UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIKE, INC.,
Petitioner,

v.

SHERRYWEAR LLC,
Patent Owner.

IPR2024-01123; IPR2024-01125; IPR2024-01126; IPR2024-01122; IPR2024-01124; IPR2024-01128; IPR2024-01127; IPR2024-01129
U.S. Patent Nos. 9,295,288; 9,808,036; 10,219,550; 9,289,016; 9,723,878; 10,244,800; 10,219,551; 10,869,510

AFFIDAVIT OF SHARON GOFF IN OPPOSITION TO INSTITUTION OF *INTER PARTES* REVIEW OF U.S. PATENT NOS. 9,295,288; 9,808,036; 10,219,550; 9,289,016; 9,723,878; 10,244,800; 10,219,551; 10,869,510.

Nike, Inc. v. SherryWear, LLC et al. IPR2024-01128 SherryWear, LLC Exhibit 2001 Page 1

I, Sharon Goff, hereby declare as follows:

1. I am the owner of SherryWear, LLC (SherryWear), which is the Patent Owner of the above-listed patents, and in the above-listed cases which are currently pending before the Patent Trials and Appeals Board (PTAB).

2. I invented the Pocket Bra because of an unmet need I saw in women's clothing. Modern fashions have produced many articles of clothing for women such as pants and leggings that have no pockets. I found that I and many other women I met were stowing items such as phones, money, and ID cards in their bras for lack of another convenient way to keep their hands free. This was uncomfortable and led to lost items.

3. The Pocket Bra solved this problem by adding pockets in a few places that allowed women to store their item safely and comfortably while still being fashionable.

4. I designed and sold a few varieties of Pocket Bras, including some sports bras designed for athletic or leisure activity.

5. My company, SherryWear, spent considerable time and money developing patents for the Pocket Bra, including the patents being challenged in this case. I filed the first patent on April 26, 2011. By early 2015, SherryWear had a total of four patent applications, two of which had issued as patents, that covered my pocket bras.

6. When I began marketing the Pocket Bra, I frequently spoke with women who had similar experiences to my own: a lack of useful places to stow items in their everyday clothing. Many of these women told me that the Pocket Bra had been or would be useful for resolving this issue.

7. For example, one mother contacted me to purchase one of the Pocket Bras so that her diabetic daughter could use it to store an insulin pump. I also received requests from other women asking me to produce the Pocket Bra in a wider range of sizes. These are both cases I mentioned in an interview with the Berkshire Eagle on May 12, 2014, which is provided with this affidavit as Exhibit SW-2002.

8. I manufactured and sold several hundred Pocket Bras between 2014 and 2024.

9. I also licensed my patents to five companies other than NIKE, starting in 2022, including (a) a license to Urban Savage, LLC for their Stash Bra; [redacted] (c) a license to Rabbit, LLC for the Strappy Pocket Bra, the UtiliBra-vo, the Crop Hop Support & Pocket Tech, the Crop Hop Support & Pocket, the Bunny Hopp Support & Pocket, and the Crusher Crop; and (d) a license to Senita Athletics, LLC for the Sarah Sports Bra, the Perfect Pocket Sports Bra, the Hustle Sports Bra, the Flight Bra, and the Sculpt Support Bra.

10. Each of the four companies listed above has continued to sell at least one of the models I described above. The Stash Bra, [redacted] the Strappy Pocket Bra, the UtiliBra-vo, the Cruser Crop, the Sara Sports Bra, the Flyout Bra, and the Tangent Bra are among the models still available for sale from the companies described above. SherryWear also entered a license agreement with Smooth Landing, Inc., the terms of which are confidential.

11. On June 18, 2015, I submitted SherryWear's then-issued and pending patents, and photographs of a SherryWear pocket bra, to NIKE via "NIKE Idea Submission," an online idea submission platform operated by NIKE; the submission contained examples of my sports bra products. A copy of the June 18, 2015, NIKE Idea Submission is provided with this affidavit as Exhibit SW-2035

12. I did not receive a response from Nike.

13. In January 2017, I contacted several high-ranking employees at NIKE via LinkedIn messenger including Evan Reynolds, then-Head of Marketplace Strategic Investments; Rick Boyd, then-Patent Footwear specialist; Nathan Plowman, then-Senior Director at NIKE; and Hillary Krane, then-General Counsel for NIKE. A copy of the correspondence is provided with this affidavit as Exhibit SW-2036 and Exhibit SW-2037.

14. Hillary Krane forwarded my messages to Paul Saraceni, then the VIP of Global IP Transactions & Licensing at NIKE, on February 7, 2017.

15. On February 7, 2017, Mr. Saraceni asked me to send a "non-confidential list of IP assets that [SherryWear] had begun to market for sale."

16. I sent Mr. Saraceni a list of SherryWear's then-issued and pending patents in response to his request.

17. Between February and March of 2017, Mr. Saraceni and I communicated again by email regarding the licensing or purchasing of SherryWear's intellectual property. A copy of the February and March 2017 correspondence is provided herewith as Exhibit SW-2038.

18. On March 24, 2017, I received an email from Mr. Saraceni stating, "[w]e will respectfully pass on the opportunity." *See* Exhibit SW-2038.

19. On September 22, 2017, I submitted SherryWear's Pocket Bra idea and patents to NIKE via NIKE Idea Submission again. A copy of the September 22, 2017 Submission is attached hereto as Exhibit SW-2040. I was not aware at the time of this submission that Nike had filed a patent for a pocket bra after my previous communications with Mr. Saraceni.

20. On October 20, 2017, Barrett Inman of NIKE's legal department responded to my second NIKE Idea Submission stating, "[t]here is no interest in pursuing your submission." A copy of Mr. Inman's October 20, 2017 response is attached hereto as Exhibit SW-2041.

21. In January 2019, I saw that Nike was selling pocket bras that appeared similar to my own. I emailed Mr. Saraceni once more and stated, "Hi Paul, We have spoken in the past, and I do now see at least one product of yours that is infringing on my side panel patent but also my newest back pocket patent that I have a notice of allowance on."

I declare, on this day 12th day of November, 2024, under the pains and penalties of perjury and under the laws of the United States of America, that the foregoing is true and correct.

Sharon Goff

STEPHANIE A. FARRIS
Commission # HH 463448
Expires December 16, 2027

Stephanie Farris
11-12-2024