"Swoosh On The Run" Infringement Claim Chart for U.S. Patent No. 10,244,800 ("the '800 Patent")

NIKE' making, using, offering to sell, and selling of the Swoosh On the Run product directly and indirectly infringes Claims 1, 2, 5, 7, and 10 of the '800 Patent. The Swoosh On the Run 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 NIKE has done and intentionally induces purchasers and users of the product to do.

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





References:[2]

- *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 12, 2023).

[1] *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 12, 2023).
[2] All images are from this reference.

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U.S. Patent No. 10,244,800 (Claim 1)	**Infringing NIKE Product** (Swoosh On the Run)
1. [pre] A pocket bra assembly 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,	The Swoosh On The Run 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 Swoosh On The Run's chest strap (1) has a front portion worn on the user's front:

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

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	 The Swoosh On The Run'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 Swoosh On The Run's shoulder straps (2) have a front portion positioned on the wearer's front:

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	 The Swoosh On The Run'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 Swoosh On The Run has a bra portion (3) that provides support and shapes the breasts of the wearer. The strap assembly is attached to the bra portion:

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	 The Swoosh On The Run's strap assembly holds 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 Swoosh On The Run's chest strap (1) extends from both sides of the bra portion towards the user's back:

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[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 Swoosh On The Run has a back pocket (5) positioned on the back portion of at least the two shoulder straps that is formed of stretchable fabric: 
[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 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:

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[1.4] an item positioned within the back pocket.	NIKE's marketing materials show a phone inserted into the back pocket of the Swoosh On The Run: 

U.S. Patent No. 10,244,800 (Claim 2)	**Infringing NIKE Product** (Swoosh On the Run)
2. The pocket bra assembly of claim 1 wherein the bra is a sports bra.	NIKE advertises the Swoosh on the Run as a "sports bra."[5]

[5] *See supra,* note 1.

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U.S. Patent No. 10,244,800 (Claim 5)	**Infringing Rabbit Product** (Swoosh On the Run)
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 Swoosh On The Run's shoulder straps join to form a central area on which the back pocket (5) is positioned: 

U.S. Patent No. 10,244,800 (Claim 7)	**Infringing NIKE Product** (Swoosh On the Run)
7. 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 a part of a perimeter of the patch, a gap in the stitching leaving a portion of the perimeter of the patch unattached, thereby forming an opening providing access to the pocket interior formed by the patch.	The back pocket is formed by a patch stitched to the back portion of the chest and shoulder straps. The patch's upper perimeter edge is left unstitched, providing a gap permitting access to the pocket's interior: 

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U.S. Patent No. 10,244,800 (Claim 10)	**Infringing NIKE Product** (Swoosh On the Run)
10. The pocket bra assembly of claim 7 wherein the opening is formed adjacent to a top of the patch.	The opening (7) is formed adjacent to the top of the patch: 