"Swoosh Pocket Bra" Infringement Claim Chart for U.S. Patent No. 9,723,878 ("the '878 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 claim 15 of the '878 Patent. Whenever an item is inserted into the bra's side pocket, claims 1, 2, 3, 14, and 17 are additionally infringed. The Swoosh Pocket Bra features each element of that claim literally or by the doctrine of equivalents.

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. 9,723,878 (Claim 1)	**Infringing NIKE Product** (Swoosh Pocket Bra)
1. [pre] A pocketed bra assembly comprising:	The Swoosh Pocket Bra "5 hidden pockets."[3]
[1.1] a strap assembly including a chest strap;	The Swoosh Pocket Bra has a chest strap (1):
[1.2] a left cup and a right cup, each cup being an area to receive a breast of a wearer having inside and outside surfaces, the strap assembly being attached to the cups whereby the strap assembly holds the cups to a wearer, with the chest strap extending from the left cup towards the wearer's back and extending from the right cup towards the wearer's back;	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. The chest strap (1) extends from both sides of the bra portion toward the user's back:

[3] *See supra*, note 1.

[1.3] a side patch on one of an inside or outside surface of the chest strap adjacent to at least one of the left cup and right cups, the side patch having upper and lower edges along at least part of a length of the chest strap, and side edges, the side patch upper edge lying along a same edge line as at least a portion of a top edge of the chest strap, the side patch having stitching along the lower and side edges thus forming an upper opening such that the side patch forms a pocket, the upper opening capable of repeated receiving and removal of an item when being worn by the wearer; and	The Swoosh Pocket Bra has a side patch (4) on the outside surface of the chest strap. The side patches are adjacent to associated cups: The side patch has upper and lower edges. The upper edge of the side patch runs along at least a portion of the top edge of the chest strap. The side patch (4) forms a pocket:

[1.4] an item removably positioned in the pocket.	The Swoosh Pocket Bra is inherently designed for items to be positioned in its pockets.

U.S. Patent No. 9,723,878 (Claim 2)	**Infringing NIKE Product** (Swoosh Pocket Bra)
2. The bra assembly of claim 1 and further including a handheld electronic device, the handheld electronic device placed within the side pocket.	Whenever a hand-held electronic device is placed within one of the Swoosh Pocket Bra's side pockets, claim 2 is infringed.

U.S. Patent No. 9,723,878 (Claim 3)	**Infringing NIKE Product** (Swoosh Pocket Bra)
3. The bra assembly of claim 1 wherein the strap assembly further comprises two shoulder straps, and a central area at a back of the strap assembly opposite to the left and right cups, the two shoulder straps and chest strap joining together at the central area, and further comprising a back pocket on the	The Swoosh Pocket Bra has a back pocket (5):

central area.	

U.S. Patent No. 9,723,878 (Claim 14)	Infringing NIKE Product (Swoosh Pocket Bra)
14. The bra assembly of claim 1 further comprising a central patch attached intermediate to the left and right cups, the central patch forming a central chamber pocket.	The Swoosh Pocket Bra has a central patch intermediate to the left and right cups:

U.S. Patent No. 9,723,878 (Claim 15)	Infringing NIKE Product (Swoosh Pocket Bra)
15. [pre] A chest covering comprising:	The Swoosh Pocket Bra is a chest covering.

[15.1] a strap assembly including a chest strap;	The Swoosh Pocket Bra has a chest strap (1):
[15.2] a left cup and a right cup, each cup being an area to receive a breast of a wearer, and having inside and outside surfaces, the strap assembly being attached to the cups whereby the strap assembly holds the cups to a wearer, with the chest strap extending from the left cup towards the wearer's back and extending from the right cup towards the wearer's back;	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. The chest strap (1) extends from both sides of the bra portion toward the user's back:
[15.3] a side patch on one of an inside or outside surface of the chest strap	The Swoosh Bra has a side patch (4) on the outside surface of the chest strap.

adjacent to at least one of the left cup and right cups, the side patch having upper and lower edges along at least part of a length of the chest strap, and side edges, the side patch upper edge lying along a same edge line as at least a portion of a top edge of the chest strap, the side patch having stitching along the lower and side edges thus forming an upper opening such that the side patch forms a pocket, the upper opening capable of repeated receiving and removal of an item when being worn by the wearer.	The side patch is adjacent to an associated cup: The side patch has upper and lower edges. The upper edge of the side patch runs along at least a portion of the top edge of the chest strap. The side patch (4) forms a pocket:

U.S. Patent No. 9,723,878 (Claim 17)	**Infringing NIKE Product** (Swoosh Pocket Bra)
17. The bra assembly of claim	The front edge of the side patch abuts

1 wherein a front side edge of the side patch abuts an edge of the at least one of the left cup and the right cup, the pocket extending to the edge of the at least one of the left cup and the right cup.	the edge of its associated cup: