"Swoosh On the Run" Infringement Claim Chart for U.S. Patent No. 9,808,036 ("the '036 Patent")

NIKE's making, using, offering to sell, and selling of the Swoosh On The Run product directly and indirectly infringes Claims 1, 2, 5, 6, 7, 9, 10 and 18 of the '036 Patent. The Swoosh On The Run includes all the features embodied in those claims literally or by the doctrine of equivalents. 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—claims 3 and 8 are additionally infringed.

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. 9,808,036 (Claim 1)	**Infringing NIKE Product** (Swoosh On The Run)
1. [pre] A pocket bra 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 comprising a chest strap;	The Swoosh On The Run has a chest strap (1):
[1.2] and comprising left and right cups, 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 connects the cups to the wearer, each cup having upper, lower, interior body facing, and opposite exterior edges;	The Swoosh On The Run has left and rights cups (3), each being an area for receiving the breasts of the wearer, and each with inside and outside surfaces:

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

	  The Swoosh On The Run has a strap assembly attached to the cups, connecting the cups to the wearer:
[1.3] a patch forming a pocket operatively associated with at least one of the left and right cups, the patch having an upper edge, a lower interior body facing edge, and an opposite lower exterior edge, the patch having inside and outside surfaces;	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 upper, lower interior, and exterior edge. Each patch has an inside and outside surface. Each patch forms a pocket:

	  [5]
[1.4] stitching coupling the lower interior body facing edge, and the opposite lower exterior edge of the patch to at least one of the lower, interior body facing, and opposite exterior edges of the at least one of the left and right cups, or the chest strap;	The front patches are attached to their associated cups via stitching: [6]

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

[1.5] an opening formed along the upper edge of the patch;	The front patches each have an opening formed along their upper edge:
[1.6] the opening capable of repeated receiving and removal of an item when being worn by the wearer; and	The opening is capable of repeated receiving and removal of an item when being worn by a wearer: "Feel confident and go all out—without having to leave anything behind—in this medium-support sports bra. 3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits. The lightweight, sewn-in spacer lining feels breathable while still giving you a little coverage, and sweat-wicking tech helps you keep your cool on the run."[7]
[1.7] wherein the upper edge of the patch crosses over a surface of the cup to form the opening, the upper edge of the patch being offset from an upper edge of the cup.	The upper edge of the patch is offset below the upper edge of the cup:

[7] *See supra*, note 1.

	[8]

U.S. Patent No. 9,808,036 (Claim 2)	Infringing NIKE Product (Swoosh On The Run)
2. The pocket bra of claim 1 wherein the stitching is along the lower interior body facing and opposite exterior edges of the patch.	Stitching exists along the lower interior and exterior edges: [9]

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

U.S. Patent No. 9,808,036 (Claim 3)	Infringing NIKE Product (Swoosh On The Run)
3. A bra pocket system comprising the pocket bra of claim 1 and further comprising a non-padding item removably positioned within the pocket of at least one of the left and right cups.	NIKE's marketing materials demonstrate that the Swoosh on The Run is to be used with items positioned in the front pockets: "3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits."[10]

U.S. Patent No. 9,808,036 (Claim 5)	Infringing NIKE Product (Swoosh On The Run)
5. The pocket bra of claim 1 wherein the patch lower interior body facing and opposite exterior edges are aligned with the lower interior body facing and opposite exterior edges of the one of the left and right cups, and wherein the stitching is along the lower interior body facing and opposite exterior edges of the patch.	The edges of each patch are aligned with the edges of each cup: [11]

U.S. Patent No. 9,808,036 (Claim 6)	Infringing NIKE Product (Swoosh On The Run)
6. [pre] A pocket bra comprising:	NIKE advertises the Swoosh On the Run as follows:

[10] *See supra,* note 1.
[11] *See supra,* note 5.

	"3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits."[12]
[6.1] a strap assembly comprising a chest strap;	The Swoosh On The Run has a chest strap (1):
[6.2] and comprising left and right cups, 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 connects the cups to the wearer, each cup having upper, lower, interior body facing, and opposite exterior edges;	The Swoosh On The Run has left and rights cups (3), each being an area for receiving the breasts of the wearer, and each with inside and outside surfaces:

[12] *See supra,* note 1.

	The Swoosh On The Run has a strap assembly attached to the cups, connecting the cups to the wearer:
[6.3] a patch forming a pocket operatively associated with one at least of the left and right cups, the patch having an upper edge, a lower interior body facing edge, and an opposite lower exterior edge, the patch having inside and outside surfaces;	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 upper, lower interior, and exterior edge. Each patch has an inside and outside surface. Each patch forms a pocket:

	[13]
[6.4] stitching coupling the lower interior body facing edge, and the opposite lower exterior edge of the patch to the lower, interior body facing, and opposite exterior edges of the at least one of the left and right cups;	The front patches are attached to their associated cups via stitching: [14]
[6.5] an opening formed along the upper edge of the patch;	The front patches each have an opening formed along their upper edge:

[13] *See supra*, note 5.
[14] *See supra*, note 5.

[6.6] the opening capable of repeated receiving and removal of an item when being worn by the wearer; and	The opening is capable of repeated receiving and removal of an item when being worn by a wearer: "Feel confident and go all out—without having to leave anything behind—in this medium-support sports bra. 3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits. The lightweight, sewn-in spacer lining feels breathable while still giving you a little coverage, and sweat-wicking tech helps you keep your cool on the run."[15]
[6.7] wherein the upper edge of the patch crosses over a surface of the cup to form the opening, the upper edge crossing in such that the opening faces the interior body facing edge of the one of the left and right cup to which it is attached, the upper edge of the patch being offset from an upper edge of the cup.	The upper edge of the patch is offset from the upper edge of the cup. The opening is angled to the interior: "2 angled side pockets keep your phone in place while allowing easy access–no matter your dominant hand. Breathable mesh lines the pocket bags to keep you cool and the sweat off your belongings."[16]

[15] *See supra*, note 1.
[16] *See supra*, note 1.

	[17]

U.S. Patent No. 9,808,036 (Claim 7)	Infringing NIKE Product (Swoosh on The Run)
7. The pocket bra of claim 6 wherein the stitching is along the lower interior body facing and opposite exterior edges of the patch.	Stitching exists along the lower edges of each patch: [18]

[17] *See supra*, note 5.
[18] *See supra*, note 5.

U.S. Patent No. 9,808,036 (Claim 8)	**Infringing NIKE Product** (Swoosh On The Run)
8. A bra pocket system comprising the pocket bra of claim 6 and further comprising a non-padding item removably positioned within the pocket of at least one of the left and right cups.	NIKE's marketing materials demonstrate that the Swoosh On The Run is to be used with items positioned in the front pockets: "3 mesh-lined pockets hold your phone, a snack or an extra layer so you can explore without limits."[19]

U.S. Patent No. 9,808,036 (Claim 9)	**Infringing NIKE Product** (Swoosh on The Run)
9. The pocket bra of claim 6 wherein the patch lower interior body facing and opposite exterior edges are aligned with the lower interior body facing and opposite exterior edges of the one of the left and right cups, and wherein the stitching is along the lower interior body facing and opposite exterior edges of the patch.	The lower edges of each patch are aligned with the lower edge of each cup: [20]

[19] *See supra*, note 1.
[20] *See supra*, note 5.

U.S. Patent No. 9,808,036 (Claim 10)	**Infringing NIKE Product** (Swoosh on The Run)
10. The pocket bra of claim 6 further comprising a second patch forming a second pocket operatively associated with the other of the left and right cup.	The Swoosh On The Run has two patches, each associated with a cup, which NIKE refers to as "PKT \ 01" and "PKT \ 02."[21]

U.S. Patent No. 9,808,036 (Claim 18)	**Infringing NIKE Product** (Swoosh on The Run)
18. The pocket bra of claim 1 further comprising a second patch forming a second pocket operatively associated with the other of the left and right cup.	The Swoosh On The Run has two patches, each associated with a cup, which NIKE refers to as "PKT \ 01" and "PKT \ 02."[22]

[21] *See supra*, note 1.
[22] *See supra*, note 1.