

APPENDIX A

INTERROGATORY NO. 5

Identify the priority date that SherryWear alleges each Asserted Claim is entitled to and the complete factual and legal bases for Your assertions that each Asserted Claim is entitled to that priority date, including an identification of all portions of the specification that You contend provide alleged written description support (including all citations to relevant specifications and figures) on a claim-by-claim basis.

Answer to Interrogatory No. 5

SherryWear objects to Interrogatory No. 5 on the basis that it seeks information requiring legal opinions and/or legal conclusions.

Subject to and without waiving any objections, SherryWear states that the Patents-in-Suit all claim priority to a continuation in part of Application No. 13/066,822, filed on April 26, 2011 including as follows:

U.S. Pat. No. 9,295,288		
Claim	Priority Date	Support
1. A bra pocket system combination comprising:	April 26, 2011	<i>See</i> U.S. Pat. No. 8,597,072
a strap assembly including a chest strap and shoulder straps; left and right cups, each cup having inside and outside surfaces, the strap assembly being attached to the cups whereby the strap assembly adheres the cups to a wearer, each cup having curved upper, lower, interior body facing and opposite exterior edges	April 26, 2011	'072 Patent, Col. 3 l. 62 – Col. 4. l. 2 (“First provided is a strap assembly. The strap assembly includes a generally horizontal chest strap 14. The chest strap is positionable around the chest and back of a wearer. The strap assembly includes left and right generally vertical shoulder straps 16. The shoulder straps are positionable over the shoulders of the wearer. The shoulder straps have free ends. The free ends are coupled to the chest strap adjacent to the chest of the wearer and adjacent to the back of the wearer.”) '072 Patent, Col. 4 l. 3-5 (“A left cup 18 is provided. A similarly configured right cup 20 is provided. Each cup has an inside surface and an outside surface.”) '072 Patent, Col. 5 l. 31-33 (“the strap assembly being attached to the cups

		<p>whereby the strap assembly adheres the cups to a wearer[.]”</p> <p>’072 Patent, Col. 2 l. 65 – Col. 3. l. 3 (“A strap assembly includes a chest strap and shoulder straps. Similarly configured left and right cups are provided. Each cup has inside and outside surfaces. A rectangular patch is operatively associated with each cup. Each patch has upper and lower edges and interior and exterior edges.”)</p>
<p>a patch forming a pocket operatively associated with each cup, each patch having a linear upper edge and curved lower, interior body facing, and opposite exterior edges, each patch having inside and outside surfaces; stitching coupling the lower, interior body facing and opposite exterior edges of each patch to the lower, interior body facing, and opposite exterior edges of an associated cup;</p>	<p>April 26, 2011</p>	<p>’072 Patent, Col. 4 l. 14-20 (“A rectangular patch 32 is provided next. The patch is operatively associated with each cup. Each patch has generally horizontal upper and lower edges. Each patch has generally vertical interior and exterior edges. The patch has a periphery. The periphery has stitching. In this manner the periphery of each patch is coupled to the inside surface of an associated cup.”)</p>
<p>a linear opening formed along the upper edge of each patch;</p>	<p>April 26, 2011</p>	<p>’072 Patent Col. 4 l. 29-31. (“Further provided is a linear slit 38. The slit is provided in each patch. The slit is provided parallel with, and closely spaced from, the upper edge of each patch.”)</p>
<p>at least one of a handheld electronic device, keys, and pills removably positioned within the pocket of at least one of the left and right cups; and</p>	<p>April 26, 2011</p>	<p>’072 Patent, Col. 4 l. 38-53 (“Provided last is a hand held electronic device 46. The hand held electronic device is positionable within the chamber. The hand held electronic device has a height of 115 millimeters, plus or minus 10 percent. The hand held electronic device has a width of 59 millimeters. The hand held electronic device has a thickness of 9 millimeters plus or minus 10 percent. The slit is adapted to stretch to the open orientation when adding the hand held device to, or removing the hand held device from, the chamber. The slit is adapted to contract to the closed orientation when the hand held device is within or without the chamber. The</p>

		thickness and the material of the cups and the patches are adapted to abate inward projections by the hand held devices in the chambers tending to poke a user. The thickness and the material of the cups and the patches are adapted to abate outward projections by the hand held devices in the chambers tending to create unsightly projections.”
wherein each patch curved lower interior body facing and opposite exterior edges are aligned with each curved lower interior body facing and opposite exterior edges, and wherein the stitching is along the curved lower interior body facing and opposite exterior edges of the patch, the linear upper edge of each patch crossing over a surface of the cup to form the linear opening	Nov. 18, 2013	288 Patent, Col. 4 l. 59-62 (“Stitching 250 couples the lower, interior and exterior edges of each patch to the lower, interior and exterior edges of an associated cup. A linear opening 252 is thus formed along the upper edge of each patch.”)
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	April 26, 2011	072 Patent, Col. 1 l. 56-58 (“The pockets and the patches are fabricated of a resilient closed cell polyurethane foam. The foam has a thickness of between 2 and 4 millimeters.”)
3. The system as set forth in claim 1 wherein the cups and the patches form pockets, the patches being fabricated of an elastic fabric.	April 26, 2011	072 Patent, Col. 1 l. 56-58 (“The pockets and the patches are fabricated of a resilient closed cell polyurethane foam. The foam has a thickness of between 2 and 4 millimeters.”)
11. The system as set forth in claim 1 wherein the linear opening is facing the upper interior edge to allow the at least one of the handheld electronic device, keys, and pills to be removably positioned within the pocket by entry adjacent to a shoulder of the user.	Nov. 18, 2013	288 Patent, Col. 4 l. 59-62 (“Stitching 250 couples the lower, interior and exterior edges of each patch to the lower, interior and exterior edges of an associated cup. A linear opening 252 is thus formed along the upper edge of each patch.”)

U.S. Pat. No. 9,289,016

Claim	Priority Date	Support
<p>1. A pocket bra system comprising:</p>	<p>April 26, 2011</p>	<p><i>See</i> U.S. Pat. No. 8,597,072</p>
<p>a strap assembly including a chest strap and shoulder straps;</p>	<p>April 26, 2011</p>	<p>'072 Patent, Col. 3 l. 62 – Col. 4. l. 2 (“First provided is a strap assembly. The strap assembly includes a generally horizontal chest strap 14. The chest strap is positionable around the chest and back of a wearer. The strap assembly includes left and right generally vertical shoulder straps 16. The shoulder straps are positionable over the shoulders of the wearer. The shoulder straps have free ends. The free ends are coupled to the chest strap adjacent to the chest of the wearer and adjacent to the back of the wearer.”)</p>
<p>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;</p>	<p>April 26, 2011</p>	<p>'072 Patent, Col. 4 l. 3-5 (“A left cup 18 is provided. A similarly configured right cup 20 is provided. Each cup has an inside surface and an outside surface.”)</p>
<p>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, the side patches having upper and lower edges along at least part of a length of the strap, and side edges, each side patch having stitching along the lower and side edges thus forming an upper opening at</p>	<p>Nov. 18, 2013</p>	<p>288 Patent Col. 5 l. 9-15. (“Lastly provided is a side patch 268 on each side of the chest strap. The side patches each have a horizontal upper edge 270 and a lower edge 272 and vertical side edges 274. The upper and lower edges of each patch are longer than the side edges. The side patches include side stitching 276 along the lower</p>

<p>each side patch such that each side patch forms a pocket, and 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>and side edges. Thus is formed an upper opening 278 at each side patch.”)</p>
<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>April 26, 2011</p>	<p>072 Patent, Col. 1 l. 56-58 (“The pockets and the patches are fabricated of a resilient closed cell polyurethane foam. The foam has a thickness of between 2 and 4 millimeters.”)</p>
<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>April 26, 2011</p>	<p>072 Patent, Col. 4 l. 38-53 (“Provided last is a hand held electronic device 46. The hand held electronic device is positionable within the chamber. The hand held electronic device has a height of 115 millimeters, plus or minus 10 percent. The hand held electronic device has a width of 59 millimeters. The hand held electronic device has a thickness of 9 millimeters plus or minus 10 percent. The slit is adapted to stretch to the open orientation when adding the hand held device to, or removing the hand held device from, the chamber. The slit is adapted to contract to the closed orientation when the hand held device is within or without the chamber. The thickness and the material of the cups and the patches are adapted to abate inward projections by the hand held devices in the chambers tending to poke a user. The thickness and the material of</p>

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