"UtiliBRA-vo" Infringement Claim Chart for U.S. Patent No. 10,244,800 ("the '800 Patent")

Rabbit's making, using, offering, selling, and importing the UtiliBRA-vo product directly and indirectly infringes Claims 1, 2, 4, 5, and 11 of the '800 Patent. The UtiliBRA-vo product includes all the features embodied in those claims literally or by the doctrine of equivalents whenever an item is positioned in its back pocket—which Rabbit has done and intentionally induces purchasers and users of the product to do.

Here are two images of the UtiliBRA-vo from Rabbit's website:[1]

References:

- *UtiliBRA-vo*, RUNRABBIT.COM, https://www.runinrabbit.com/collections/sports-bras/products/utilibra-vo (last visited April 12, 2023).

U.S. Patent No. 10,244,800 (Claim 1)	**Infringing Rabbit Product** (UtiliBRA-vo)
1. [pre] A pocket bra assembly comprising:	The UtiliBRA has a "laser-cut pocket between [the] shoulder blades."[2]

[1] *UtiliBRA-vo,* RUNRABBIT.COM https://www.runinrabbit.com/collections/sports-bras/products/utilibra-vo (last visited April 12, 2023).
[2] *See supra*, note 1.

[1.1] a strap assembly including a chest strap and shoulder straps,	The UtiliBRA-vo has a strap assembly including a chest strap (1) and shoulder straps (2).
[1.1.1] the chest strap having a front portion configured to be positioned on a front of a user, and a back portion configured to be positioned on a back of the user,	The UtiliBRA-vo's chest strap (1) has a front portion worn on the user's front: The UtiliBRA-vo's chest strap (1) has a back portion that is worn on the user's back:

[1.1.2] the shoulder straps each having a front portion configured to be positioned on the front of the user, and a back portion configured to be positioned on the back of the user;	The UtiliBRA-vo's shoulder straps (2) have a front portion positioned on the wearer's front: The UtiliBRA-vo's shoulder straps (2) have a back portion positioned on the wearer's back:

[1.2] a bra portion, the bra portion configured to provide support and shape breasts of the user, the strap assembly being attached to the bra portion whereby the strap assembly holds the bra portion to the user,	The UtiliBRA-vo's has a bra portion (3) that provides support and shapes the breasts of the wearer: The UtiliBRA-vo's chest strap (1) and shoulder straps (2) hold the bra portion (3) to the wearer:

[1.2.1] with the chest strap extending from a first side of the bra portion towards the user's back and extending from a second opposite side of the bra portion towards the user's back;	The UtiliBRA-vo's chest strap (1) extends from the sides of the bra portion toward the user's back:
[1.3] a back pocket formed entirely of stretchable fabric positioned on the back portion of at least one of the chest strap and shoulder straps,	The UtiliBRA-vo has a back pocket (5) positioned on the back portion of at least the two shoulder straps that is stretchable, which Rabbit describes as "76% polyester & 24% spandex."[3]

[3] *See supra* note 1.

[1.3.1] the back pocket having an opening formed that is biased in a closed position at rest, providing access to a pocket interior; and	The UtiliBRA-vo's back pocket opening (7) is biased in a closed position at rest, lying flat against the bra's back area in a closed position until an item is inserted into the opening:
[1.4] an item positioned within the back pocket.	Rabbit's marketing materials show a phone inserted into the back pocket of the UtiliBRA-vo:

U.S. Patent No. 10,244,800 (Claim 2)	Infringing Rabbit Product (UtiliBRA-vo)
2. The pocket bra assembly of claim 1 wherein the bra is a sports bra.	The UtiliBRA-vo is a sports bra, advertising it as Rabbit's "best-selling sports bra."[4]

U.S. Patent No. 10,244,800 (Claim 4)	Infringing Rabbit Product (UtiliBRA-vo)
4. The pocket bra assembly of claim 1 wherein the back pocket is positioned on the back portion of one of the shoulder straps.	The UtiliBRA-vo's back pocket (5) is on the back portion of its shoulder straps (2):

[4] *See supra,* note 1.

U.S. Patent No. 10,244,800 (Claim 5)	**Infringing Rabbit Product** (UtiliBRA-vo)
5. The pocket bra assembly of claim 1 wherein the back portion of each of the shoulder straps join together to form a central area, the back pocket positioned on the central area.	The back portion of UtiliBRA-vo's shoulder straps (2) join to form a central area (4) on which the pack pocket is positioned:

U.S. Patent No. 10,244,800 (Claim 11)	**Infringing Rabbit Product** (UtiliBRA-vo)
11. The pocket bra assembly of claim 1 wherein the back pocket is formed by a patch connected to the back portion of the at least one of the chest strap and shoulder straps by stitching about an entire perimeter of the patch, the patch having a slit opening formed in its surface in close proximity to a top of the patch providing access to the pocket interior formed by the patch.	The UtiliBRA-vo's back pocket is formed by a patch connected to the back portion of the shoulder straps by stitching: The patch has a slit opening at its top which provides access to the pocket interior: