

13:35:18 1 models of other pants? Actual samples, not photos.

13:35:23 2 A. I did go shopping and having a look at
13:35:27 3 different maternity pants and seeing my daughter's
13:35:32 4 maternity pants, as well, of course.

13:35:34 5 Q. Which ones did you compare or see --

13:35:36 6 A. And also with Target's, I -- the attorneys
13:35:40 7 showed me maternity samples.

13:35:42 8 Q. Did you compare Secret Fit with Target's
13:35:47 9 pants?

13:35:47 10 MR. LECHLEITER: Objection. Form.

13:35:48 11 THE WITNESS: I think that we, obviously, talked
13:35:51 12 about any differences.

13:35:52 13 Q. BY MR. POLLACK: Well, what differences did
13:35:53 14 you see?

13:35:55 15 MR. LECHLEITER: Objection. Form.

13:35:57 16 THE WITNESS: I think that on the -- one of the
13:36:02 17 Target ones, they were -- had a seam maybe in the
13:36:06 18 back, and that was -- I don't know about the other
13:36:08 19 differences. I think they're all -- I think there
13:36:12 20 was a combination, but not -- no.

13:36:17 21 Q. BY MR. POLLACK: Did the Target pants go up
13:36:20 22 to the empire line?

13:36:23 23 MR. LECHLEITER: Objection. Form.

13:36:24 24 THE WITNESS: Yes. They went -- well, not
13:36:26 25 empire line. They went over the abdomen. I mean,

13:36:30 1 same difference.

13:36:31 2 Q. BY MR. POLLACK: Same -- same thing?

13:36:32 3 A. Uh-huh.

13:36:34 4 Q. So they -- so they did go to the empire
13:36:37 5 line?

13:36:38 6 A. Yes. Over the abdomen; right.

13:36:40 7 Q. And -- and that's true of the Secret Fit
13:36:47 8 pants, as well, they went to the empire line?

13:36:46 9 A. Correct. So does J.C. Penney.

13:36:52 10 Q. We'll get to J.C. Penney in a second.

13:36:52 11 A. Yeah.

13:36:56 12 Q. Have you seen commercially sold maternity
13:36:59 13 pants that don't go up to the empire line?

13:37:02 14 MR. LECHLEITER: Objection. Form.

13:37:03 15 THE WITNESS: Have I seen -- well, I talked
13:37:05 16 about some that I'd seen when I was pregnant, yeah.
13:37:09 17 Yes.

13:37:09 18 Q. BY MR. POLLACK: Am I correct that
13:37:11 19 companies are still selling maternity pants that
13:37:14 20 go -- don't go to the empire line?

13:37:15 21 A. Correct.

13:37:16 22 Q. What are the advantages of having pants go
13:37:19 23 to the empire line?

13:37:22 24 MR. LECHLEITER: Objection. Form.

13:37:23 25 THE WITNESS: I think the wearer would be the

13:37:27 1 one to decide whether or not they felt comfortable
13:37:29 2 wearing them. Some people, as I said earlier on,
13:37:32 3 feel comfortable with a pant that goes over the
13:37:34 4 abdomen and other people feel comfortable with it
13:37:36 5 going under the abdomen or folded over to the waist.

13:37:39 6 Q. BY MR. POLLACK: Do you know why that is?

13:37:41 7 A. I think it's just preferences.

13:37:43 8 Q. Do you know why they have those preferences
13:37:46 9 about --

13:37:46 10 MR. LECHLEITER: Objection. Form.

13:37:46 11 Q. BY MR. POLLACK: -- what --

13:37:47 12 A. Well, it's like why do you like a striped
13:37:50 13 shirt or striped tie? I think it's a personal
13:37:53 14 preference of fit. Or why you like a certain pair
13:37:58 15 of jeans to wear. It's just a comfort.

13:38:01 16 Q. Okay. Do you know when the Secret Fit
13:38:14 17 products entered the market?

13:38:17 18 MR. LECHLEITER: Objection. Form.

13:38:18 19 THE WITNESS: As far as I can recall, I think it
13:38:27 20 was -- the patent application was 2007.

13:38:30 21 Q. BY MR. POLLACK: Sure. Sure.

13:38:32 22 But do you know when the -- when the
13:38:32 23 product entered the market?

13:38:34 24 A. No.

13:38:35 25 Q. Okay. Do you know whether -- in 2007,

13:38:42 1 whether there were -- ignoring now the J.C. Penney
13:38:47 2 photographs, do you know of any commercial pants
13:38:52 3 that you've actually seen, seen the actual pants,
13:38:54 4 where the pants went to the empire line?

13:39:01 5 A. As I said earlier, the company that I was
13:39:03 6 working with, Layette, they did have a roll-up pant.

13:39:06 7 Q. Other than Layette, do you know of any
13:39:09 8 other pants -- actual pants that you've seen that
13:39:11 9 went up to the empire line?

13:39:12 10 A. Well, I wasn't really looking in 2007, at
13:39:15 11 that time.

13:39:15 12 Q. Okay. So as you sit here today, you don't
13:39:18 13 know of any pants, other than the Layette pants,
13:39:21 14 that went up to the empire line as of 2007?

13:39:24 15 A. For maternity wear?

13:39:25 16 Q. For maternity wear.

13:39:28 17 A. Not that I'm aware of. I personally wasn't
13:39:32 18 looking then.

13:39:38 19 Q. Now, we're also talking about pants that
13:39:53 20 had a -- a roll-up tube that was attached to the --
13:39:57 21 to the jeans or other pair of pants; is that
13:40:00 22 correct?

13:40:00 23 A. Correct.

13:40:00 24 Q. Yeah.

13:40:04 25 The roll-up pants, do -- do -- am I correct

13:40:08 1 that many of them do not go to the empire line when
13:40:11 2 they're rolled up?

13:40:12 3 MR. LECHLEITER: Objection. Form.

13:40:14 4 Q. BY MR. POLLACK: Is that fair?

13:40:14 5 A. I think you've -- we've seen examples of
13:40:17 6 some of them that don't.

13:40:26 7 Q. Okay. I would like to -- your help with
13:40:28 8 understanding some terms in the attorney pants art.
13:40:34 9 I've seen the term used "under-belly maternity
13:40:41 10 pants."

13:40:42 11 Do you know what that is?

13:40:43 12 A. Well, it would sit under the belly of the
13:40:46 13 wearer.

13:40:49 14 Q. So under the extended pregnant area?

13:40:53 15 A. Correct.

13:40:54 16 Q. Okay.

13:40:56 17 A. Like a low-riser -- a low-riser jean would.

13:40:58 18 Q. Sure.

13:41:02 19 Why would someone wear an under --
13:41:04 20 under-belly maternity pants?

13:41:07 21 MR. LECHLEITER: Objection. Form.

13:41:08 22 THE WITNESS: I would assume they would wear
13:41:11 23 them because it felt comfortable to them to allow
13:41:15 24 their body to -- or their belly to feel free of
13:41:20 25 constriction.

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