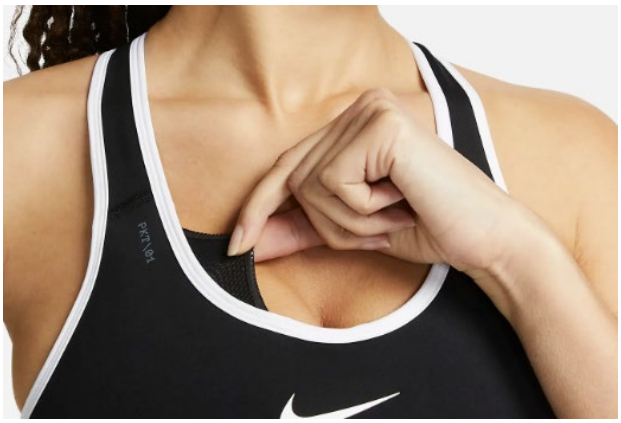
"Swoosh On The Run" Infringement Claim Chart for U.S. Patent No. 9,295,288 ("the '288 Patent")

NIKE's making, using, offering to sell, and selling of Swoosh On The Run product infringes Claims 1, 2, 3 and 11 of the '288 Patent whenever an item is positioned in the Swoosh On The Run's front pockets—which NIKE intentionally induces purchasers and users of the product to do. The Swoosh on The Run includes all the features embodied in those claims literally or by the doctrine of equivalents.

Here are two images of the Swoosh on The Run from NIKE's website:[1]



References:[2]

- *NIKE Swoosh On The Run*, NIKE.COM, https://www.NIKE.com/t/swoosh-on-the-run-womens-medium-support-lightly-lined-sports-bra-with-pockets-qQtjGS (last visited May 15, 2023).

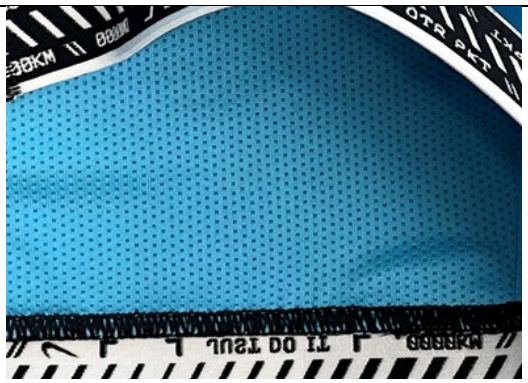
[1] *NIKE Swoosh On The Run,* NIKE.COM, https://www.NIKE.com/t/swoosh-on-the-run-womens-medium-support-lightly-lined-sports-bra-with-pockets-qQtjGS (last visited May 15, 2023).
[2] All images in this chart are from this reference unless otherwise indicated.

U.S. Patent No. 9,295,288 (Claim 1)	**Infringing NIKE Product** (Swoosh on The Run)
1. [pre] A bra pocket system combination comprising:	NIKE advertises the Swoosh on The Run as follows: "[a] women's medium-support lightly lined sports bra with pockets."[3] and; "3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits."[4]
[1.1] 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;	The Swoosh On The Run has a chest strap (1), shoulder straps (2), and left and right cups (3). Each cup has inside and outside surfaces as well as upper, lower, interior body facing and opposite exterior edges:
[1.2] a patch forming a pocket operatively associated with each cup, each patch having a linear upper edge and curved lower, interior body facing,	The Swoosh On The Run has two patches, each associated with a cup, which NIKE refers to as "PKT \ 01" and "PKT \ 02." Each patch has an

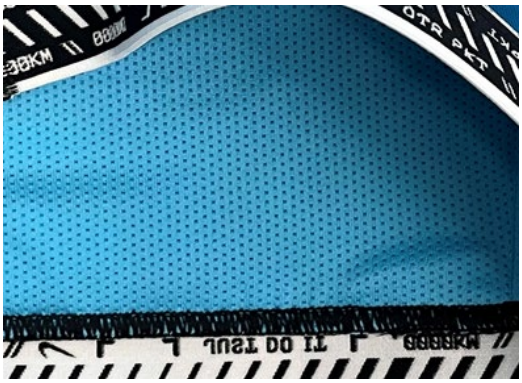
[3] *See supra,* note 1.
[4] *See supra,* note 1.

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;	upper, lower, and exterior edge. Each patch has an inside and outside surface. Each patch forms a pocket: Each patch has a linear upper edge: [5] Each patch has a lower body facing edge and an opposite exterior edge:

[5] Inside-out photo of the physical product.

	 [6] Stitching couples each patch to each associated cup: [7]
[1.3] a linear opening formed along the upper edge of each patch;	A linear opening is formed along the upper edge of each patch:

[6] *See supra*, note 5.
[7] *See supra*, note 5.

[1.4] 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	NIKE advertises that various items may be positioned within the Swoosh On The Run's Pockets: "3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits."[8]
[1.5] 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.	The lower edges of each patch and each cup are aligned:  [9] The linear upper edge of each patch crosses over a surface of the cup to form the linear opening: [10]

[8] *See* supra, note 1.
[9] *See supra*, note 5.
[10] *See supra*, note 5.

U.S. Patent No. 9,295,288 (Claim 2)	**Infringing NIKE Product** (Swoosh On The Run)
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.	Product Details: Body: 82% polyester/18% spandex. Bottom hem: 73% polyester/15% spandex/12% nylon. Front panel lining: 80% Polyester/20% spandex. Back lining/Interlining: 82% polyester/18% spandex.[11]

U.S. Patent No. 9,295,288 (Claim 3)	**Infringing NIKE Product** (Swoosh on The Run)
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.	Product Details: Body: 82% polyester/18% spandex. Bottom hem: 73% polyester/15% spandex/12% nylon. Front panel lining: 80% Polyester/20% spandex. Back lining/Interlining: 82% polyester/18% spandex.[12]

U.S. Patent No. 9,295,288 (Claim 11)	**Infringing NIKE Product** (Swoosh On The Run)
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.	The linear opening faces the interior: "Lefties rejoice! 2 angled side pockets keep your phone in place while allowing easy access–no matter your dominant hand."[13]

[11] *See* supra, note 1.
[12] *See* supra, note 1.
[13] *See* supra, note 1.

	[14]

[14] *See supra*, note 5.