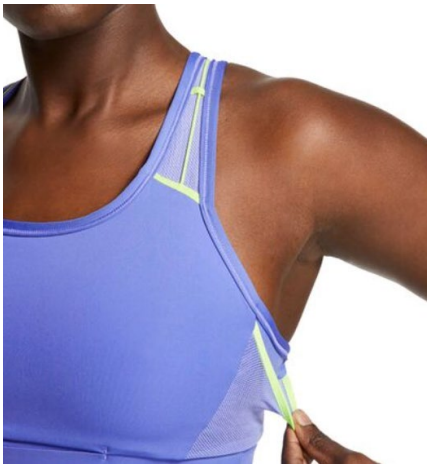
"Swoosh Pocket Bra" Infringement Claim Chart for U.S. Patent No. 9,289,016 ("the '016 Patent")

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 claims 1 and 2 of the '016 Patent. The Swoosh Pocket Bra features each element of that claim literally or by the doctrine of equivalents. Whenever a handheld electronic device is inserted into either side pocket of the Swoosh Pocket Bra, claim 4 is additionally infringed.

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.

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U.S. Patent No. 9,289,016 (Claim 1)	**Infringing NIKE Product** (Swoosh Pocket Bra)
1. [pre] A pocket bra system comprising:	The Swoosh Pocket Bra has "5 hidden pockets."[3]
[1.1] a strap assembly including a chest strap and shoulder straps;	The Swoosh Pocket Bra has a chest strap (1) and shoulder straps (2):
[1.2] a left cup and a right cup, each cup having inside and outside surfaces, the strap assembly being attached to the cups whereby the strap assembly holds the cups to a wearer;	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:

[3] *See supra*, note 1.

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[1.3] a side patch on one of an inside or outside surface of each side of the chest strap adjacent to each of the left cup and right cup,	The Swoosh Pocket Bra has a side patch (4) on the outside surface of each side of the bra's chest strap. The side patch is adjacent to an associated cup:
[1.3.1] the side patches having upper and lower edges along at least part of a length of the strap, and side edges,	The side patches (4) have upper edges (5) and lower edges (6) that run along the bra's strap and side edges:

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[1.3.2] each side patch having stitching along the lower and side edges thus forming an upper opening at each side patch such that each side patch forms a pocket, and	The side patches (4) have stitching along their lower and sides edges thus forming an upper opening (7):
[1.3.3] wherein each side pocket extends onto the adjacent cup, such that each pocket spans both a part of the chest strap and a part of the adjacent cup.	Each side pocket extends onto its adjacent cup:

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U.S. Patent No. 9,289,016 (Claim 2)	**Infringing NIKE Product** (Swoosh Pocket Bra)
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.	On information and belief, the cups are fabricated of a resilient closed cell polyurethane foam with a thickness of from 2 to 4 millimeters.

U.S. Patent No. 9,289,016 (Claim 4)	**Infringing NIKE Product** (Swoosh Pocket Bra)
4. The system as set forth in claim 1 and further including a handheld electronic device, the handheld electronic device placed within one of the side pockets.	Whenever a hand-held electronic device is placed within one of the Swoosh Pocket Bra's side pockets, claim 4 is infringed.

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