had begun to market for sale." *Id.*

27. Upon Mr. Saraceni's request, Ms. Goff promptly sent Mr. Saraceni a list of SherryWear's then-issued and pending patents.



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