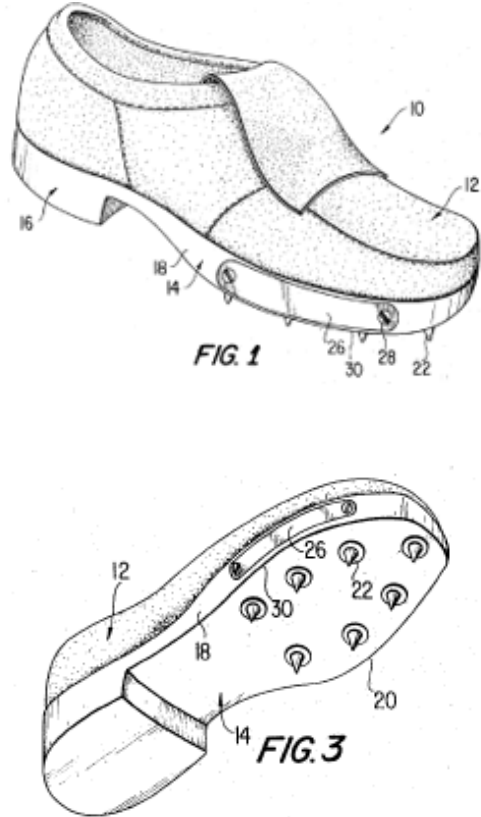


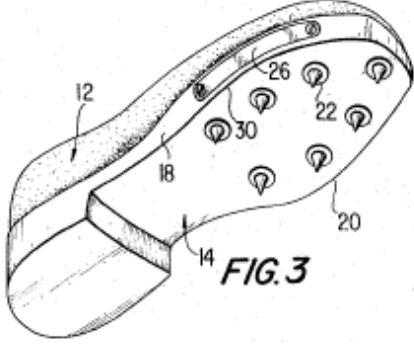
EXHIBIT H – U.S. Patent No. 10,674,786 in View of U.S. Patent No. 3,789,523

U.S. Patent No. 3,789,523 (the “’523 patent”) issued on February 5, 1974. It therefore constitutes prior art under at least pre-AIA 35 U.S.C. § 102(b). As shown below, the ’523 patent anticipates and/or renders obvious claims 1-8 of US Patent 10,674,786. To the extent Athalonz contends the ’523 patent does not anticipate a particular claim, the ’523 patent also renders the claim obvious for the reasons discussed in the ’786 Patent Obviousness Chart (Exhibit T).

These invalidity contentions are based on Under Armour’s present understanding of the asserted claims and Athalonz’s apparent construction of the claims in its September 14, 2023 Disclosure of Asserted Claims and Infringement Contentions, which is deficient at least insofar as it fails to cite any documents or identify accused structures, acts, or materials in the Accused Products with particularity. Under Armour does not agree with Athalonz’s application of the claims, or that the claims satisfy the requirements of 35 U.S.C. § 112. Under Armour’s contentions herein are not, and should in no way be seen as, admissions or adoptions as to any particular claim scope or construction, or as any admission that any particular element is met by any accused product in any particular way. Under Armour objects to any attempt to imply claim construction from this chart. Under Armour’s prior art invalidity contentions are made in a variety of alternatives and do not represent Under Armour’s agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim contained therein.

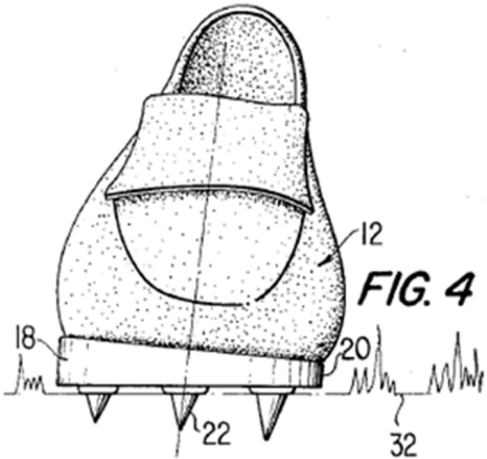
U.S. Patent No. 10,674,786	U.S. Patent No. 3,789,523
1 [pre]. An apparatus comprises:	The ’523 patent discloses an apparatus. “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer

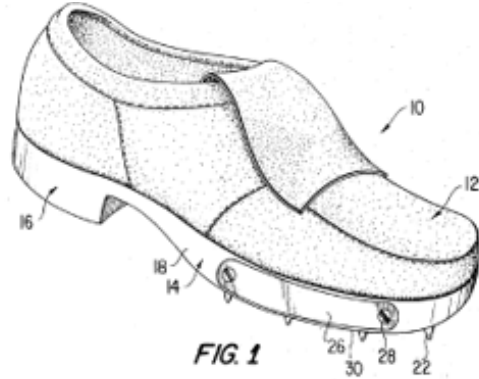
U.S. Patent No. 10,674,786	U.S. Patent No. 3,789,523
	once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
1[a] a heel platform section that has a uniform height from an outer edge to an inner edge of the apparatus at the rear edge of the apparatus, wherein the uniform height establishes a reference slope from the outer edge to the inner edge, the reference slope substantially parallel to a bottom surface of the apparatus;	The ’523 patent discloses a heel platform section that has a uniform height from an outer edge to an inner edge of the apparatus at the rear edge of the apparatus, wherein the uniform height establishes a reference slope from the outer edge to the inner edge, the reference slope substantially parallel to a bottom surface of the apparatus.  FIG. 1 is a perspective view of a shoe 10 with a sole assembly 12. The sole assembly 12 includes a heel platform section 14 and a forefoot section 16. The heel platform section 14 has a uniform height from an outer edge to an inner edge, establishing a reference slope. FIG. 3 is a cross-sectional view of the sole assembly 12, showing the heel platform section 14 and the forefoot section 16. The heel platform section 14 has a uniform height and a reference slope. The forefoot section 16 includes a series of air vents 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 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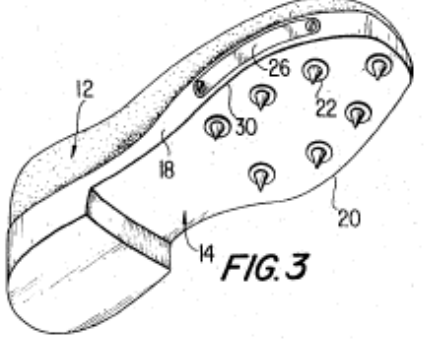
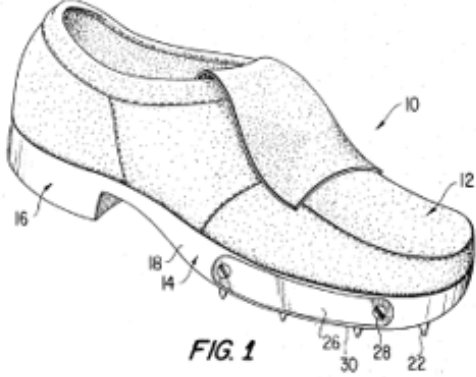
U.S. Patent No. 10,674,786	U.S. Patent No. 3,789,523
	“Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
1[b] a mid-foot section juxtaposed to the heel platform section; and	The ’523 patent discloses a mid-foot section juxtaposed to the heel platform section.  FIG. 3 “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
1[c] a toe section juxtaposed to the mid-foot section, wherein the mid-foot section and the toe section form an angled support platform that has a first slope along the inner	The ’523 patent discloses a toe section juxtaposed to the mid-foot section, wherein the mid-foot section and the toe section form an angled support platform that has a first slope along the inner edge of the apparatus from a front edge of the apparatus to the heel platform section, a second slope along the front edge of the apparatus from the inner edge to the outer edge of the apparatus, and a third slope along the outer edge of the apparatus from the front edge of the apparatus to the heel platform section, the first slope, second slope, and the third slope each greater than the reference slope, wherein the toe section is lower than the heel platform section as a result of the first, second, and third slopes.

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edge of the apparatus from a front edge of the apparatus to the heel platform section, a second slope along the front edge of the apparatus from the inner edge to the outer edge of the apparatus, and a third slope along the outer edge of the apparatus from the front edge of the apparatus to the heel platform section, the first slope, second slope, and the third slope each greater than the reference slope, wherein the toe section is lower than the heel platform section as a result of the first, second, and third slopes.	“The outer side 18 of sole 4 extends downwardly from the shoe upper 12 to a lower elevation than the inner side 20 of sole 14. The sole portion 14 of shoe 10 will therefore have the appearance of having a built-up sole along outer side 18 so that the planar bottom of sole 14.” ’523 patent, 3:9-15. “FIGS. 2 and 4 illustrate the manner of use of the shoe 10. Specifically, in FIG. 4, the golfer will imbed cleats 22 in a golf playing surface 32 when addressing a golf ball. The rearwardmost foot of the golfer will be tilted inwardly because of the wedge-shaped sole 14 of shoe 10. This will tend to provide a more

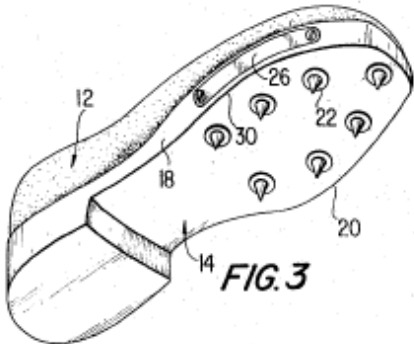
U.S. Patent No. 10,674,786	U.S. Patent No. 3,789,523
	satisfactory weight distribution when hitting the ball. Furthermore, it has been found that a more desirable pivot will result when a golfer assumes the stance illustrated in FIG. 4.” ’523 patent, 3:56-65.
2. The apparatus of claim 1 further comprises: the heel platform section, the mid-foot section, and the toe section constituting at least one of an insole for footwear; and a sole of footwear.	The ’523 patent discloses a the heel platform section, the mid-foot section, and the toe section constituting at least one of an insole for footwear; and a sole of footwear. “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer

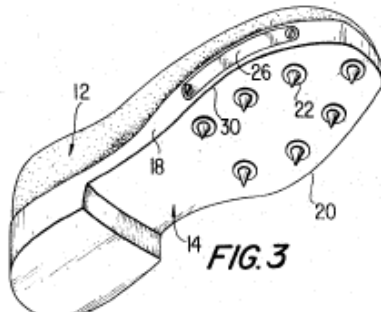
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	once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.  FIG. 4 “The outer side 18 of sole 4 extends downwardly from the shoe upper 12 to a lower elevation than the inner side 20 of sole 14. The sole portion 14 of shoe 10 will therefore have the appearance of having a built-up sole along outer side 18 so that the planar bottom of sole 14.” ’523 patent, 3:9-15. “FIGS. 2 and 4 illustrate the manner of use of the shoe 10. Specifically, in FIG. 4, the golfer will imbed cleats 22 in a golf playing surface 32 when addressing a golf ball. The rearwardmost foot of the golfer will be tilted inwardly because of the wedge-shaped sole 14 of shoe 10. This will tend to provide a more satisfactory weight distribution when hitting the ball. Furthermore, it has been found that a more desirable pivot will result when a golfer assumes the stance illustrated in FIG. 4.” ’523 patent, 3:56-65.
3. The apparatus of claim 1 further comprises: the heel platform section has a uniform platform height, wherein, from a	The ’523 patent discloses the heel platform section has a uniform platform height, wherein, from a front edge of the heel platform to the rear edge of the apparatus, the uniform platform height has the reference slope; and the toe section and the mid-foot section having a second dimension at a front outer edge of the apparatus and a third dimension at a front inner edge of the apparatus.

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an insole on a first surface of the apparatus covering one or more of: at least a portion of the heel platform section; at least a portion of the mid-foot section; and at least a portion of the toe section.	skill in the art at the time of the alleged invention of the '786 patent in light of the knowledge, experience, training, and skill of a person of ordinary skill in the art at the time of the alleged invention. In addition, it would have been obvious in light of this reference in combination with the references cited for this limitation in the '786 Patent Obviousness Chart (Exhibit T), for the reasons discussed in that chart.
5. A shoe comprises:	The '523 patent discloses a shoe.  FIG. 1

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	 “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
5[b] a sole coupled to the upper shoe section, wherein the sole includes:	The ’523 patent discloses sole coupled to the upper shoe section. 

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	“Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.

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	“The outer side 18 of sole 4 extends downwardly from the shoe upper 12 to a lower elevation than the inner side 20 of sole 14. The sole portion 14 of shoe 10 will therefore have the appearance of having a built-up sole along outer side 18 so that the planar bottom of sole 14.” ’523 patent, 3:9-15. “FIGS. 2 and 4 illustrate the manner of use of the shoe 10. Specifically, in FIG. 4, the golfer will imbed cleats 22 in a golf playing surface 32 when addressing a golf ball. The rearwardmost foot of the golfer will be tilted inwardly because of the wedge-shaped sole 14 of shoe 10. This will tend to provide a more satisfactory weight distribution when hitting the ball. Furthermore, it has been found that a more desirable pivot will result when a golfer assumes the stance illustrated in FIG. 4.” ’523 patent, 3:56-65.
5[c] a specific bottom; and	The ’523 patent discloses a specific bottom.  “The sole also includes a plurality of cleats attached to and depending from the sole for anchoring the foot and shoe in the proper stance. The cleats extend along the bottom of the sole adjacent the outer and inner sides of the sole.” ’523 patent, 2:12-16. “Projecting downwardly from the bottom of sole 14 are a plurality of cleats 22. Cleats 22 serve to anchor the foot of the golfer in position once he has assumed his stance on a golf playing surface. Cleats 22 extend along the bottom of sole 14 adjacent both the outer side 18 and inner side 20 of the sole 4.” ’523 patent, 3:24-29.

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5[d] an athletic positioning sole section having:	The '523 patent discloses an athletic positioning sole.  “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
5[e] a heel platform section that has a uniform height from an outer edge to an inner edge of the athletic positioning sole section at a rear edge of the athletic positioning sole section, wherein the uniform height establishes a reference slope from the outer edge to the inner edge, the reference slope substantially parallel to a bottom surface of the sole;	The '523 patent discloses a heel platform section that has a uniform height from an outer edge to an inner edge of the athletic positioning sole section at a rear edge of the athletic positioning sole section, wherein the uniform height establishes a reference slope from the outer edge to the inner edge, the reference slope substantially parallel to a bottom surface of the sole.

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	“Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68. “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer

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	once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
5[f] a mid-foot section; and	The ’523 patent discloses a mid-foot section. “Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
5[g] a toe section, wherein the mid-foot section and the toe section form an angled support platform that has a first slope along the inner edge of the athletic positioning sole section from a front edge of the athletic positioning sole section to the heel platform section, a second slope	The ’523 patent discloses a toe section, wherein the mid-foot section and the toe section form an angled support platform that has a first slope along the inner edge of the athletic positioning sole section from a front edge of the athletic positioning sole section to the heel platform section, a second slope along the front edge of the athletic positioning sole section from the inner edge to the outer edge of the athletic positioning sole section, and a third slope along the outer edge of the athletic positioning sole section from the front edge of the athletic positioning sole section to the heel platform section, the first slope, second slope, and the third slope each greater than the reference slope.

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along the front edge of the athletic positioning sole section from the inner edge to the outer edge of the athletic positioning sole section, and a third slope along the outer edge of the athletic positioning sole section from the front edge of the athletic positioning sole section to the heel platform section, the first slope, second slope, and the third slope each greater than the reference slope.	FIG. 3 FIG. 4 “The outer side 18 of sole 4 extends downwardly from the shoe upper 12 to a lower elevation than the inner side 20 of sole 14. The sole portion 14 of shoe 10 will therefore have the appearance of having a built-up sole along outer side 18 so that the planar bottom of sole 14.” ’523 patent, 3:9-15. “FIGS. 2 and 4 illustrate the manner of use of the shoe 10. Specifically, in FIG. 4, the golfer will imbed cleats 22 in a golf playing surface 32 when addressing a golf ball. The rearwardmost foot of the golfer will be tilted inwardly because of the wedge-shaped sole 14 of shoe 10. This will tend to provide a more

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	satisfactory weight distribution when hitting the ball. Furthermore, it has been found that a more desirable pivot will result when a golfer assumes the stance illustrated in FIG. 4.” ’523 patent, 3:56-65.
6. The shoe of claim 5 further comprises: the heel platform section has a uniform platform height, wherein, from a front edge of the heel platform to the rear edge of the athletic positioning sole section, the uniform platform height has the reference slope; and the toe section having a second dimension at a front outer edge of the apparatus and a third dimension at a front inner edge of the apparatus.	The ’523 patent discloses the heel platform section has a uniform platform height, wherein, from a front edge of the heel platform to the rear edge of the athletic positioning sole section, the uniform platform height has the reference slope; and the toe section having a second dimension at a front outer edge of the apparatus and a third dimension at a front inner edge of the apparatus.

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	“Shoe 10 includes a conventional upper 12 and a sole 14 which can be molded integrally with upper 12 from such material as poly vinyl chloride. Sole 14 should be sufficiently flexible to enable the wearer latitude to flex the shoe when walking but yet rigid enough to preclude undue roll of the shoe when used by the golfer once he has assumed a proper stance over a golf ball. A conventional heel 6 is also molded integrally with sole 14.” ’523 patent, 2:60-68.
7. The shoe of claim 5 further comprises: an insole on a first surface of the apparatus covering one or more of: at least a portion of the heel platform section; at least a portion of the mid-foot section; and at least a portion of the toe section.	To the extent that the ‘523 patent does not expressly or inherently disclose an insole on a first surface of the apparatus covering one or more of: at least a portion of the heel platform section; at least a portion of the mid-foot section; and at least a portion of the toe section, it would have been obvious to a person of ordinary skill in the art at the time of the alleged invention of the ’786 patent in light of the knowledge, experience, training, and skill of a person of ordinary skill in the art at the time of the alleged invention. In addition, it would have been obvious in light of this reference in combination with the references cited for this limitation in the ‘786 Patent Obviousness Chart (Exhibit T), for the reasons discussed in that chart.
8. The shoe of claim 5, wherein the specific bottom comprises one of: a cleat pattern bottom; a baseball spike bottom; a basketball bottom; a tennis bottom; a golf bottom;	The ’523 patent discloses a specific bottom that comprises one of: a cleat pattern bottom, a baseball spike bottom, a basketball bottom, a tennis bottom, a golf bottom, an ice skate bottom, a ski boot bottom, a cross-trainer bottom, a running shoe bottom, a walking shoe bottom, a dress shoe bottom, and a snowboard boot bottom.

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an ice skate bottom; a ski boot bottom; a cross-trainer bottom; a running shoe bottom; a walking shoe bottom; a dress shoe bottom; and a snowboard boot bottom.	“The sole also includes a plurality of cleats attached to and depending from the sole for anchoring the foot and shoe in the proper stance. The cleats extend along the bottom of the sole adjacent the outer and inner sides of the sole.” ’523 patent, 2:12-16. “Projecting downwardly from the bottom of sole 14 are a plurality of cleats 22. Cleats 22 serve to anchor the foot of the golfer in position once he has assumed his stance on a golf playing surface. Cleats 22 extend along the bottom of sole 14 adjacent both the outer side 18 and inner side 20 of the sole 4.” ’523 patent, 3:24-29.