

**“Swoosh Pocket Bra” Infringement Claim Chart for
U.S. Patent No. 9,289,016 (“the ‘016 Patent”)**

NIKE’s making, using, offering to sell, and selling of the Swoosh Pocket Bra (also referred to as the “Icon Clash”) product directly and indirectly infringes claims 1 and 2 of the ‘016 Patent. The Swoosh Pocket Bra features each element of that claim literally or by the doctrine of equivalents. Whenever a handheld electronic device is inserted into either side pocket of the Swoosh Pocket Bra, claim 4 is additionally infringed.

Here are two images of the Swoosh Pocket Bra:¹




References:²



- *Swoosh Icon Clash Pocket Bra - Women's*, BACKCOUNTRY.COM, <https://www.backcountry.com/NIKE-swoosh-icon-clash-pocket-bra-womens> (last visited May 15, 2023).



¹ *Swoosh Icon Clash Pocket Bra - Women's*, BACKCOUNTRY.COM, <https://www.backcountry.com/NIKE-swoosh-icon-clash-pocket-bra-womens> (last visited May 15, 2023).

² All images are from this reference.

| U.S. Patent No. 9,289,016 (Claim 1) | Infringing NIKE Product (Swoosh Pocket Bra) |
|---|--|
| 1. [pre] A pocket bra system comprising: | The Swoosh Pocket Bra has “5 hidden pockets.” ³ |
| [1.1] a strap assembly including a chest strap and shoulder straps; | <p>The Swoosh Pocket Bra has a chest strap (1) and shoulder straps (2):</p>  |
| [1.2] a left cup and a right cup, each cup having inside and outside surfaces, the strap assembly being attached to the cups whereby the strap assembly holds the cups to a wearer; | The Swoosh Pocket Bra has a left and right cup (3). Each of the left and right cups have inside and outside surfaces. The strap assembly holds the cups to the wearer: |

³ See *supra*, note 1.

| | |
|--|--|
| |  |
| <p>[1.3] a side patch on one of an inside or outside surface of each side of the chest strap adjacent to each of the left cup and right cup,</p> | <p>The Swoosh Pocket Bra has a side patch (4) on the outside surface of each side of the bra's chest strap. The side patch is adjacent to an associated cup:</p>  |
| <p>[1.3.1] the side patches having upper and lower edges along at least part of a length of the strap, and side edges,</p> | <p>The side patches (4) have upper edges (5) and lower edges (6) that run along the bra's strap and side edges:</p> |

| | |
|---|---|
| |  |
| <p>[1.3.2] each side patch having stitching along the lower and side edges thus forming an upper opening at each side patch such that each side patch forms a pocket, and</p> | <p>The side patches (4) have stitching along their lower and sides edges thus forming an upper opening (7):</p>  |
| <p>[1.3.3] wherein each side pocket extends onto the adjacent cup, such that each pocket spans both a part of the chest strap and a part of the adjacent cup.</p> | <p>Each side pocket extends onto its adjacent cup:</p> |



| U.S. Patent No. 9,289,016 (Claim 2) | Infringing NIKE Product (Swoosh Pocket Bra) |
|---|---|
| <p>2. The system as set forth in claim 1 wherein the cups and the patches form pockets, the cups being fabricated of a resilient closed cell polyurethane foam with a thickness of from 2 to 4 millimeters.</p> | <p>On information and belief, the cups are fabricated of a resilient closed cell polyurethane foam with a thickness of from 2 to 4 millimeters.</p> |

| U.S. Patent No. 9,289,016 (Claim 4) | Infringing NIKE Product (Swoosh Pocket Bra) |
|--|---|
| <p>4. The system as set forth in claim 1 and further including a handheld electronic device, the handheld electronic device placed within one of the side pockets.</p> | <p>Whenever a hand-held electronic device is placed within one of the Swoosh Pocket Bra's side pockets, claim 4 is infringed.</p> |