Exhibit 5

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

0912139 B.C. LTD., et al.,

Plaintiffs,

v.

RAMPION USA INC., et al.,

Defendants.

CIVIL ACTION NO. 2:18-cv-1464-JLR

DEFENDANTS RAMPION USA INC. AND RAMPION ENTERPRISES LTD.'S THIRD SUPPLEMENTAL DISCLOSURE OF PRELIMINARY INVALIDITY CONTENTIONS

Pursuant to the Court's Minute Order Setting Trial Dates and Related Dates (Dkt. 22), Local Patent Rule 121, and this Court's July 15, 2019 Order (Dkt. 54), Defendants Rampion USA Inc. ("Rampion USA") and Rampion Enterprises Ltd. ("Rampion Enterprises") (collectively, "Defendants") hereby submit their Third Supplemental Disclosure of Preliminary Invalidity Contentions regarding the claims of U.S. Patent Nos. 9,687,030 (the "'030 patent") and 10,034,496 (the "'496 patent") (collectively, the "Patents-In-Suit") asserted in Plaintiffs' Disclosure of Asserted Claims and Preliminary Infringement Contentions ("Infringement Contentions"), served January 4, 2019.

I. Introduction

Defendants make these disclosures based on information presently and reasonably available to them, their current understanding of the Patents-In-Suit, and their current understanding of Plaintiffs' Infringement Contentions. Defendants have not completed their

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investigation of the facts relating to this case, discovery in this action, including but not limited to third party discovery, or preparation for trial. These disclosures represent Defendants' good-faith effort to identify information of which they are aware at this date. Any further modifications, supplements, or amendments to these Preliminary Invalidity Contentions will comply with the Local Patent Rules and this Court's Standing Order for Patent Cases.

In their Infringement Contentions, Plaintiffs have asserted the following claims against Defendants:

- '030 patent: claims 1, 2, 5-10, 12, 14, and 15
- '496 patent: claims 1-10, and 13-15

Defendants' Preliminary Invalidity Contentions address only those claims asserted by Plaintiffs. To the extent that Plaintiffs are permitted to amend their Infringement Contentions to assert additional claims, Defendants will similarly seek leave to amend their Preliminary Invalidity Contentions to address the newly-added claims.

Defendants' Preliminary Invalidity Contentions are based, in part, on Plaintiffs' current contentions as to the conception, reduction to practice, and priority dates of the Patents-In-Suit. To the extent that Plaintiffs are permitted to amend their Infringement Contentions as to the conception, reduction to practice, and priority dates of the Patents-In-Suit, Defendants will similarly seek leave to amend their Preliminary Invalidity Contentions to address Plaintiffs' new contentions.

Moreover, the claims of the Patents-In-Suit are not entitled to the filing date of the provisional application (Provisional Application No. 61/429,065) for two independent reasons: (1) the disclosure in the provisional application does not support the claims of one or more of the Patents-In-Suit; and (2) there is no common inventor between the provisional application and the applications that issued as the Patents-In-Suit. For example, if Shawn Robert Ellis was not

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properly named as an inventor on the applications that issued as the Patents-In-Suit, there would be no common inventor between the provisional application and the applications that issued as the Patents-In-Suit.

Further, the applications that issued as the Patents-In-Suit are in the name of the wrong inventive entity, and thus the Patents-In-Suit are invalid.

If Plaintiffs are permitted to modify any assertion or contention in their Infringement Contentions, or present any new assertion or contention relevant to these Preliminary Invalidity Contentions, Defendants will similarly seek leave to amend their Preliminary Invalidity Contentions to address Plaintiffs' new contentions.

Defendants' contentions herein are not admissions, suggestions, or adoptions as to any particular claim scope or construction. Similarly, Defendants' contentions are not admissions, suggestions, or adoptions as to any invention or priority date or as to any admission that any of Defendants' products or services, including those which Plaintiffs have accused of infringement, infringe any of the asserted claims, either directly, indirectly, or under the doctrine of equivalents. Further, these Preliminary Invalidity Contentions are made under a variety of alternative theories and do not represent Defendants' agreement or view as to, for example, the definiteness of, written description support for, or enablement of, any asserted claim.

II. Identification of Prior Art

The following prior art anticipates or renders obvious the claims asserted against Defendants under 35 U.S.C. §§102/103.

Reference	Publication or Filing Date
Pub. No. US 2004/0025218 A1 (Huang) (the "'218 Publication")	Published Feb. 12, 2004
WO 01/37687 A1 (Carrillo, et al.) ("WO 01/37687")	Published May 31, 2001

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U.S. Patent No. 7,958,571 (Kitsch, et al.) (the "'571 Patent")	Filed Dec. 19, 2007 Published July 31, 2008 Issued June 14, 2011
Pub. No. US 2008/0178369 A1 (Kitsch, et al.)	Published July 31, 2008
Pub. No. US 2007/0277285 A1 (Gravette, et al.) (the "'285 Publication")	Published Dec. 6, 2007
Pub. No. US 2009/0106874 A1 (Shlush) (the "'874 Publication")	Published April 30, 2009
WO 98/39981 (Hartley) (the "'981 Publication")	Published Sept. 17, 1998
European Patent Application No. EP 0 476 818 A1 (Dagg, et al.) ("EP 0 476 818")	Published March 25, 1992
Canadian Industrial Design Registration No. 133058 (KE Imports) (the "'058 Design")	Registered and Published June 17, 2010
U.S. Patent No. 7,631,369 (Geiwald, et al.) (the "'369 Patent")	Issued Dec. 15, 2009 Published Sept. 27, 2007 (Pub. No. US 2007/0220660 A1)
Pub. No. US 2007/O220660 A1 (Geiwald, et al.)	Published Sep. 27, 2007
ACI000091-ACI000092, titled Show-It 2009 Line Sheet ("Show-It 2009 Line Sheet"). The Show-It 2009 Line Sheet was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The front	Dated 2009

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page of the Show-It 2009 Line Sheet states "Andrew Christian Underwear 2009 Collection 1 – Immediates." The second page of the Show-It 2009 Line Sheet states "Show-It Underwear Immediate Delivery" and shows "9132 Show-It Brief" and "9133 Show-It Boxer." The second page of the Show-It 2009 Line Sheet further states that each of the "9132 Show-It Brief" and "9133 Show-It Boxer" are available in colors "Heather, Black, Navy, White." The Show-It 2009 Line Sheet was published in 2009.	
AC000093-AC000101, titled 2009-2010 Collection Show-It ("**Show-It 2009-2010 Catalog**"). The Show-It 2009-2010 Catalog, which comprises excerpts from a larger published catalog, was produced by third party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. On information and belief, the Show-It 2009-2010 Catalog was published on or before October 1, 2009 because page 14 of the Show-It 2009-2010 Catalog (ACI000095) shows upcoming underwear models that will be available for "10/1 – 10/30 Delivery." The future delivery date indicates that the Show-It 2009-2010 Catalog must have been published prior to that date range in 2009. Page 3 of the Show-It 2009-2010 Catalog (ACI000094) displays "Show-It Underwear" and shows "9132 Show-It Brief" available in colors "Heather, Black, Navy, White." Page 3 of the Show-It 2009-2010 Catalog describes "Show-It™ with Show-It Technology 2.0 for Maximum Front Enhancement" and lists the following "Product Features": "The biggest and best 'PACKAGE' enhancer of any underwear," "Our Comfy Cup™ cradles and lifts to make you look HUGE," "Contrasting pouch accentuates front," and "Features Anti-Muffin Top™ elastic for a slimmer looking waist." Finally, page 3 of the Show-It 2009-2010 Catalog displays a side profile picture of underwear with Show-It Technology 2.0 to show and highlight the "Lifting Pocket."	Dated 2009-2010. On information and belief, the Show-It 2009-2010 Catalog was published on or before October 1, 2009 because page 14 of the Show-It 2009-2010 Catalog (ACI000095) shows upcoming underwear models that will be available for "10/1 – 10/30 Delivery." The future delivery date indicates that the Show-It 2009-2010 Catalog must have been published prior to that date range in 2009.

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ACI000038 ("**the ACI000038 publication**" or "**ACI000038**"), titled AC-Photos-ShowIt.mov, is a 4 minute 52 second video that shows various pictures of Andrew Christian Show-It underwear models, including Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer). ACI000038 was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of ACI000038 show that the created date and last modified date are both November 10, 2009. On information and belief, the ACI000038 publication was published on or about November 10, 2009. The claim charts include screenshots of Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in various colors (white, heather, black, or navy) from ACI000038, depicting the products from different angles. The screenshots included in the claim charts are identified by a time within the video (ACI000038). In addition, beginning at 4:40 of the video, ACI000038 shows "Show-It™ with Show-It Technology 2.0 for Maximum Frontal Enhancement" and goes on to show the "Product Features" and Andrew Christian logo to end the video.	November 10, 2009
ACI000040 ("**the ACI000040 publication**" or "**ACI000040**"), titled AC-Demo-ShowIt.mov, is a 54 second video of Andrew Christian (the designer of Show-It underwear) demonstrating the "Show-It Brief" (in heather) and a model wearing the "Show-It Brief" (in navy). ACI000040 was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of ACI000040 show that the created date and last modified date are both November 10, 2009. On information and belief, the ACI000040 publication was published on or about November 10, 2009. The claim charts include screenshots of the demonstration of the "Show-It Brief." The screenshots included in the claim chart below are identified by a time within	November 10, 2009

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the video (ACI000040).	

Product	On-Sale / Public Use or Knowledge (LPR 121(b))
Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology"	At least as early as March 6, 2009 Pursuant to Local Patent Rule 121(b), the items offered for sale and/or publicly used or known were the 9132 Show-It Brief and/or the 9133 Show-It Boxer. The 9132 Show-It Brief and 9133 Show-It Boxer were on sale and/or publicly used or known at least as early as March 6, 2009, as demonstrated by the following documents. The entity which made the offer for sale and/or which made the information known was Andrew Christian, Inc. ACI000091-ACI000092, titled Show-It 2009 Line Sheet ("**Show-It 2009 Line Sheet**"). The Show-It 2009 Line Sheet was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The front page of the Show-It 2009 Line Sheet states "Andrew Christian Underwear 2009 Collection 1 – Immediates." The second page of the Show-It 2009 Line Sheet states "Show-It Underwear Immediate Delivery" and shows "9132 Show-It Brief" and "9133 Show-It Boxer." The second page of the Show-It 2009 Line Sheet further states that each of the "9132 Show-It Brief" and "9133 Show-It Boxer" are available in sizes "XS-S-M-L-XL" and colors "Heather, Black, Navy, White." Finally, the second page of the Show-It 2009 Line Sheet shows that the price of the "9132 Show-It Brief" is $12 and the price of the "9133 Show-It Boxer" is $13. AC000093-AC000101, titled 2009-2010 Collection Show-It ("**Show-It 2009-2010 Catalog**"). The Show-It 2009-2010 Catalog, which is excerpts from a larger catalog, was produced by third party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. Page 3 of the Show-It 2009-2010 Catalog (ACI000094) displays "Show-It Underwear" and shows "9132 Show-It Brief" available in sizes "XS-S-M-L-XL" and colors "Heather, Black, Navy, White." Page 3 of the Show-It 2009-2010 Catalog further shows that the "wholesale price" of the "9132 Show-It Brief" is $12 and the "MSPR" price of the "9132 Show-It Brief" is $27. Page 3 of the Show-It 2009-2010 Catalog does not list a future date range for delivery, indicating, consist with the Show-It 2009 Line Sheet, that the products listed on page 3, including the "9132 Show It Brief," were available for immediate delivery. Page 3 of the Show-It 2009-2010 Catalog describes "Show-It™ with Show-It Technology 2.0 for Maximum Front Enhancement" and lists the

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	following "Product Features": "The biggest and best 'PACKAGE' enhancer of any underwear," "Our Comfy Cup™ cradles and lifts to make you look HUGE," "Contrasting pouch accentuates front," and "Features Anti-Muffin Top™ elastic for a slimmer looking waist." Finally, page 3 of the Show-It 2009-2010 Catalog displays a side profile picture of underwear with Show-It Technology 2.0 to show and highlight the "Lifting Pocket." The Show-It 2009-2010 Catalog also explained, on page 41, how to place orders via Andrew Christian's WebLink system. See ACI000101. As explained in the Show-It 2009-2010 Catalog, Andrew Christian's WebLink system allowed wholesale customers to "check current in-stock inventory," "place orders for quicker turn-around and shipments to you," "see the total price of the order before it is shipped," "check order status after the order is placed," "view previous orders, so you can easily decide what to re-order," and "see shipping dates of new styles." ACI000024, titled Show-IT-2.0 Press Release ("**March 2009 Press Release**"). The March 2009 Press Release is dated "March 2009" on its face, and was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of the March 2009 Press Release show that the created date and last modified date are both March 3, 2009. The March 2009 Press Release states "For Immediate Release." The March 2009 Press Release describes "Show-It Technology 2.0." While the March 2009 Press Release does not list style numbers, it does include four pictures of the "Andrew Christian Show It Technology Brief and Boxer." The pictures appear to match the 9132 Show-It Brief (in white and black) and the 9133 Show-It Boxer (in heather and navy) depicted in the Show-It 2009 Line Sheet and Show-It 2009-2010 Catalog. The March 2009 Press Release also lists the available colors and pricing for the depicted briefs and boxers. The available colors (White, Heather, Black, and Navy) match the available colors listed in both the Show-It 2009 Line Sheet (on page ACI000092) for Style Nos. 9132 and 9133 and the Show-It 2009-2010 Catalog for Style No. 9132 (on page ACI000094). **ACI000038**, titled AC-Photos-ShowIt.mov, is a 4 minute 52 second video that shows various pictures of Andrew Christian Show-It underwear models, including Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer). ACI000038 was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of ACI000038 show that the created date and last modified date are both November 10, 2009. The claim chart below includes screenshots of Style Nos. 9132 (Show-It

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	Brief) and 9133 (Show-It Boxer) in various colors (white, heather, black, or navy) from ACI000038, depicting the products from different angles. The screenshots included in the claim charts referenced below are identified by a time within the video (ACI000038). In addition, beginning at 4:40 of the video, ACI000038 shows "Show-It™ with Show-It Technology 2.0 for Maximum Frontal Enhancement" and goes on to show the "Product Features" and Andrew Christian logo to end the video. **ACI000040**, titled AC-Demo-ShowIt.mov, is a 54 second video of Andrew Christian (the designer of Show-It underwear) demonstrating the "Show-It Brief" (in heather) and a model wearing the "Show-It Brief" (in navy). ACI000040 was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of ACI000040 show that the created date and last modified date are both November 10, 2009. The claim chart below includes screenshots of the demonstration of the "Show-It Brief." The screenshots included in the claim charts referenced below are identified by a time within the video (ACI000040). ACI000021, titled 9132 Show it brief.jpg ("9132 design drawing"). The 9132 design drawing was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of the 9132 design drawing show that the created date and last modified date are both February 6, 2009. ACI000022, titled 9133 Show it Boxer F & B.jpg ("**9133 design drawing**"). The 9133 design drawing was produced by third-party Andrew Christian, Inc. on April 24, 2019 and produced to Plaintiffs on April 25, 2019. The metadata document properties of the 9133 design drawing show that the created date and last modified date are both February 6, 2009. ACI000151-ACI000152, titled Pattern Sheets – 2_5_2009 (**"February 5, 2009 Pattern Sheets"**). The February 5, 2009 Pattern Sheets are dated "2/5/2009" on their face, were produced by third-party Andrew Christian, Inc. on April 24, 2019, and produced to Plaintiffs on April 25, 2019. The pattern sheet at ACI000151 is for the "Show IT Boxer" in "Style # 9133" and the pattern sheet at ACI000152 is for the "Show IT Brief" in "Style # 9132." Rampion_0000101-107, a blog entry from Underwear News Briefs titled "Andrew Christian – Show-It Technology Brief" and dated

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	March 6, 2009 ("**March 6, 2009 Blog Entry**"). The March 6, 2009 Blog Entry was produced to Plaintiffs on January 28, 2019 and referenced in the claim charts for Defendants' January 28, 2019 Invalidity Contentions. The March 6, 2009 Blog Entry includes a picture of "Show-It" underwear that appears to be the 9132 Show-It Brief in black (compare to images of 9132 Show-It Brief in black in the Show-It 2009 Line Sheet and Show-It 2009-2010 Catalog referenced above). The March 6, 2009 Blog Entry further includes language from the March 2009 Press Release describing "Show-It Technology 2.0". Rampion_0000108-110, a blog entry from Underwear News Briefs titled "Underwear of the Week - Andrew Christian 'Show-It' Line" and dated March 11, 2009 ("**March 11, 2009 Blog Entry**"). The March 11, 2009 Blog Entry was produced to Plaintiffs on January 28, 2019 and referenced in the claim charts for Defendants' January 28, 2019 Invalidity Contentions. The March 11, 2009 Blog Entry includes the same picture of "Show-It" underwear shown in the March 6, 2009 Blog Entry that appears to be the 9132 Show-It Brief in black (compare to images of 9132 Show-It Brief in black in the Show-It 2009 Line Sheet and Show-It 2009-2010 Catalog referenced above). The March 11, 2009 Blog Entry further quotes the March 2009 Press Release in its entirety, introducing the same with "Here is what they say about the undies." The March 11, 2009 Blog Entry further includes the side profile picture of Andrew Christian underwear with Show-It Technology 2.0 that is shown on page 3 of the Show-It 2009-2010 Catalog next to the listing for the 9132 Show-It Briefs (on the page labeled ACI000094).

III. Invalidity Claim Charts

The claim charts attached hereto specifically identify where in the cited prior art patents, publications, and products ("references") each element of each asserted claim is found. Defendants reserve the right to rely on expert testimony to provide context, or to aid in understanding, the references' relevant disclosures. Each reference must be read in light of the knowledge of a person of ordinary skill in the art. Defendants will therefore rely on the knowledge of a person of ordinary skill in the art in addition to the disclosures of each of the references. In addition, to the extent that a reference does not expressly disclose a particular claim limitation, that limitation may be inherently or implicitly disclosed or otherwise suggested by the reference.

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Defendants identify the prior art now known to Defendants to anticipate the asserted claims under 35 U.S.C. § 102, as understood by a person having ordinary skill in the art. For any prior art that Defendants contend is anticipatory, Defendants also contend that to the extent that any claim limitation is found missing from the prior art (*i.e.*, found not to be expressly, implicitly, or inherently disclosed), that limitation would have been obvious in view of the knowledge possessed by a person of ordinary skill at the time of the alleged invention. Any alleged or actual difference between the prior art and the asserted claims would have been obvious to a person of ordinary skill in the art as: (a) the simple substitution of one known element for another and such substitution would have resulted in predictable results; (b) the use of a known technique to improve similar products or processes in the same way; (c) the application of a known technique to the products or processes ready for improvement to yield predictable results; or (d) the selection from a finite number of identified, predictable solutions, with a reasonable expectation of success (*i.e.*, "obvious to try"). *See, e.g., KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007).

Defendants also identify the prior art now known to Defendants that either alone or in combination with other prior art render the asserted claims of the asserted patents invalid as obvious under 35 U.S.C. § 103. The combinations of prior art disclosed in the claim charts are appropriate at least because each reference in a combination discloses purported improvements in the same area of technology and a person of ordinary skill in the art would have been motivated to combine the purported improvements to produce an improved product. In certain instances, the suggested obviousness combinations are provided in the alternative to Defendants' anticipation contentions and are not to be construed to suggest that any reference included in the combinations is not by itself anticipatory.

Defendants reserve the right to offer expert, and other, testimony regarding the propriety of the prior art combinations upon which they rely.

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Chart(s)	Prior Art Reference(s)	Asserted Claims	Basis (Bases)
Second Amended A-1A	Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" render obvious the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 ("EP 0 476 818"). The obviousness combinations asserted and disclosed in this chart are as follows: • Andrew Christian 9123 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 (all asserted claims) • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent (claim 2) • Andrew Christian 9123 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent (claim 2)	All asserted claims of the '496 patent	35 U.S.C. §103
Second Amended A1-B	The combination of the following printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" (the "Andrew Christian printed publications"), renders obvious the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 ("EP 0 476 818"). The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows:	All asserted claims of the '496 patent	35 U.S.C. §103

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	• Andrew Christian printed publications in view of EP O 476 818 (all asserted claims) • Andrew Christian printed publications in view of '369 Patent (claim 2) • Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent (claim 2)		
Second Amended B-1	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103
Second Amended C-1A	The disclosure of U.S. Patent Publication No. 2004/0025218 ("'218 Publication") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian Products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer, and/or European Patent Application No. EP 0 476 818 A1 ("EP O 476 818"), and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The obviousness combinations asserted and disclosed in this chart are as follows: • '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer (all asserted claims) • '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of EP O 476 818 (all asserted claims) • '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of the '369 Patent (claim 2)	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103
Second Amended C1-B	The disclosure of U.S. Patent Publication No. 2004/0025218 ("'218 Publication") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian printed	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103

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	publications, and/or European Patent Application No. EP 0 476 818 A1 ("EP O 476 818"), and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows: • '218 Publication in view of Andrew Christian printed publications (all asserted claims) • '218 Publication in view of Andrew Christian printed publications in further view of EP O 476 818 (all asserted claims) • '218 Publication in view of Andrew Christian printed publications in further view of the '369 Patent (claim 2)		
Second Amended D-1	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103
Second Amended E-1	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '496 patent	35 U.S.C. §103
Second Amended F-1	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '496 patent	35 U.S.C. §103
Second Amended G-1A	The disclosure of Canadian Industrial Design Registration No. 133058 (the "'058 Design") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102, and renders those claims obvious	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103

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	under 35 U.S.C. § 103 in view of the Andrew Christian Products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The obviousness combinations asserted and disclosed in this chart are as follows: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer (all asserted claims) • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of the '369 Patent (claim 2)		
Second Amended G-1B	The disclosure of Canadian Industrial Design Registration No. 133058 (the "'058 Design") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102, and renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian printed publications and/or U.S. Patent No. 7,631,369 (the "'369 Patent"), as set forth in the chart. The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows: • '058 Design in view of the Andrew Christian printed publications (all asserted claims) • '058 Design in view of the Andrew Christian printed publications in further view of the '369 Patent (claim 2)	All asserted claims of the '496 patent	35 U.S.C. §§ 102, 103
H-1	Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" either expressly, implicitly, or inherently anticipate the asserted claims of U.S. Patent No.	All asserted claims of the '496 Patent.	35 U.S.C. §§102, 103

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	10,034,496 under 35 U.S.C. § 102 and/or render those claims obvious under 35 U.S.C. § 103.		
I-1	The combination of the Andrew Christian printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology," renders obvious the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 103. The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040.	All asserted claims of the '496 Patent.	35 U.S.C. §103
Second Amended A-2A	Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" render obvious the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 ("EP 0 476 818"). The obviousness combinations asserted and disclosed in this chart are as follows: • Andrew Christian 9123 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 (all asserted claims) • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent (claim 2) • Andrew Christian 9123 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent (claim 2)	All asserted claims of the '030 patent	35 U.S.C. § 103
Second Amended	The combination of the following printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0	All asserted claims of the '030 patent	35 U.S.C. § 103

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A-2B	Technology" (the "Andrew Christian printed publications"), renders obvious the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 ("EP 0 476 818"). The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows: • Andrew Christian printed publications in view of EP O 476 818 (all asserted claims) • Andrew Christian printed publications in view of '369 Patent (claim 2) • Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent (claim 2)		
Second Amended B-2	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '030 patent	35 U.S.C. §§102, 103
Second Amended C-2A	The disclosure of U.S. Patent Publication No. 2004/0025218 ("'218 Publication") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian Products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer, and/or European Patent Application No. EP 0 476 818 A1 ("EP O 476 818"), and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The obviousness combinations asserted and disclosed in this chart are as follows:	All asserted claims of the '030 patent	35 U.S.C. §§102, 103

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	• '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer (all asserted claims) • '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of EP O 476 818 (all asserted claims) • '218 Publication in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of the '369 Patent (claim 2)		
Amended C-2B	The disclosure of U.S. Patent Publication No. 2004/0025218 ("'218 Publication") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian printed publications, and/or European Patent Application No. EP 0 476 818 A1 ("EP O 476 818"), and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows: • '218 Publication in view of Andrew Christian printed publications (all asserted claims) • '218 Publication in view of Andrew Christian printed publications in further view of EP O 476 818 (all asserted claims) • '218 Publication in view of Andrew Christian printed publications in further view of the '369 Patent (claim 2)	All asserted claims of the '030 patent	35 U.S.C. §§102, 103
Second Amended D-2	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '030 patent	35 U.S.C. §§ 102, 103

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Second Amended E-2	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '030 patent	35 U.S.C. §103
Second Amended F-2	This chart will be updated pursuant to the Court's July 15, 2019 order.	All asserted claims of the '030 patent	35 U.S.C. §103
Second Amended G-2A	The disclosure of Canadian Industrial Design Registration No. 133058 (the "'058 Design") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102, and renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian Products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") and/or U.S. Patent No. 7,631,369 (the "'369 Patent"). The obviousness combinations asserted and disclosed in this chart are as follows: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer (all asserted claims) • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer in further view of the '369 Patent (claim 2)	All asserted claims of the '030 patent	35 U.S.C. §§ 102, 103
Second Amended G-2B	The disclosure of Canadian Industrial Design Registration No. 133058 (the "'058 Design") either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102, and renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian printed publications and/or U.S. Patent No. 7,631,369 (the "'369 Patent"), as set forth in the chart. The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101	All asserted claims of the '030 patent	35 U.S.C. §§ 102, 103

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	("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040. The obviousness combinations asserted and disclosed in this chart are as follows: • '058 Design in view of the Andrew Christian printed publications (all asserted claims) • '058 Design in view of the Andrew Christian printed publications in further view of the '369 Patent (claim 2)		
H-2	Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" either expressly, implicitly, or inherently anticipate the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or render those claims obvious under 35 U.S.C. § 103.	All asserted claims of the '030 patent	35 U.S.C. §§ 102, 103
I-2	The combination of the Andrew Christian printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology," renders obvious the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 103. The Andrew Christian printed publications are the following documents: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038; and ACI000040.	All asserted claims of the '030 patent	35 U.S.C. §103

All of the cited references are analogous art. All disclose (or are) male undergarments with a particular focus on the wearer's genitalia for reasons such as comfort, support, and health. *See, e.g.*, '218 Publication at [0002] ("The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals."), March 2009 Press Release ("Show-It Technology 2.0 features a hidden 'comfy cup' that gently

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lifts and presents the package to the front."); WO 01/37687 Al at Abstract ("The invention relates to a hygienic elastic garment for men's underwear…The testicles tend to be separated towards the front due to the fact that the garment is sewn to the inner front part of the underpants, thereby reducing contact and direct friction between the testicles and the groin. Said garment can provide relief for many individuals who suffer itching, eczema, rash, etc. caused by perspiration and friction.").

IV. Invalidity Under 35 U.S.C. § 112

Defendants list below the grounds upon which certain asserted claims of the asserted patents are invalid under 35 U.S.C. § 112.

Claim 2 of the '030 and '496 patents

When read in light of the specification and the respective prosecution histories, the claim limitation "[a] garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband" in claim 2 of both Patents-In-Suit would not have informed those skilled in the art as of the effective filing date of the scope of the invention with reasonable certainty. Moreover, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation and / or the specification does not describe the alleged invention in sufficient detail so that one skilled in the art could reasonably conclude that the alleged inventors had possession of the alleged invention.

Claim 1 of both Patents-In-Suit requires that the claimed "stretch panel" be "attached to the body inside the front portion." Specifically, claim 1 of the '030 patent requires that the "stretch panel" have "a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, [and] side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam…" Similarly, claim

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1 of the '496 patent requires that the "stretch panel" have "a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, [and] side edges attached to the body at side seams extending substantially continuously along either side of the front portion…"

Claim 2 of both Patents-In-Suit require that the "stretch panel" has "asymmetrical stretch characteristics." According to the specification, asymmetrical stretch means that "the coefficient of elasticity of the material has a first value in a first direction in the plane of the material and a second value different from the first value in a second direction at right angles to the first direction in the plane of the material." '030 patent at Col. 5 Lns. 8-13. At the same time, claim 2 requires that the "asymmetrical stretch characteristics" provide for the "stretch panel" to stretch "more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband." But the "stretch panel" of claim 2 is the stretch panel that is "attached" to the "body" of the garment at the top, bottom, and sides of the "stretch panel." Thus, the attachment, or lack thereof, of the "stretch panel" to the "body" controls how easily the "stretch panel" is able to stretch in directions relative to the "waistband," and therefore if there is the required "asymmetrical stretch." It is not clear how one of ordinary skill could determine whether the "stretch panel" has "asymmetrical stretch characteristics" such that it meets the claim limitation. It may be, for example, that one of ordinary skill would have to test the type of fabric used to make the stretch panel, or, alternatively, test the stretch panel sewn into the garment, *i.e.*, the stretch panel according to claim 1. In claim 4, the alleged inventors were clear regarding what is to be measured – the fabric: "the stretch panel comprises a fabric having a stretch of at least 30%." Claim 2, in contrast, provides no such clarity, and the specification only furthers the uncertainty.

Moreover, it is not clear to one of ordinary skill how one would measure whether the "stretch panel has asymmetrical stretch characteristics" "such that" "the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband." The specification discloses measuring the amount of stretch of a fabric using only

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a "strip of material that is 30-40 cm long and 20 cm wide when taught [sic] but un-stretched and anchoring one end of the strip." Col. 5 Lns. 26-38. The specification does not disclose how to measure the stretch of fabric sewn into, and constrained by, a garment, nor does it disclose how one would determine whether the "stretch panel has asymmetrical stretch characteristics" "such that" "the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband." Thus, claim 2 of each of the Patents-in-Suit is indefinite under 35 U.S.C. § 112, ¶ 2 and/or is invalid under 35 U.S.C. § 112.

All Claims of the'496 patent

U.S. Patent Application No. 14/798, 332 (the "'332 application"), which later issued as the '496 patent, fails to adequately support the terms "top location" and "bottom location" used in claim 1 of the '496 patent, as required by 35 U.S.C. § 112, ¶ 1. The terms "top location" and "bottom location" appeared for the first time in the '332 application in the Applicant's February 6, 2018 amendment. These two terms were not used in the as-filed '332 application's specification or either application to which the '332 application claims priority – Patent Application No. 13/193,584 and Provisional Application No. 61/429,065.

DATED this 12th day of August, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing on the following counsel of record by the method indicated:

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☐ Via Messenger
☐ Via Facsimile
☐ Via U.S. Mail
☒ Via Electronic Mail
☐ Via ECF Notification

Dated this 12th day of August, 2019.

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Erin Kolter

Exhibit 6

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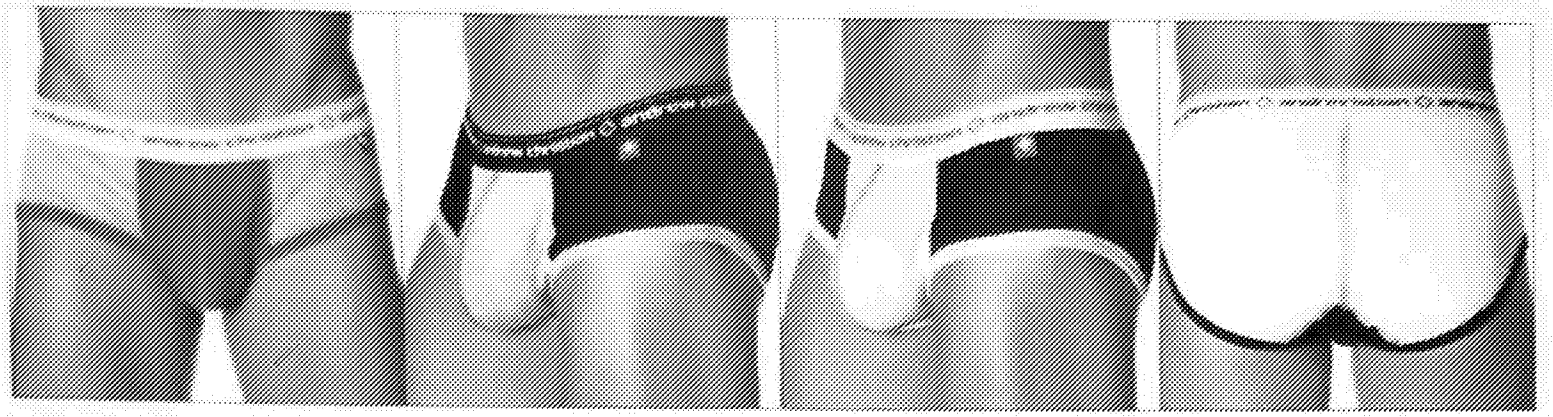
Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" render obvious the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 (published March 25, 1992) ("EP 0 476 818").

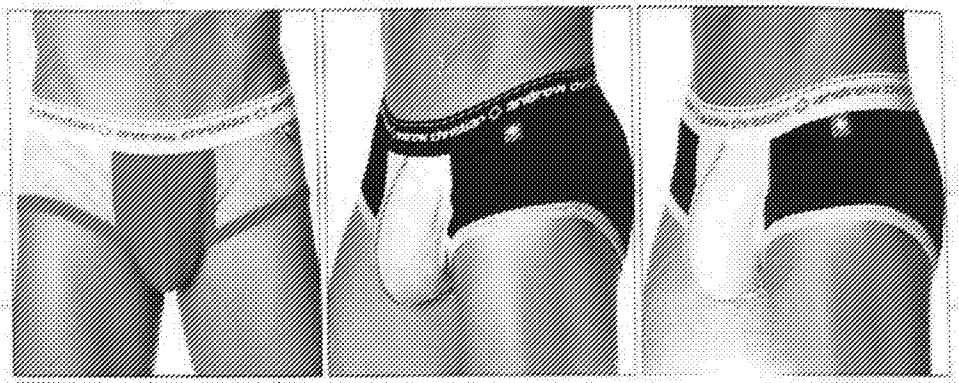
The obviousness combinations asserted and disclosed in this chart are as follows:

- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 (all asserted claims)
- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent (claim 2)
- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent (claim 2)

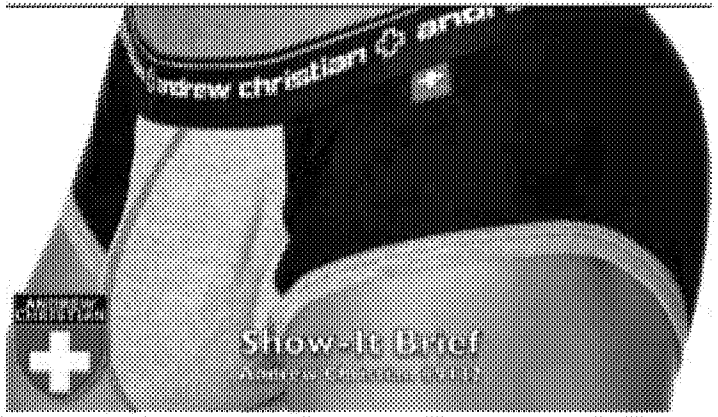
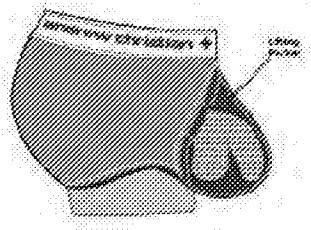
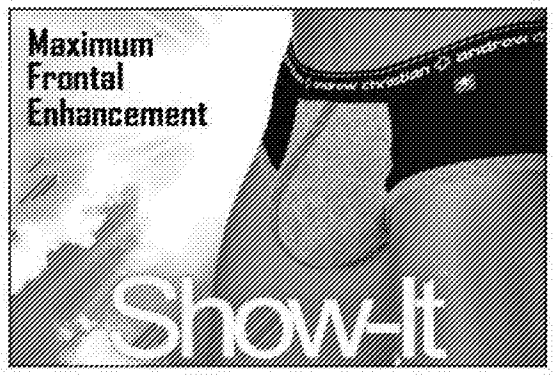
One of ordinary skill in the art of the Asserted Patents would understand to combine these references as they relate to men's underwear. The 9132 Show-It Brief and the 9133 Show-It Boxer are men's underwear. The '369 Patent discloses "performance underwear" for men.

Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The 9132 Show-It Brief is a male garment.** ***See,*** 

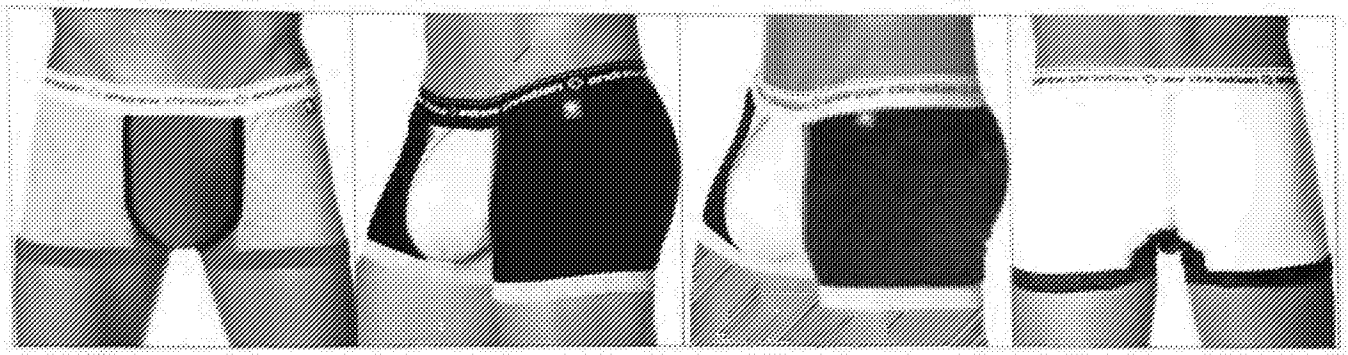
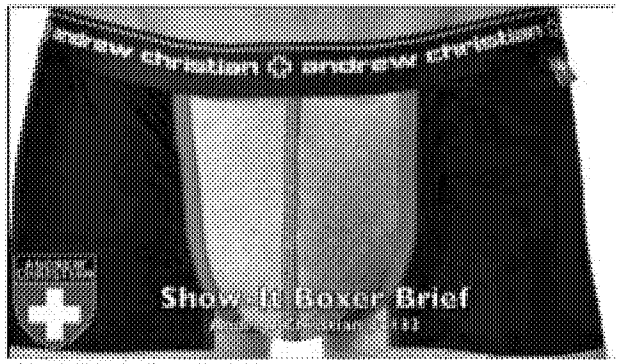
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Claim 1	Exemplary Disclosure in Prior Art
	Show-It 2009 Line Sheet at ACI000092.   Show-It 2009 Line Sheet at ACI000091. ACI000040 at 00:10.   **9132 Show-It Brief** Sizes: XS-S-M-L-XL Colors: Heather, Black, Navy, White Wholesale: $12 MSPR: $27

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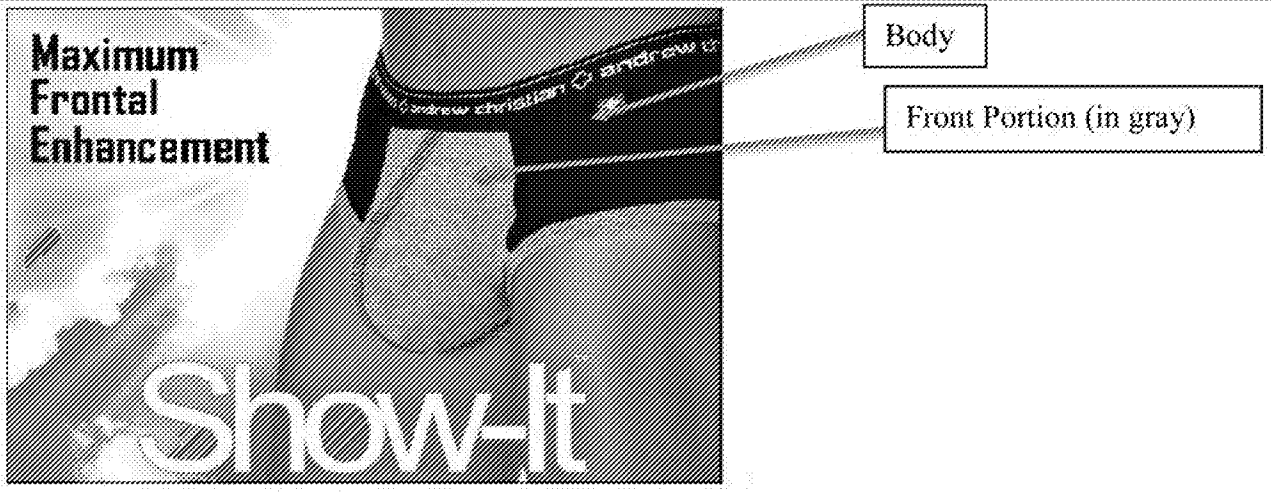
Claim 1	Exemplary Disclosure in Prior Art
	Show-It 2009-2010 Catalog at ACI000094.  ACI000038 at 3:34.   March 11, 2009 Blog Entry. **The 9133 Show-It Boxer is a male garment.** ***See,***

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Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43.
[1.1a] a body	**The 9132 Show-It Brief includes a body including a front portion and having leg openings for a wearer's legs.** ***See.***

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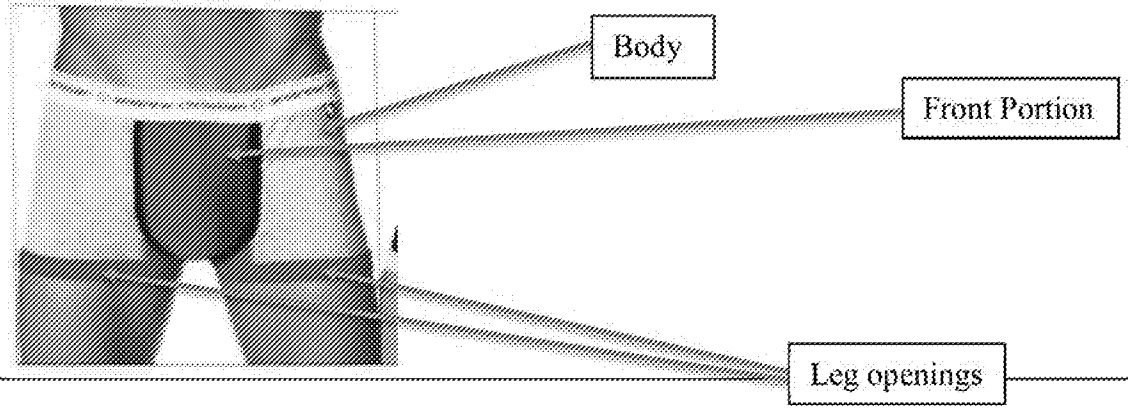
Claim 1	Exemplary Disclosure in Prior Art



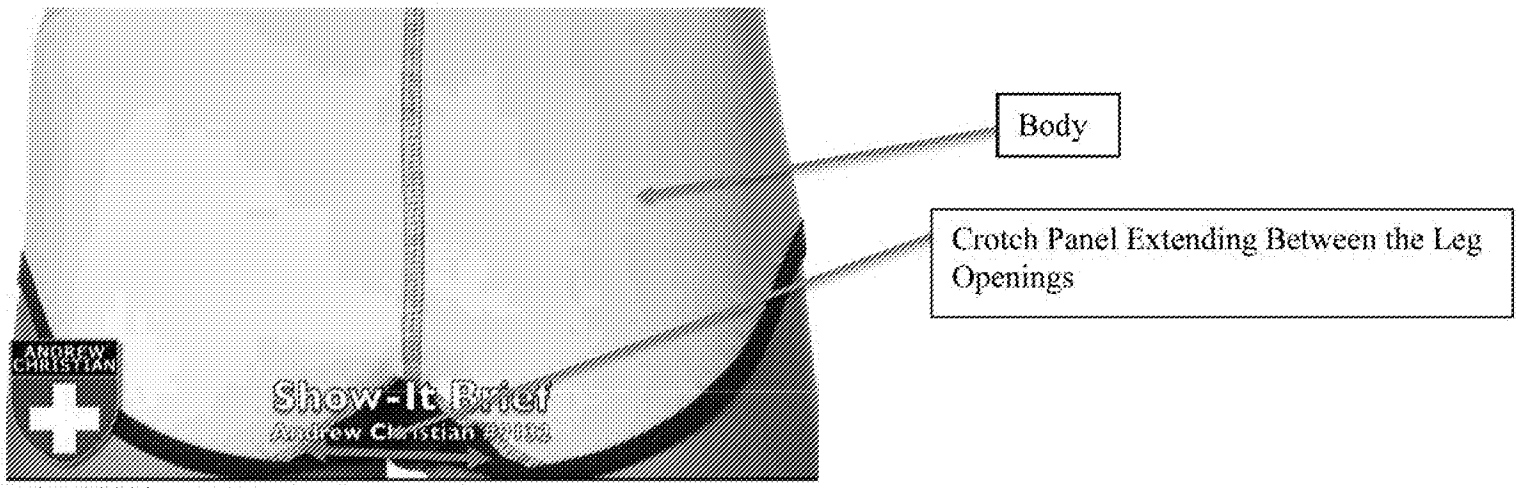
March 6, 2009 Blog Entry.

The 9133 Show-It Boxer includes a body including a front portion and having leg openings for a wearer's legs. ***See,***

The "front portion" of the 9133 Show-It Boxer is the central part of the body situated in front of the wearer of the 9133 Show-It Boxer, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).

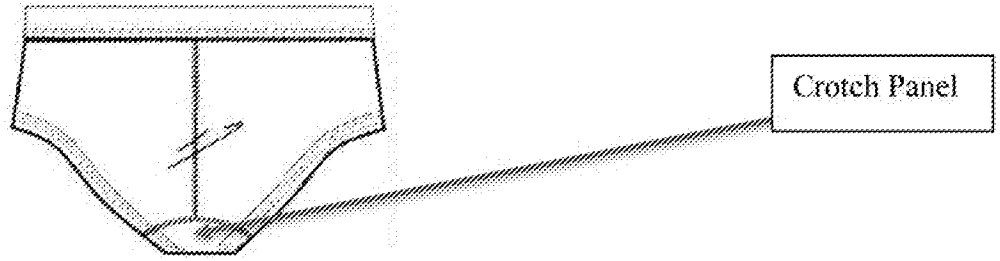


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Claim 1	Exemplary Disclosure in Prior Art
	Show-It 2009 Line Sheet at ACI000092.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;	**The 9132 Show-It Brief includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam.** ***See,*** The "crotch panel" of the 9132 Show-It Brief is the blue fabric panel shown in the image below, captured from ACI000038. The same "crotch panel" is shown in the Show-It Brief 9132 design drawing, as indicated by the arrow.  ACI000038 at 4:17.

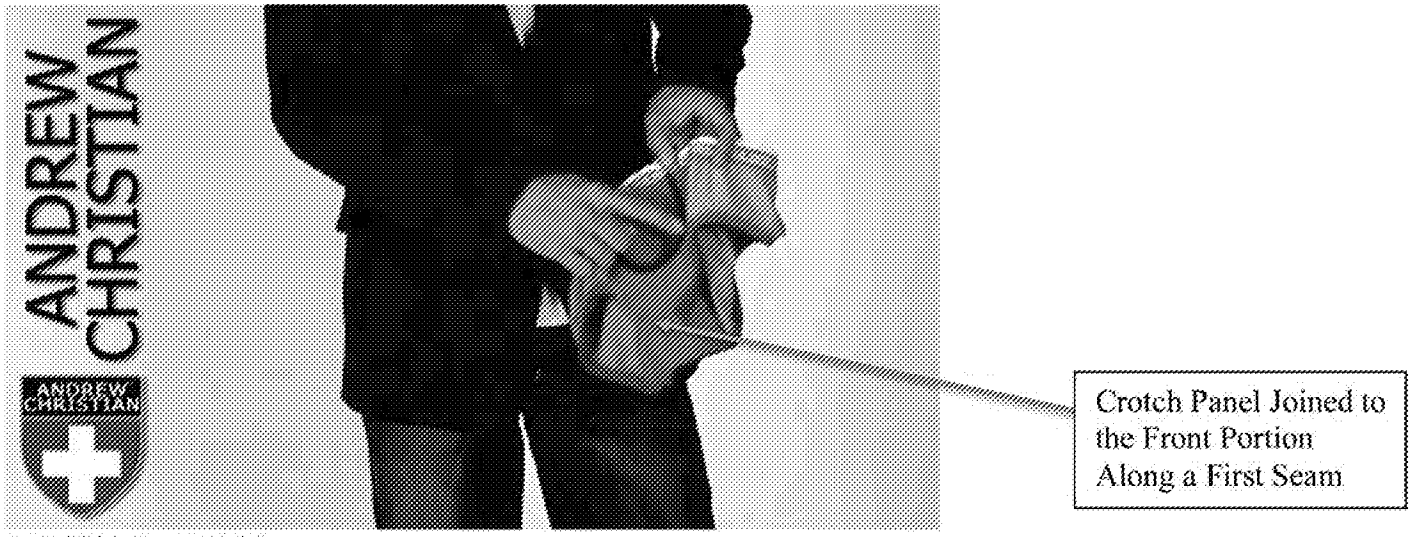
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Claim 1	Exemplary Disclosure in Prior Art



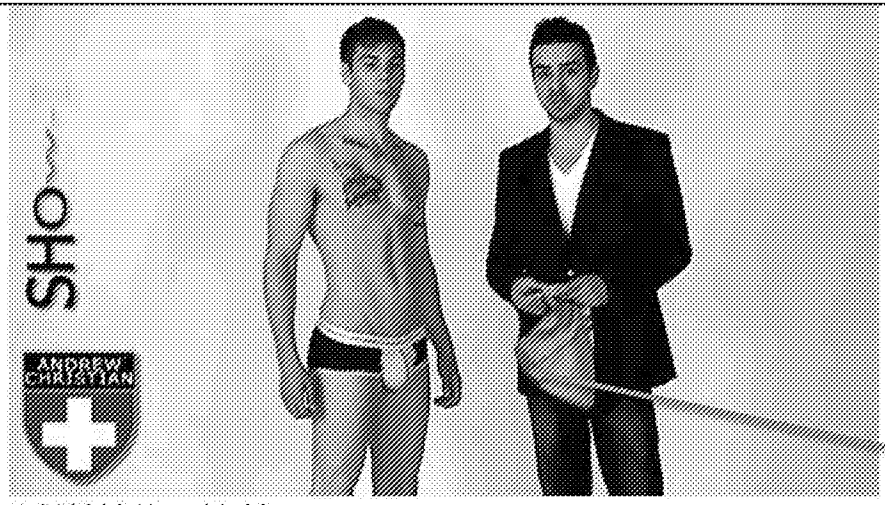
9132 design drawing ACI000021.

The "crotch panel," in red in the screenshots from ACI000040 below, is attached to the "front portion" of the 9132 Show-It Brief (also in red below) along the first seam. In the 9132 Show-It Brief, the "first seam" also attaches the "crotch panel" to the "stretch panel" (also in red) as shown in the screenshot below.

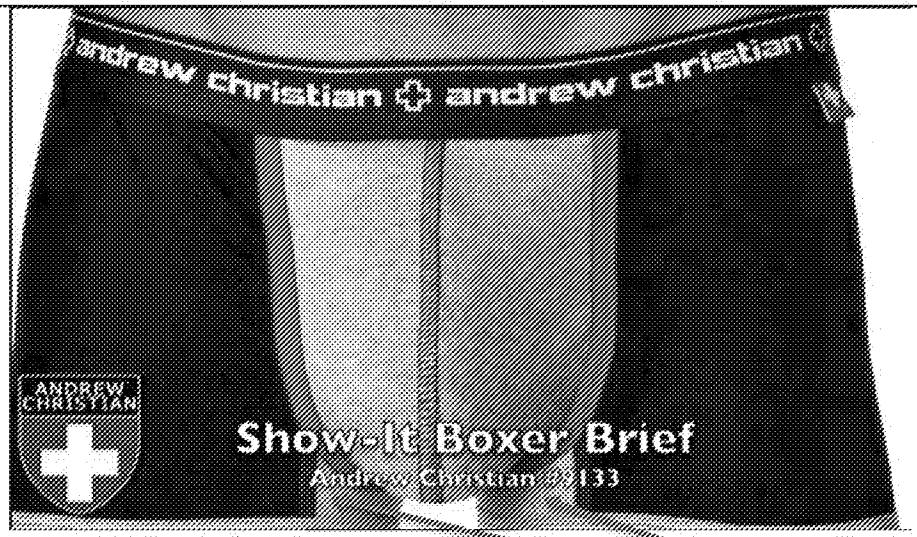


ACI000040 at 00:28.

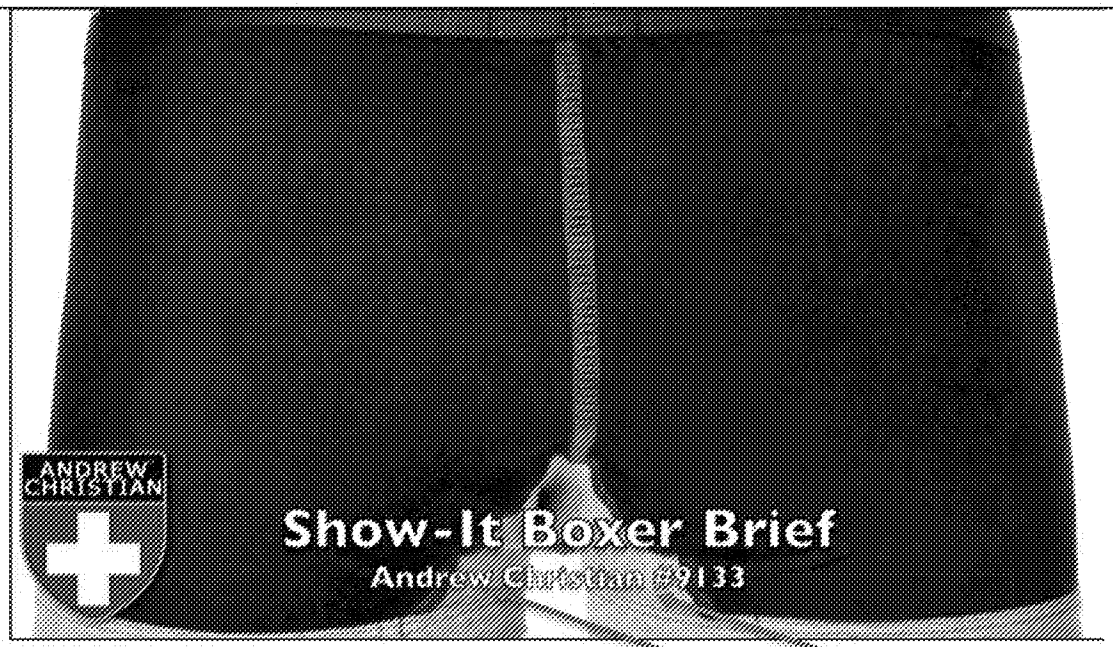
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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:33. **The 9133 Show-It Boxer includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam.** ***See,*** The "crotch panel" of the 9133 Show-It Boxer is the gray fabric panel shown in the screenshots from ACI000038 below, as indicated by the accompanying arrows. The same "crotch panel" is shown in the Show-It Boxer 9133 design drawing below.

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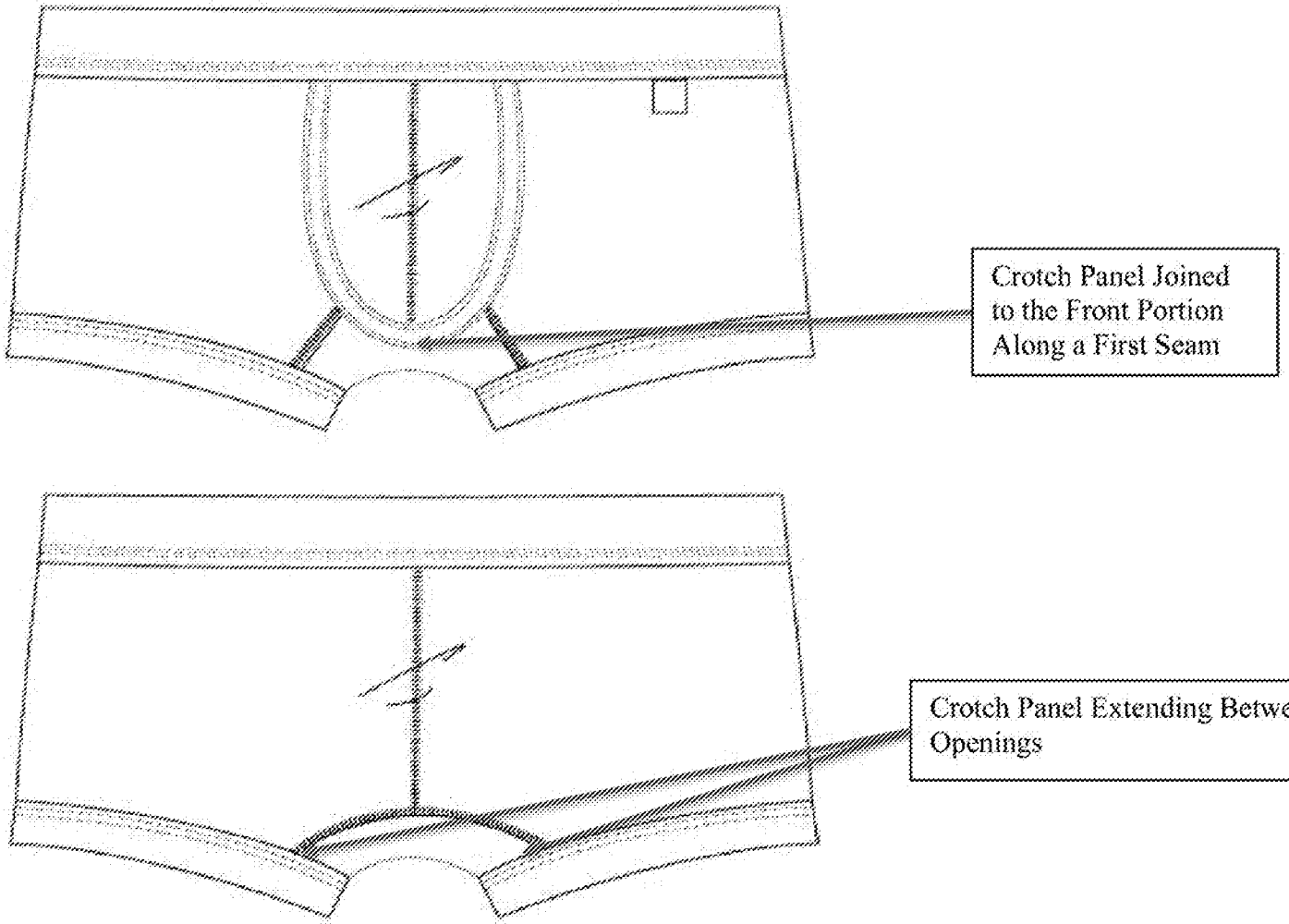
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 2:43.

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Claim 1	Exemplary Disclosure in Prior Art
	 AC1000038 at 2:48. Crotch Panel Extending Between the Leg Openings

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Claim 1	Exemplary Disclosure in Prior Art



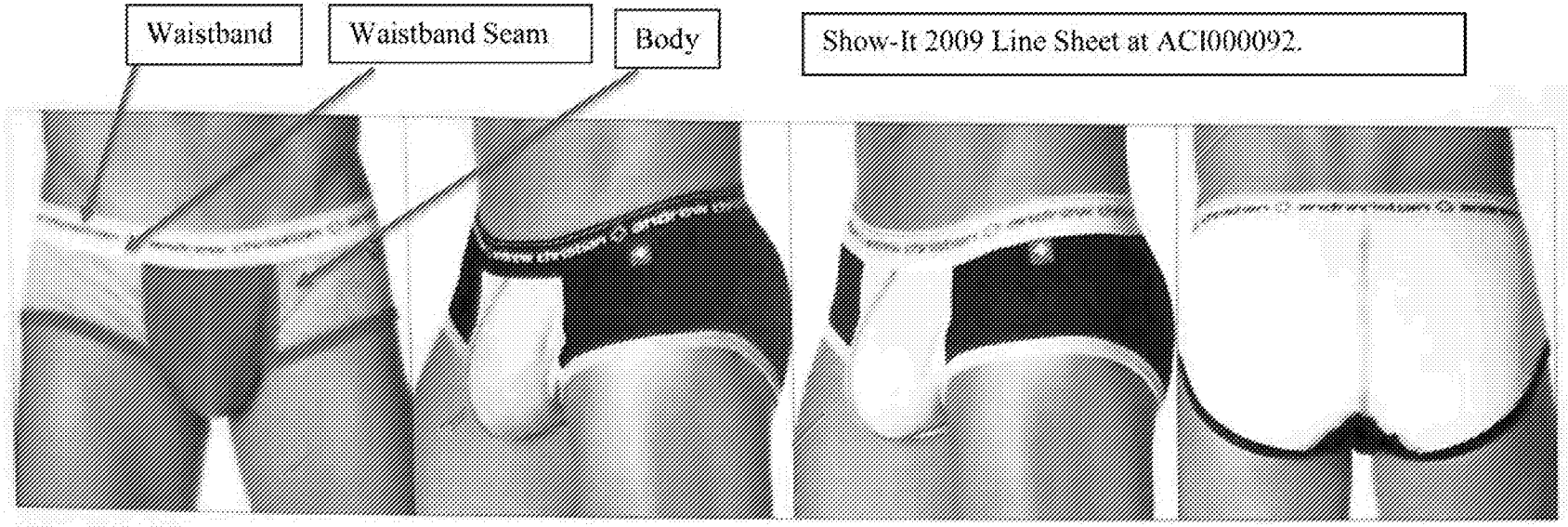
9133 design drawing ACI000022.

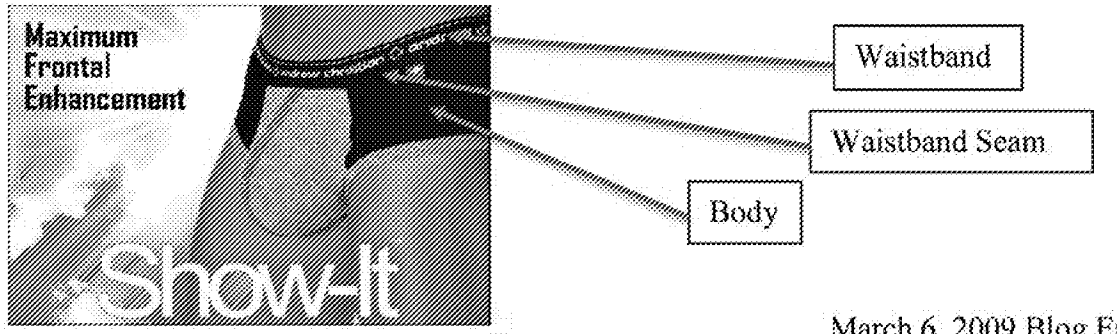
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Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend that the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief or 9133 Show-It Boxer, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation.
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The 9132 Show-It Brief includes a waistband attached by a waistband seam at an upper edge of the body.** ***See,*** The "waistband" of the 9132 Show-It Brief (with "Andrew Christian" printed on it) is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9132 Show-It Brief shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red. Similarly, an image shown in the March 6, 2009 Blog Entry depicts a waistband (with "Andrew Christian" printed on it) attached by a seam (the "waistband seam") at the upper edge of the body (shown in black and gray).

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Claim 1	Exemplary Disclosure in Prior Art





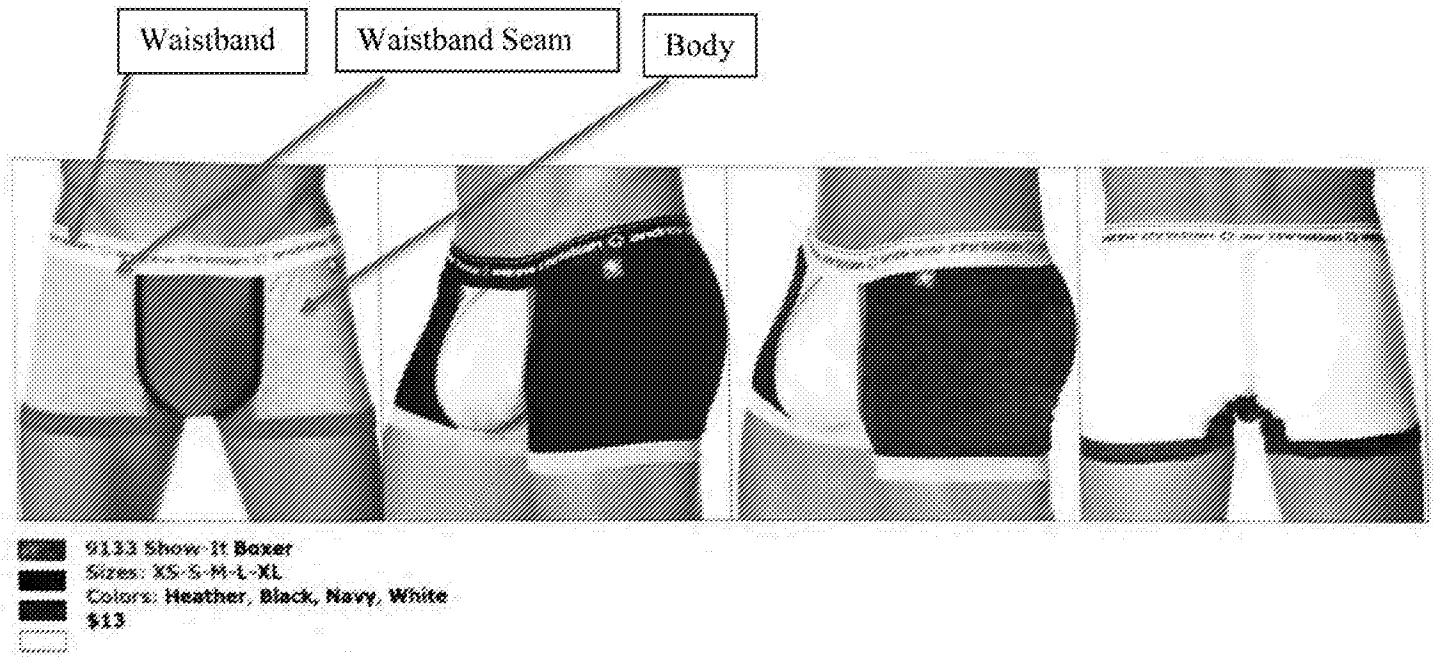
March 6, 2009 Blog Entry.

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Claim 1	Exemplary Disclosure in Prior Art

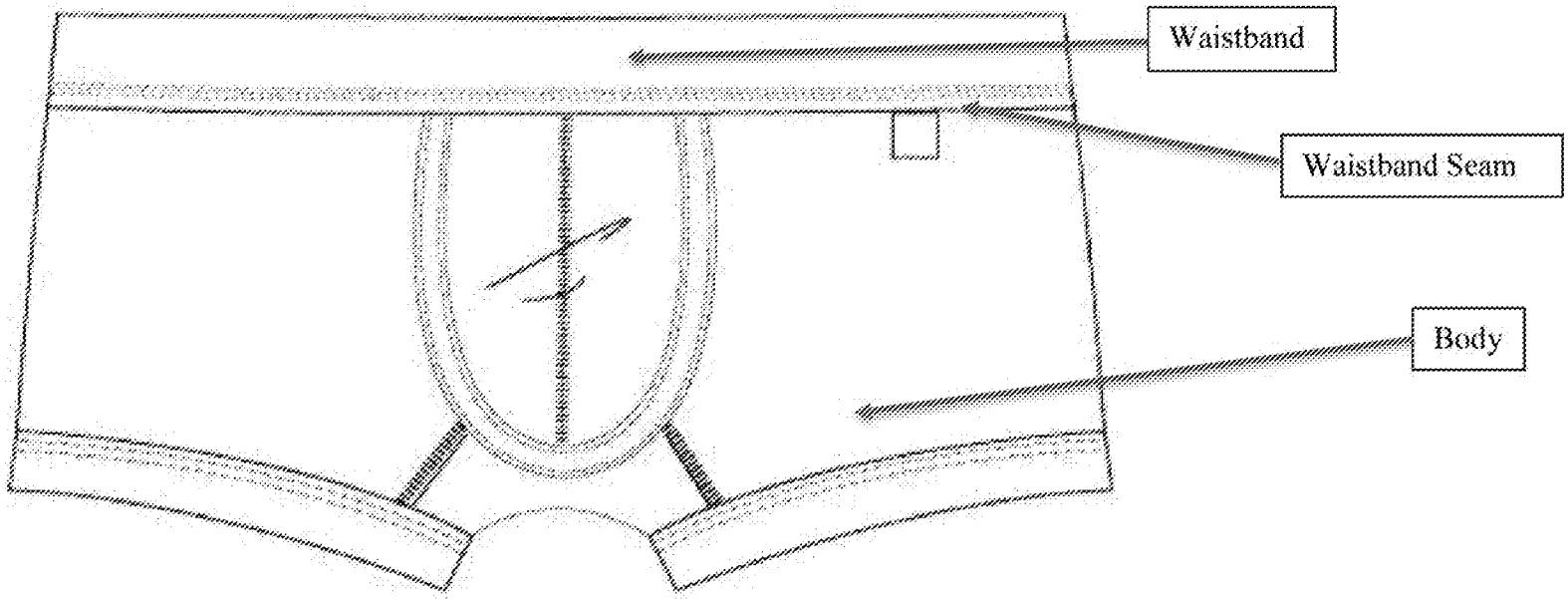
The 9133 Show-It Boxer includes a waistband attached by a waistband seam at an upper edge of the body. ***See,***

The "waistband" of the 9133 Show-It Boxer (with "Andrew Christian" printed on it) is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9133 Show-It Boxer shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red. The 9133 design drawing also shows a waistband (labeled with an arrow) connected to a body (labeled with an arrow) at a waistband seam (labeled with an arrow).



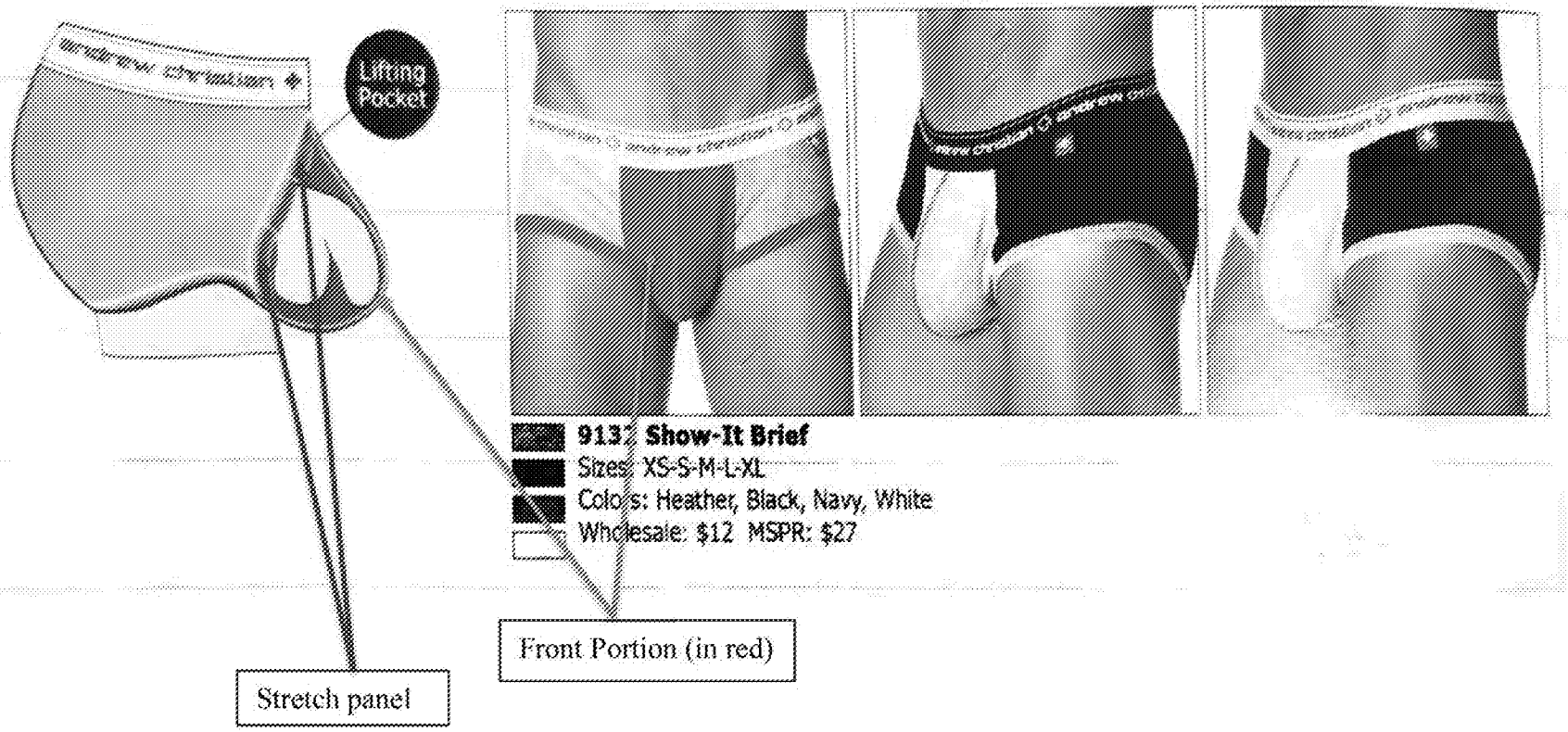
Show-It 2009 Line Sheet at ACI000092.

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Claim 1	Exemplary Disclosure in Prior Art
	 9133 design drawing ACI000022.
[1.3a] a stretch panel attached to the body inside the front portion,	**The 9132 Show-It Brief includes a stretch panel attached to the body inside the front portion.** ***See,*** The 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9132 Show-It Brief is referred to as the "Comfy Cup" or the "inner cup" in descriptions of the 9132 Show-It Brief.

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Claim 1	Exemplary Disclosure in Prior Art



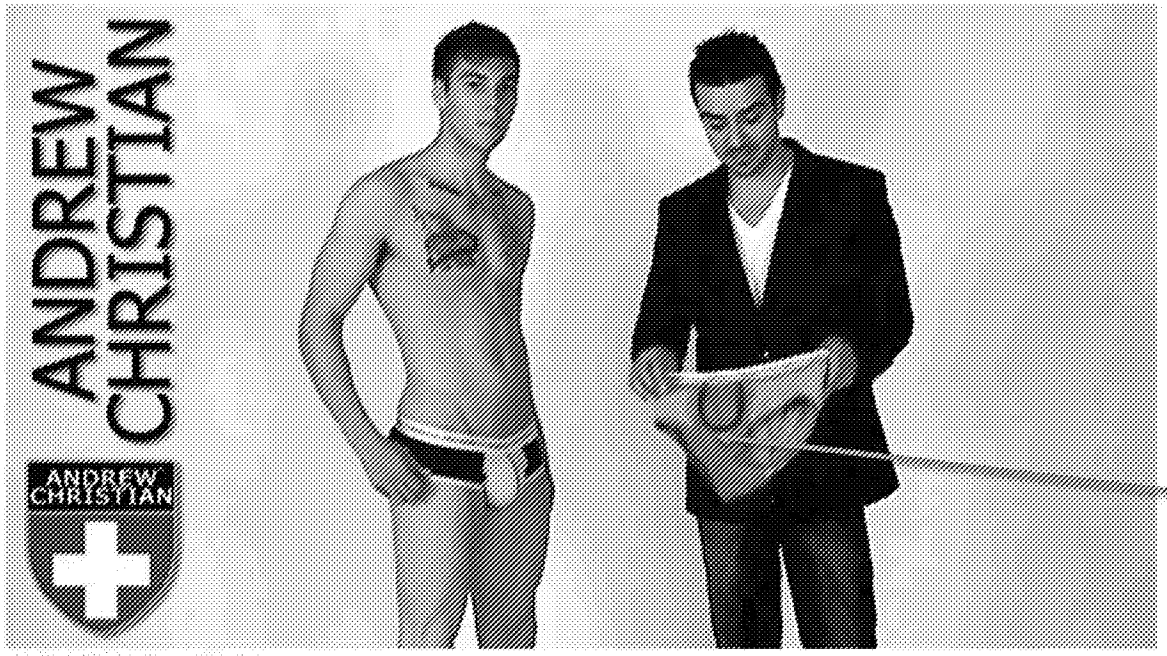
"Our Comfy Cup™ cradles and lifts…"

Show-It 2009-2010 Catalog at ACI000094.

See also March 11, 2009 Blog Entry for identical side view of 9132 Show-It Brief.

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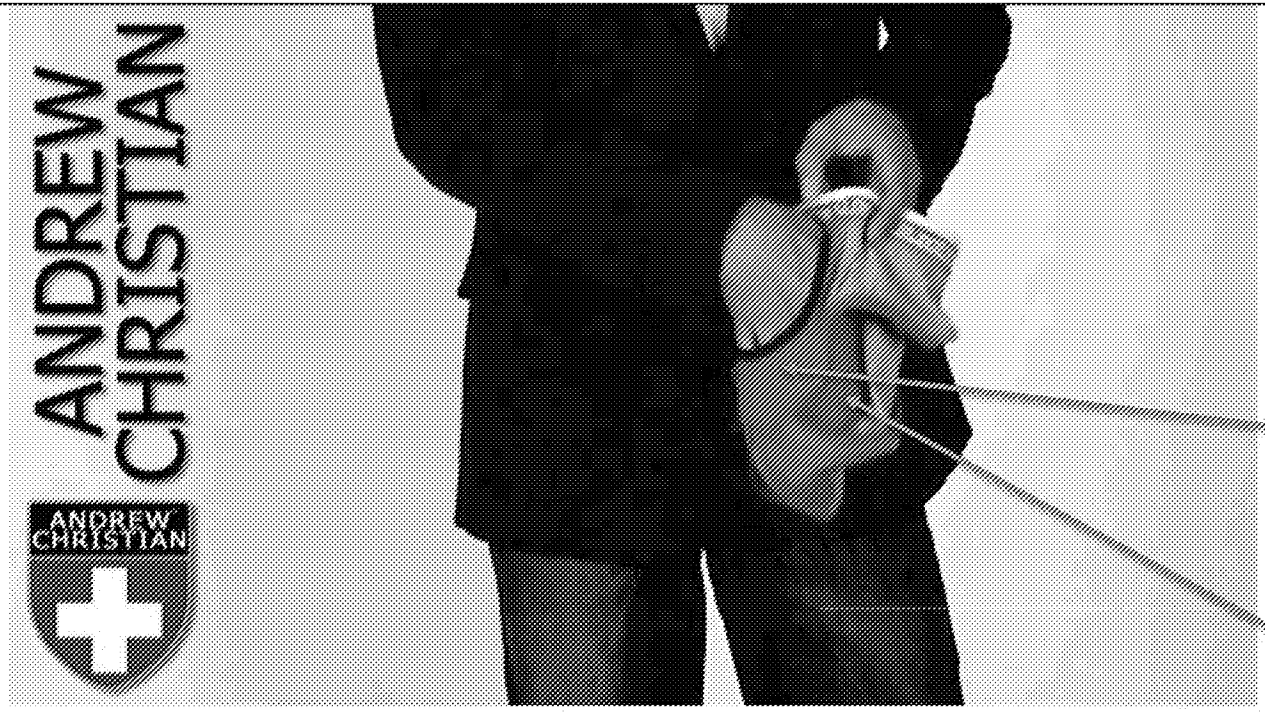
Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" [the Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.



ACI000040 at 00:14.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:22.

The 9133 Show-It Boxer includes a stretch panel attached to the body inside the front portion. ***See,***

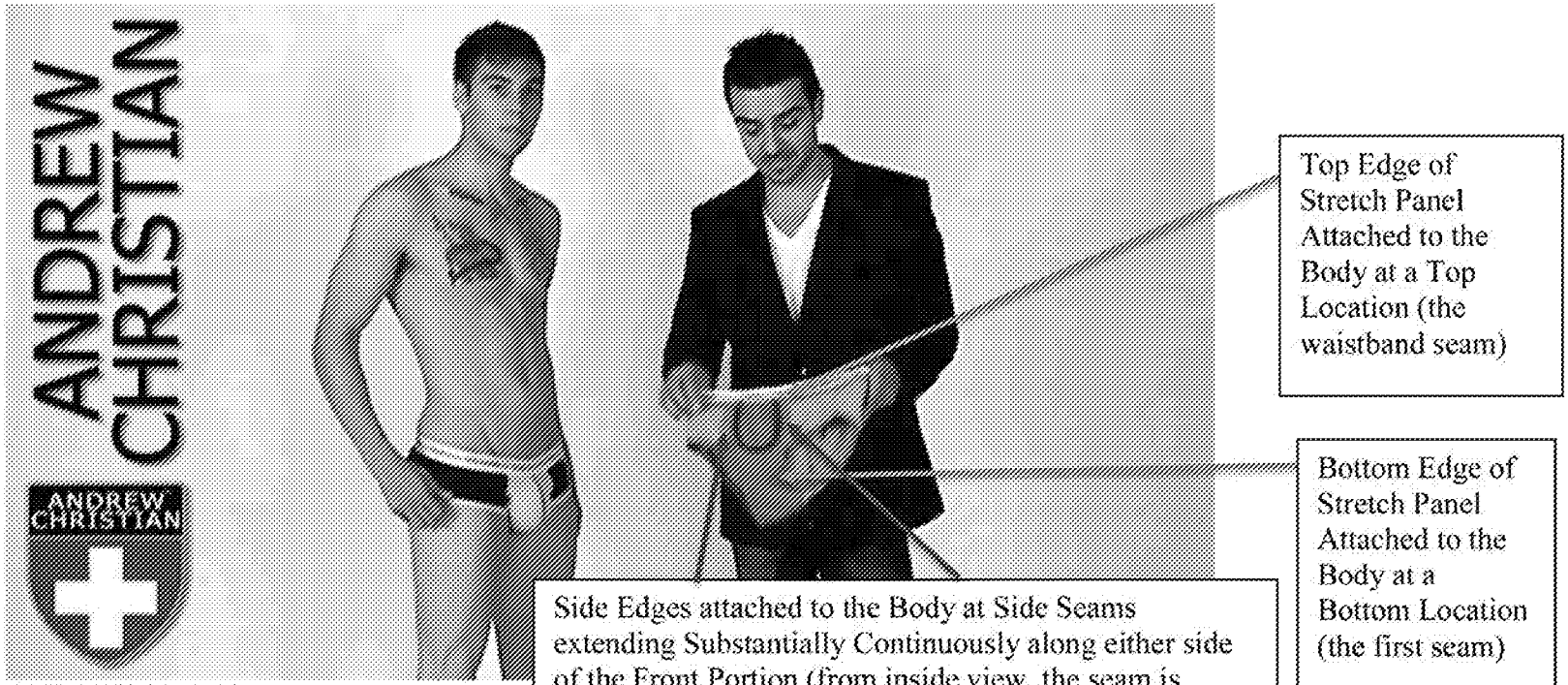
The 9133 Show-It Boxer includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9133 Show-It Boxer is referred to as the "Comfy Cup" or the "inner cup" in descriptions of the 9133 Show-It Boxer.

"Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer).

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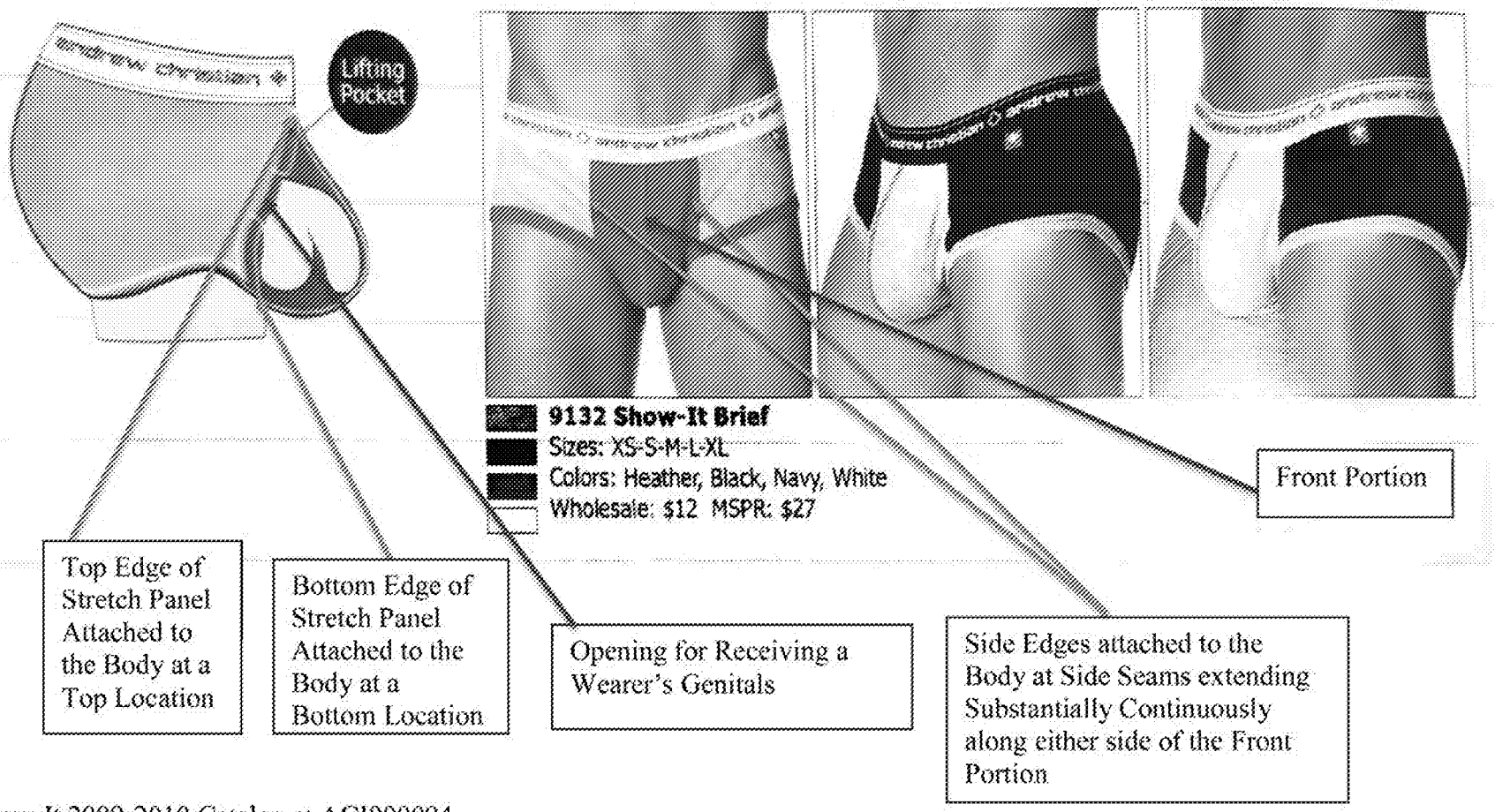
Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" [the Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2006 Blog Entry for the same description.
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The 9132 Show-It Brief includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. *See*,** The 9132 Show-It Brief's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000152. Moreover, the "Show-It Technology 2.0 [of the 9132 Show-It Brief] features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" [Stretch Panel] is "elastically resilient four-way stretch material." "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer). **The 9133 Show-It Boxer includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. *See*,** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000151. Moreover, the "Show-It Technology 2.0 [of the 9133 Show-It Boxer] features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" [Stretch Panel] is "elastically resilient four-way stretch material." "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer).

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Claim 1	Exemplary Disclosure in Prior Art
[1.3c] having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and	**The 9132 Show-It Brief includes a stretch panel having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion.** ***See,*** The 9132 Show-It Brief's "stretch panel" (the inner cup or comfy cup) has a top edge attached to the body at the waistband seam (the top location), a bottom edge attached to the body at the first seam (the bottom location), and side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the screen shot from ACI000040 and the images from the Show-It 2009-2010 Catalog below.  ACI000040 at 00:14.

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Claim 1	Exemplary Disclosure in Prior Art



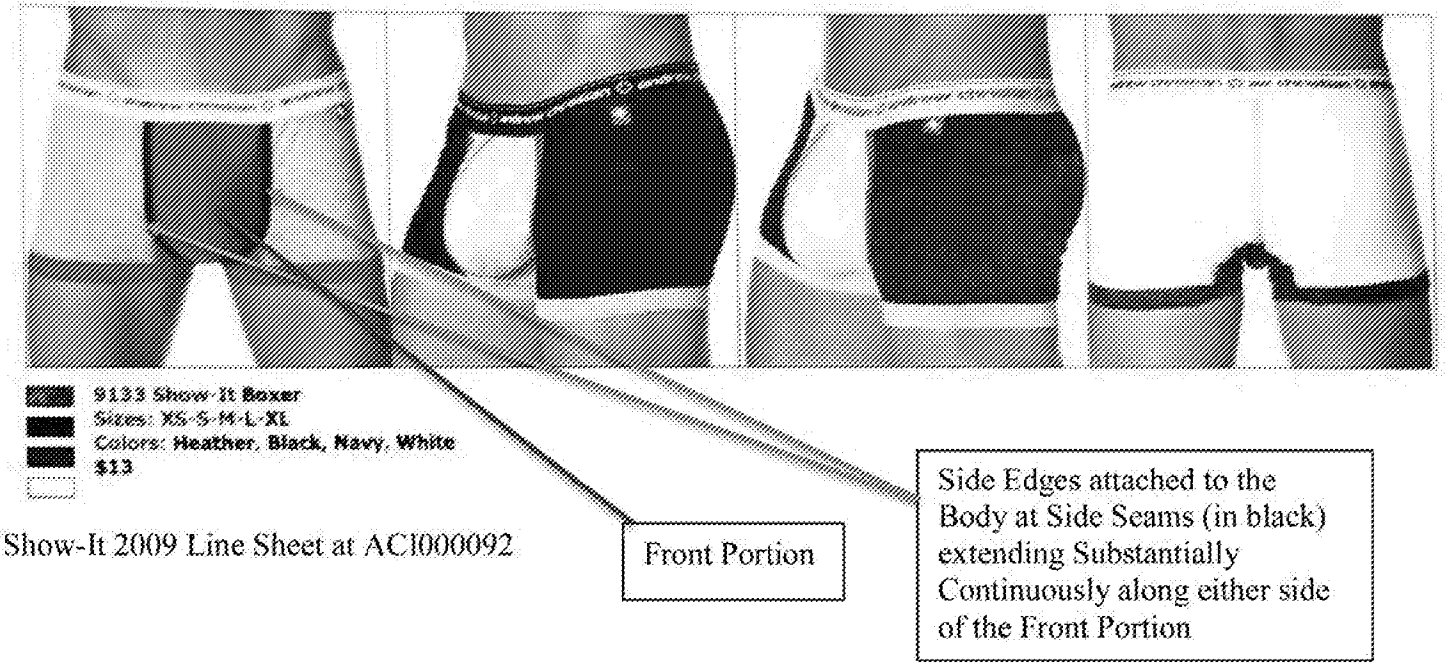
Show-It 2009-2010 Catalog at ACl000094.

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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a stretch panel having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion. ***See,***

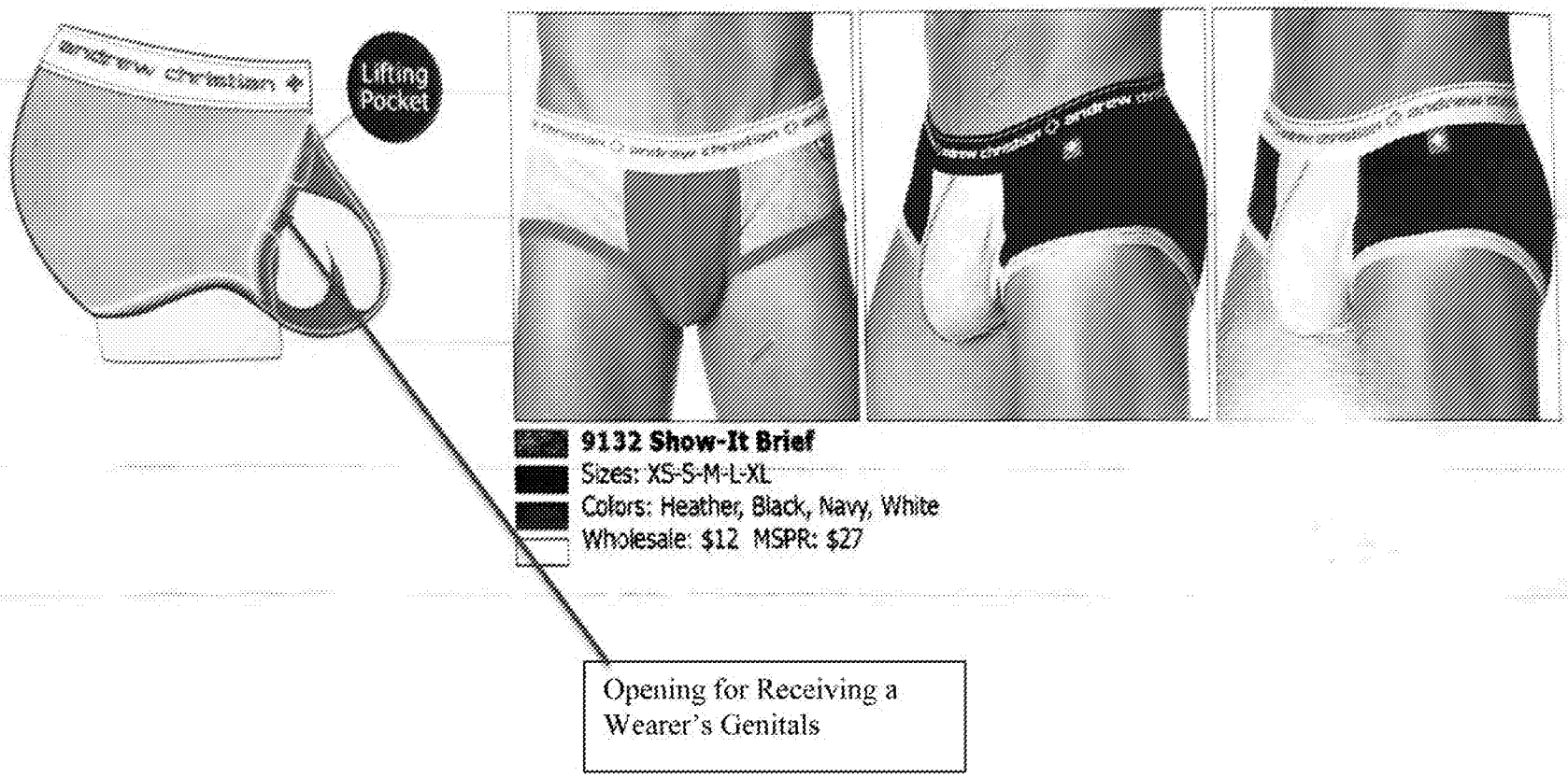
On information and belief, the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and utilizes the same a "inner cup" (that is, a Stretch Panel) which has a top edge attached to the body at the waistband seam (the top location) and a bottom edge attached to the body at the first seam (the bottom location) as shown in the image from the Show-It 2009-2010 Catalog above.

The 9133 Show-It Boxer's "stretch panel" (the inner cup or comfy cup) has side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the images from the Show-It 2009 Line Sheet below.



Show-It 2009 Line Sheet at ACI000092

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Claim 1	Exemplary Disclosure in Prior Art
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;	**The "stretch panel" of the 9132 Show-It Brief includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening.** ***See,***  Show-It 2009-2010 Catalog at ACI000094.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:14.

The opening of the "stretch panel" of the 9132 Show-It Brief is described as "horseshoe shaped," and the inside of a horseshoe has a rounded bottom edge and opposing side edges that are spaced apart from one another. In the above image, the horseshoe shaped edges of the opening of the 9132 Show-It Brief are outlined by the black elastic lining.

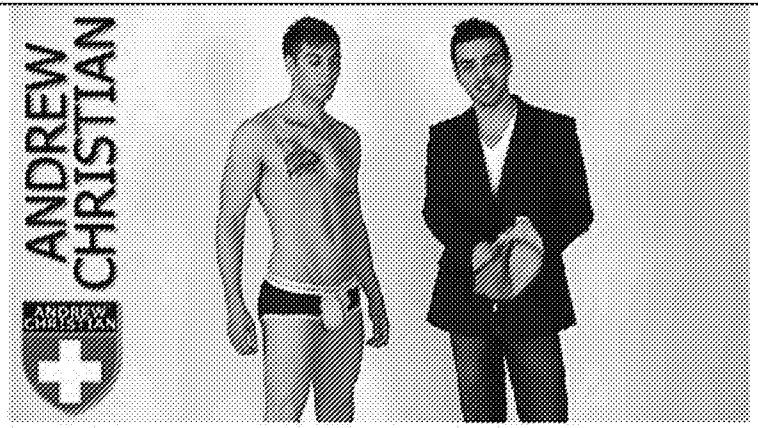
"Show-It Technology 2.0 features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.

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Claim 1	Exemplary Disclosure in Prior Art
	The "stretch panel" of the 9133 Show-It Boxer includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. ***See,*** The opening of the "stretch panel" of the 9133 Show-It Boxer is described as "horseshoe shaped," and the inside of a horseshoe has a rounded bottom edge and opposing side edges that are spaced apart from one another. "Show-It Technology 2.0 features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) with the same horseshoe shaped opening as shown above in ACI000040 at 00:14. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup."
[1.4a] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges,	**The 9132 Show-It Brief includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000152. A stretch panel comprised of an elastically resilient four way stretch materia[redacted] would be resiliently elastic in both a direction between the top edge and the bottom edge and in a direction between the side edges. In the screenshot from ACI000040 below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "inner cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "inner cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges):

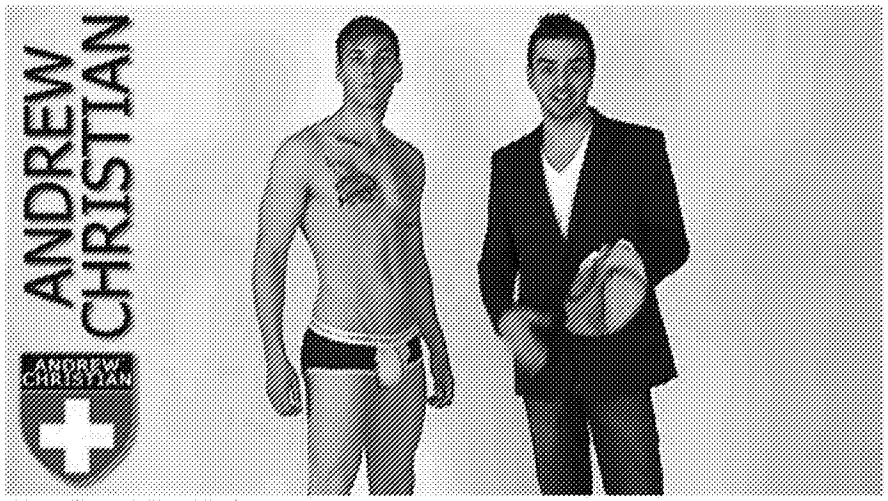
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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:20.

The "inner cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:



ACI000040 at 00.23.

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Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" (the Stretch Panel) makes the "inner cup" (the Stretch Panel) "resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges," as it "gently aids in the lifting" of the male genitalia. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose the stretch panel (the "inner cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, would understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000151. A stretch panel comprised of an elastically resilient four way stretch materia[redacted] would be resiliently elastic in both a direction between the top edge and the bottom edge and in a direction between the side edges. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" (the Stretch Panel) makes the "inner cup" (the Stretch Panel) "resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges," as it "gently aids in the lifting" of the male genitalia.

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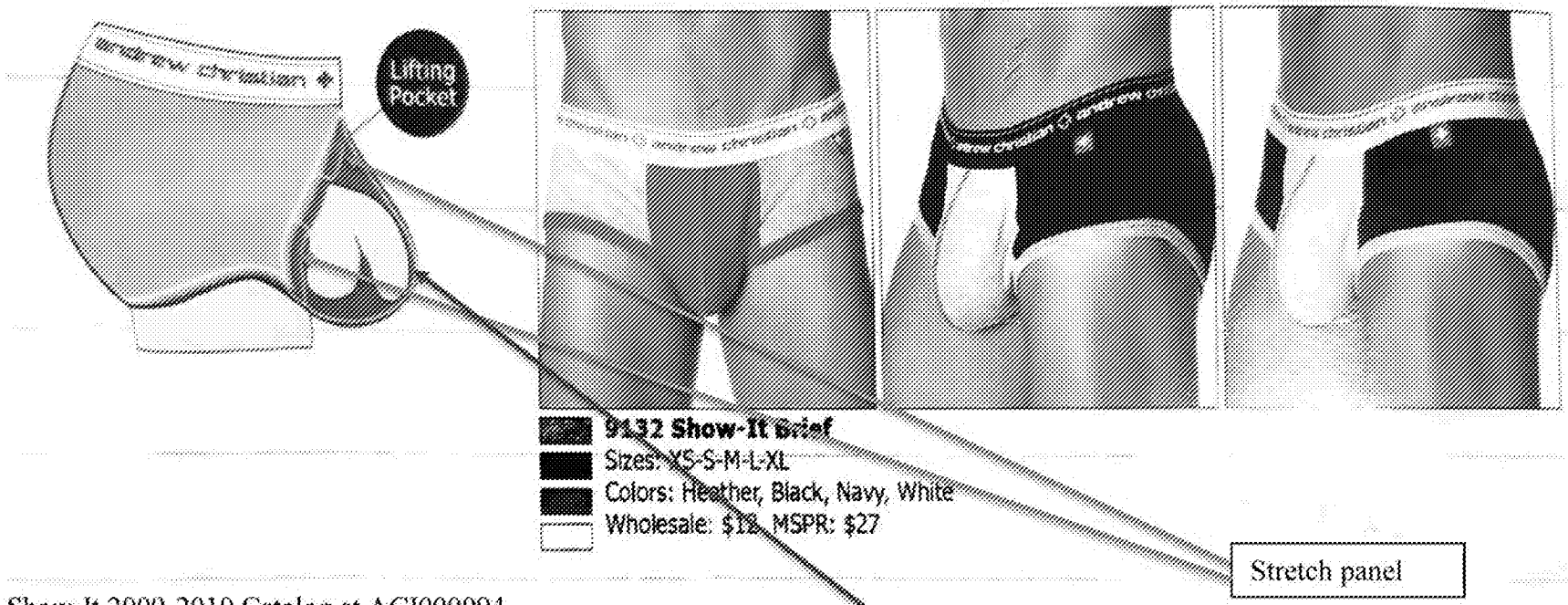
Claim 1	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose the stretch panel (the "inner cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, would understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.4b] the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the	**The 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. *See*,** In the below screenshot from ACI000040, one can see that the "front portion" of the 9132 Show-It Brief extends forward from the "stretch panel" (the "inner cup"), and therefore must be longer than the "stretch panel" ("inner cup"). As such, the "stretch panel" ("inner cup") must have a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "inner cup") of the 9132 Show-It Brief are attached along the waistband seam (top location), a bottom seam (bottom location), and the side seams extending from the waistband seam to the first seam.

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Claim 1	Exemplary Disclosure in Prior Art
front portion between the side seams	 ACI000040 at 00:28.

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Claim 1	Exemplary Disclosure in Prior Art

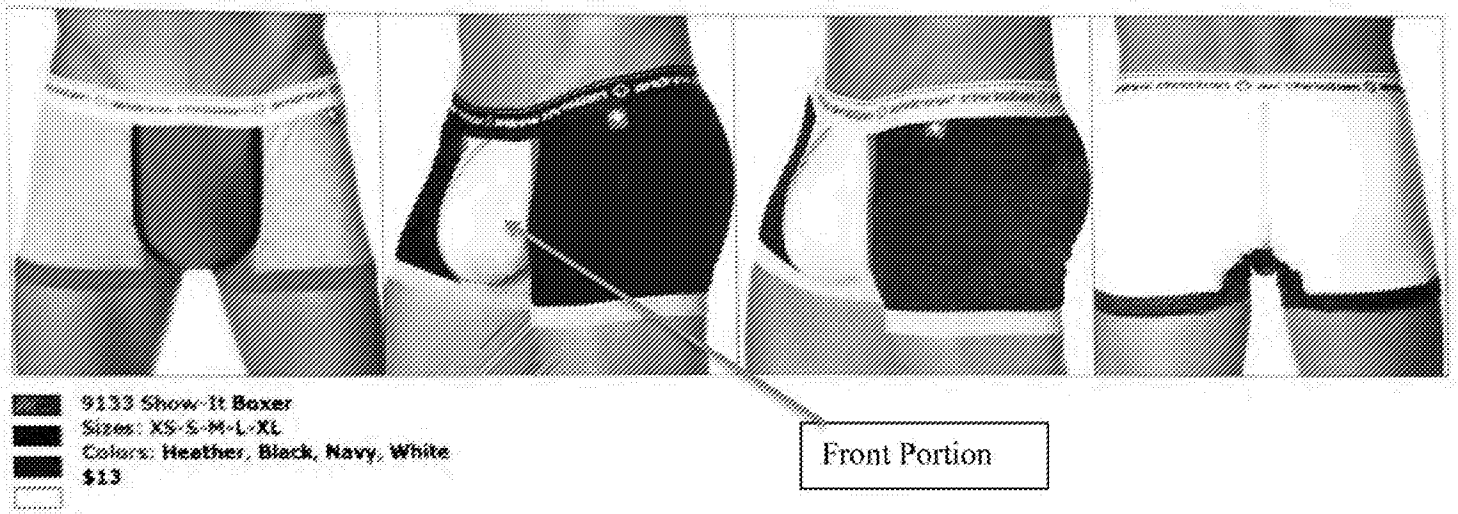


Show-It 2009-2010 Catalog at ACI000094.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify 9132 Show-It Brief to meet this limitation.

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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. ***See,***



"Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description.

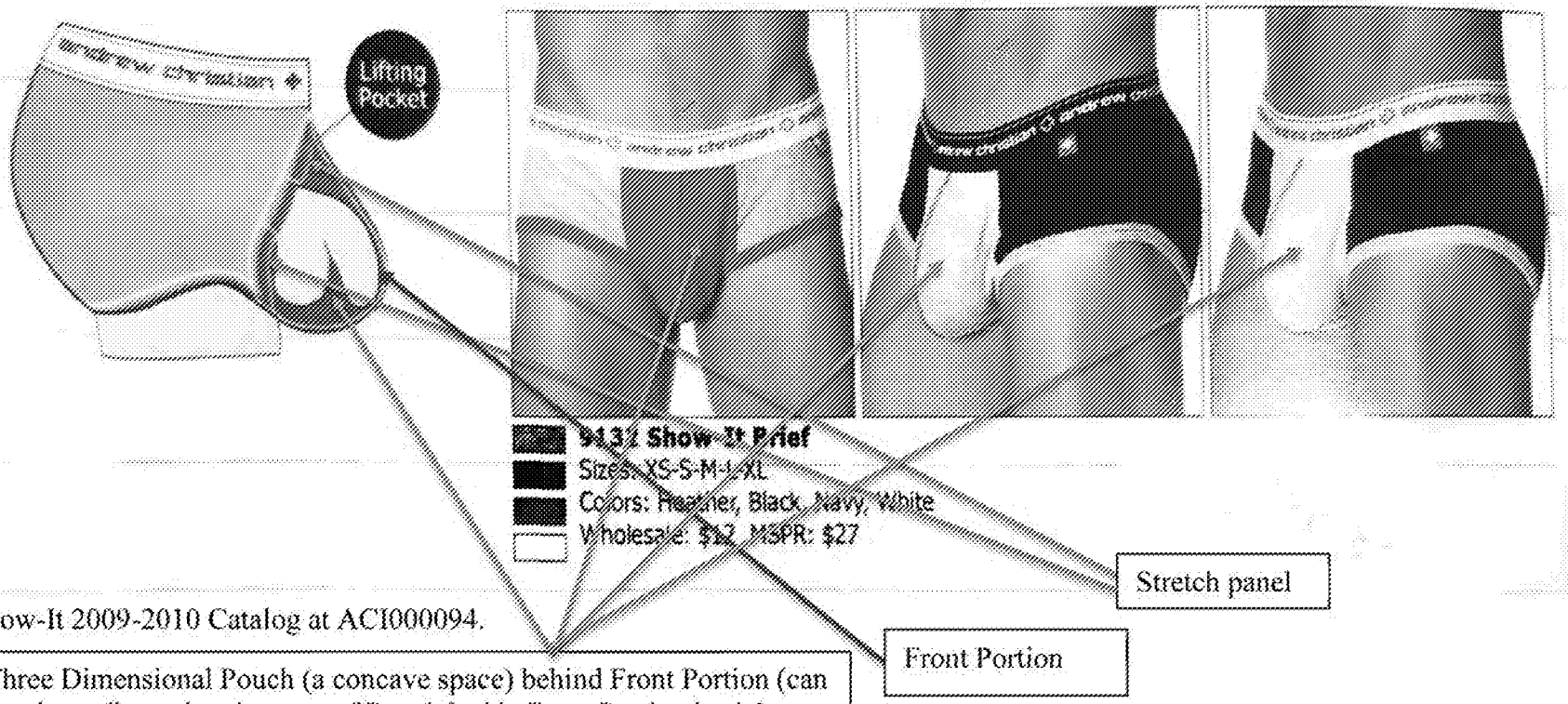
On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:28. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup."

The "front portion" of the 9133 Show-It Boxer extends forward from the "stretch panel" (the "inner cup"), and therefore must be longer than the "stretch panel" ("inner cup"). As such, the "stretch panel" ("inner cup") must have a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a

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Claim 1	Exemplary Disclosure in Prior Art
	width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "inner cup") of the 9133 Show-It Boxer are attached along the waistband seam (top location), a bottom seam (bottom location), and the side seams extending from the waistband seam to the first seam. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify 9133 Show-It Boxer to meet this limitation.
[1.4c] such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the	**The front portion of the 9132 Show-It Brief is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.**

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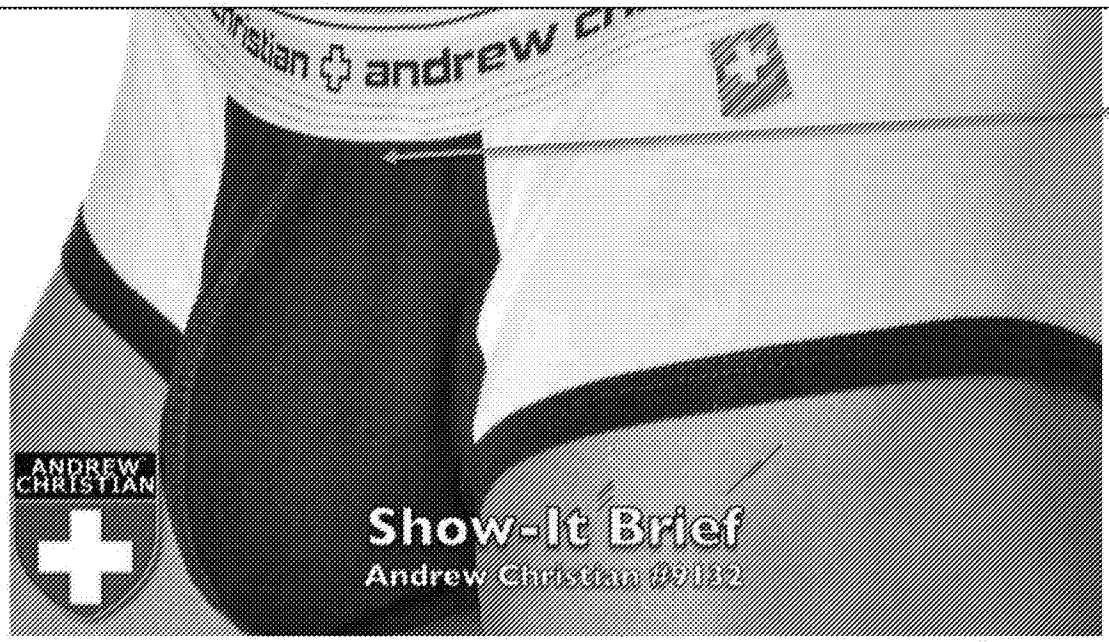
Claim 1	Exemplary Disclosure in Prior Art
wearer's genitals while the garment is being worn.	 Show-It 2009-2010 Catalog at ACI000094. Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in right three pictures) – the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn Show-It 2009 Line Sheet at ACI000092 ("Contrasting pouch accentuates front.") The following screenshots from ACI000038 and ACI000040 show gathering of the "front portion" along each of the side seams and the waistband seam. The gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9132 Show-It Brief and the legs of the wearer.

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

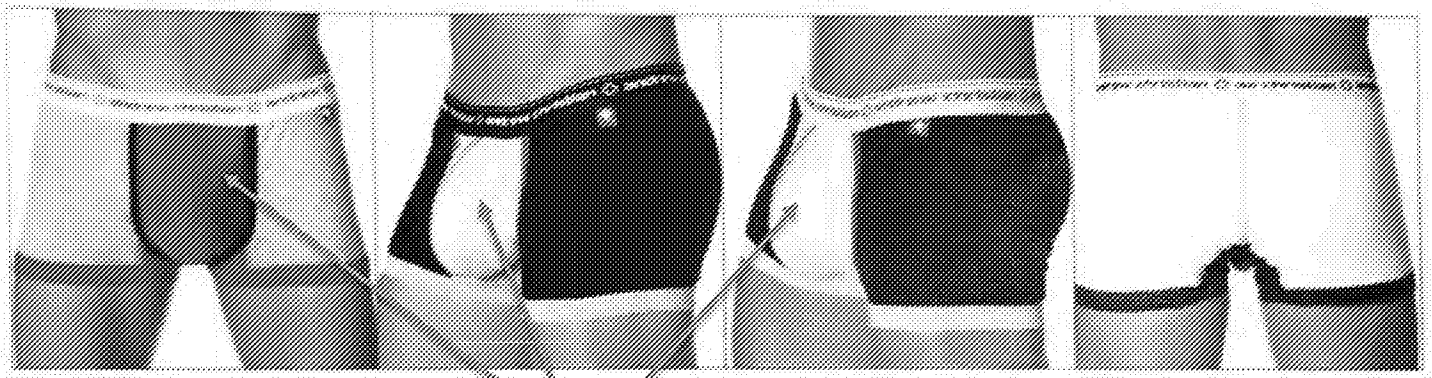


AC000038 at 4:02.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation.

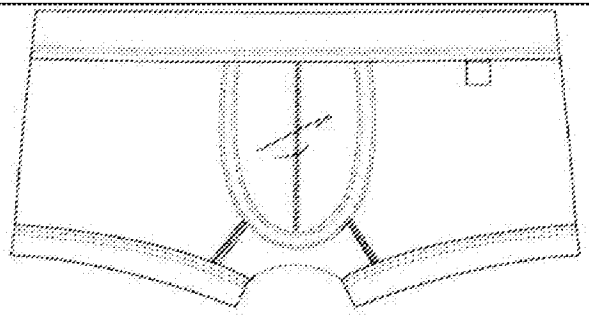
The front portion of the 9133 Show-It Boxer is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.

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Claim 1	Exemplary Disclosure in Prior Art
	See Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "contrasting pouch [that] accentuates front."  Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in left three pictures) - the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn *Id.*

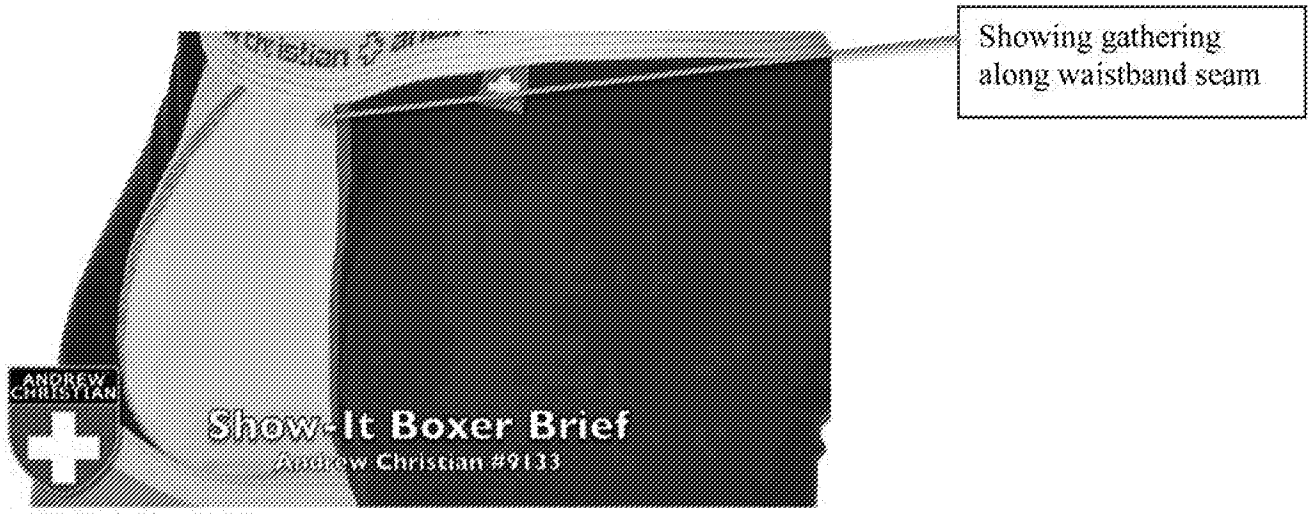
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Claim 1	Exemplary Disclosure in Prior Art



ACI000022. The lines in the center of the Front Portion above indicate the three dimensional nature of the Pouch formed between the Front Portion (shown) and the Stretch Panel (internal "inner cup").

The following screenshots from ACI000038 show gathering of the "front portion" along one side seam and the waistband seam. The gathering of the "front portion" along the other side seam is not visible, based on the orientation in the screenshot, and the gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9133 Show-It Boxer and the legs of the wearer.



ACI000038 at 2:52.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000038 at 3:05.

To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify 9133 Show-It Boxer to meet this limitation.

EP 0 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. ***See, e.g.,***

EP 0 476 818 discloses a method of applying elastic materials to garments, including mens underwear, such that the fabric is "ruched" (gathered):

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Claim 1	Exemplary Disclosure in Prior Art
	"The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn." (4:4-12) "The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved." (6:47-53) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and EP 0 476 818, understand how to modify the 9132 Show-It Brief and the 9133 Show-It Boxer to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.	The obviousness combinations asserted and disclosed in this chart for claim 2 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent See above regarding claim 1.

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Claim 2	Exemplary Disclosure in Prior Art
	The Court has construed "asymmetrical stretch characteristics" as "a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction." **The 9132 Show-It Brief is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.** ***See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] a material that is capable of stretching more easily in a first direction than a second direction at right angles to the first direction. February 5, 2009 Pattern Sheets at AC1000152. The "inner cup" of the 9132 Show-It Brief (the Stretch Panel) "lifts and presents" the male genitalia, which indicates that the "inner cup" (the Stretch Panel) will stretch less easily in a direct at right angles to the waistband (i.e., up and down) – to "lift" up it needs to stretch relatively less in the "up" direction. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel**

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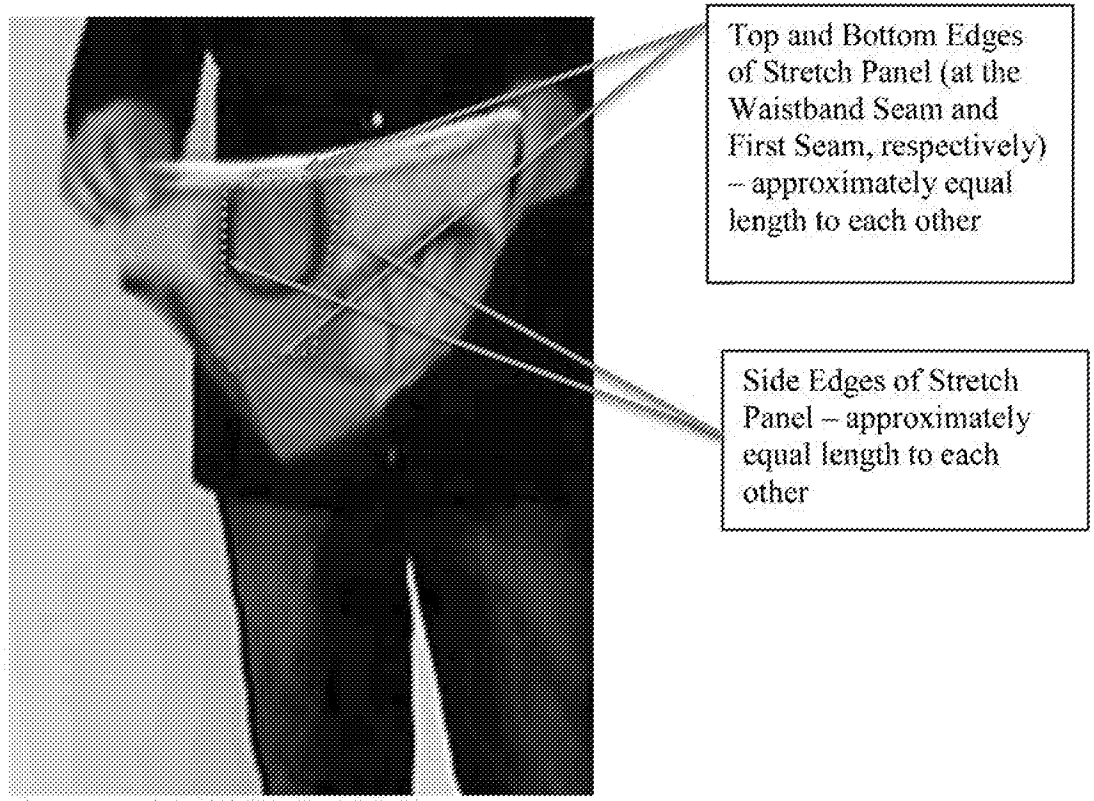
Claim 2	Exemplary Disclosure in Prior Art
	stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. ***See,*** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] a material that is capable of stretching more easily in a first direction than a second direction at right angles to the first direction. February 5, 2009 Pattern Sheets at ACI000151. The "inner cup" of the 9133 Show-It Boxer (the Stretch Panel) "lifts and presents" the male genitalia, which indicates that the "inner cup" (the Stretch Panel) will stretch less easily in a direct at right angles to the waistband (i.e., up and down) – to "lift" up it needs to stretch relatively less in the "up" direction. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation. **The '369 Patent discloses a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.** ***See,*** In particular, the '369 Patent discloses a "warp knit," which has asymmetrical stretch characteristics and is used in male underwear. The '396 Patent also discloses that it is advantageous for a fabric to stretch more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. *See, e.g.*,

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Claim 2	Exemplary Disclosure in Prior Art
	"The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29." (2:40-52) "The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10." (3:1-10) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the And the 9132 Show-It Brief or the 9133 Show-It Boxer, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation. Alternatively, one of ordinary skill could modify the 9132 Show-It Brief or the 9133 Show-It Boxer in view of the '369 Patent to meet this limitation.

Claim 3	Exemplary Disclosure in Prior Art
[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.	The obviousness combinations asserted and disclosed in this chart for claim 3 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1.

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Claim 3	Exemplary Disclosure in Prior Art
	The Court has construed rectangular as "having a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other." **The 9132 Show-It Brief is a garment wherein the stretch panel is a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other and the opening is U-shaped.**  Close up of AC1000040 at 00:14.

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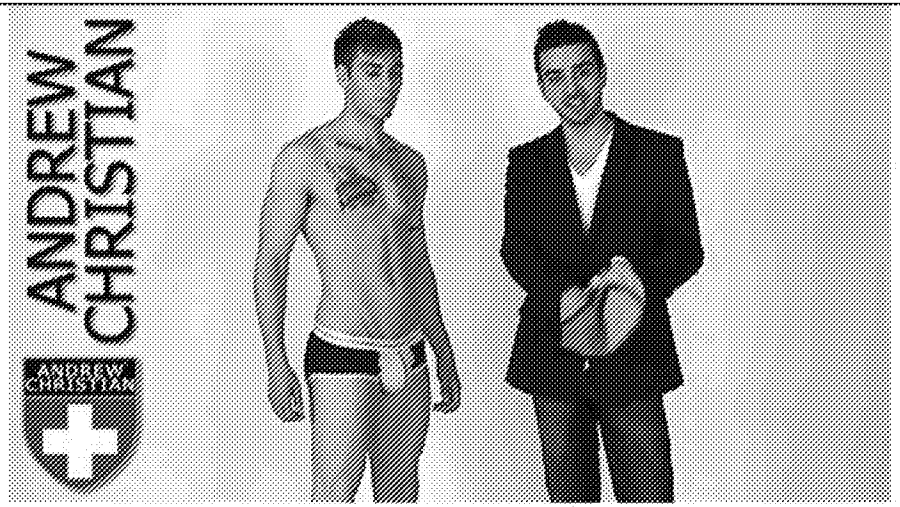
Claim 3	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. "The horseshoe shaped inner cup [that is, with a U-shaped opening] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend that the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer is a garment wherein the stretch panel is a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other and the opening is U-shaped.** "The horseshoe shaped inner cup [that is, with a U-shaped opening] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.

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Claim 3	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:14. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend that the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 4	Exemplary Disclosure in Prior Art
[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 4 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 3. **The 9132 Show-It Brief includes a stretch panel comprising a fabric having a stretch of at least 30%. *See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] a fabric with a stretch of at least 30%. February 5, 2009 Pattern Sheets at ACI000151. "The horseshoe shaped inner cup [Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. In the screenshot from ACI000040 below, Andrew Christian is demonstrating the stretch of "inner cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch:

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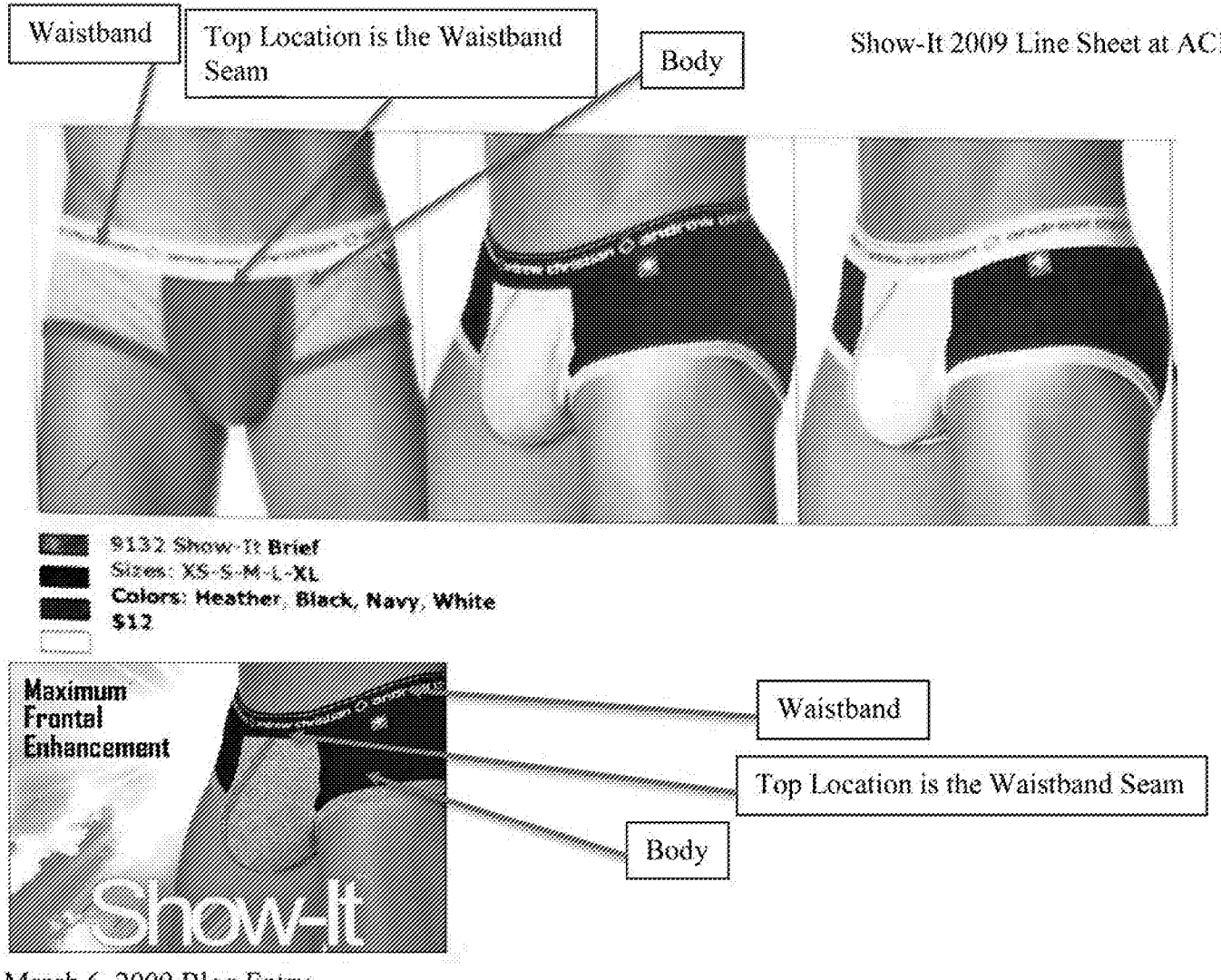
Claim 4	Exemplary Disclosure in Prior Art
	 ACI000040 at 00.20. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric having a stretch of at least 30%. *See*,** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] a fabric with a stretch of at least 30%. February 5, 2009 Pattern Sheets at ACI000152. "The horseshoe shaped inner cup [Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.

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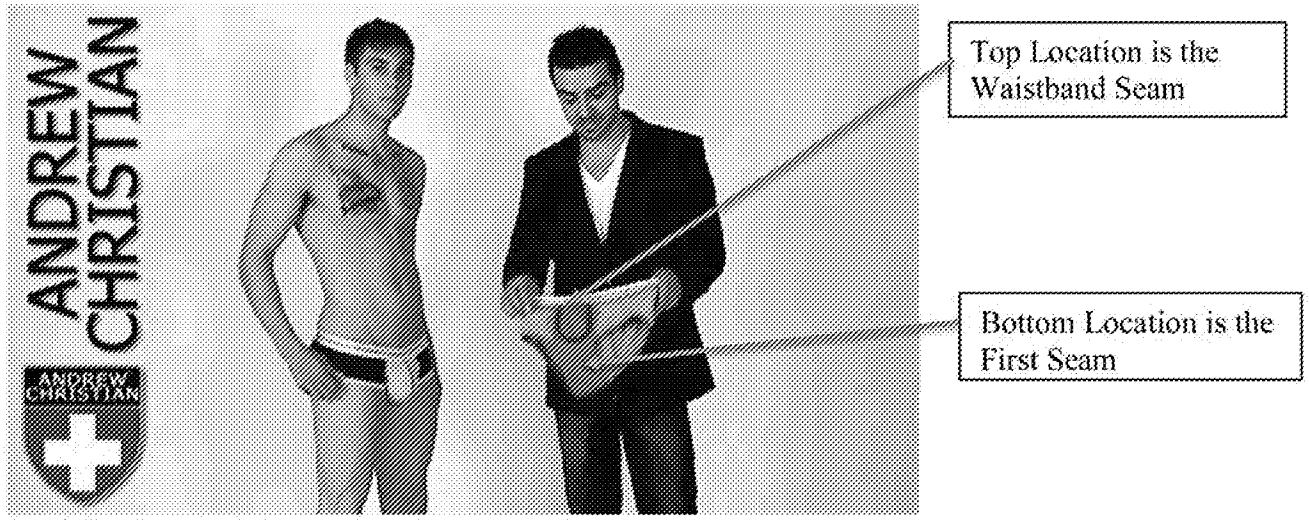
Claim 4	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

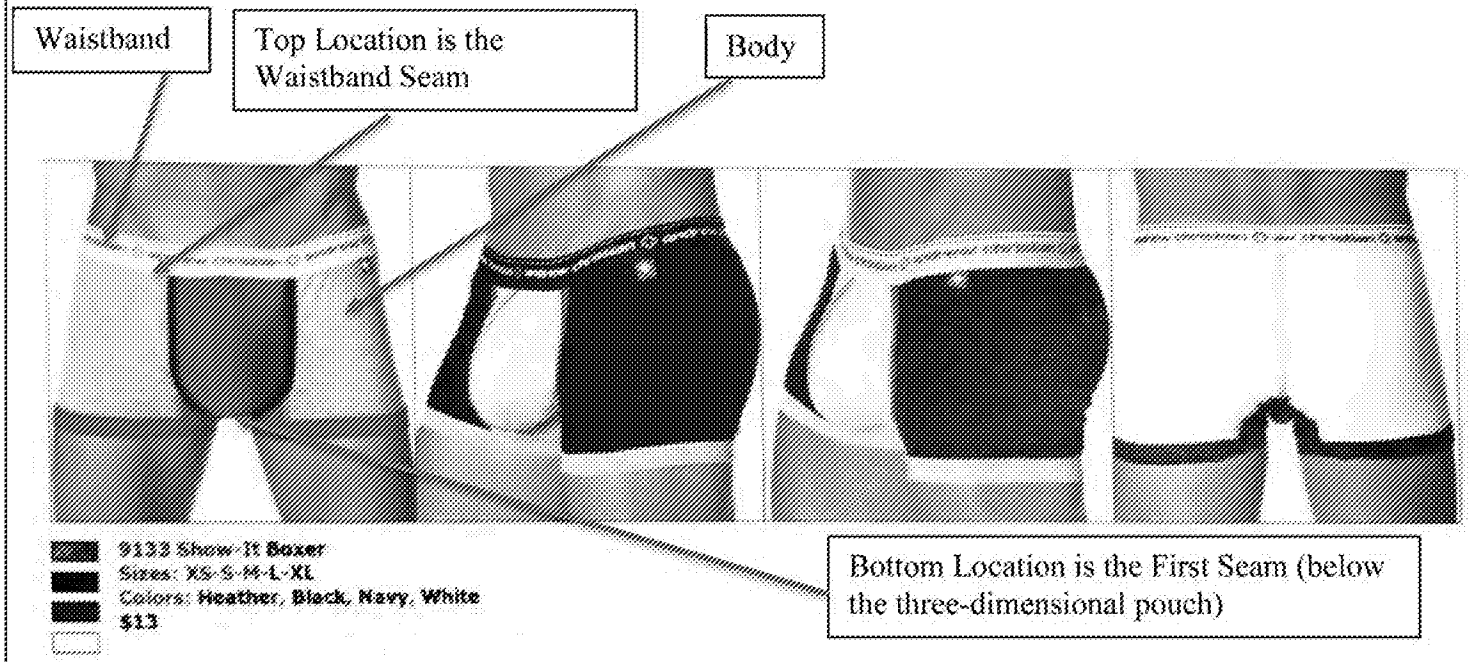
Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam,	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief is a garment where the top location is the waistband seam and the bottom location is the first seam.** ***See*****,**

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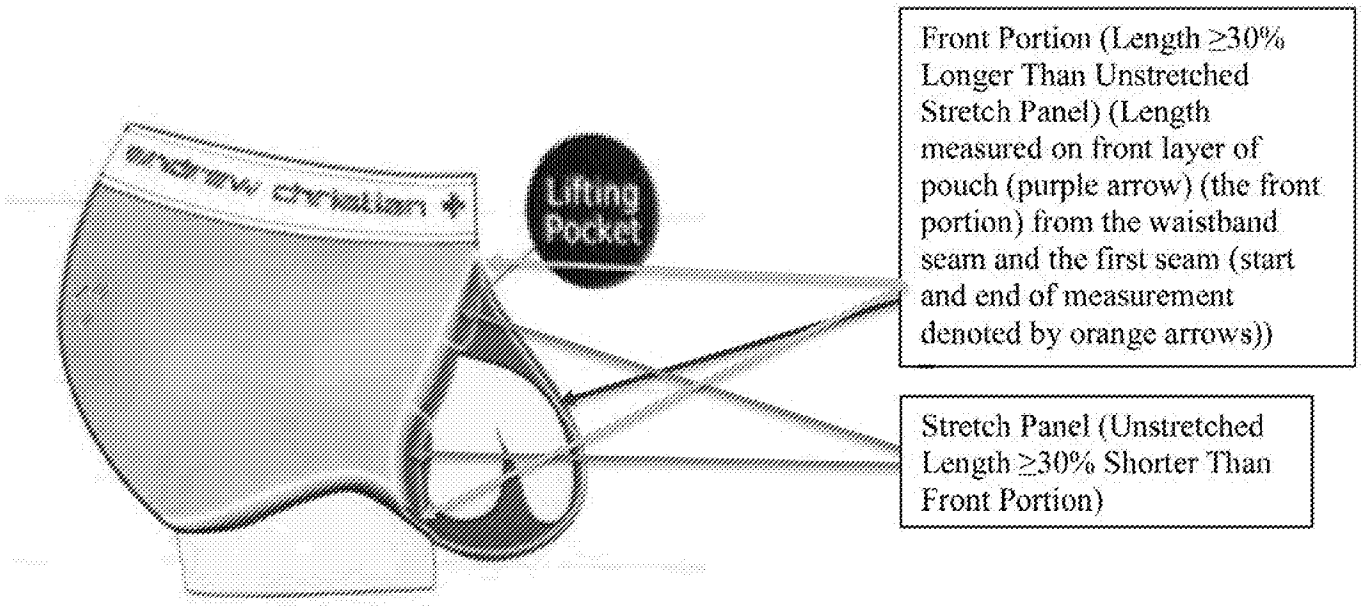
Claim 5	Exemplary Disclosure in Prior Art
	

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Claim 5	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **The 9133 Show-It Boxer is a garment where the top location is the waistband seam and the bottom location is the first seam. *See*,**

Claim 5	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at AC1000092.
and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.	**In the 9132 Show-It Brief, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,*** The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals.

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Claim 5	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. Identical image in March 11, 2009 Blog Entry. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **In the 9133 Show-It Boxer, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,***

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Claim 5	Exemplary Disclosure in Prior Art
	The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in Show-It 2009-2010 Catalog at ACI000094. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 6	Exemplary Disclosure in Prior Art
[6] A garment according to claim 1 wherein the garment is a pair of undershorts.	The obviousness combinations asserted and disclosed in this chart for claim 6 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1.

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Claim 6	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief is a pair of undershorts. ***See,***  Show-It 2009 Line Sheet at AC1000092.

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Claim 6	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a pair of undershorts. *See*,  Show-It 2009 Line Sheet at ACI000092.

Claim 7	Exemplary Disclosure in Prior Art
[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.	The obviousness combinations asserted and disclosed in this chart for claim 7 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes a stretch panel comprising a fabric different from a fabric of the body. *See*,**

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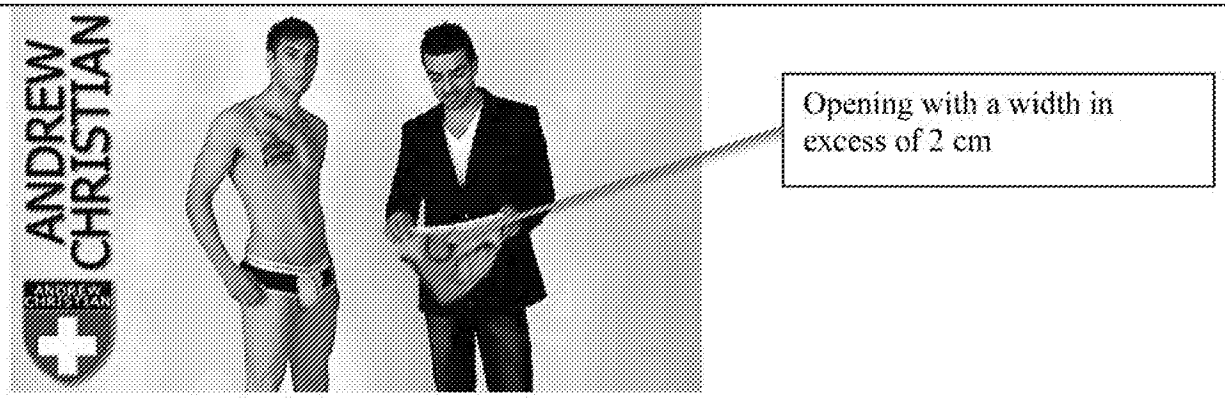
Claim 7	Exemplary Disclosure in Prior Art
	As shown below in the screenshot from ACI000040, the stretch panel (the inner cup) of the pictured 9132 Show-It Brief is made from a red fabric, while at least some of the body is made from a different gray fabric.  ACI000040 at 00:14. "The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. The Stretch Panel is also lined by (comprises) a "soft elastic" – the "soft elastic" is a fabric different from the fabric of the body. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the disclosure of the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric different from a fabric of the body. *See,*** On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion in a different fabric from the Body, as shown above in ACI000040 at 00:14. Just like the

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Claim 7	Exemplary Disclosure in Prior Art
	9132 Show-It Briefs, the 9133 Show-It Boxers have "contrasting" pouches, and the inside of the pouch (the "inner cup") (the Stretch Panel) will also be a "contrasting" fabric from the body. *See* Show-It 2009 Line Sheet at AC1000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." "The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. The Stretch Panel is also lined by (comprises) a "soft elastic" – the "soft elastic" is a fabric different from the fabric of the body. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the disclosure of the 9133 Show-It Boxer to meet this limitation.

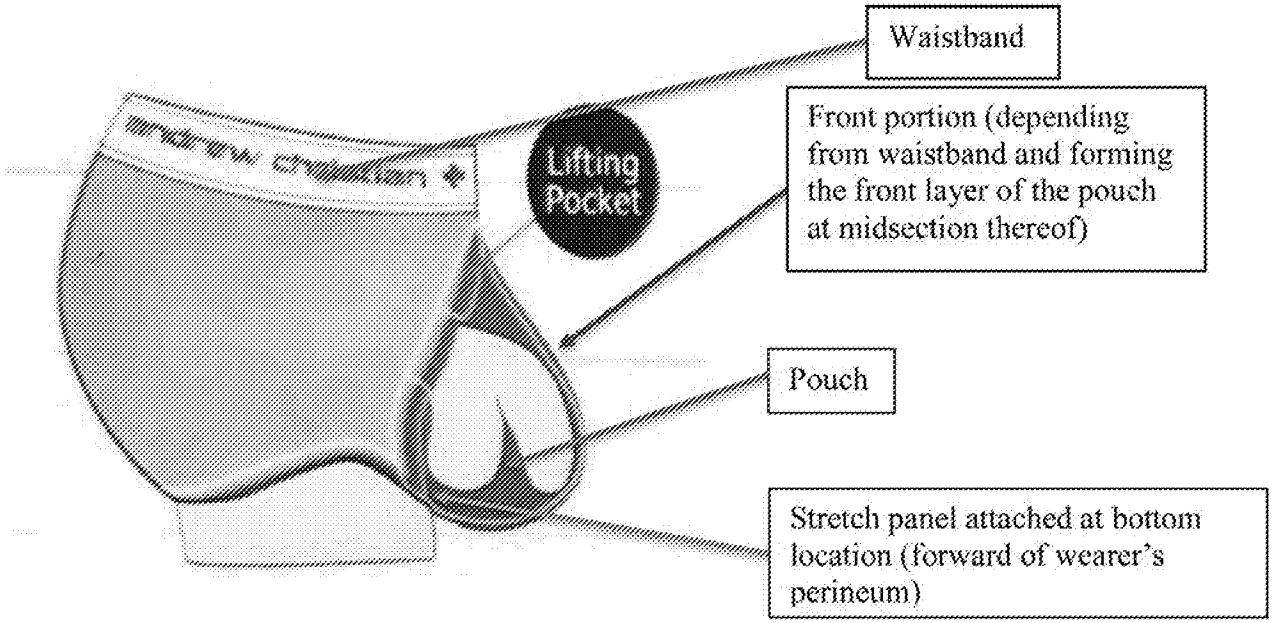
Claim 8	Exemplary Disclosure in Prior Art
[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.	The obviousness combinations asserted and disclosed in this chart for claim 8 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "inner cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening.

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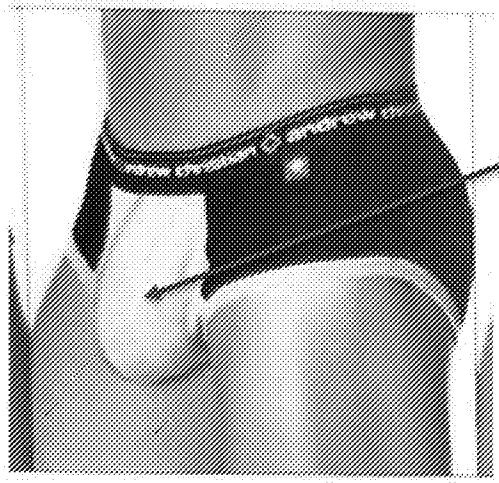
Claim 8	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "inner cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) with an opening with a width in excess of 2 cm.

Claim 9	Exemplary Disclosure in Prior Art
[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1.

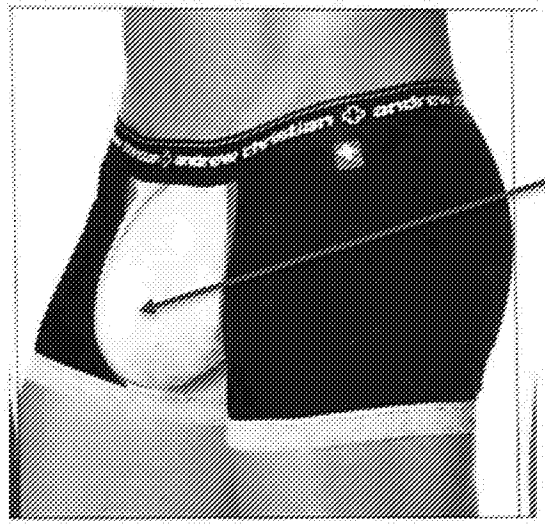
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Claim 9	Exemplary Disclosure in Prior Art
the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.	**The 9132 Show-It Brief includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***  Show-It 2009-2010 Catalog at ACI000094. The scrotum of the wearer is supported underneath by the stretch panel (the inner cup or comfy cup of the 9132 Show-It Brief) to contain the wearer's penis and scrotum in the pouch: "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092.

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Claim 9	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.  Front portion (in gray) (depending from waistband and forming the outmost layer of the pouch at midsection thereof) Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***

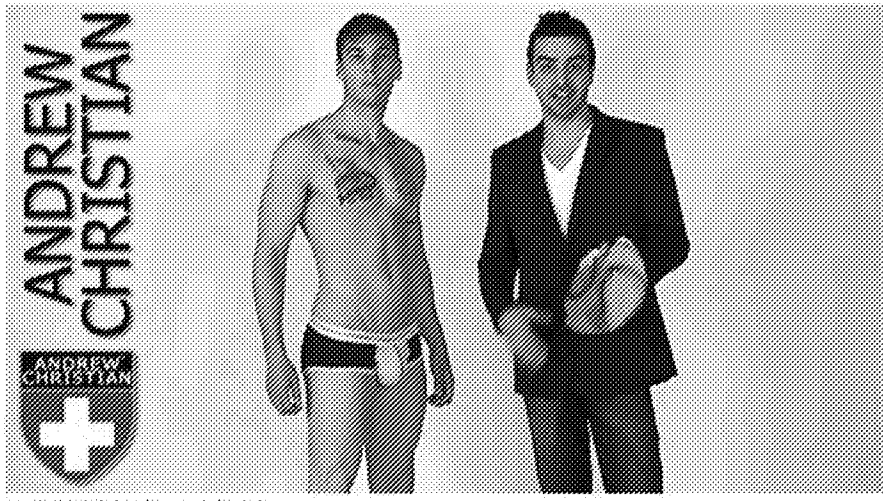
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Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092. "The scrotum of the wearer is supported underneath by the stretch panel to contain the wearer's penis and scrotum in the pouch": "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. "Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

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Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] February 5, 2009 Pattern Sheets at ACI000152. In ACI000040, Andrew Christian is demonstrating the elastically resilient four way stretch of the "inner cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "inner cup" (the Stretch Panel) stretches in length and width (four-way stretch):  ACI000040 at 00:20.

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Claim 10	Exemplary Disclosure in Prior Art
	The "inner cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe. **The 9133 Show-It Boxer discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See*****,** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] February 5, 2009 Pattern Sheets at ACI000151.

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Claim 10	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe.

Claim 13	Exemplary Disclosure in Prior Art
[13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.	The obviousness combinations asserted and disclosed in this chart for claim 13 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief's opening has a U-shape when the stretch panel is in a relaxed state.** ***See,*** "The horseshoe shaped inner cup [Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. A horseshoe has a U-shaped opening.

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Claim 13	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **The 9133 Show-It Boxer's opening has a U-shape when the stretch panel is in a relaxed state. *See*,** "The horseshoe shaped inner cup [Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. A horseshoe has a U-shaped opening.

Claim 14	Exemplary Disclosure in Prior Art
[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.	The obviousness combinations asserted and disclosed in this chart for claim 14 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief's stretch panel is formed from a single unitary piece of woven fabric. *See*,**

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Claim 14	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer's stretch panel is formed from a single unitary piece of woven fabric.** ***See,*** On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) formed from a single unitary piece of woven fabric inside the Front Portion as shown above in ACI000040 at 00:14. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

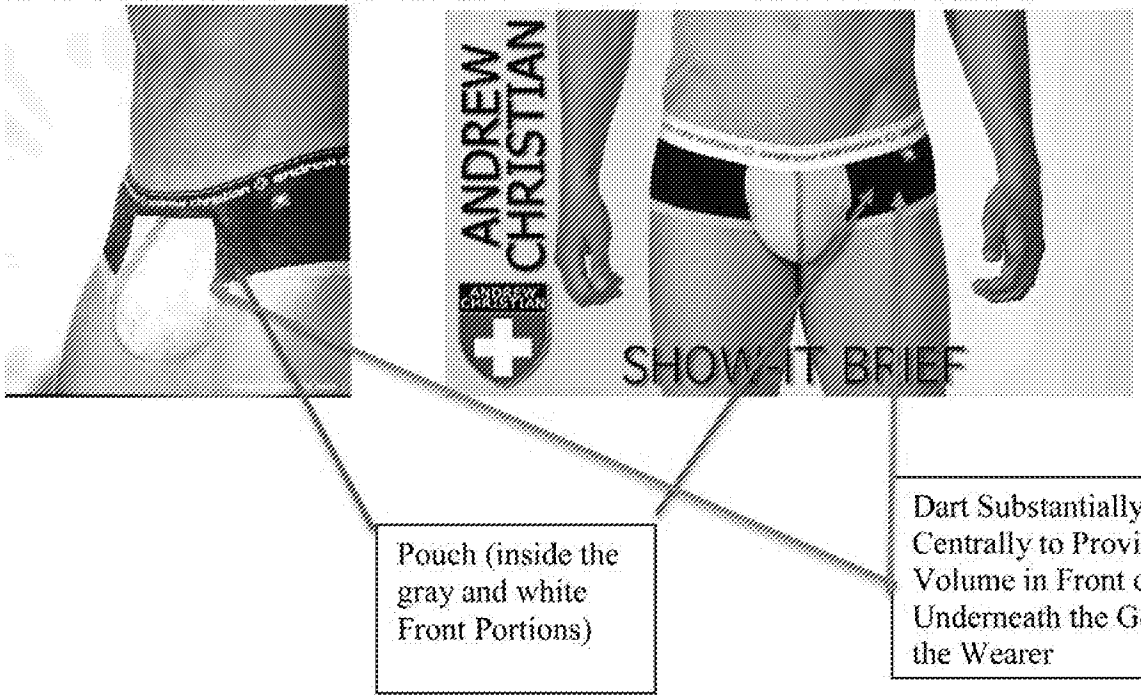
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Claim 15	Exemplary Disclosure in Prior Art
[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 15 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. The Court has construed "a dart seam stitched along a bottom portion of the pouch" as "a shaping seam stitched along a bottom portion of the pouch." **The 9132 Show-It Brief includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.** ***See,*** The dart seam is the seam down the middle of the front portion (the front layer of the pouch) in the 9132 Show-It Briefs.

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Claim 15	Exemplary Disclosure in Prior Art

Show-It 2009 Line Sheet at ACI000091. ACI000040 at 00:10.

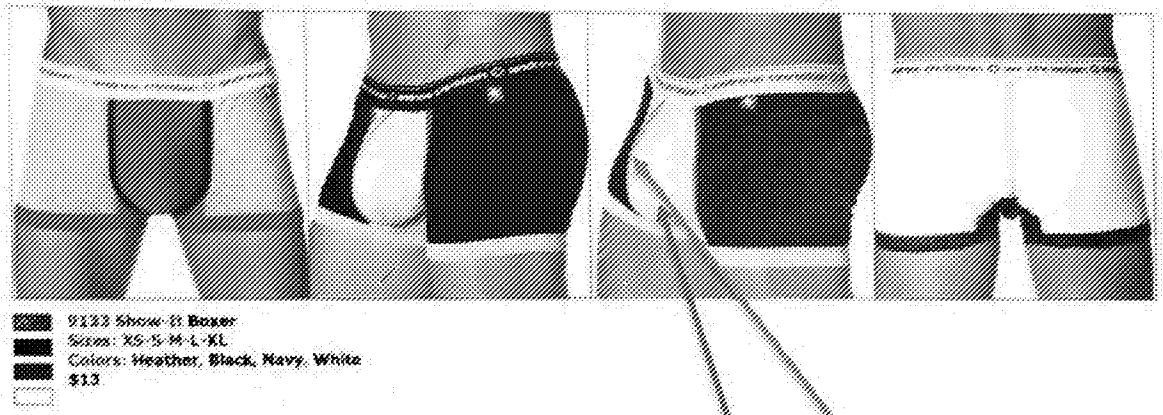
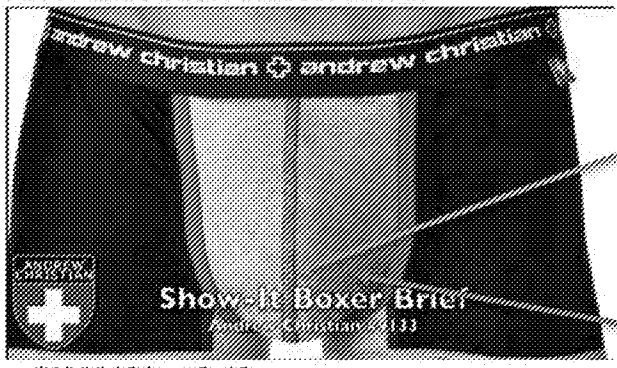


To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. *See*,

The dart seam is the seam down the middle of the front portion (the front layer of the pouch) in the 9133 Show-It Boxers.

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Claim 15	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43. Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer Pouch (inside the gray and white Front Portions) To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

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Exhibit 7

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Andrew Christian Show-It Underwear Printed Publications in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent No. 7,631,369

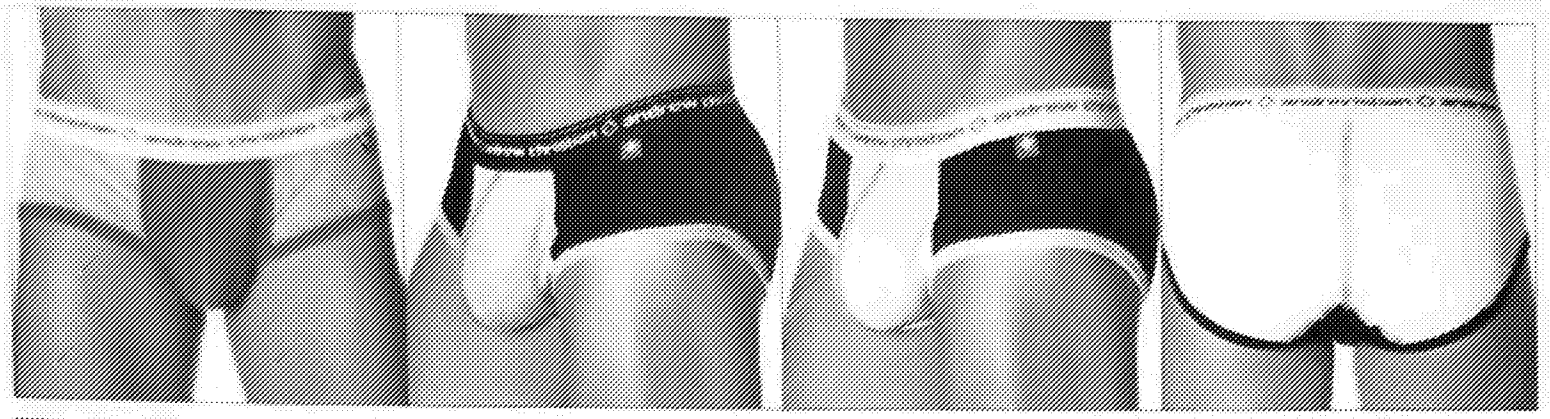
The combination of the following printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology," renders obvious the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 (published March 25, 1992) ("EP 0 476 818").

The Andrew Christian printed publications are: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038 (the "ACI000038 publication" or "ACI000038); ACI000040 (the "ACI000040 publication" or "ACI000040"). One of ordinary skill in the art of the Asserted Patents would understand to combine these four printed publications, as all four discuss and describe the same Andrew Christian products – the 9132 Show-It Brief and the 9133 Show-It Boxer. The '369 Patent discloses "performance underwear" for men.

The obviousness combinations asserted and disclosed in this chart are as follows:

- Andrew Christian printed publications in view of EP O 476 818 (all asserted claims)
- Andrew Christian printed publications in view of '369 Patent (claim 2)
- Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent (claim 2)

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Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The 9132 Show-It Brief is a male garment.** ***See,***  Show-It 2009 Line Sheet at ACI000092.  Show-It 2009 Line Sheet at ACI000091.  AC1000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

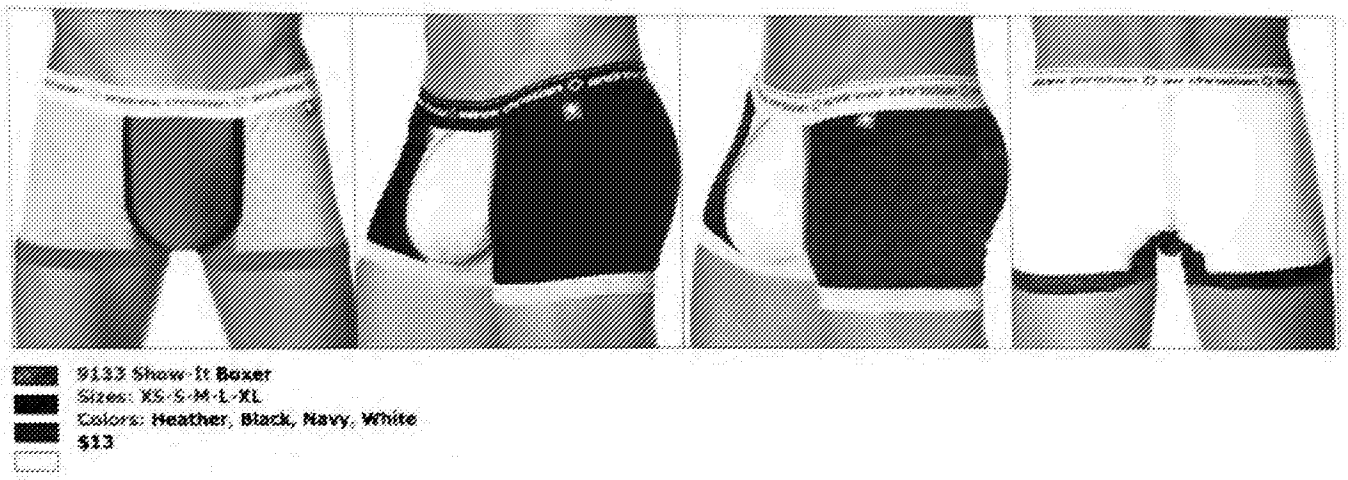
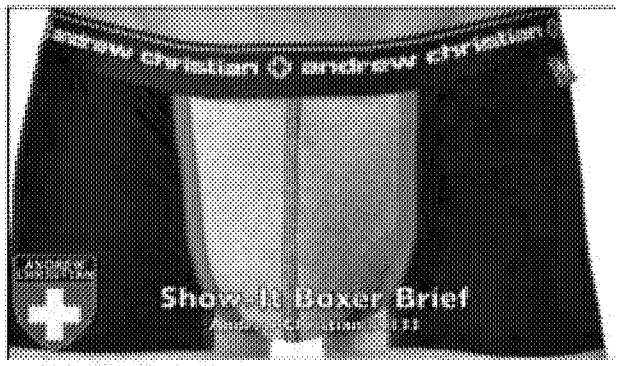


Show-It 2009-2010 Catalog at ACI000094.

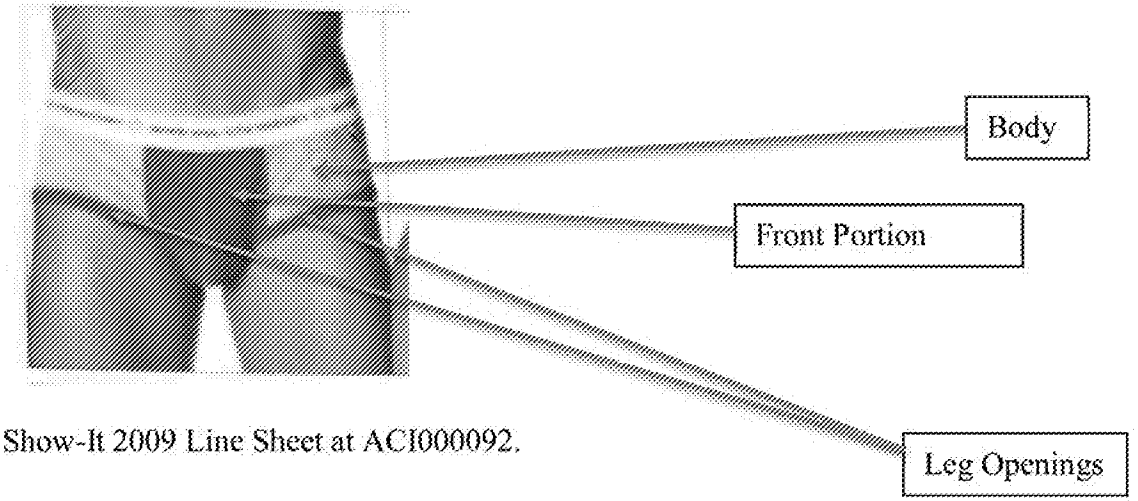


ACI000038 at 3:34.

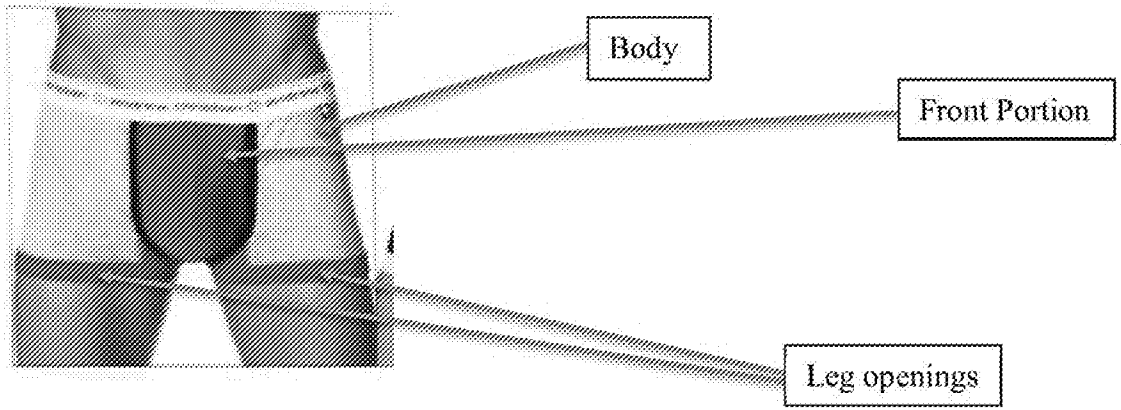
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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a male garment. ***See,***  Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43.

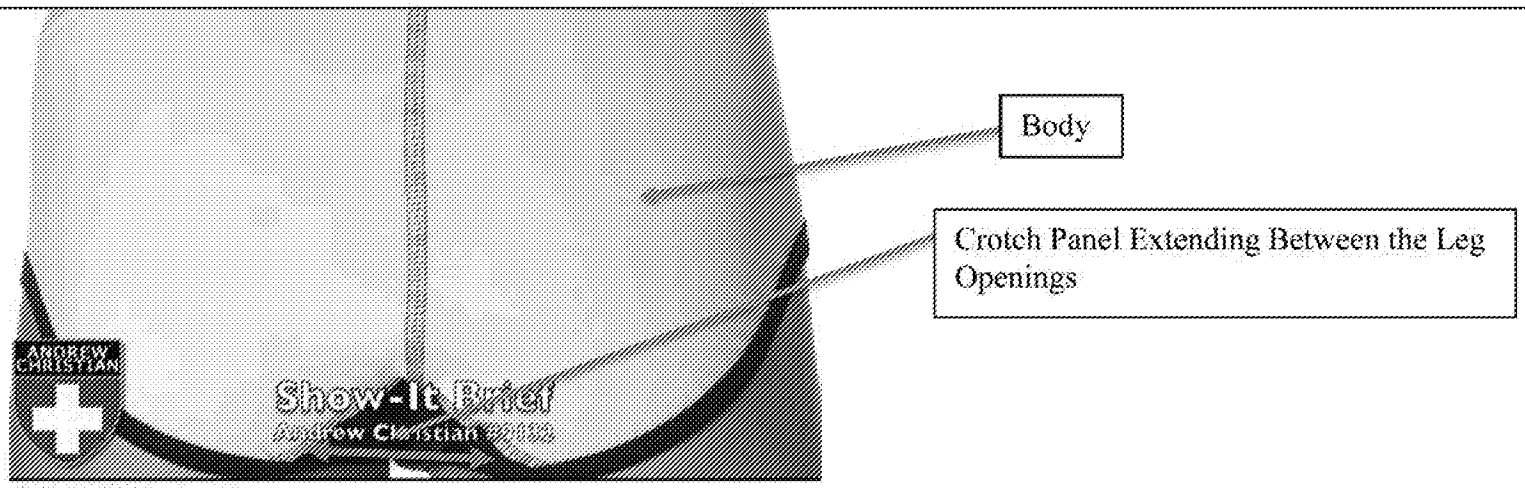
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Claim 1	Exemplary Disclosure in Prior Art
[1.1a] a body including a front portion and having leg openings for a wearer's legs,	**The 9132 Show-It Brief includes a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The Show-It 2009 Line Sheet discloses the 9132 Show-It Brief including a "front portion," the central part of the body situated in front of the wearer of the 9132 Show-It Brief, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).  Show-It 2009 Line Sheet at ACI000092. **The 9133 Show-It Boxer includes a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The Show-It 2009 Line Sheet discloses the 9133 Show-It Boxer including a "front portion," the central part of the body situated in front of the wearer of the 9133 Show-It Boxer, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).

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Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;	**The 9132 Show-It Brief includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam.** ***See,*** The ACI000038 publication shows a "crotch panel" of the 9132 Show-It Brief as the blue fabric panel extending between the legs as shown in the image below, as indicated by the accompanying arrows:

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 4:17. The ACI000040 publication shows a "crotch panel," in red in the screenshots below, that is attached to the "front portion" of the 9132 Show-It Brief (also in red below) along a first seam. As shown in the screenshots below, in the 9132 Show-It Brief, the "first seam" also attaches the "crotch panel" to the "stretch panel" (also in red).

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Claim 1	Exemplary Disclosure in Prior Art

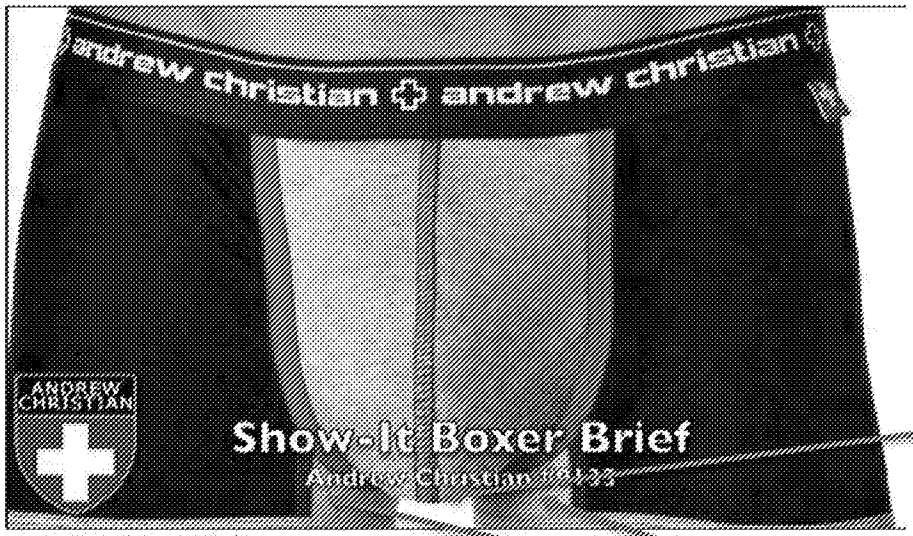


ACI000040 at 00:28.



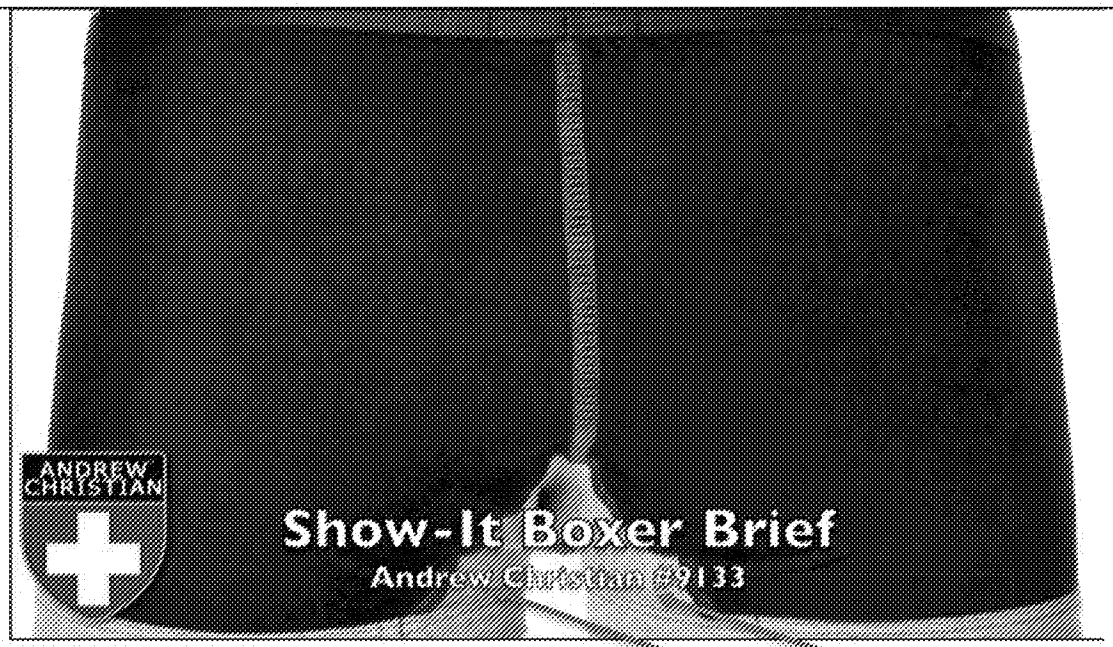
ACI000040 at 00:33.

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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. ***See,*** The ACI000038 publication shows a "crotch panel" of the 9133 Show-It Boxer as the gray fabric panel extending between the legs seam as shown in the screenshots below, as indicated by the accompanying arrows. The crotch panel is joined to the front portion along a first seam, which is obstructed from view by the pouch in the image below:  ACI000038 at 2:43.

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Claim 1	Exemplary Disclosure in Prior Art

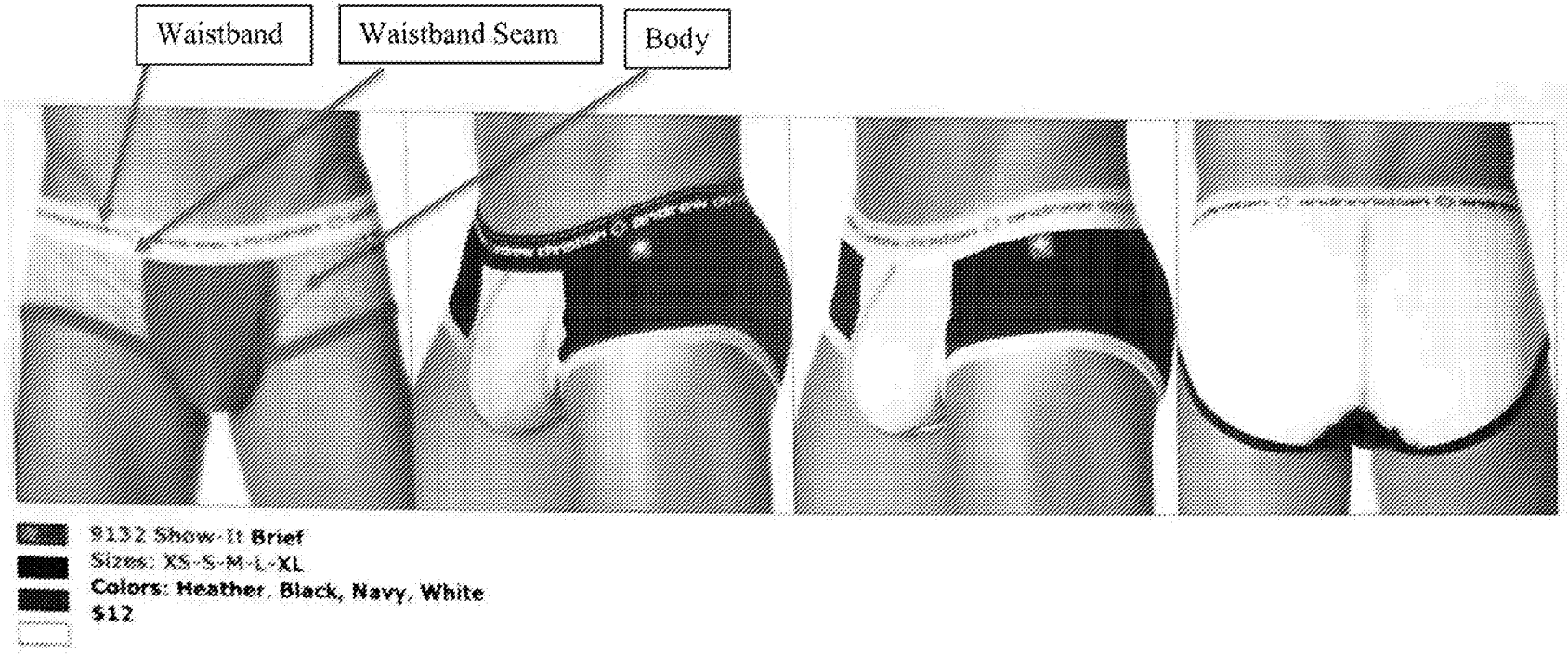


ACI000038 at 2:48.

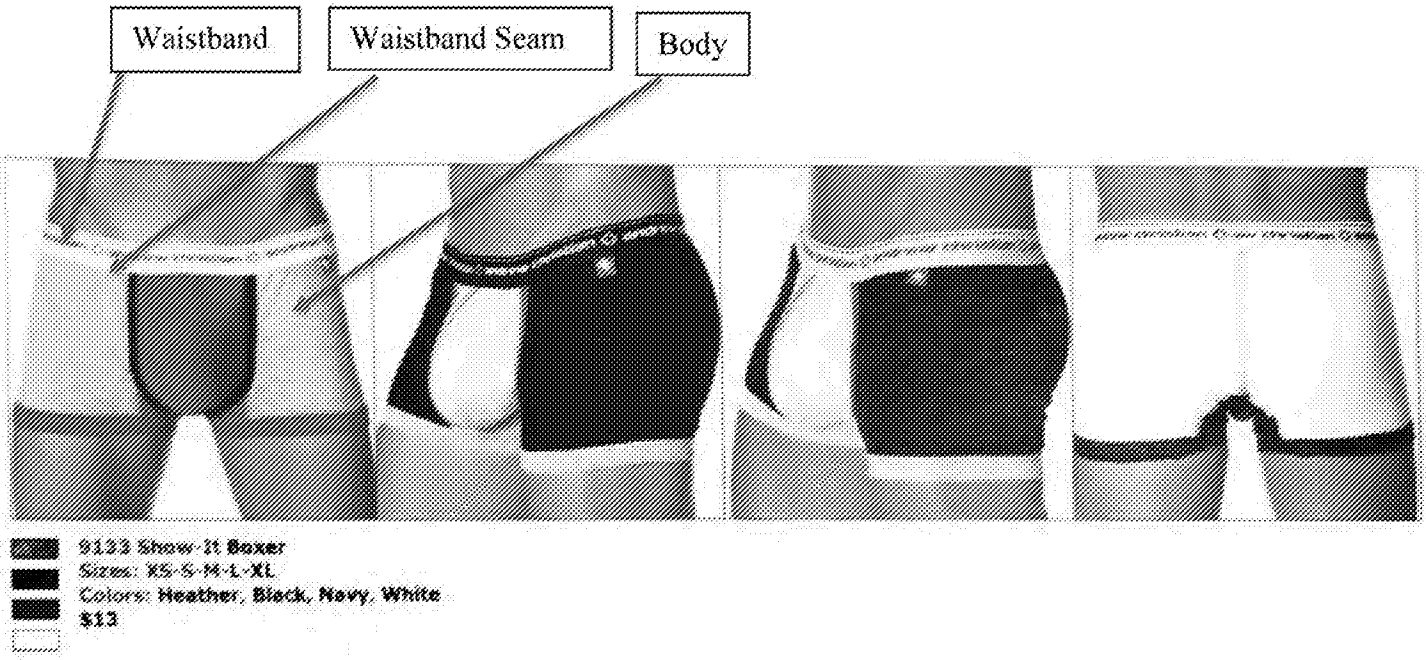
Crotch Panel Extending Between the Leg Openings

To the extent Plaintiffs contend that the ACI000038 publication or the ACI000040 publication does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the ACI000038 publication or the ACI000040 publication, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation.

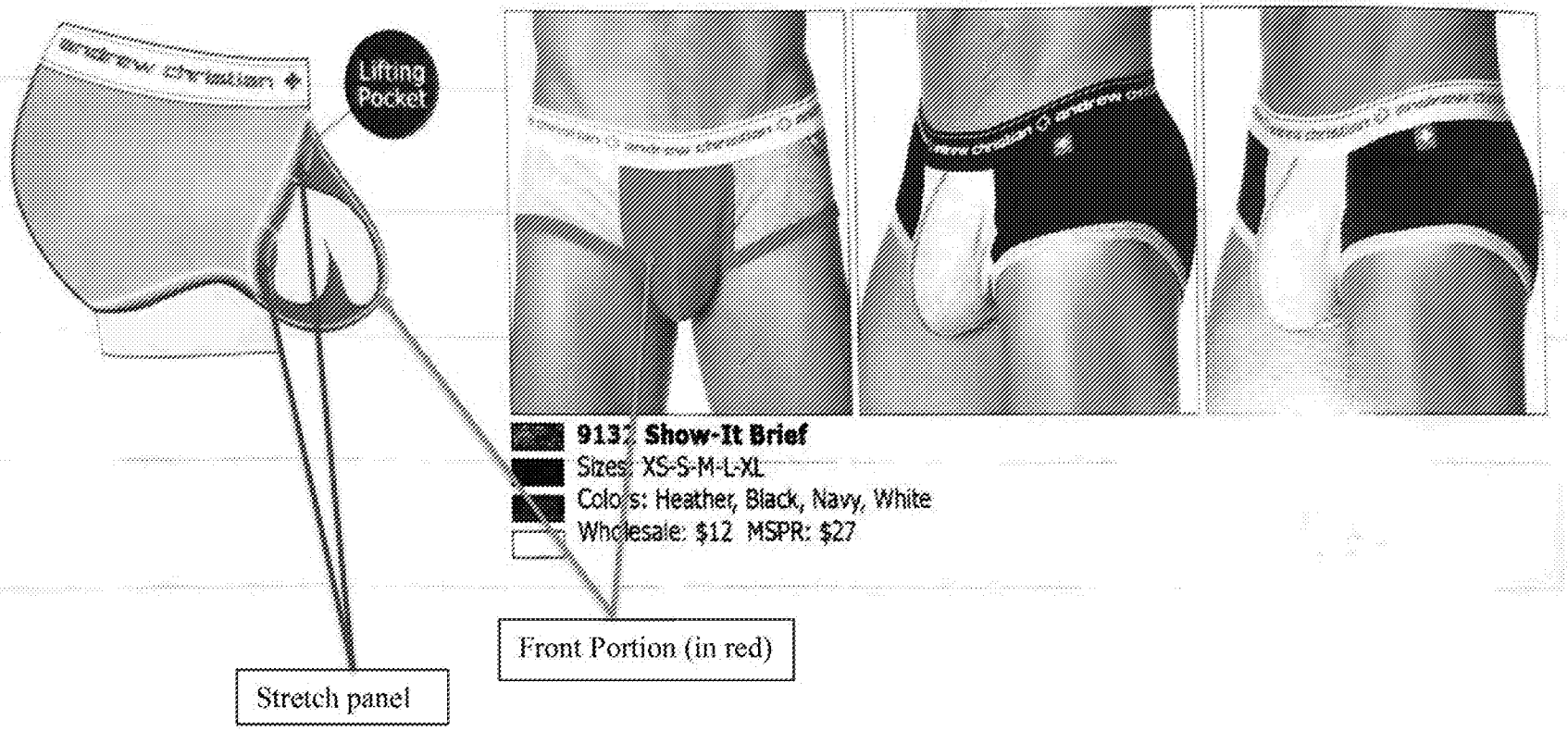
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Claim 1	Exemplary Disclosure in Prior Art
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The 9132 Show-It Brief includes a waistband attached by a waistband seam at an upper edge of the body.** ***See,*** The Show-It 2009 Line Sheet depicts a "waistband" of the 9132 Show-It Brief (with "Andrew Christian" printed on it) that is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9132 Show-It Brief shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red.  Show-It 2009 Line Sheet at ACI000092. **The 9133 Show-It Boxer includes a waistband attached by a waistband seam at an upper edge of the body.** ***See,***

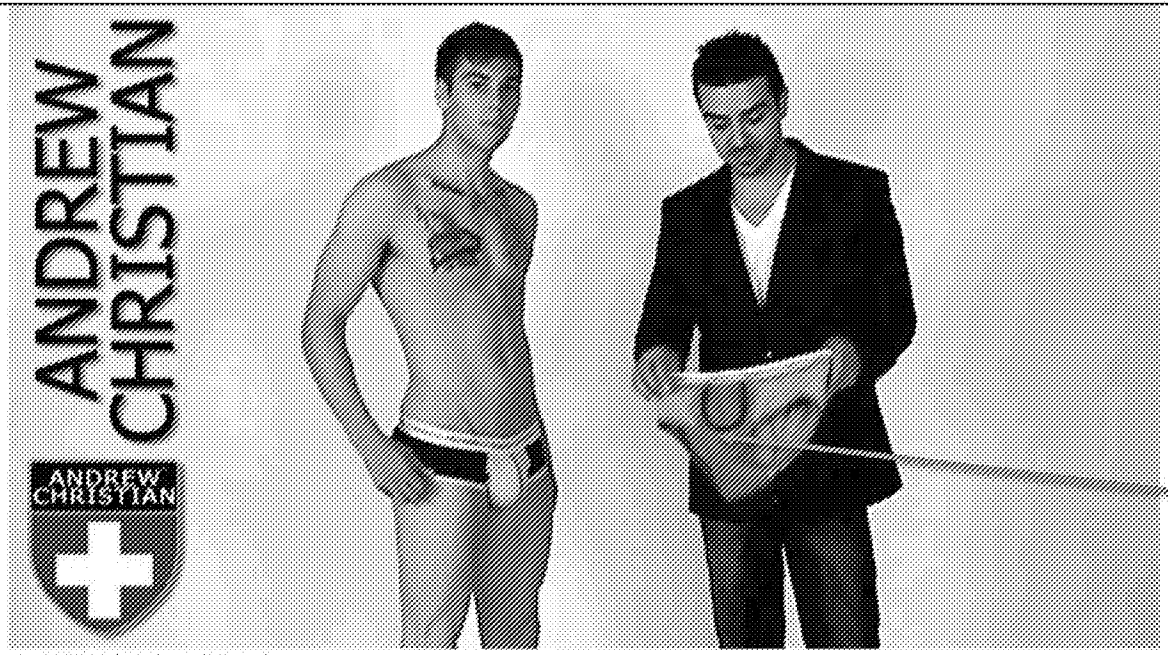
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Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet depicts a "waistband" of the 9133 Show-It Boxer (with "Andrew Christian" printed on it) that is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9133 Show-It Boxer shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red.  Show-It 2009 Line Sheet at ACI000092.
[1.3a] a stretch panel attached to the body inside the	**The 9132 Show-It Brief includes a stretch panel attached to the body inside the front portion.** ***See,*** The Show-It 2009-2010 Catalog shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9132 Show-It Brief is referred to as the "Comfy Cup" in descriptions of the 9132 Show-It Brief.

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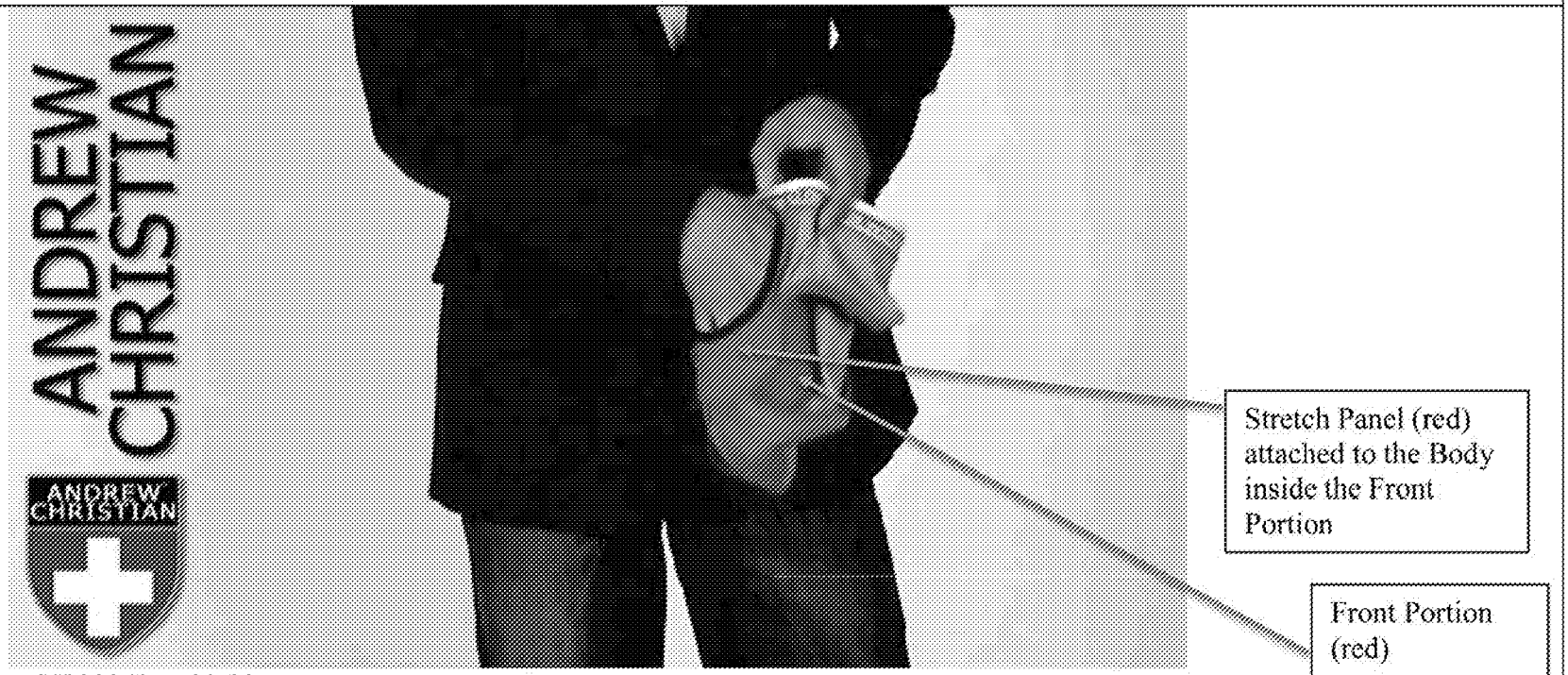
Claim 1	Exemplary Disclosure in Prior Art
front portion,	 "Our Comfy Cup™ cradles and lifts…" Show-It 2009-2010 Catalog at ACI000094. The ACI000040 publication shows an inside view of the 9132 Show-It Brief (as shown in the screenshots below), which shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams.

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14.

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Claim 1	Exemplary Disclosure in Prior Art

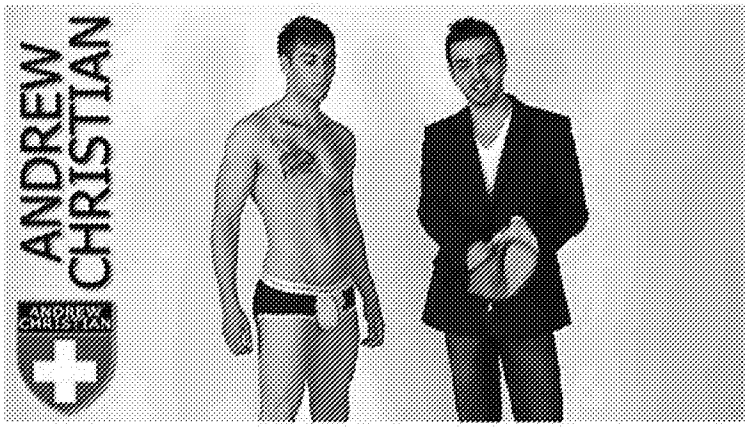


ACI000040 at 00:22.

The 9133 Show-It Boxer includes a stretch panel attached to the body inside the front portion. *See*,

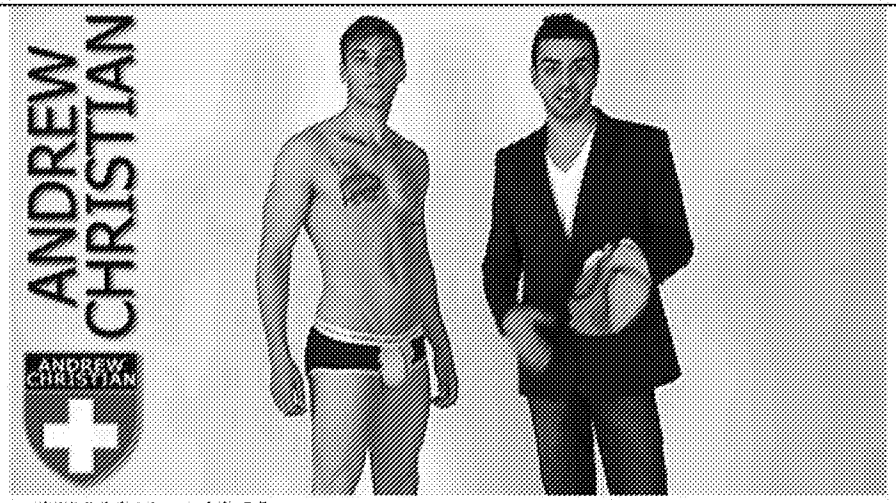
The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a stretch panel as shown in the screen shots of ACI000040 shown above in relation to the 9132 Show-It Brief.

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Claim 1	Exemplary Disclosure in Prior Art
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The 9132 Show-It Brief includes a stretch panel comprising a sheet of elastically resilient four-way stretch material.** ***See,*** In the ACI000040 publication, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch ("a concave space"), as the "comfy cup" (the Stretch Panel) stretches in length and width (four-way stretch):  ACI000040 at 00:20. The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00.23.

The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient four-way stretch material.

To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprising elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication or the Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation.

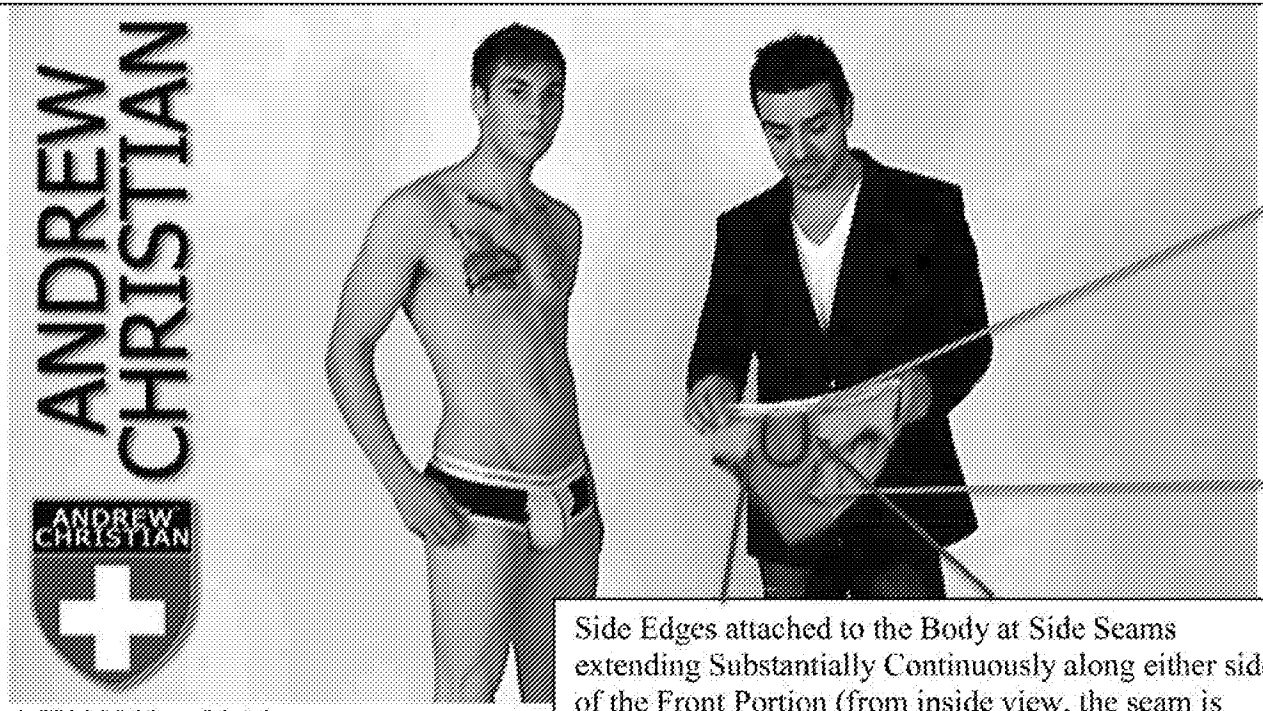
The 9133 Show-It Boxer includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. ***See*****,**

The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside

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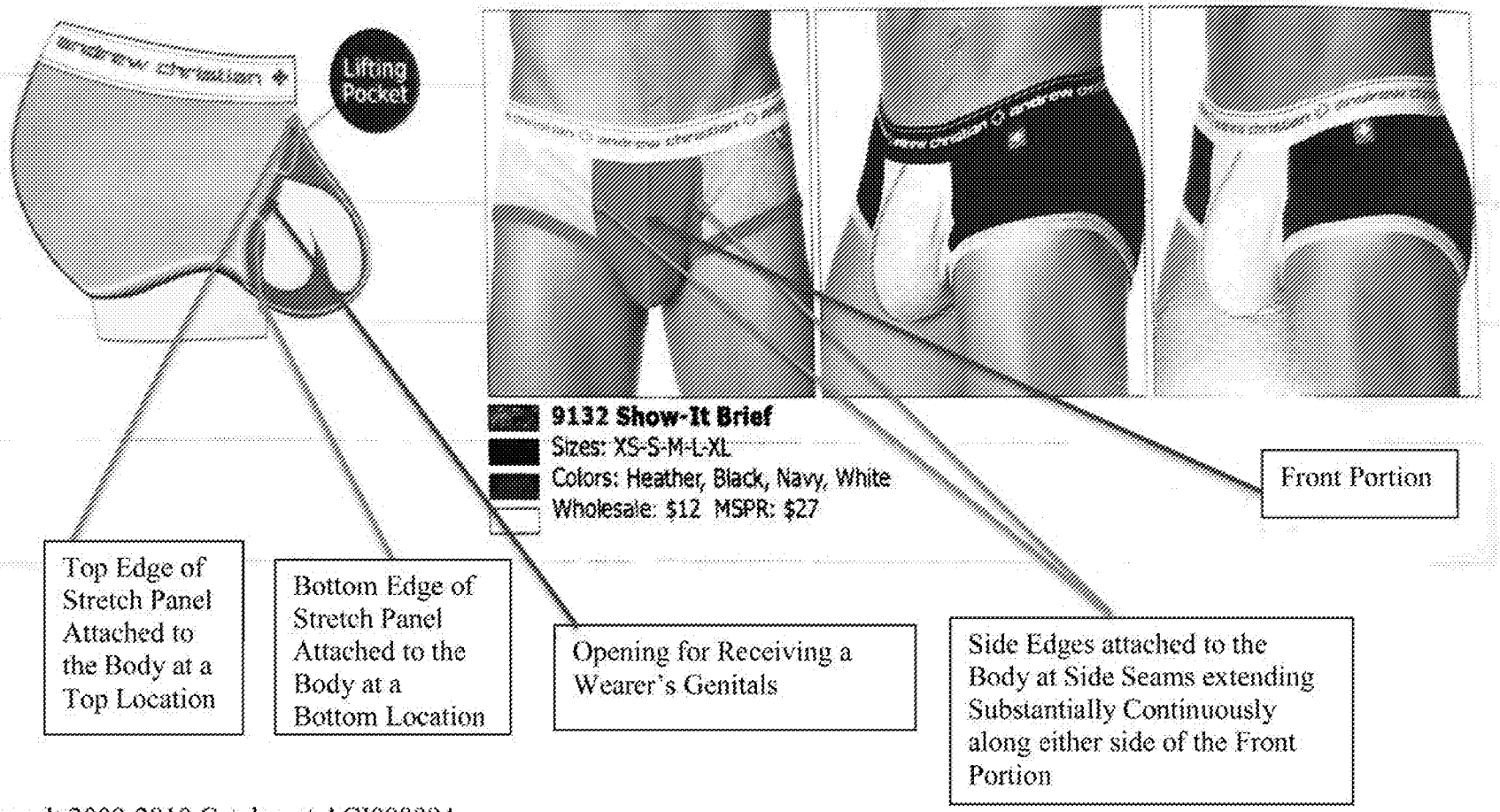
Claim 1	Exemplary Disclosure in Prior Art
	view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23 and the Stretch Panel would have the same elastically resilient four way stretch material. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient four-way stretch material. To the extent Plaintiffs contend the ACI000040 publication the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel comprising elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication or the Show-It 2009 Line Sheet, understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.3c] having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously	**The 9132 Show-It Brief includes a stretch panel having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion.** ***See,*** The ACI000040 publication discloses that the 9132 Show-It Brief's "stretch panel" (the comfy cup) has a top edge attached to the body at the waistband seam (the top location), a bottom edge attached to the body at the first seam (the bottom location), and side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the screenshot below.

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Claim 1	Exemplary Disclosure in Prior Art
along either side of the front portion and	 ACI000040 at 00:14. The Show-It 2009-2010 Catalog also depicts the 9132 Show-It Brief's "stretch panel" (the comfy cup) with a top edge attached to the body at the waistband seam (the top location), a bottom edge attached to the body at the first seam (the bottom location), and side edges attached to the body at side seams extending continuously along either side of the "front portion."

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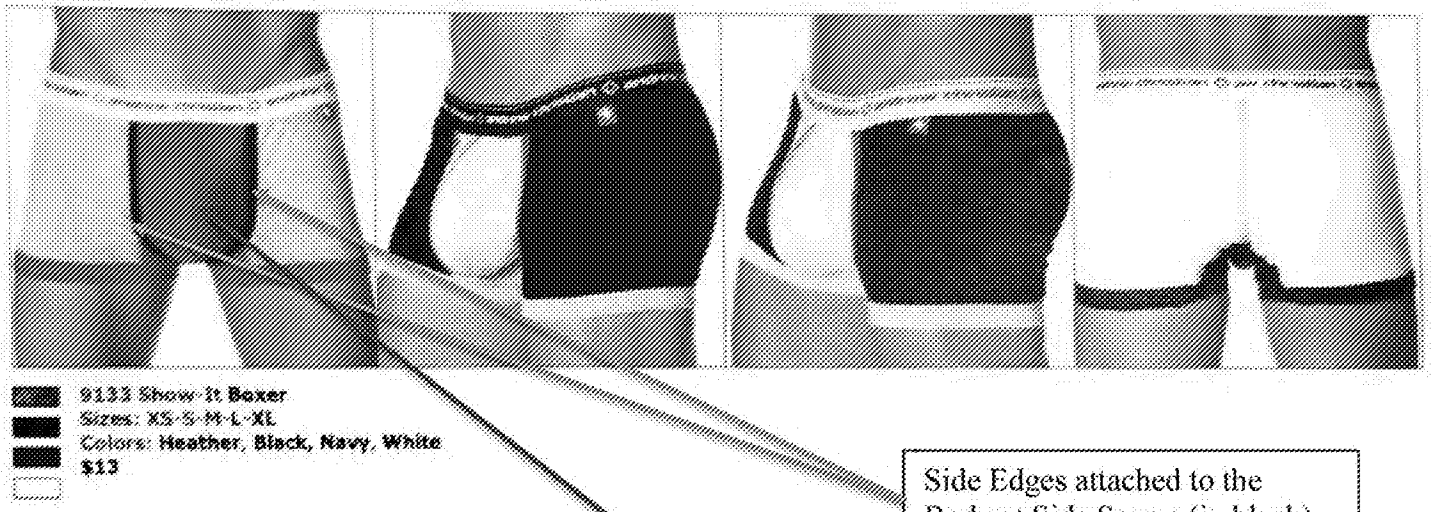
Claim 1	Exemplary Disclosure in Prior Art



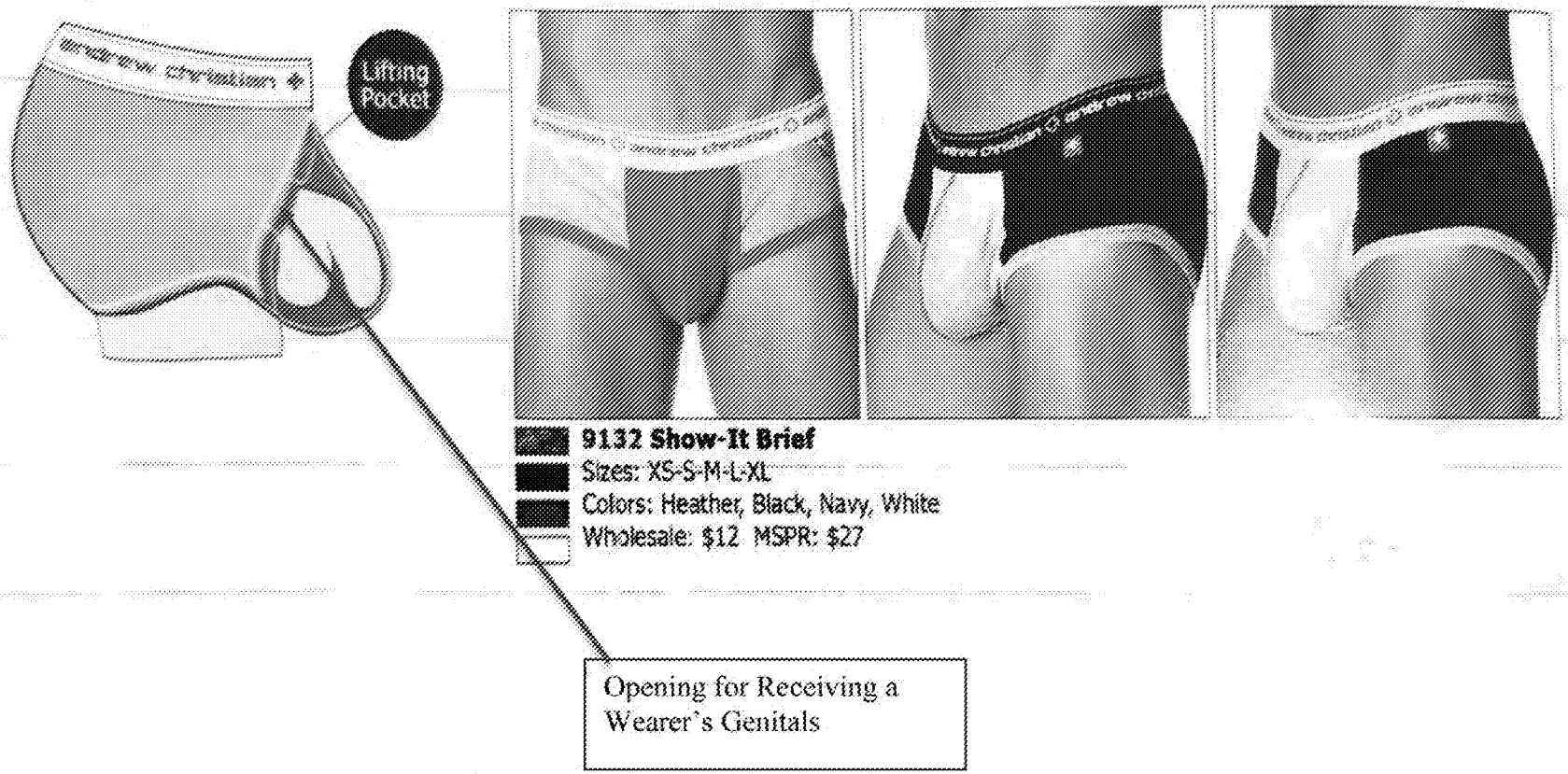
Show-It 2009-2010 Catalog at ACI000094.

The 9133 Show-It Boxer includes a stretch panel having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion. ***See*****,**

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Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, the 9133 Show-It Boxer utilizes the same "comfy cup" (that is, a Stretch Panel) which has a top edge attached to the body at the waistband seam (the top location) and a bottom edge attached to the body at the first seam (the bottom location) as shown in the image from the Show-It 2009-2010 Catalog above. The Show-It 2009 Line Sheet depicts the 9133 Show-It Boxer's "stretch panel" (the comfy cup) having side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the images from the Show-It 2009 Line Sheet below.  Show-It 2009 Line Sheet at ACI000092

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Claim 1	Exemplary Disclosure in Prior Art
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;	**The "stretch panel" of the 9132 Show-It Brief includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening.** ***See,*** The Show-It 2009-2010 Catalog depicts the 9132 Show-It Brief's Stretch Panel ("Comfy cup") having an opening for receiving a wearer's genitals.  Show-It 2009-2010 Catalog at ACI000094.

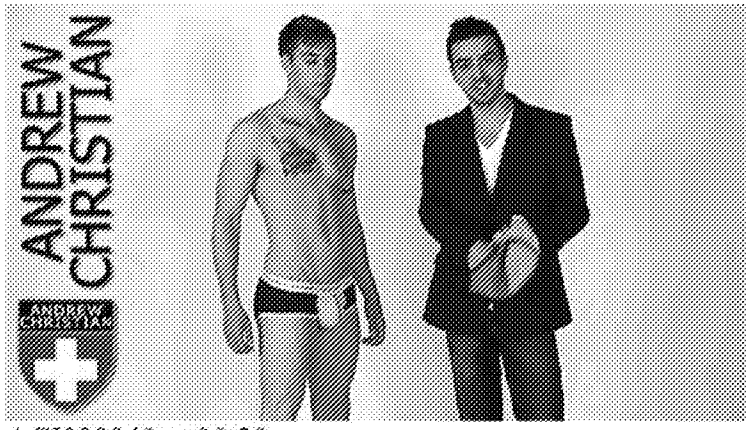
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Claim 1	Exemplary Disclosure in Prior Art
	The ACI000040 publication includes an inside view of the 9132 Show-It Brief, which shows a Stretch Panel ("comfy cup") having an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. The edges of the opening of the 9132 Show-It Brief are outlined by the black elastic lining, which is rounded on the bottom and has opposing side edges spaced apart from each other.

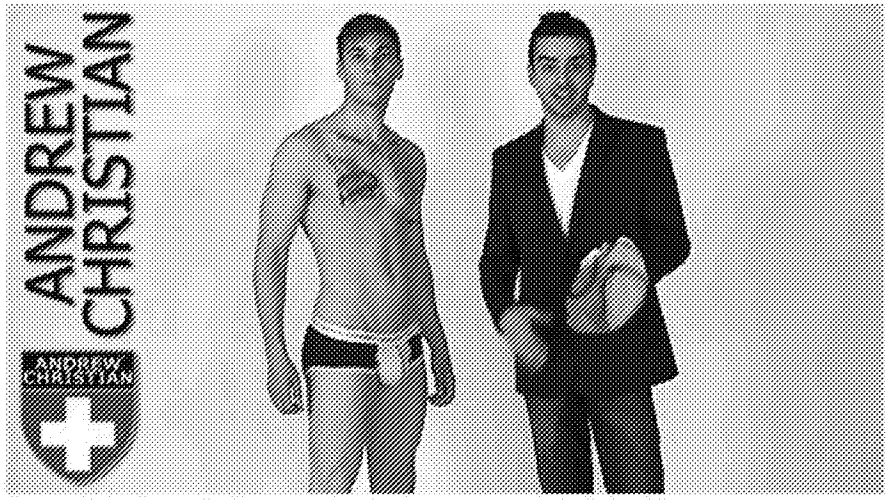


ACI000040 at 00:14.

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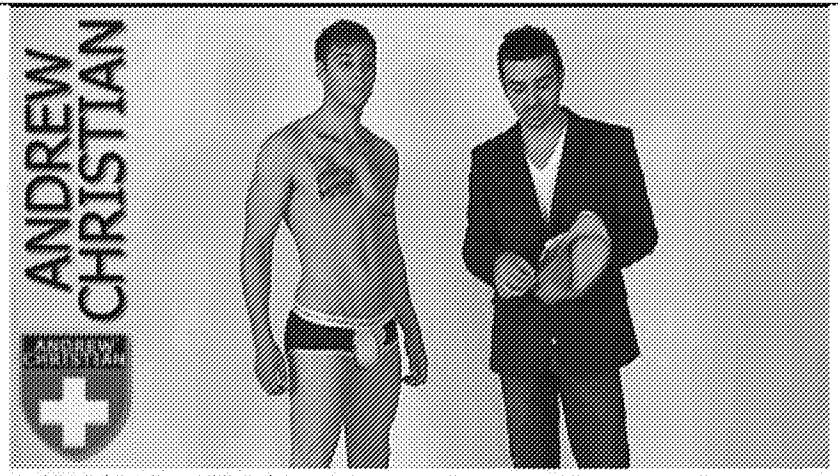
Claim 1	Exemplary Disclosure in Prior Art
	The "stretch panel" of the 9133 Show-It Boxer includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, and an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) with the same opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening as shown above in ACI000040 at 00:14.
[1.4a] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges,	**The 9132 Show-It Brief includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** In the screenshot from the ACI000040 publication below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges):  ACI000040 at 00:20.

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Claim 1	Exemplary Disclosure in Prior Art
	The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23. The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup").

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:26.

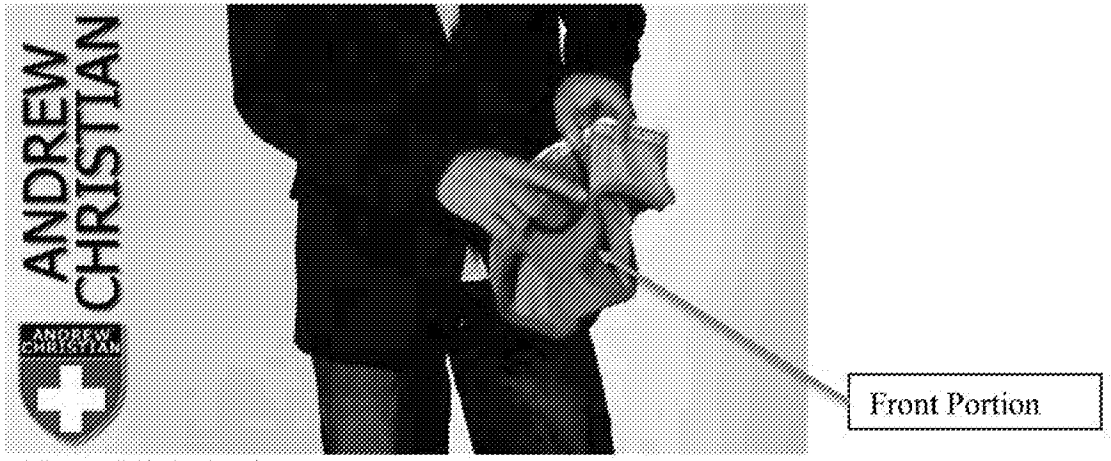
To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the stretch panel (the "comfy cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, would understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. ***See,***

The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, the inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as disclosed in the ACI000040 publication at 00:20, 00:23, and 00:26.

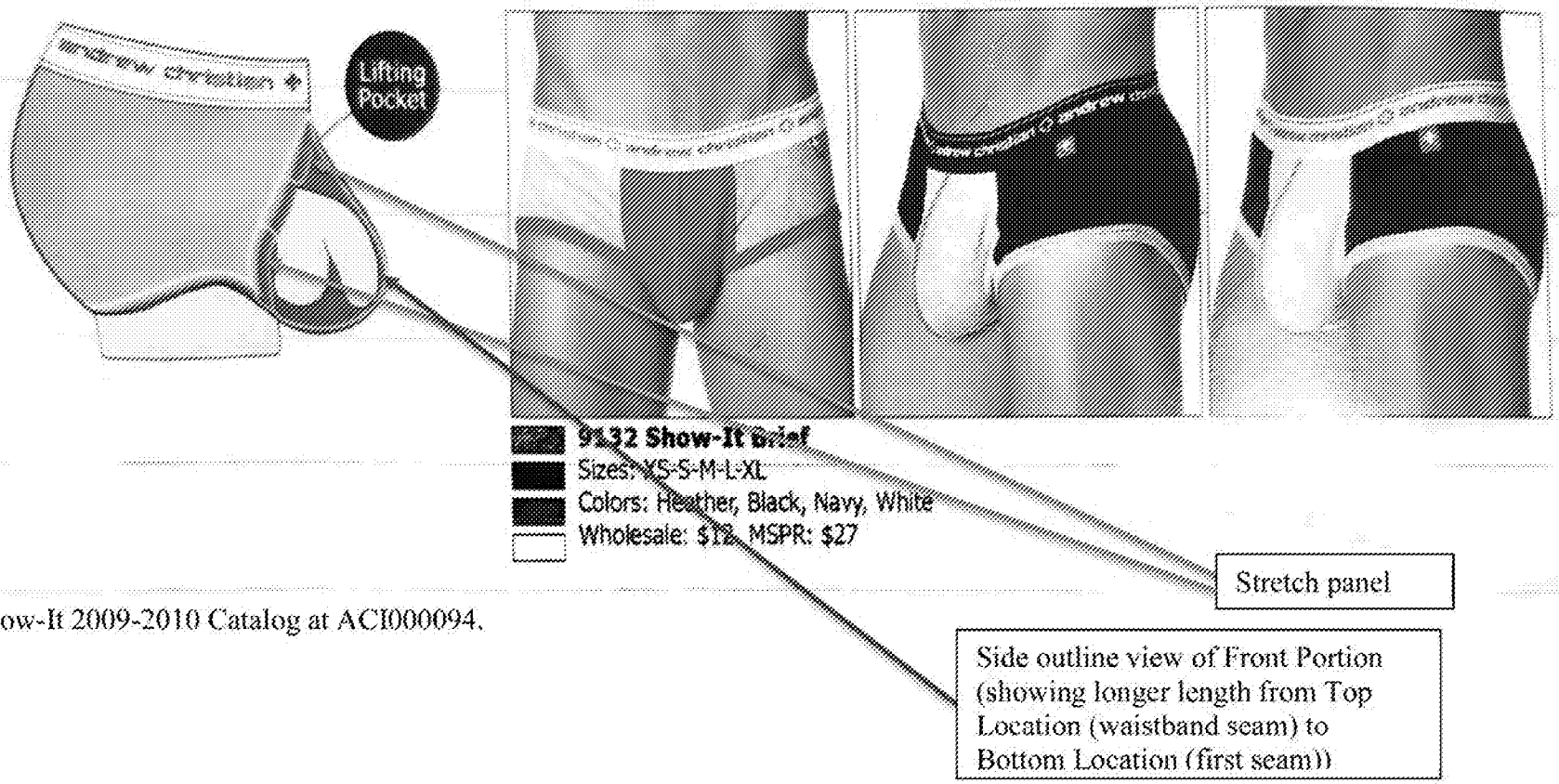
To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009 Line Sheet, does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes the stretch panel (the "comfy cup") being resiliently elastic both in a

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Claim 1	Exemplary Disclosure in Prior Art
	direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.4b] the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams	**The 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams.** ***See,*** In the below screenshot from the ACI000040 publication, one can see that the "front portion" of the 9132 Show-It Brief extends forward from the "stretch panel" (the "comfy cup"), and therefore must be longer than the "stretch panel" ("comfy cup"). As such, the "stretch panel" ("comfy cup") must have a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "comfy cup") of the 9132 Show-It Brief are attached along the waistband seam (top location), a bottom seam (bottom location), and the side seams extending from the waistband seam to the first seam.  ACI000040 at 00:28. The Show-It 2009-2010 Catalog discloses that the 9132 Show-It Brief includes a "lifting pocket" and depicts the lifting pocket as having a front portion that is longer in length from the top location to the bottom location than the stretch panel ("comfy cup") as

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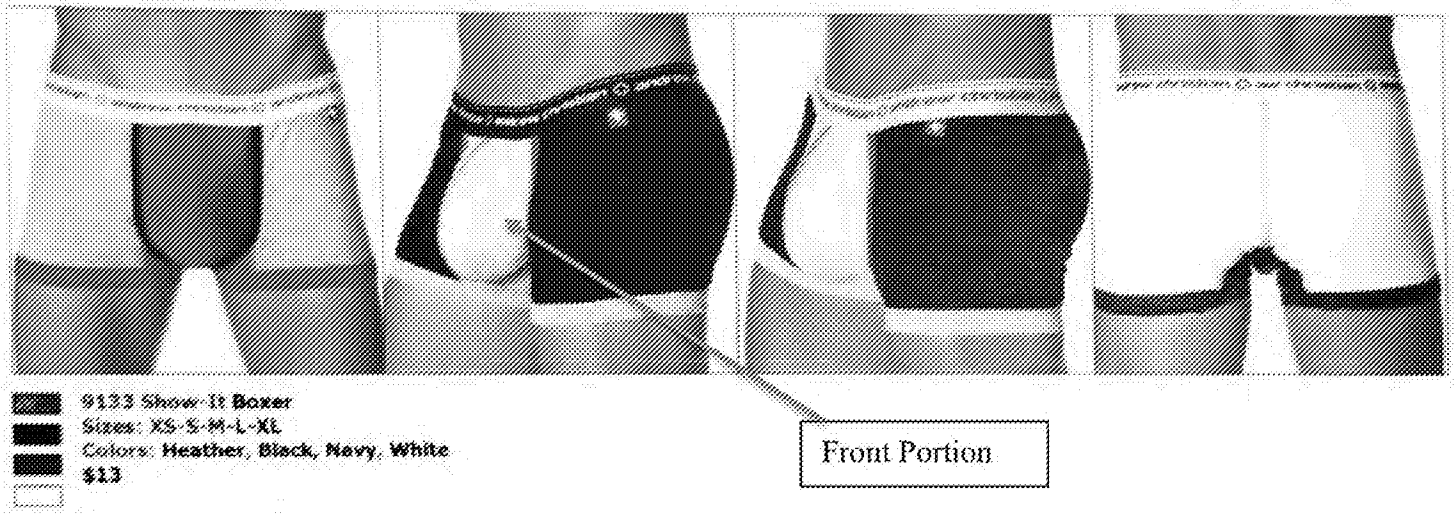
Claim 1	Exemplary Disclosure in Prior Art
	shown below. On information and belief, the depicted stretch panel must have a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams



Show-It 2009-2010 Catalog at ACI000094.

To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009-2010 Catalog, do not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured

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Claim 1	Exemplary Disclosure in Prior Art
	along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the ACI000040 publication or the Show-It 2009-2010 Catalog, understand how to modify 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in the ACI000040 publication at 00:28 and the Show-It 2009-2010 Catalog at ACI000094.  Show-It 2009 Line Sheet at ACI000092

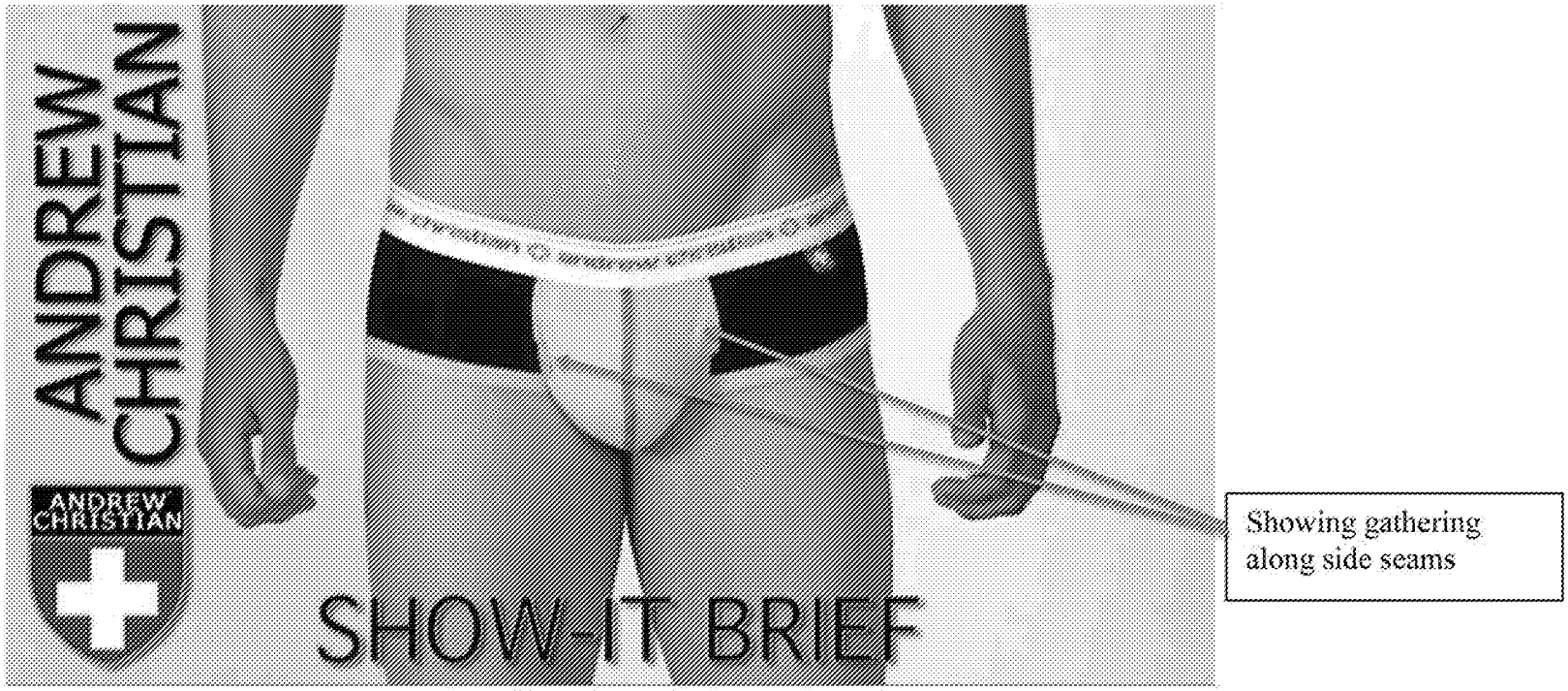
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Claim 1	Exemplary Disclosure in Prior Art
	As depicted in the Show-It 2009 Line Sheet at ACI000092, the "front portion" of the 9133 Show-It Boxer extends forward from the "stretch panel" (the "comfy cup"), and therefore must be longer than the "stretch panel" ("comfy cup"). As such, the "stretch panel" ("comfy cup") must have a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "comfy cup") of the 9133 Show-It Boxer are attached along the waistband seam (top location), a bottom seam (bottom location), and the side seams extending from the waistband seam to the first seam. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify 9133 Show-It Boxer to meet this limitation.
[1.4c] such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for	**The front portion of the 9132 Show-It Brief is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.** ***See,*** The Show-It 2009-2010 Catalog depicts the 9132 Show-It Brief having a three-dimensional pouch ("a concave space") between the Stretch Panel ("comfy cup") and the front portion and shows the three-dimensional pouch holding a wearer's genitals.

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Claim 1	Exemplary Disclosure in Prior Art
receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.	 Show-It 2009-2010 Catalog at ACI000094. Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in right three pictures) – the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn The Show-It 2009 Line Sheet at ACI000092 also teaches that the 9132 Show-It Brief has a three-dimensional pouch ("a concave space") ("Contrasting pouch accentuates front.") The following screenshots from the ACI000038 publication and the ACI000040 publication show gathering of the "front portion" along each of the side seams and the waistband seam. The gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9132 Show-It Brief and the legs of the wearer.

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

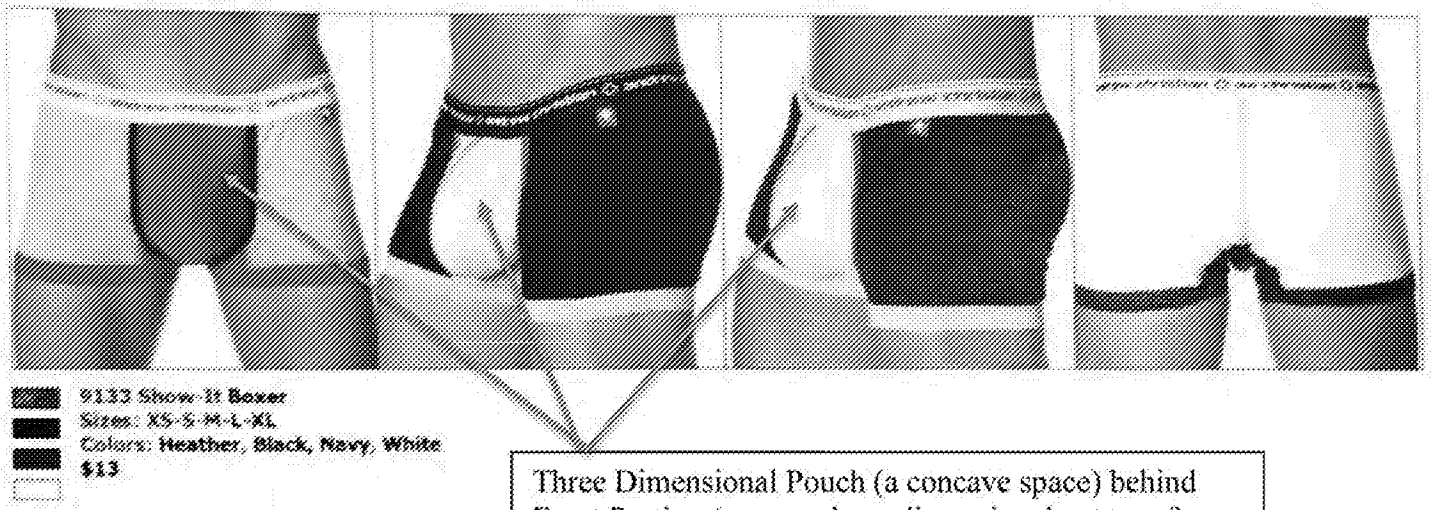


AC000038 at 4:02.

To the extent Plaintiffs contend the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation.

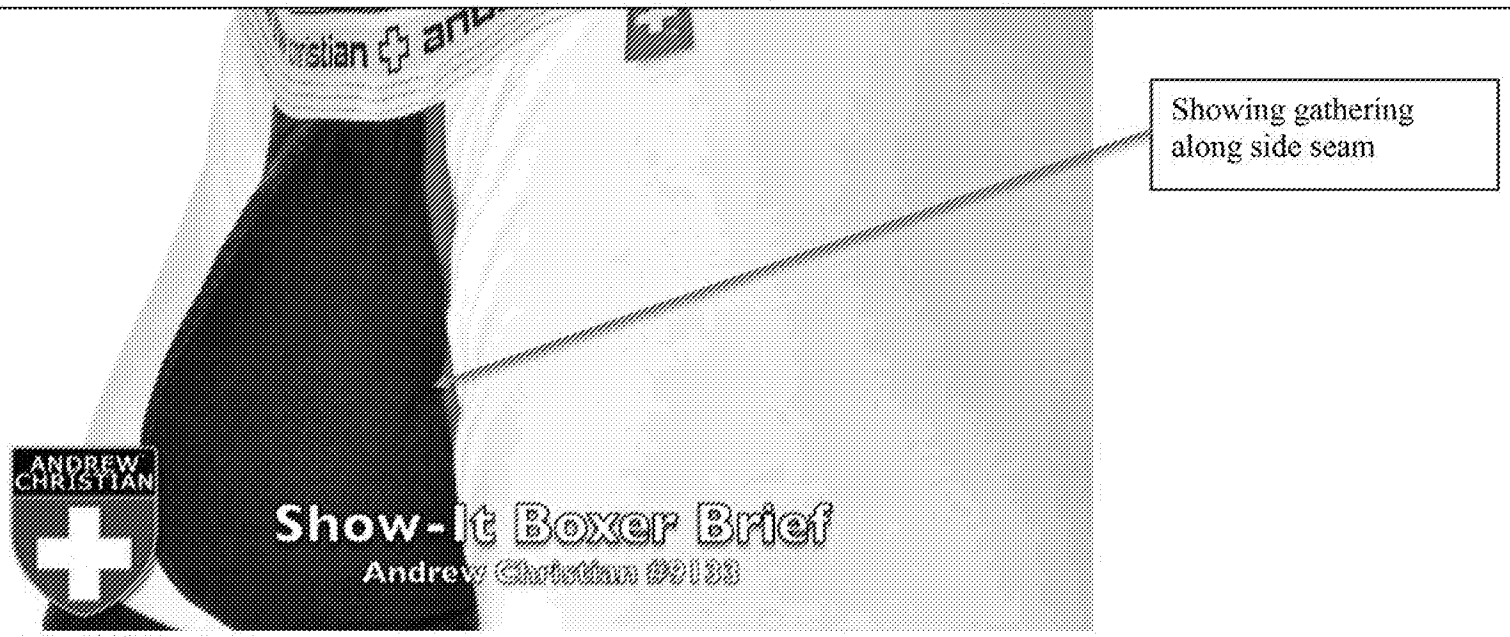
The front portion of the 9133 Show-It Boxer is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn. ***See,***

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Claim 1	Exemplary Disclosure in Prior Art
	See Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "contrasting pouch [that] accentuates front."  Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in left three pictures) - the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn *Id.* The following screenshots from the ACI000038 publication show gathering of the "front portion" along one side seam and the waistband seam. The gathering of the "front portion" along the other side seam is not visible, based on the orientation in the screenshot, and the gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9133 Show-It Boxer and the legs of the wearer.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000038 at 3:05.

To the extent Plaintiffs contend the ACI000038 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the front portion of the 9133 Show-It Boxer is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the ACI000038 publication or the Show-It 2009 Line Sheet, understand how to modify 9133 Show-It Boxer to meet this limitation.

EP 0 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. ***See, e.g.,***

EP 0 476 818 discloses a method of applying elastic materials to garments, including mens underwear, such that the fabric is "ruched" (gathered):

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Claim 1	Exemplary Disclosure in Prior Art
	"The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn." (4:4-12) "The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved." (6:47-53) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and EP 0 476 818, understand how to modify the 9132 Show-It Brief and the 9133 Show-It Boxer to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.	The obviousness combinations asserted and disclosed in this chart for claim 2 are as follows: • Andrew Christian printed publications in view of EP O 476 818 • Andrew Christian printed publications in view of in view of '369 Patent • Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent See above regarding claim 1. The Court has construed "asymmetrical stretch characteristics" as "a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction."

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Claim 2	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. ***See*****,** In the screenshot from the ACI000040 publication below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel of the 9132 Show-It Brief and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges). The Stretch Panel appears to stretch more in a direction parallel to the waistband than in the direction at right angles to the waistband:  ACI000040 at 00:20. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy cup cradles and lifts." On information and belief, the Stretch Panel ("comfy cup") of the 9132 Show-It Brief must stretch more easily in the direction parallel to the waistband (to be able to accommodate the genitalia of the wearer) and must stretch less easily in a direction at right angles to the waist band (to be able to provide an upward force needed to "lift" the genitalia).

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Claim 2	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the ACI000040 publication or Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the ACI000040 publication or Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. *See*,** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, the inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion and having the same stretch characteristics as disclosed in the ACI000040 publication at 00:20 above. The Show-It 2009 Line Sheet at ACI000092 also discloses that the 9133 Show-It Boxer's "Comfy cup cradles and lifts." On information and belief, the Stretch Panel ("comfy cup") of the 9133 Show-It Boxer must stretch more easily in the direction parallel to the waistband (to be able to accommodate the genitalia of the wearer) and must stretch less easily in a direction at right angles to the waist band (to be able to provide an upward force needed to "lift" the genitalia). To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

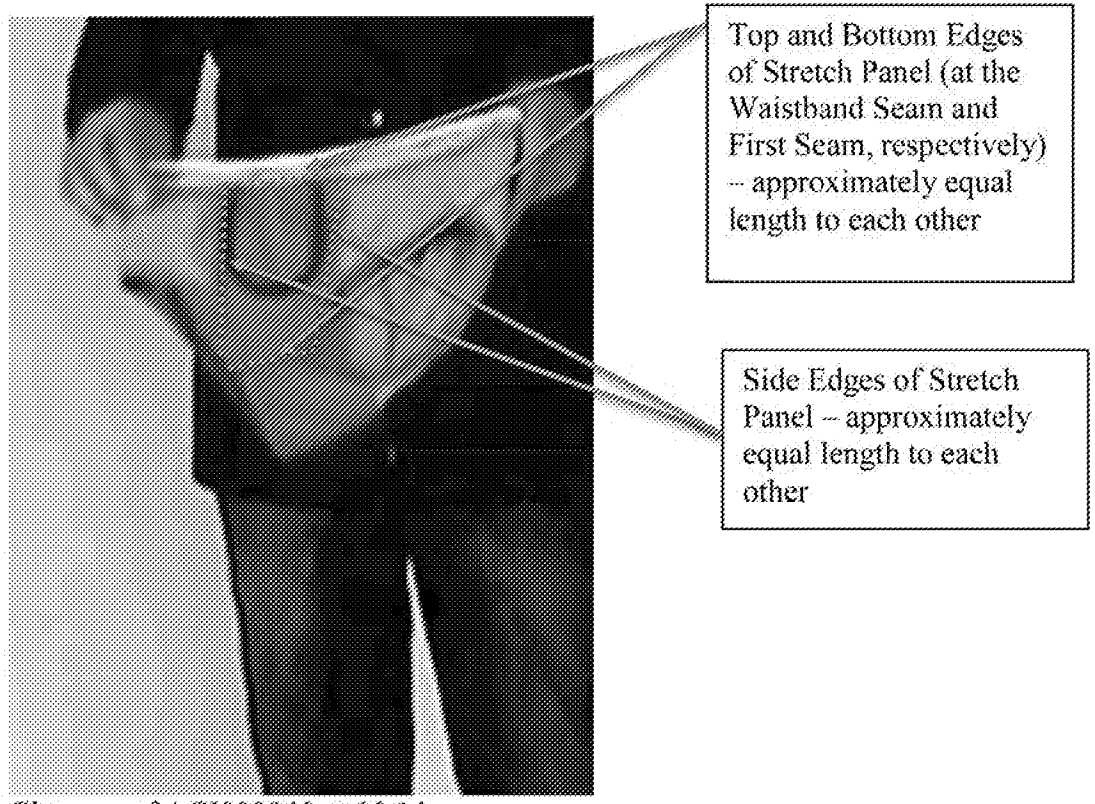
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Claim 2	Exemplary Disclosure in Prior Art
	The '369 Patent discloses a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.. In particular, the '369 Patent discloses a "warp knit," which has asymmetrical stretch characteristics and is used in male underwear. The '396 Patent also discloses that it is advantageous for a fabric to stretch more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. *See, e.g.*, "The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29." (2:40-52) "The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10." (3:1-10) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the And the 9132 Show-It Brief or the 9133 Show-It Boxer, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation. Alternatively, one of ordinary skill could modify the 9132 Show-It Brief or the 9133 Show-It Boxer in view of the '369 Patent to meet this limitation.

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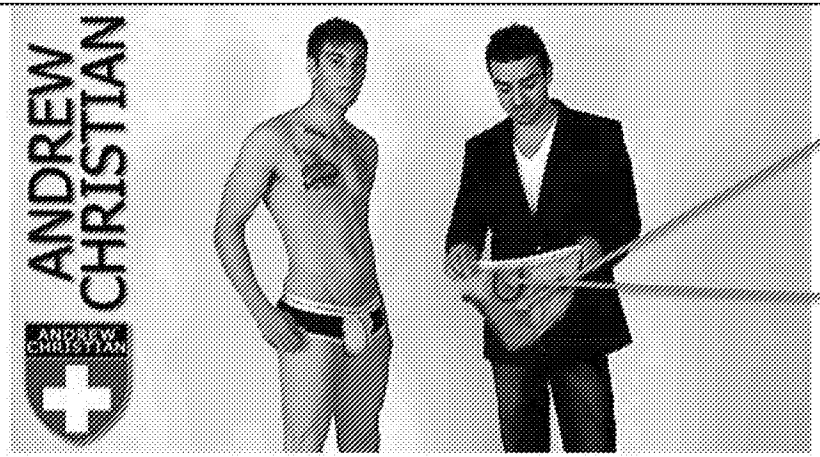
Claim 3	Exemplary Disclosure in Prior Art
[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.	The obviousness combinations asserted and disclosed in this chart for claim 3 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. The Court has construed rectangular as "having a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other." **The 9132 Show-It Brief is a garment wherein the stretch panel is a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other and the opening is U-shaped.** ***See,*** The ACI000040 publication shows that the 9132 Show-It Brief includes a stretch panel ("comfy cup") has top and bottom edges that are of approximately equal length to each other and opposing side edges that are of approximately equal length to each other.

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Claim 3	Exemplary Disclosure in Prior Art
	 Close up of ACI000040 at 00:14.

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Claim 3	Exemplary Disclosure in Prior Art



ACI000040 at 00:14.

To the extent Plaintiffs contend that the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief has a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer is a garment wherein the stretch panel is a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other and the opening is U-shaped. ***See,***

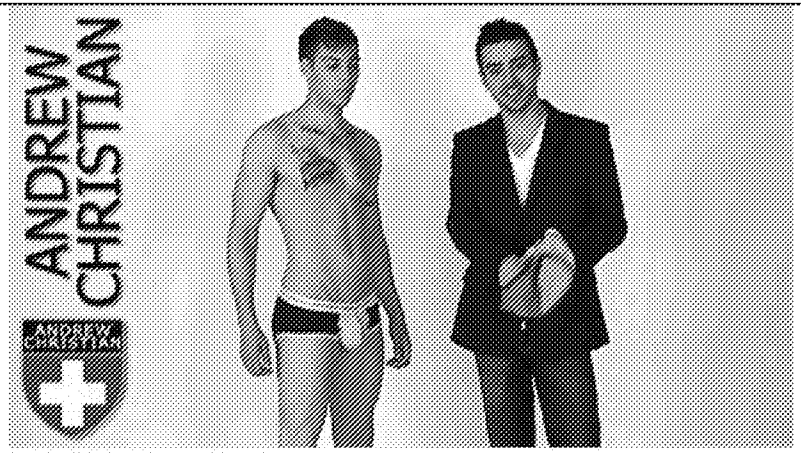
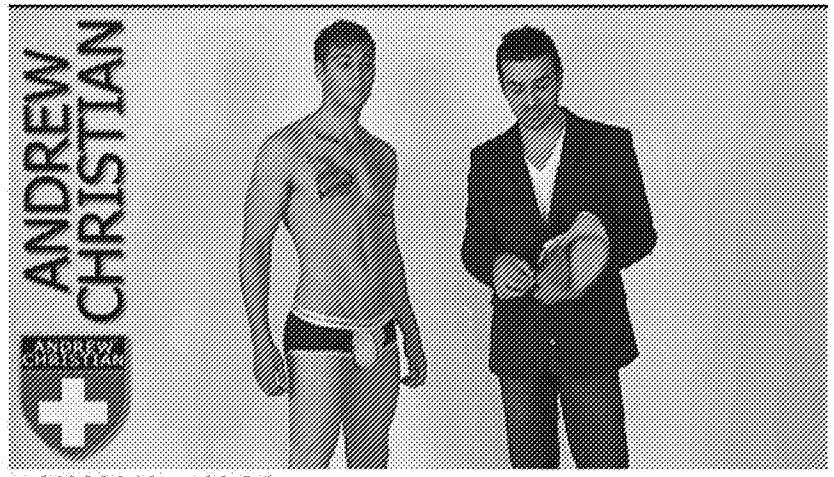
The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in screen shots of the ACI000040 publication.

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Claim 3	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend that the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the disclosure in Show-It 2009 Line Sheet 9133 Show-It Boxer or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 4	Exemplary Disclosure in Prior Art
[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 4 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 3. **The 9132 Show-It Brief includes a stretch panel comprising a fabric having a stretch of at least 30%. *See,*** In the screenshot from the ACI000040 publication at 00:20 below, Andrew Christian is demonstrating the stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch. . The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup"). On information and belief and based on the way the opening deforms in the ACI000040 publication, the stretch panel must be comprised of a fabric having a stretch of at least 30%.

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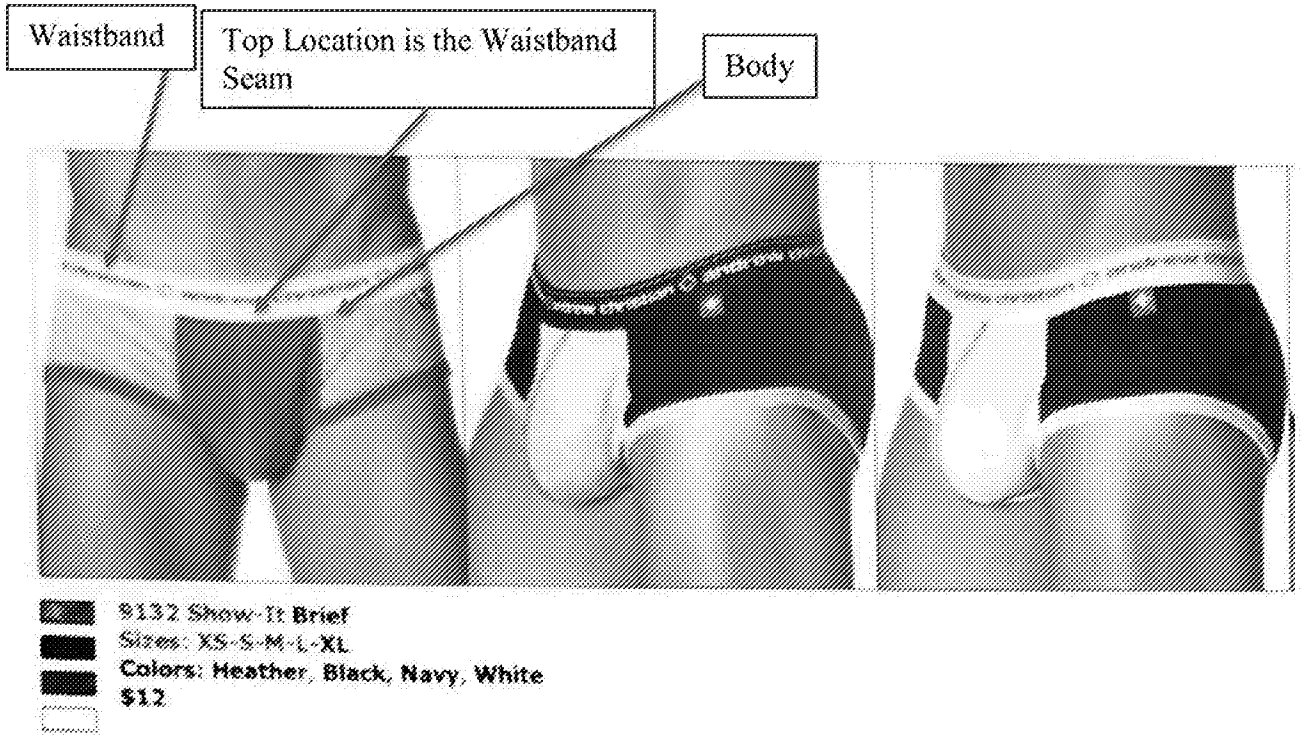
Claim 4	Exemplary Disclosure in Prior Art
	 ACI000040 at 00.20.  ACI000040 at 00:26.

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Claim 4	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend that the ACI000040 publication does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric having a stretch of at least 30%. *See*,** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, and an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion and having the same stretch characteristics as shown above in ACI000040 at 00:20 and 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication does, understand how to modify the 9133 Show-It Boxer to meet this limitation.

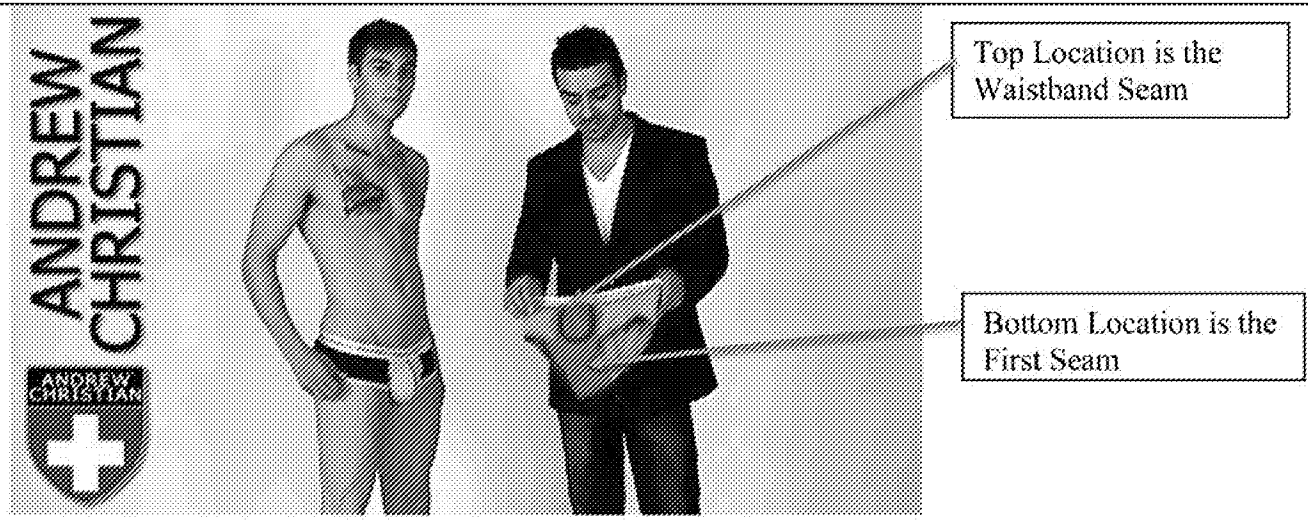
Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam.	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief is a garment where the top location is the waistband seam and the bottom location is the first seam. *See*,**

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Claim 5	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet depicts the 9132 Show-It Brief having the stretch panel ("comfy cup") attached to the body at the waistband seam (top location) and at the first seam (bottom location), as shown below. The ACI000040 publication includes an inside view of the 9132 Show-It Brief which shows the stretch panel ("comfy cup") attached to the body at the waistband seam (top location) and at the first seam (bottom location), as shown below.  Show-It 2009 Line Sheet at ACI000092.

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Claim 5	Exemplary Disclosure in Prior Art

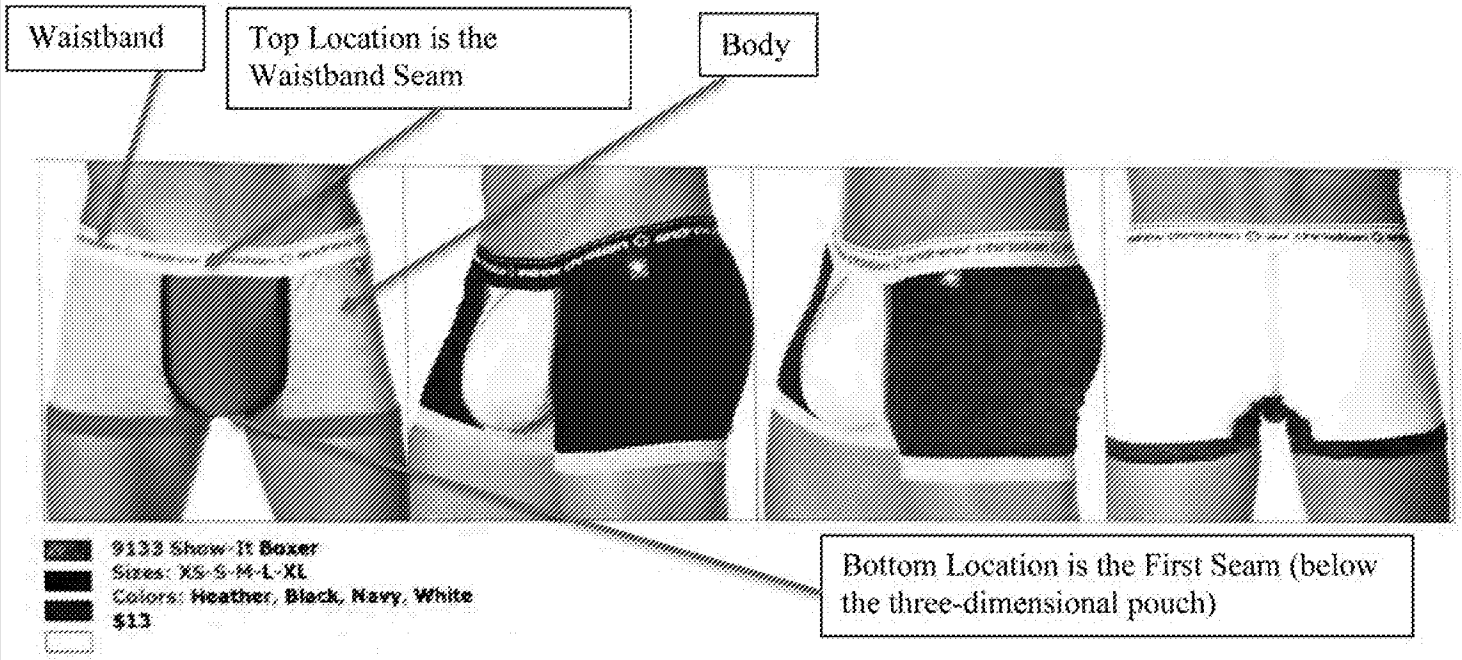


ACI000040 at 00:14.

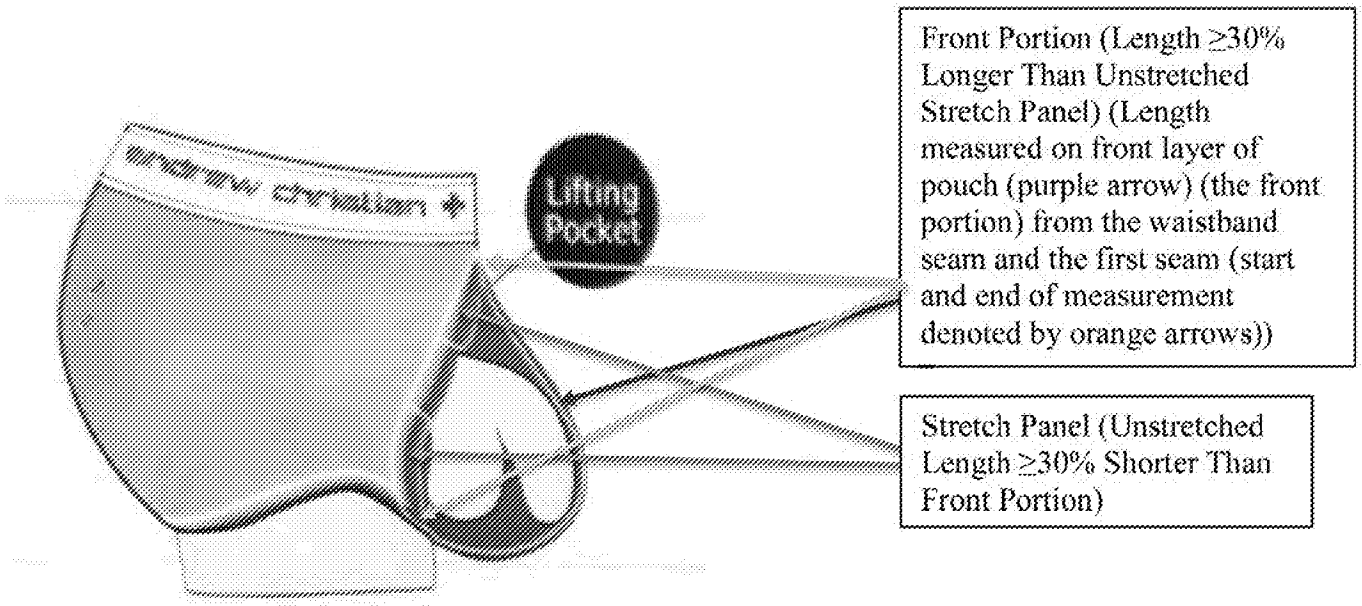
The 9133 Show-It Boxer is a garment where the top location is the waistband seam and the bottom location is the first seam. ***See*****,**

The Show-It 2009 Line Sheet depicts the 9133 Show-It Brief having the stretch panel ("comfy cup") attached to the body at the waistband seam (top location) and at the first seam (bottom location), as shown below.

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Claim 5	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at AC1000092.
and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.	**In the 9132 Show-It Brief, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,*** The Show-It 2009-2010 Catalog includes an image depicting a three-dimensional pouch formed between the front portion and the stretch panel ("comfy cup"). The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals.

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Claim 5	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. To the extent Plaintiffs contend the Show-it 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-it 2009-2010 Catalog, understand how to modify the 9132 Show-It Brief to meet this limitation. **In the 9133 Show-It Boxer, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,***

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Claim 5	Exemplary Disclosure in Prior Art
	The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in Show-It 2009-2010 Catalog at ACI000094. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 6	Exemplary Disclosure in Prior Art
[6] A garment according to claim 1 wherein the garment is a pair of undershorts.	The obviousness combinations asserted and disclosed in this chart for claim 6 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief is a pair of undershorts.** ***See,***

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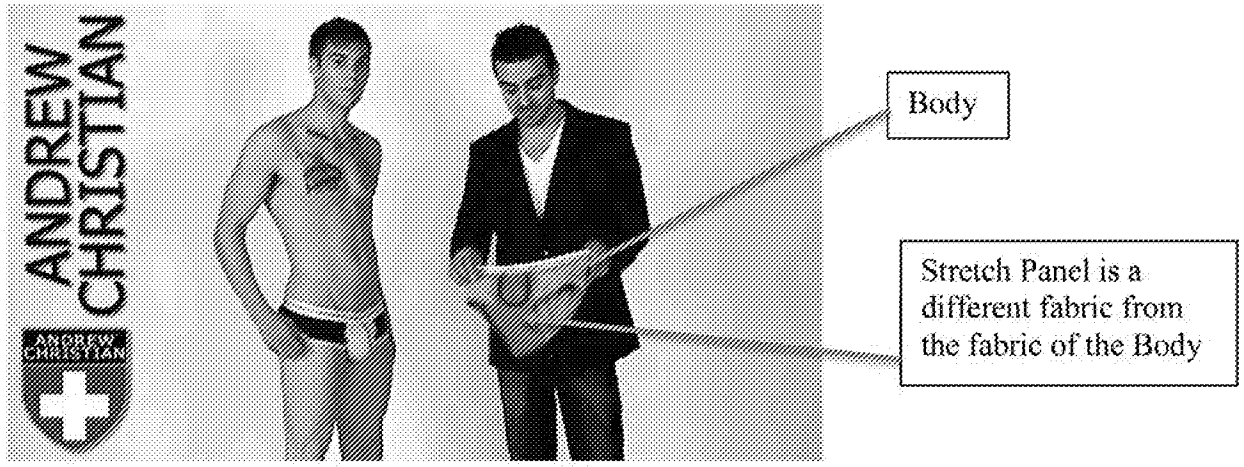
Claim 6	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet shows that the 9132 Show-It Brief is a pair of undershorts (at ACI000092): 

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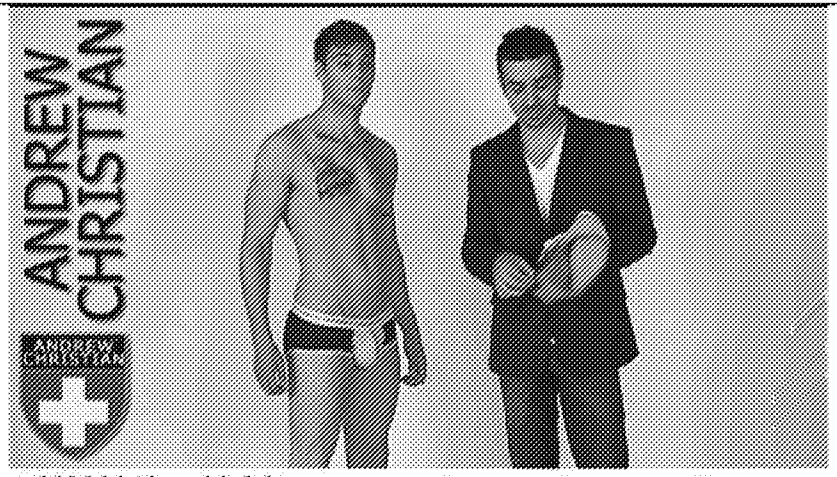
Claim 6	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a pair of undershorts. ***See,*** The Show-It 2009 Line Sheet shows that the 9133 Show-It Boxer is a pair of undershorts (at ACI000092): 

Claim 7	Exemplary Disclosure in Prior Art
[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.	The obviousness combinations asserted and disclosed in this chart for claim 7 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes a stretch panel comprising a fabric different from a fabric of the body.** ***See,***

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Claim 7	Exemplary Disclosure in Prior Art
	As shown below in the screenshot from the ACI000040 publication, the stretch panel (the comfy cup) of the pictured 9132 Show-It Brief is made from a red fabric, while at least some of the body is made from a different gray fabric. In addition, the Stretch Panel ("comfy cup") includes a black "binding", which is a fabric different from the fabric of the body. *See* ACI000040 at 00:14. The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup"). The Show-It 2009 Line Sheet also discloses that the 9132 Show-It Brief includes a "contrasting pouch [that] accentuates the front." *See* Show-It 2009 Line Sheet at ACI000092.  ACI000040 at 00:14.

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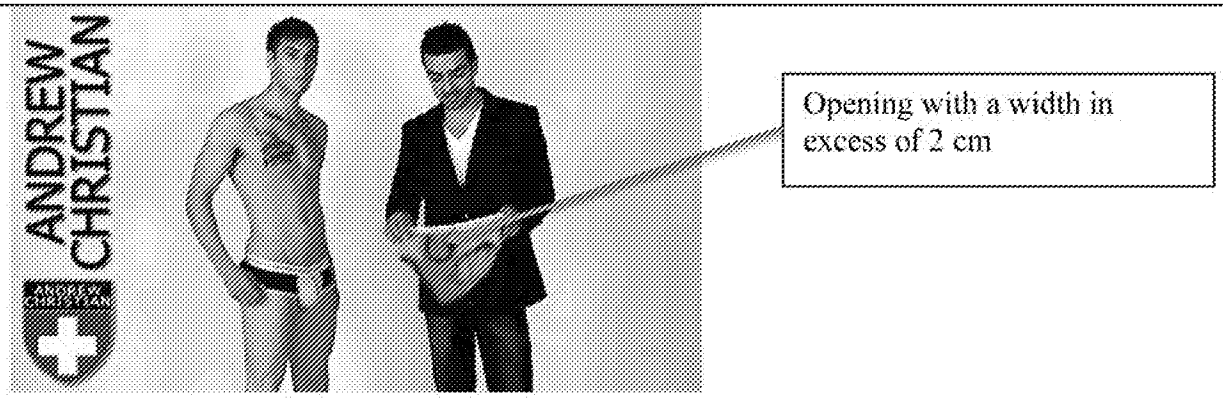
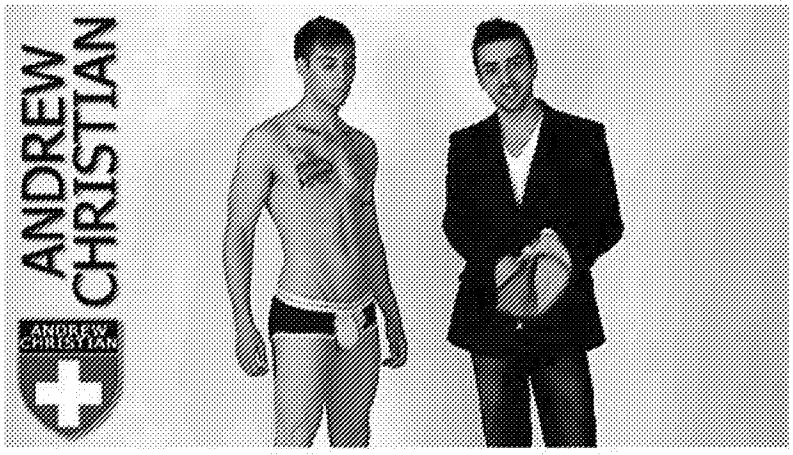
Claim 7	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the disclosure of the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric different from a fabric of the body. *See*,** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion in a different fabric from the Body, as shown above in the ACI000040 publication at 00:14 and 00:26.

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Claim 7	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet also discloses that the 9133 Show-It Boxer includes "a contrasting pouch [that] accentuates the front." *See* Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the disclosure of the 9133 Show-It Boxer to meet this limitation.

Claim 8	Exemplary Disclosure in Prior Art
[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.	The obviousness combinations asserted and disclosed in this chart for claim 8 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. In the screenshots from the ACI000040 publication below, Andrew Christian is demonstrating the "comfy cup" by displaying it in its resting state (ACI000040 at 00:14) and by placing his hand through the opening of the Stretch Panel and into the pouch (ACI000040 at 00:20), the opening must necessarily have a width in excess of 2 cm for Andrew Christian to be able to place his hand through it.

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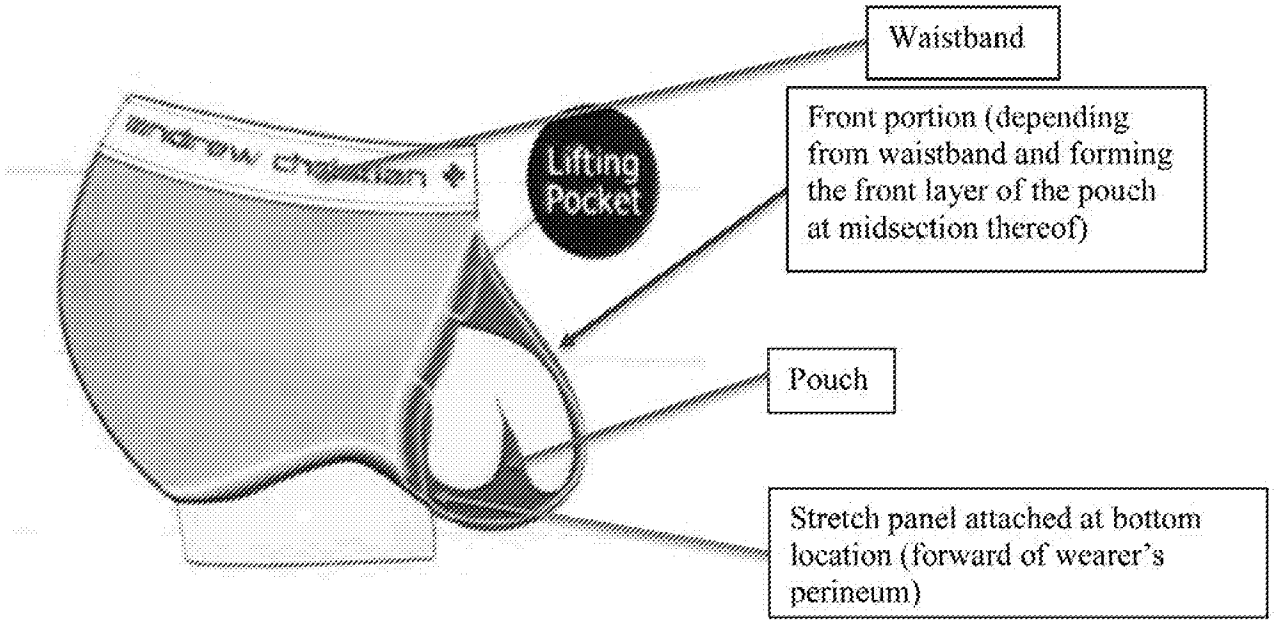
Claim 8	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14.  ACI000040 at 00:20 **The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm.** ***See*****,** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening.

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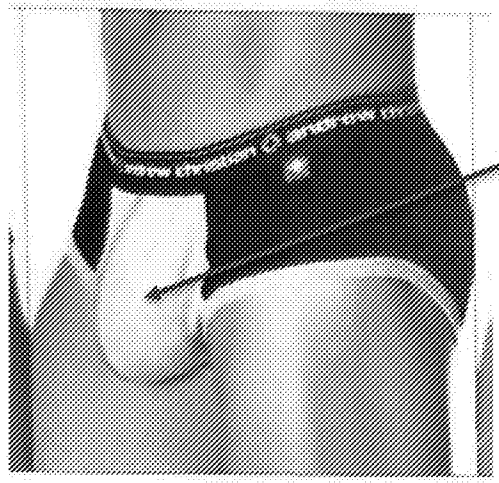
Claim 8	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) with an opening with a width in excess of 2 cm as shown in the screenshots of the ACI000040 production, above.

Claim 9	Exemplary Disclosure in Prior Art
[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,*** The Show-It 2009-2010 Catalog depicts a scrotum of the wearer being supported underneath by the stretch panel (the comfy cup of the 9132 Show-It Brief) to contain the wearer's penis and scrotum in the pouch:

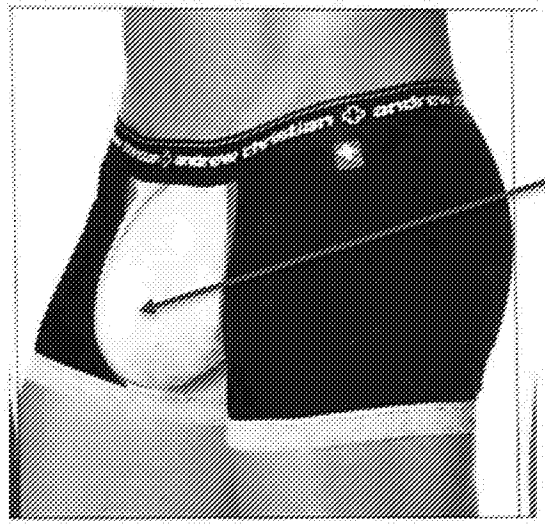
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Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. On information and belief, the Stretch Panel ("comfy cup") of the 9132 Show-It Brief must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch.

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Claim 9	Exemplary Disclosure in Prior Art
	 Front portion (in gray) (depending from waistband and forming the outmost layer of the pouch at midsection thereof) Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose the 9132 Show-It Brief having a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***

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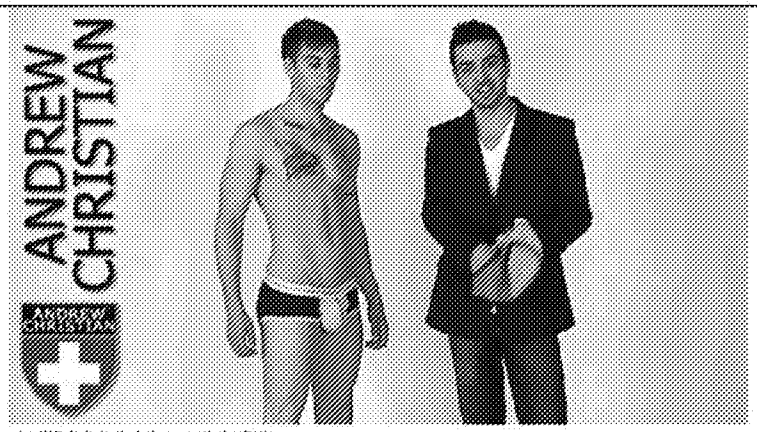
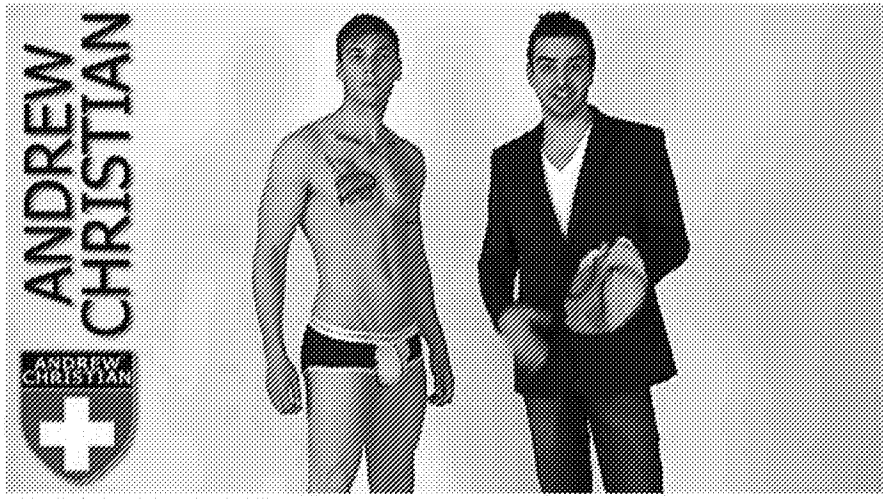
Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. Show-It 2009 Line Sheet at ACI000092. On information and belief, the Stretch Panel ("comfy cup") of the 9133 Show-It Boxer must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an internal view of the 9133 Show-It Boxer would appear the same as that depicted with respect to the 9132 Show-It Brief, as shown above in the image from the Show-It 2009-2010 Catalog at ACI000094. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the Show-It 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel positioned to be disposed

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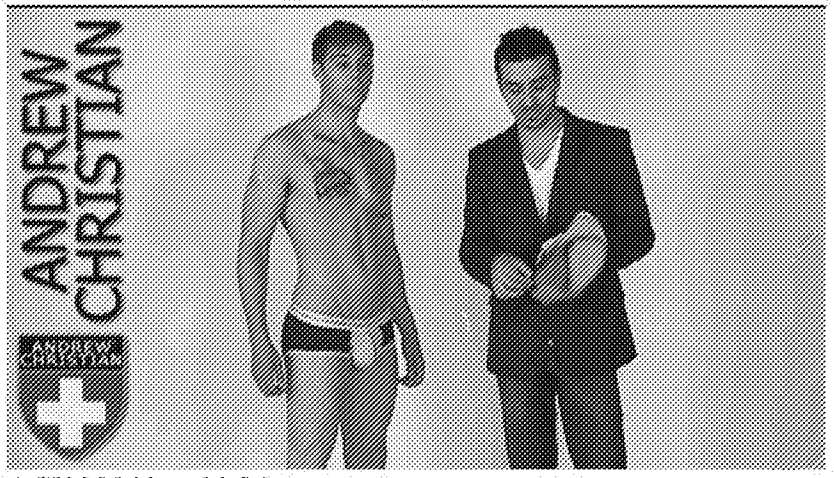
Claim 9	Exemplary Disclosure in Prior Art
	forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the Show-It 2009-2010 Catalog, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See,*** In ACI000040, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length and width (four-way stretch):

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Claim 10	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:20. The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23.

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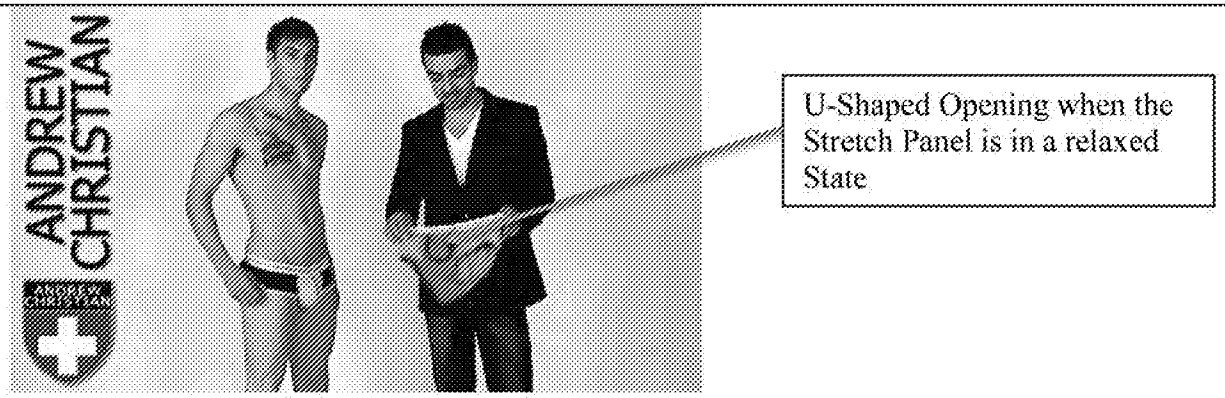
Claim 10	Exemplary Disclosure in Prior Art
	The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup").  ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe. **The 9133 Show-It Boxer discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the

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Claim 10	Exemplary Disclosure in Prior Art
	9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20, 00:23, and 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer includes elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe.

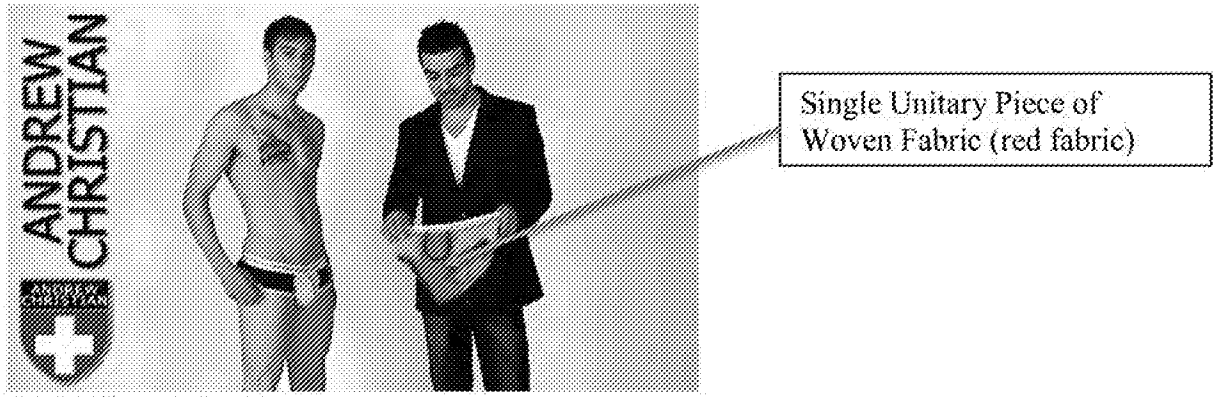
Claim 13	Exemplary Disclosure in Prior Art
[13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.	The obviousness combinations asserted and disclosed in this chart for claim 13 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief's opening has a U-shape when the stretch panel is in a relaxed state.** ***See,*** The ACI000040 production shows a U-shaped opening in the stretch panel ("comfy cup"). In the screenshot below, the U-shaped opening is shown in black as Andrew Christian holds the 9132 Show-It Brief in a relaxed state.

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Claim 13	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **The 9133 Show-It Boxer's opening has a U-shape when the stretch panel is in a relaxed state.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (Stretc Panel) inside the Front Portion and having the same U-shape as depicted in the screenshot from the ACI000040 publication above.

Claim 14	Exemplary Disclosure in Prior Art
[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.	The obviousness combinations asserted and disclosed in this chart for claim 14 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1.

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Claim 14	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief's stretch panel is formed from a single unitary piece of woven fabric. ***See,*** The ACI000040 publication shows a "comfy cup" (Stretch Panel) in red, that is formed from a single piece of woven fabric, as shown below:  ACI000040 at 00:14. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer's stretch panel is formed from a single unitary piece of woven fabric.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) formed from a single unitary piece of woven fabric inside the Front Portion as shown above in ACI000040 at 00:14.

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Claim 14	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer including a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 15	Exemplary Disclosure in Prior Art
[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 15 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. The Court has construed "a dart seam stitched along a bottom portion of the pouch" as "a shaping seam stitched along a bottom portion of the pouch." **The 9132 Show-It Brief includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.** ***See,*** The Show-It 2009 Line Sheet shows a dart seam, the seam down the middle of the front portion (the front layer of the pouch), in the 9132 Show-It Briefs. The ACI000040 publication shows the same dart seam.

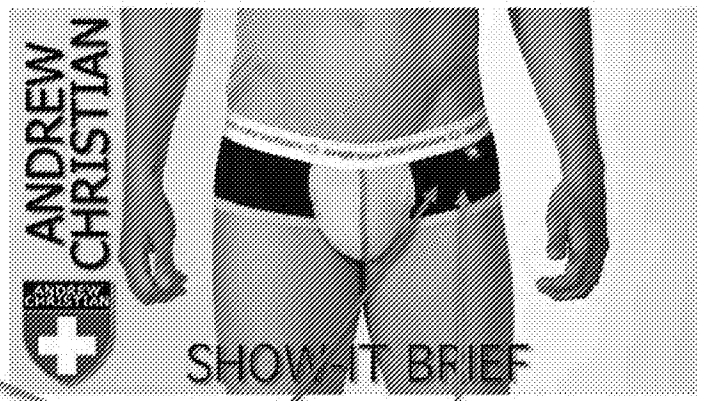
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Claim 15	Exemplary Disclosure in Prior Art

Show-It 2009 Line Sheet at ACI000091.



ACI000040 at 00:10.



Pouch (inside the gray and white Front Portions)

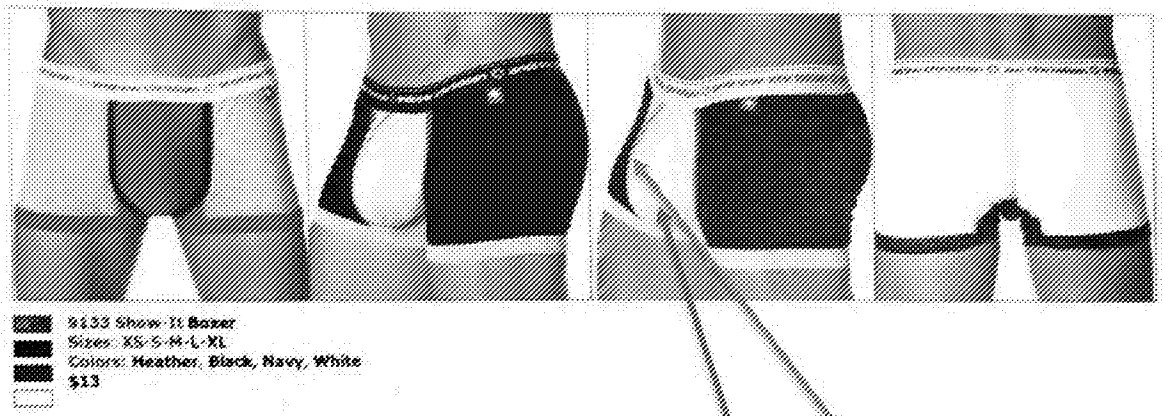
Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer

To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation.

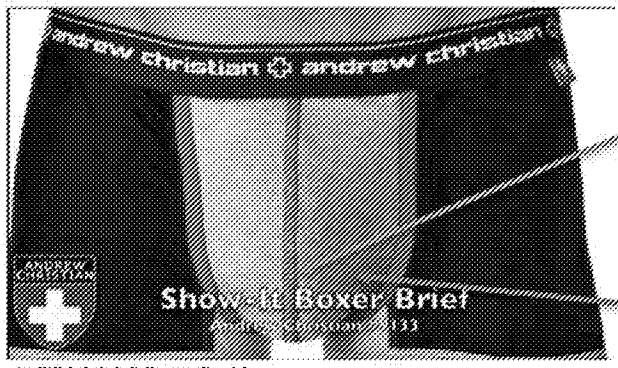
The 9133 Show-It Boxer includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. ***See,***

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Claim 15	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet shows a dart seam, the seam down the middle of the front portion (the front layer of the pouch), in the 9133 Show-It Boxer. The ACI000038 publication shows the same dart seam.



Show-It 2009 Line Sheet at ACI000092.



ACI000038 at 2:43.

Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer

Pouch (inside the gray and white Front Portions)

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Claim 15	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000038 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Boxer includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000038 publication, understand how to modify the 9132 Show-It Boxer to meet this limitation.

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Exhibit 8

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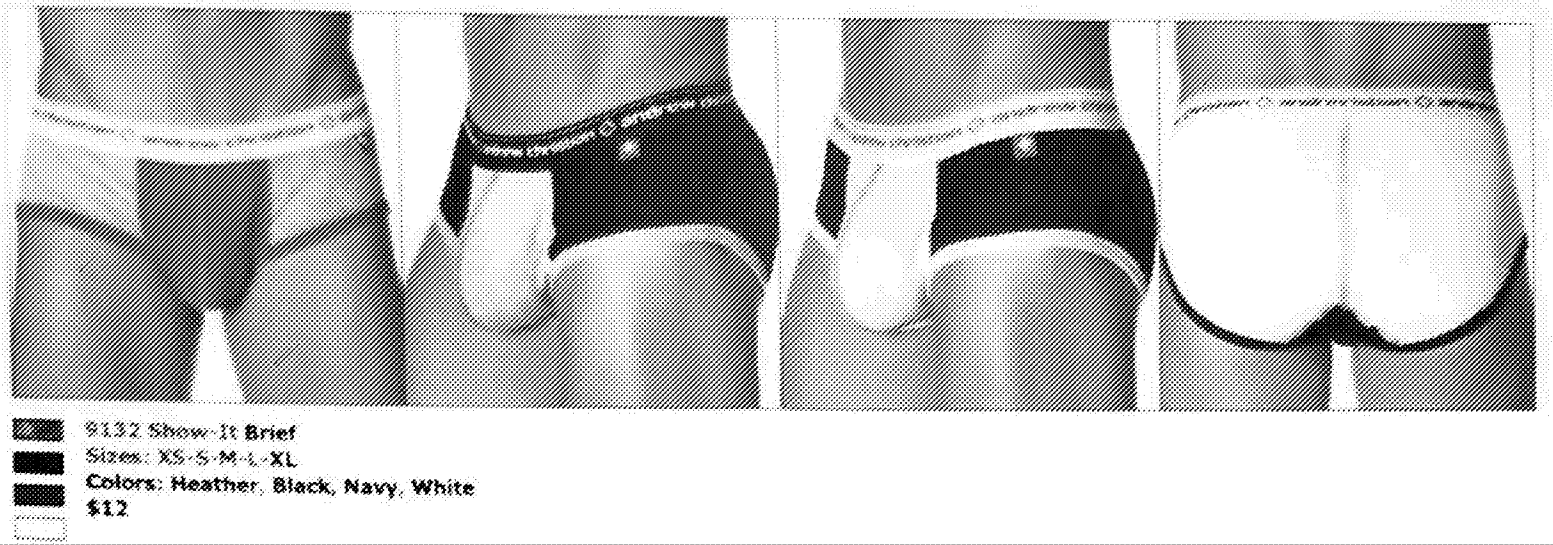
Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology" render obvious the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 (published March 25, 1992) ("EP 0 476 818").

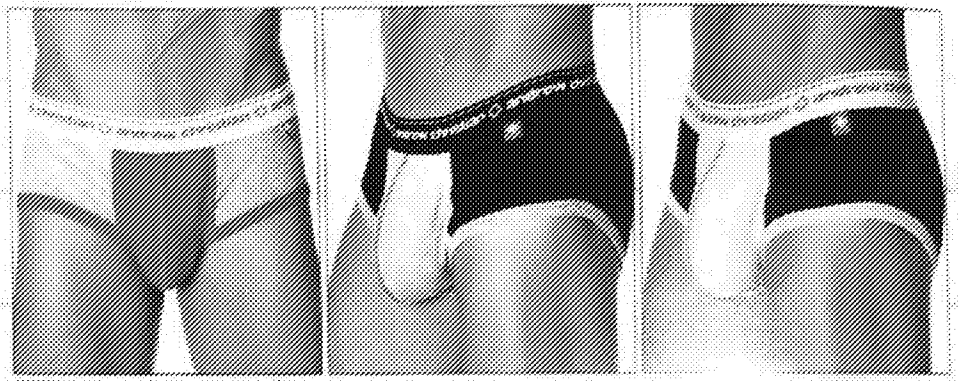
The obviousness combinations asserted and disclosed in this chart are as follows:

- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 (all asserted claims)
- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent (claim 2)
- Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent (claim 2)

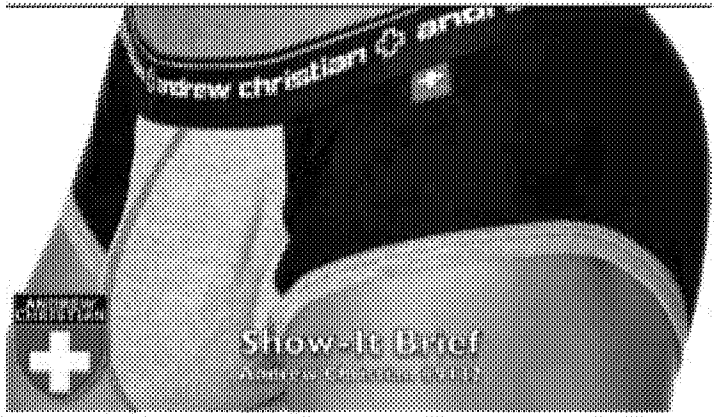
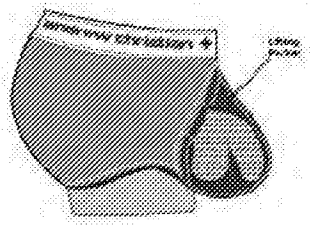
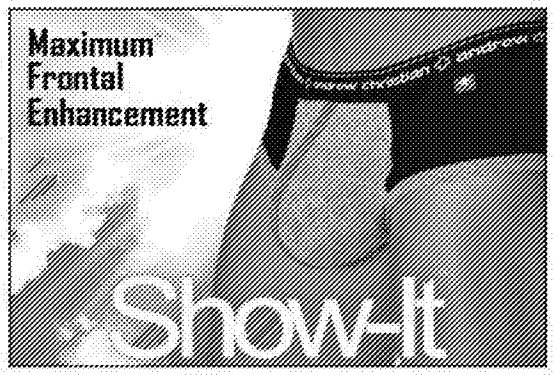
One of ordinary skill in the art of the Asserted Patents would understand to combine these references as they relate to men's underwear. The 9132 Show-It Brief and the 9133 Show-It Boxer are men's underwear. The '369 Patent discloses "performance underwear" for men.

Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The 9132 Show-It Brief is a male garment.** ***See,*** 

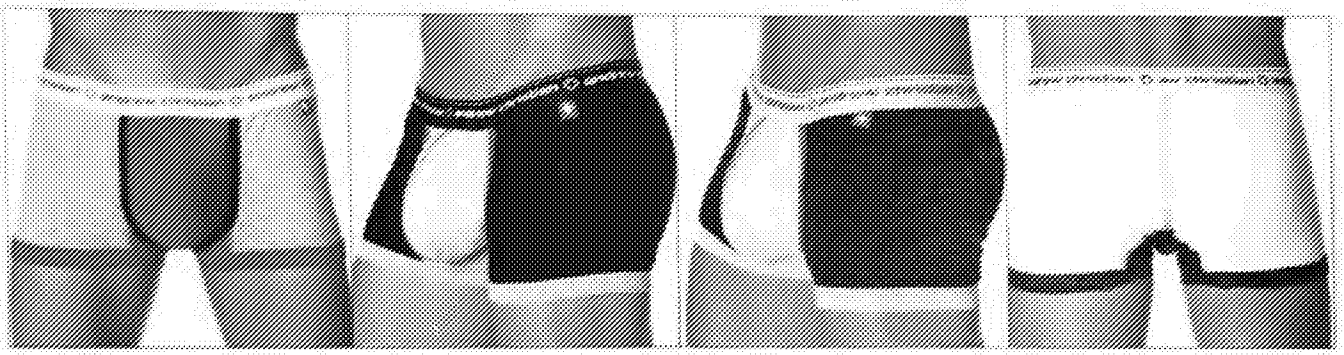
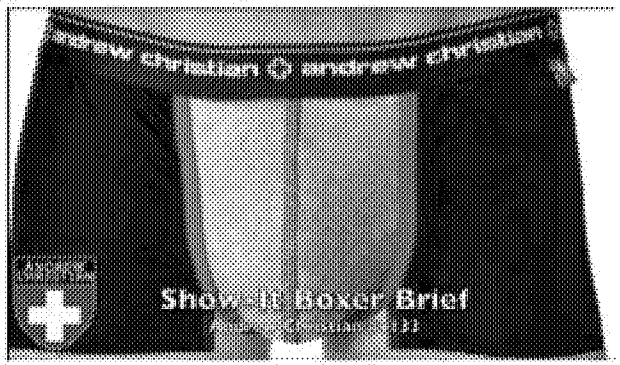
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Claim 1	Exemplary Disclosure in Prior Art
	Show-It 2009 Line Sheet at ACI000092.   Show-It 2009 Line Sheet at ACI000091. ACI000040 at 00:10.   **9132 Show-It Brief** Sizes: XS-S-M-L-XL Colors: Heather, Black, Navy, White Wholesale: $12 MSPR: $27

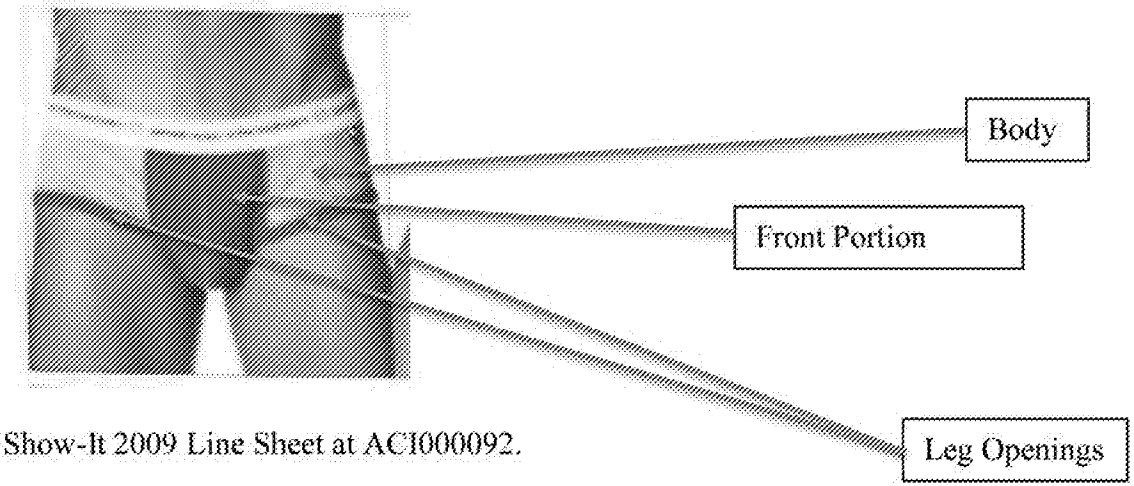
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Claim 1	Exemplary Disclosure in Prior Art
	Show-It 2009-2010 Catalog at ACI000094.  ACI000038 at 3:34.   March 11, 2009 Blog Entry.

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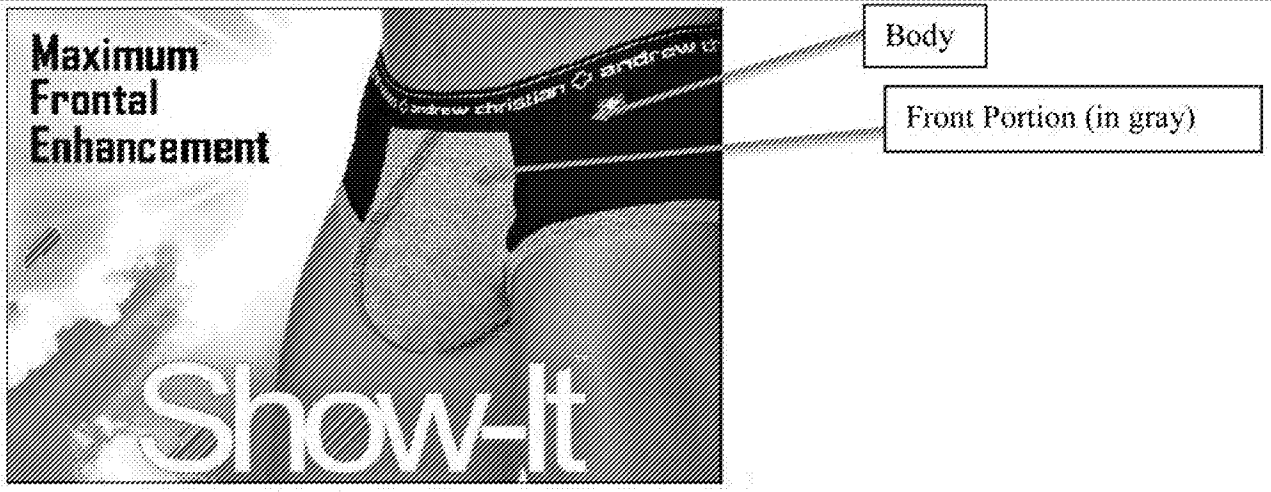
Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a male garment. ***See,***  Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43.

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Claim 1	Exemplary Disclosure in Prior Art
[1.1a] a body including a front portion and having leg openings for a wearer's legs,	**The 9132 Show-It Brief includes a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The "front portion" of the 9132 Show-It Brief is the central part of the body situated in front of the wearer of the 9132 Show-It Brief, shown in red fabric in the Show-It 2009 Line Sheet image below (and labeled "Front Portion" with an arrow) and shown in gray fabric in the March 6, 2009 Blog Entry image below (and labeled "Front Portion (in gray)" with an arrow).  Show-It 2009 Line Sheet at ACI000092.

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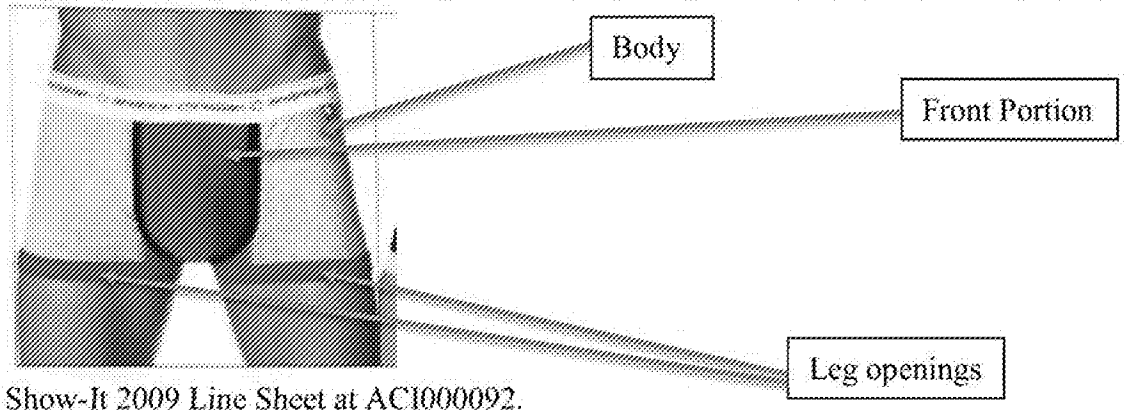
Claim 1	Exemplary Disclosure in Prior Art



March 6, 2009 Blog Entry.

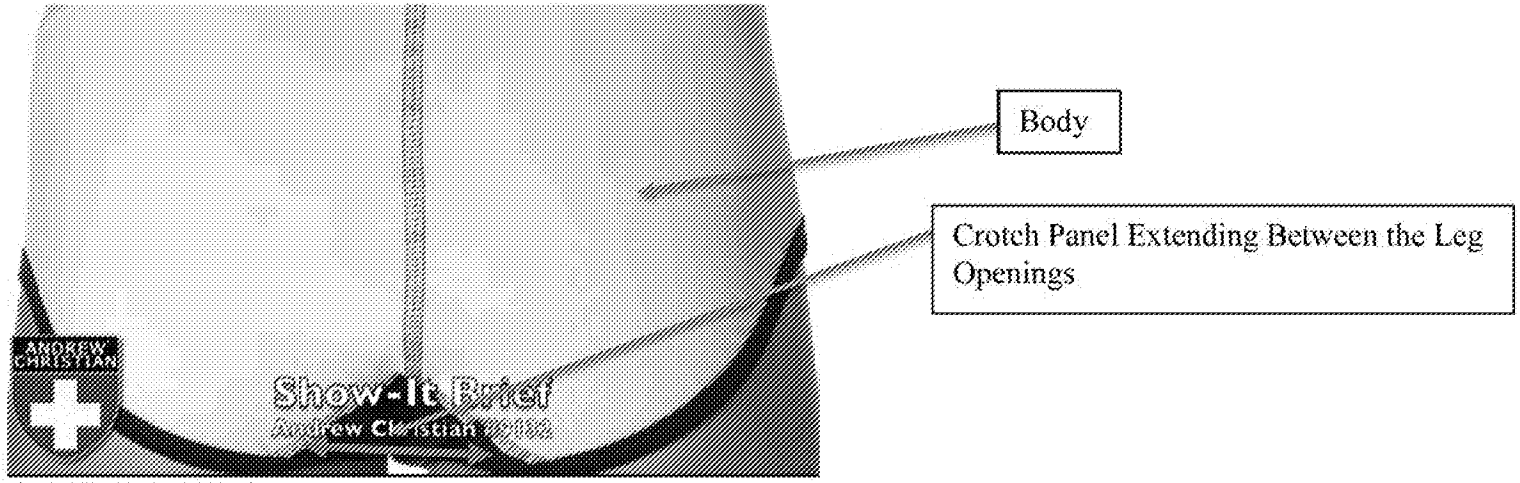
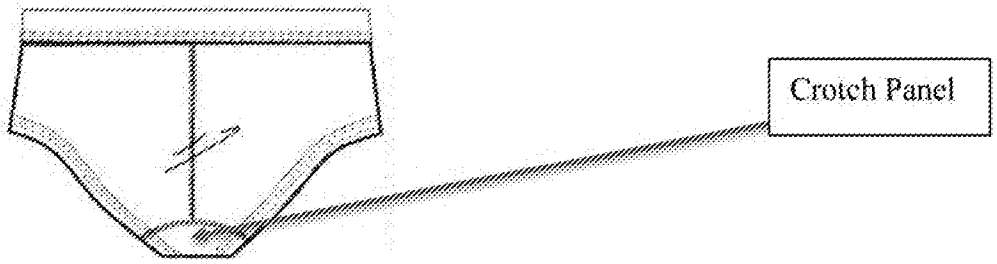
The 9133 Show-It Boxer includes a body including a front portion and having leg openings for a wearer's legs. ***See,***

The "front portion" of the 9133 Show-It Boxer is the central part of the body situated in front of the wearer of the 9133 Show-It Boxer, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).

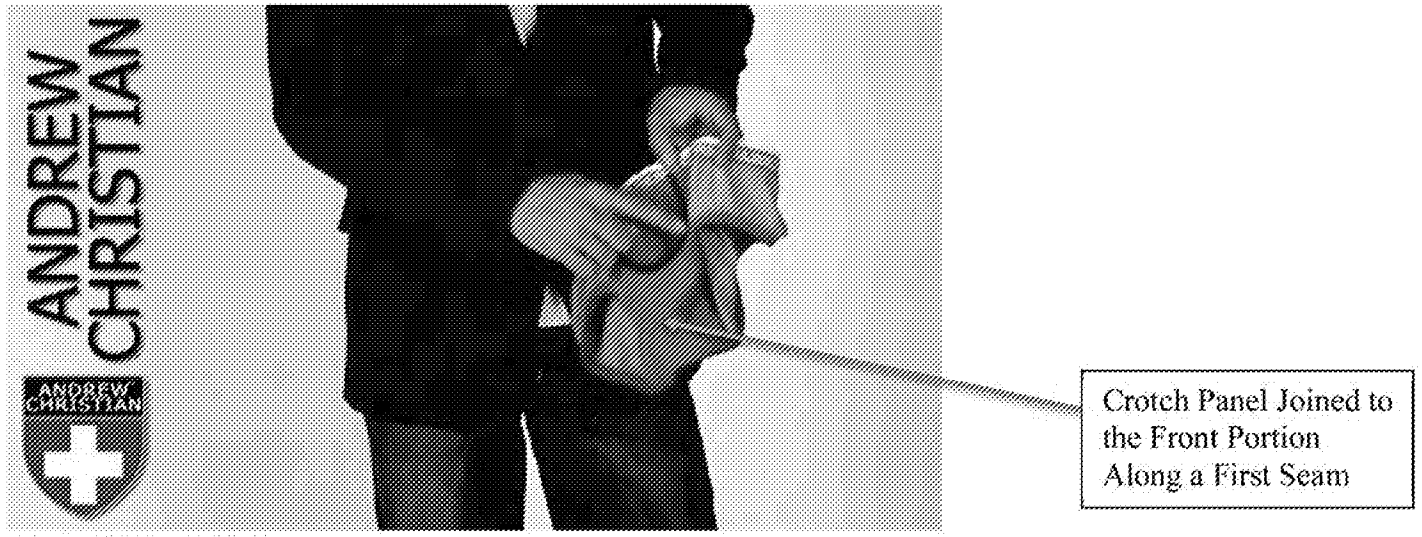


Show-It 2009 Line Sheet at ACI000092.

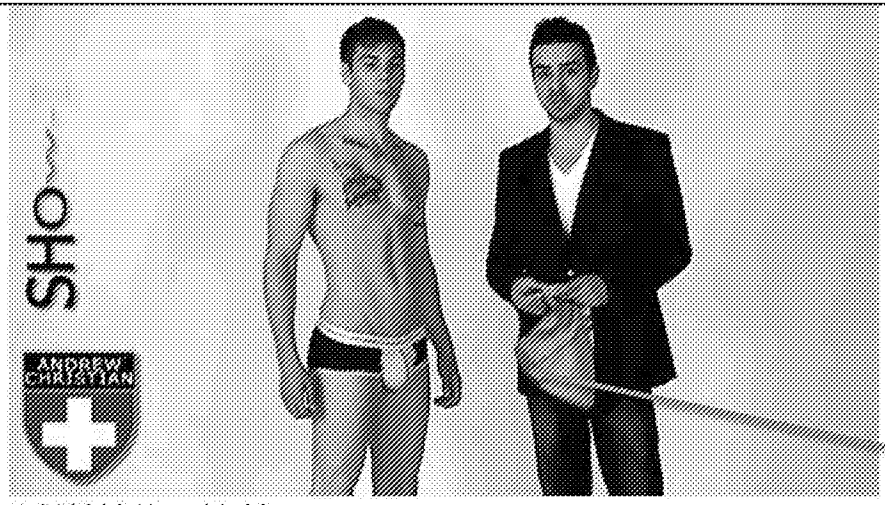
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Claim 1	Exemplary Disclosure in Prior Art
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;	**The 9132 Show-It Brief includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam.** ***See,*** The "crotch panel" of the 9132 Show-It Brief is the blue fabric panel shown in the image below, captured from ACI000038. The same "crotch panel" is shown in the Show-It Brief 9132 design drawing, as indicated by the arrow.  ACI000038 at 4:17.  9132 design drawing ACI000021.

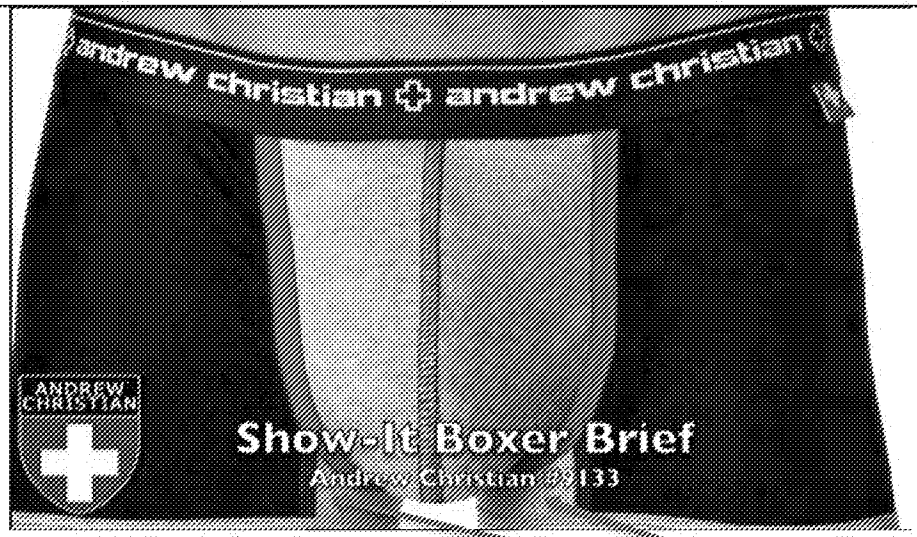
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Claim 1	Exemplary Disclosure in Prior Art
	The "crotch panel," in red in the screenshots from ACI000040 below, is attached to the "front portion" of the 9132 Show-It Brief (also in red below) along the first seam. In the 9132 Show-It Brief, the "first seam" also attaches the "crotch panel" to the "stretch panel" (also in red) as shown in the screenshot below.  ACI000040 at 00:28.

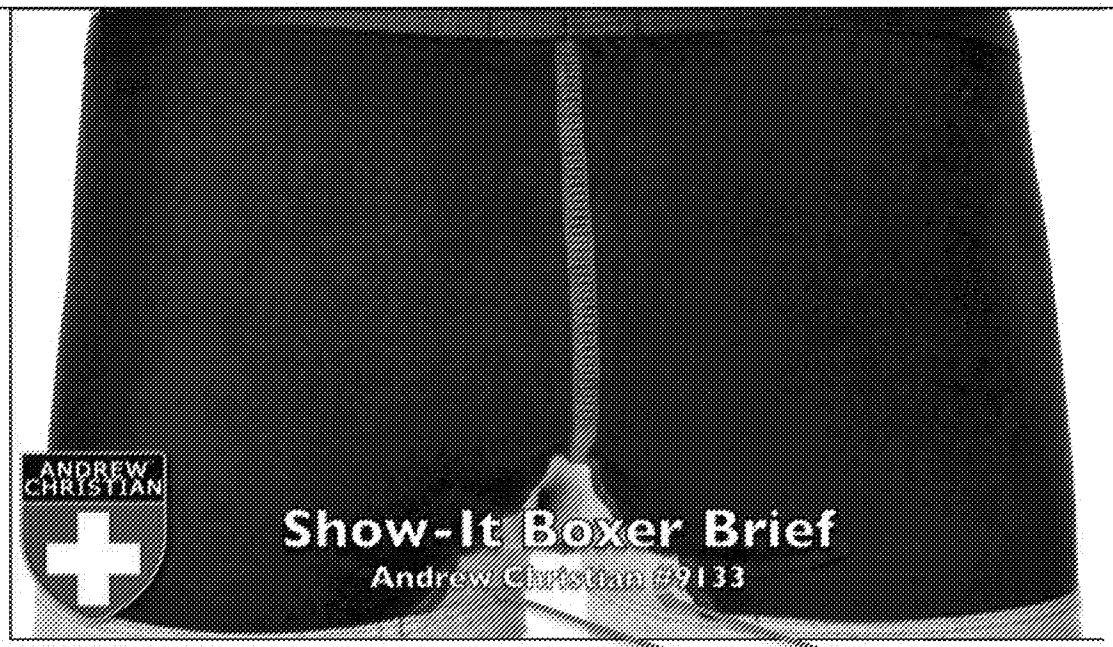
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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:33. **The 9133 Show-It Boxer includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam.** ***See,*** The "crotch panel" of the 9133 Show-It Boxer is the gray fabric panel shown in the screenshots from ACI000038 below, as indicated by the accompanying arrows. The same "crotch panel" is shown in the Show-It Boxer 9133 design drawing below.

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 2:43.

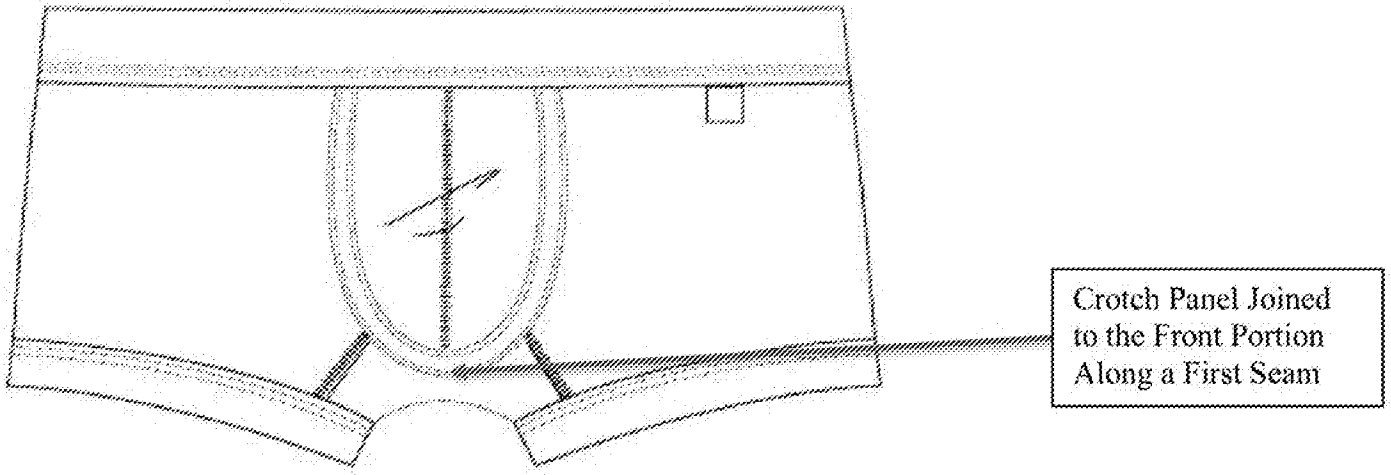
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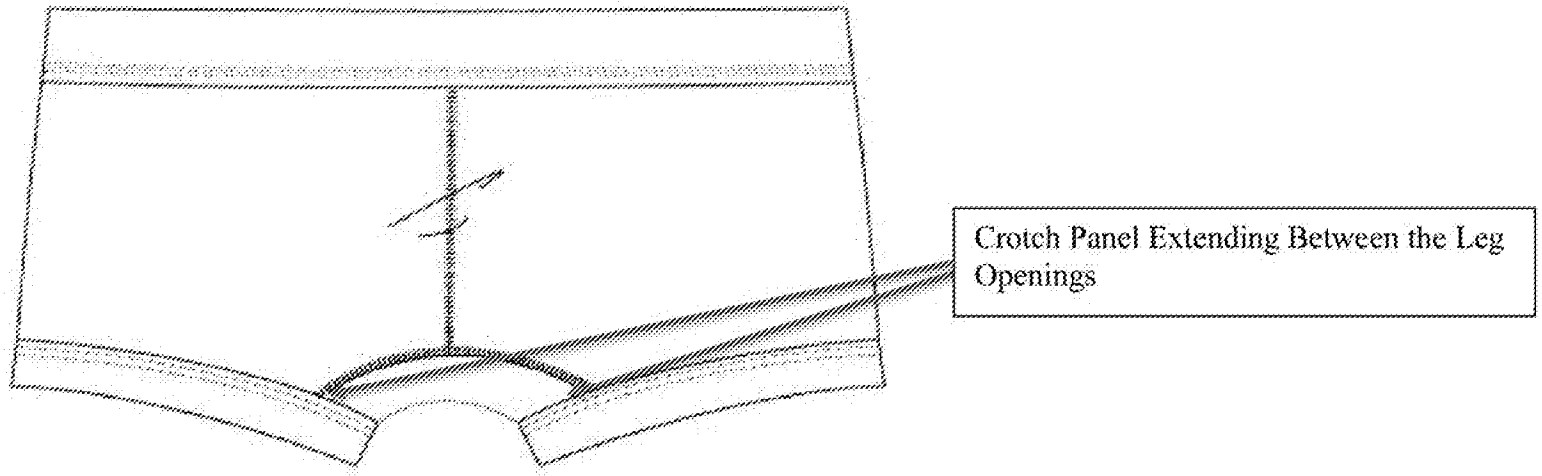
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 2:48. Crotch Panel Extending Between the Leg Openings

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Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Claim 1	Exemplary Disclosure in Prior Art





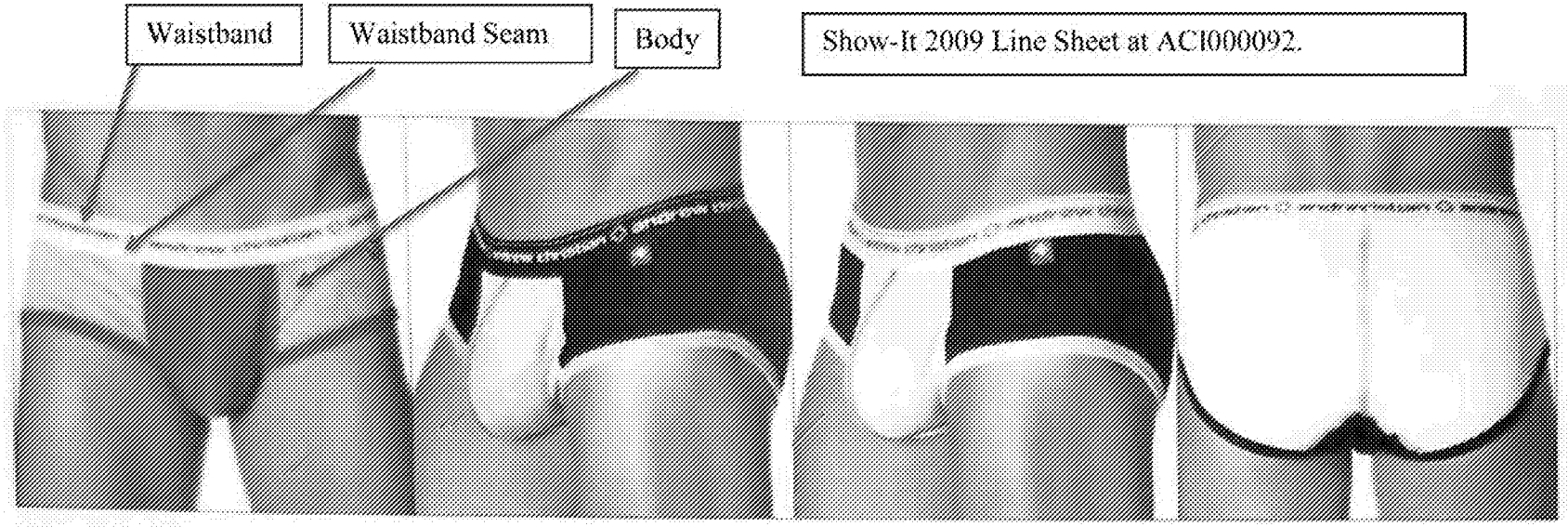
9133 design drawing ACI000022.

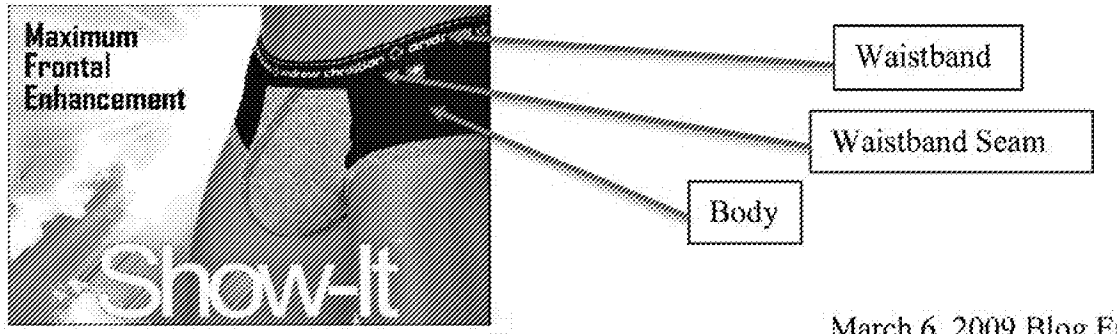
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Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend that the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief or 9133 Show-It Boxer, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation.
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The 9132 Show-It Brief includes a waistband attaches by a waistband seam at an upper edge of the body.** ***See,*** The "waistband" of the 9132 Show-It Brief (with "Andrew Christian" printed on it) is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9132 Show-It Brief shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red. Similarly, an image shown in the March 6, 2009 Blog Entry depicts a waistband (with "Andrew Christian" printed on it) attached by a seam (the "waistband seam") at the upper edge of the body (shown in black and gray).

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Claim 1	Exemplary Disclosure in Prior Art





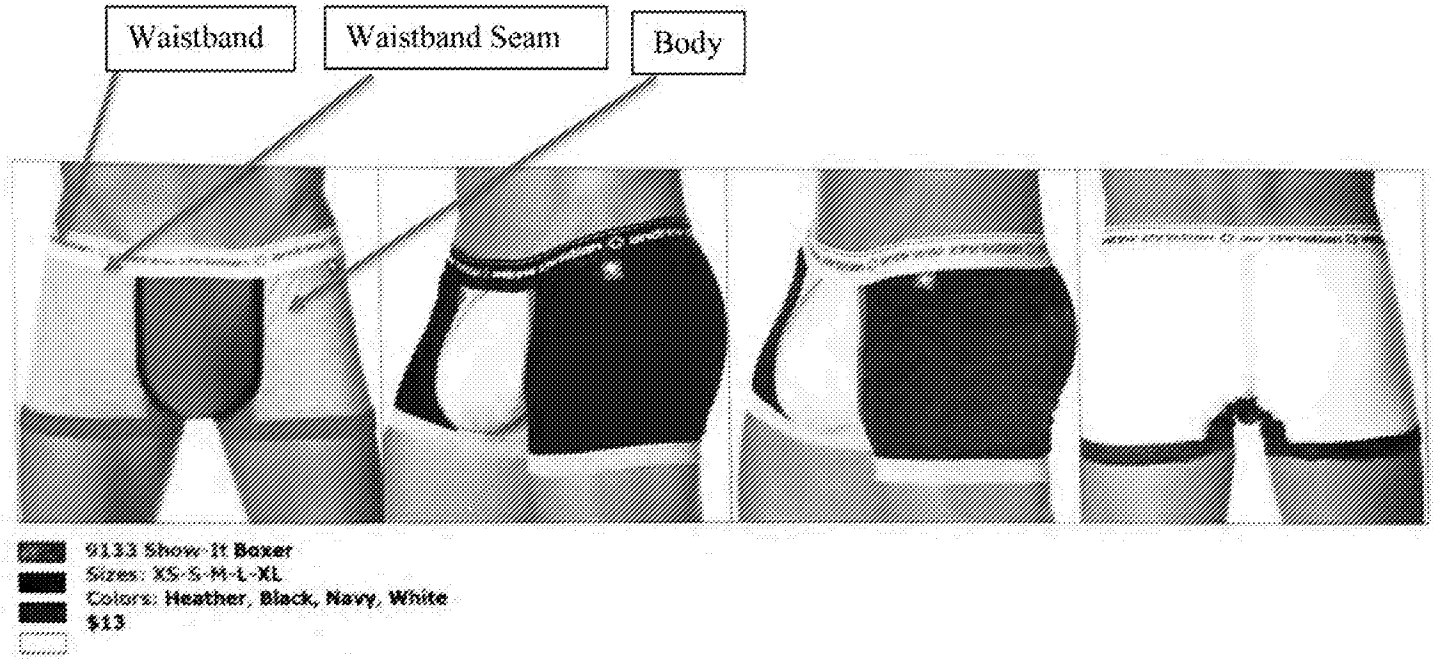
March 6, 2009 Blog Entry.

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Claim 1	Exemplary Disclosure in Prior Art

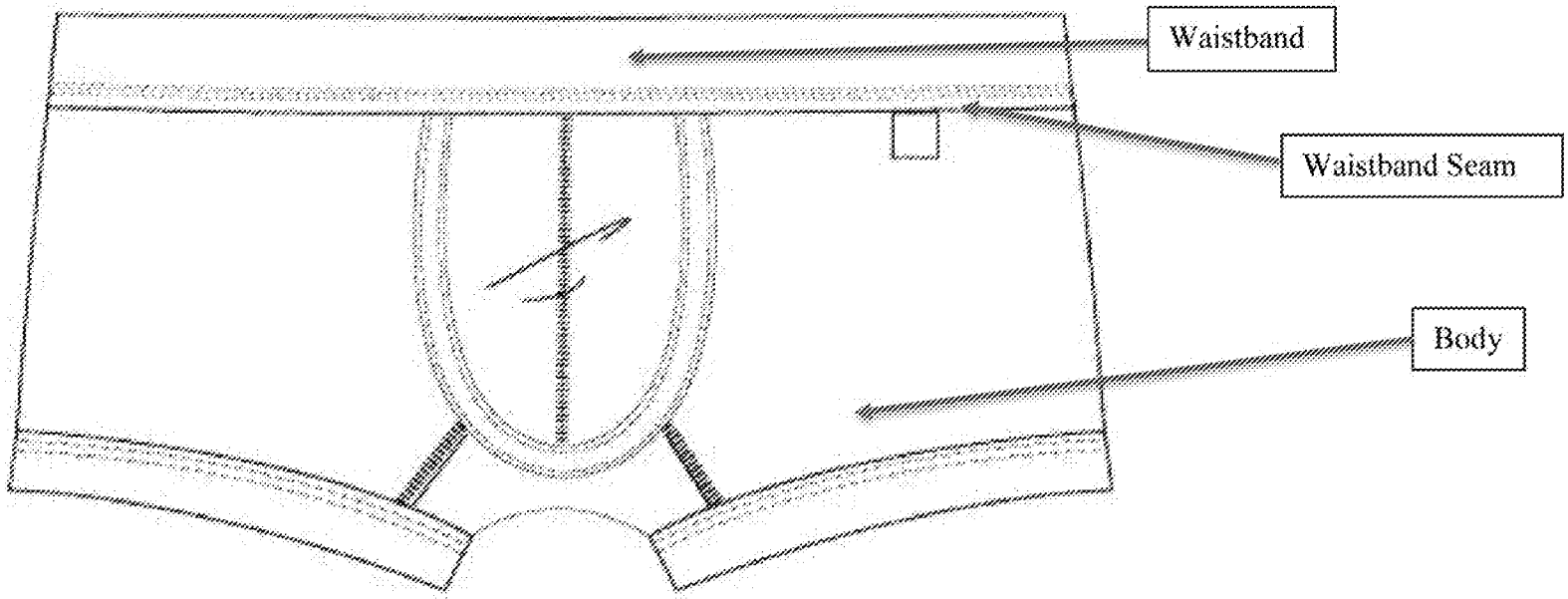
The 9133 Show-It Boxer includes a waistband attached by a waistband seam at an upper edge of the body. ***See,***

The "waistband" of the 9133 Show-It Boxer (with "Andrew Christian" printed on it) is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9133 Show-It Boxer shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red. The 9133 design drawing also shows a waistband (labeled with an arrow) connected to a body (labeled with an arrow) at a waistband seam (labeled with an arrow).



Show-It 2009 Line Sheet at ACI000092.

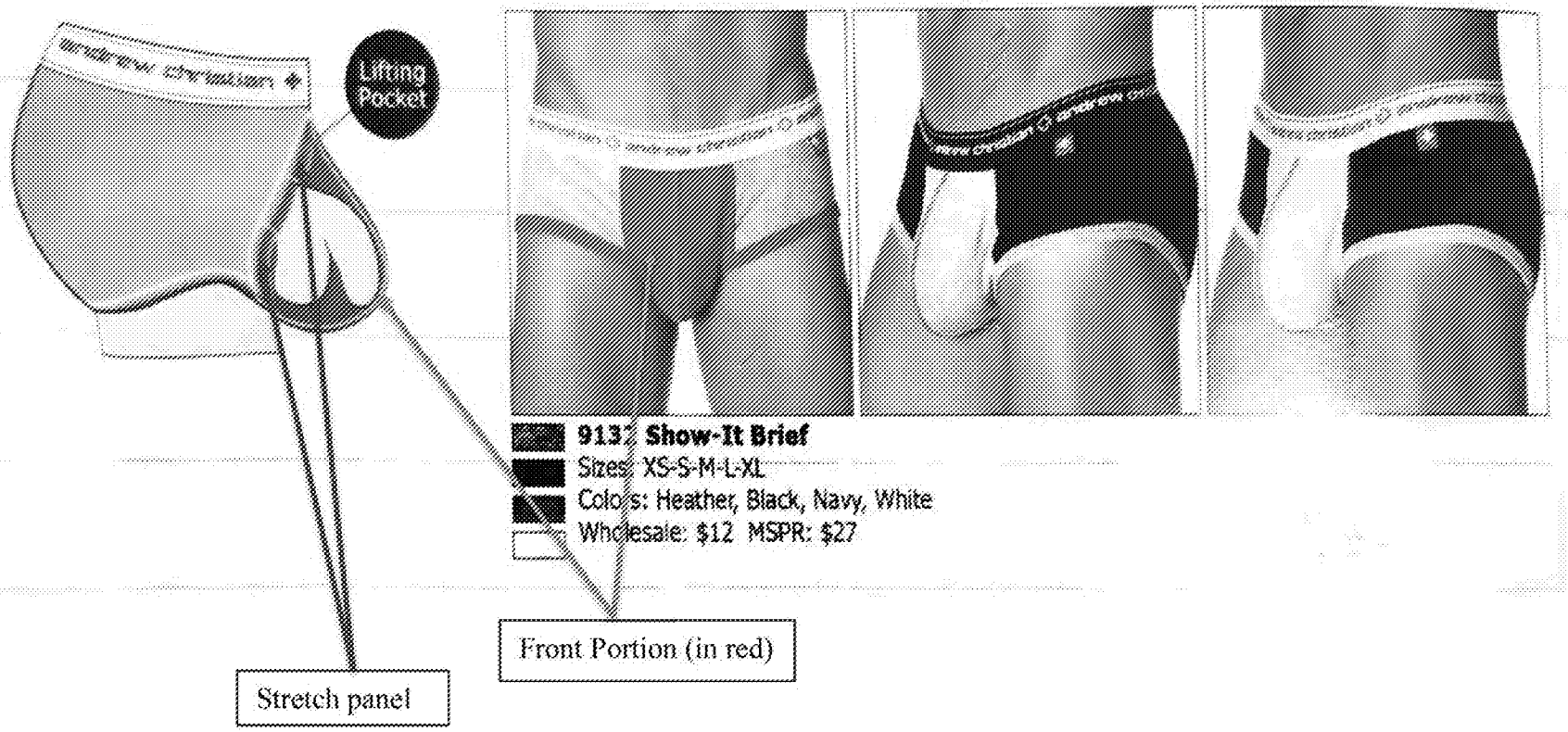
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Claim 1	Exemplary Disclosure in Prior Art
	 9133 design drawing ACI000022.
[1.3a] a stretch panel attached to the body inside the front portion,	**The 9132 Show-It Brief includes a stretch panel attached to the body inside the front portion.** ***See,*** The 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9132 Show-It Brief is referred to as the "Comfy Cup" or the "inner cup" in descriptions of the 9132 Show-It Brief.

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Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Claim 1	Exemplary Disclosure in Prior Art



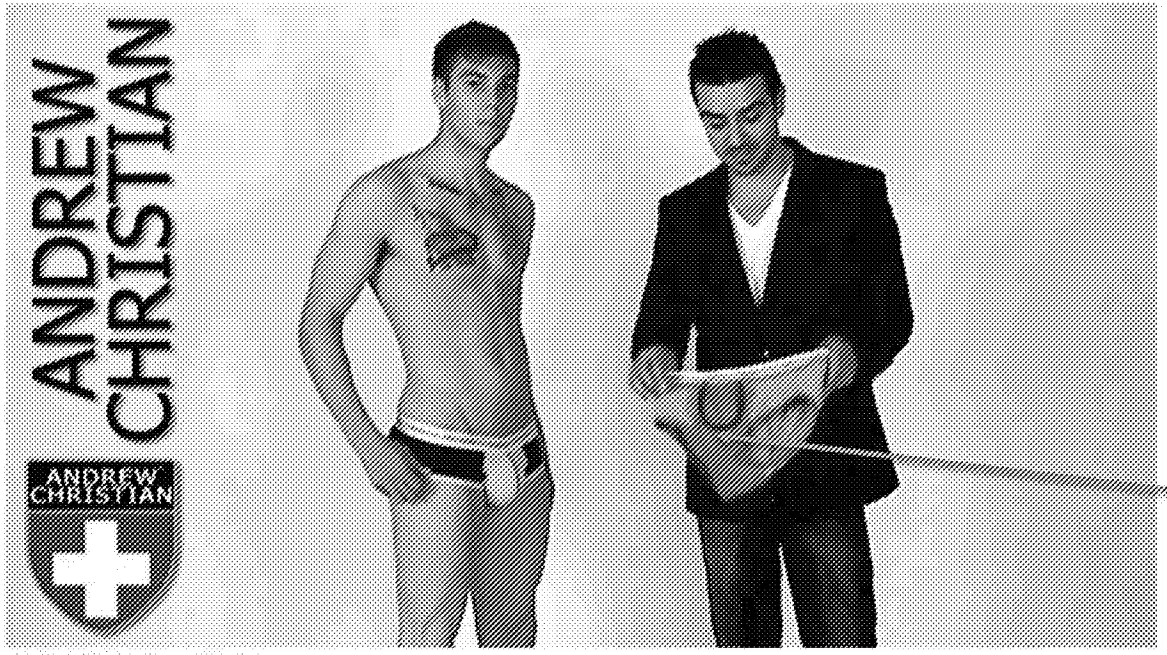
"Our Comfy Cup™ cradles and lifts…"

Show-It 2009-2010 Catalog at ACI000094.

See also March 11, 2009 Blog Entry for identical side view of 9132 Show-It Brief.

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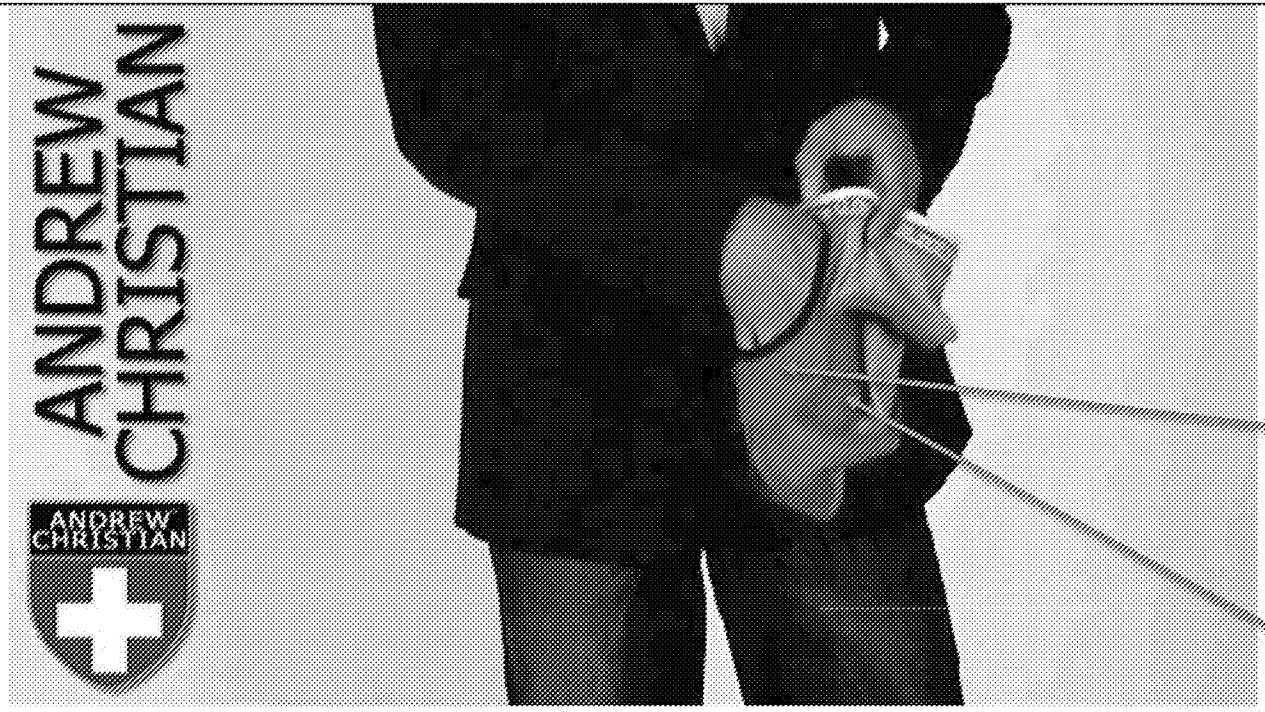
Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" [the Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.



ACI000040 at 00:14.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:22.

The 9133 Show-It Boxer includes a stretch panel attached to the body inside the front portion. ***See,***

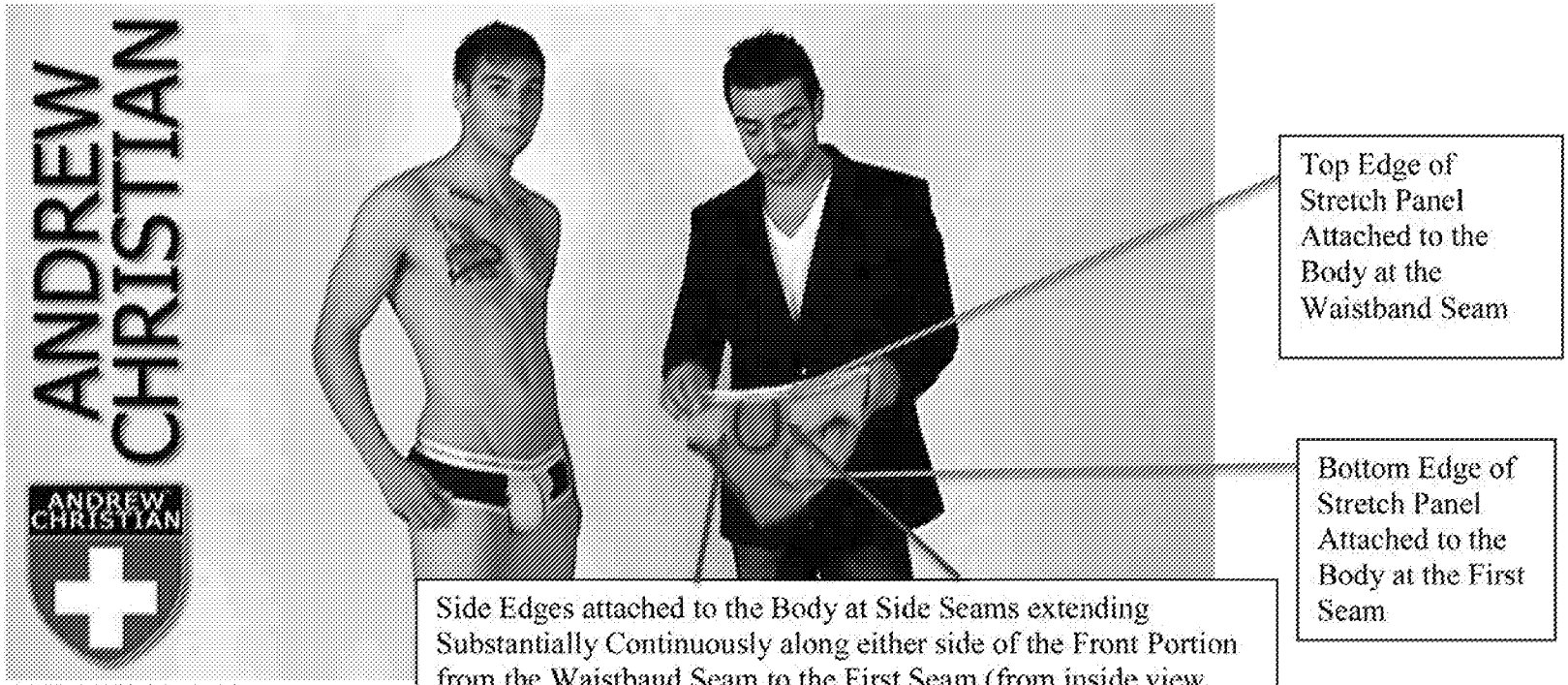
The 9133 Show-It Boxer includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9133 Show-It Boxer is referred to as the "Comfy Cup" or the "inner cup" in descriptions of the 9133 Show-It Boxer.

"Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer).

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Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" [the Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2006 Blog Entry for the same description.
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The 9132 Show-It Brief includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. *See*,** The 9132 Show-It Brief's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000152. Moreover, the "Show-It Technology 2.0 [of the 9132 Show-It Brief] features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" [Stretch Panel] is "elastically resilient four-way stretch material." "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer). **The 9133 Show-It Boxer includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. *See*,** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000151. Moreover, the "Show-It Technology 2.0 [of the 9133 Show-It Boxer] features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" [Stretch Panel] is "elastically resilient four-way stretch material." "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092 (describing both the 9132 Show-It Brief and the 9133 Show-It Boxer).

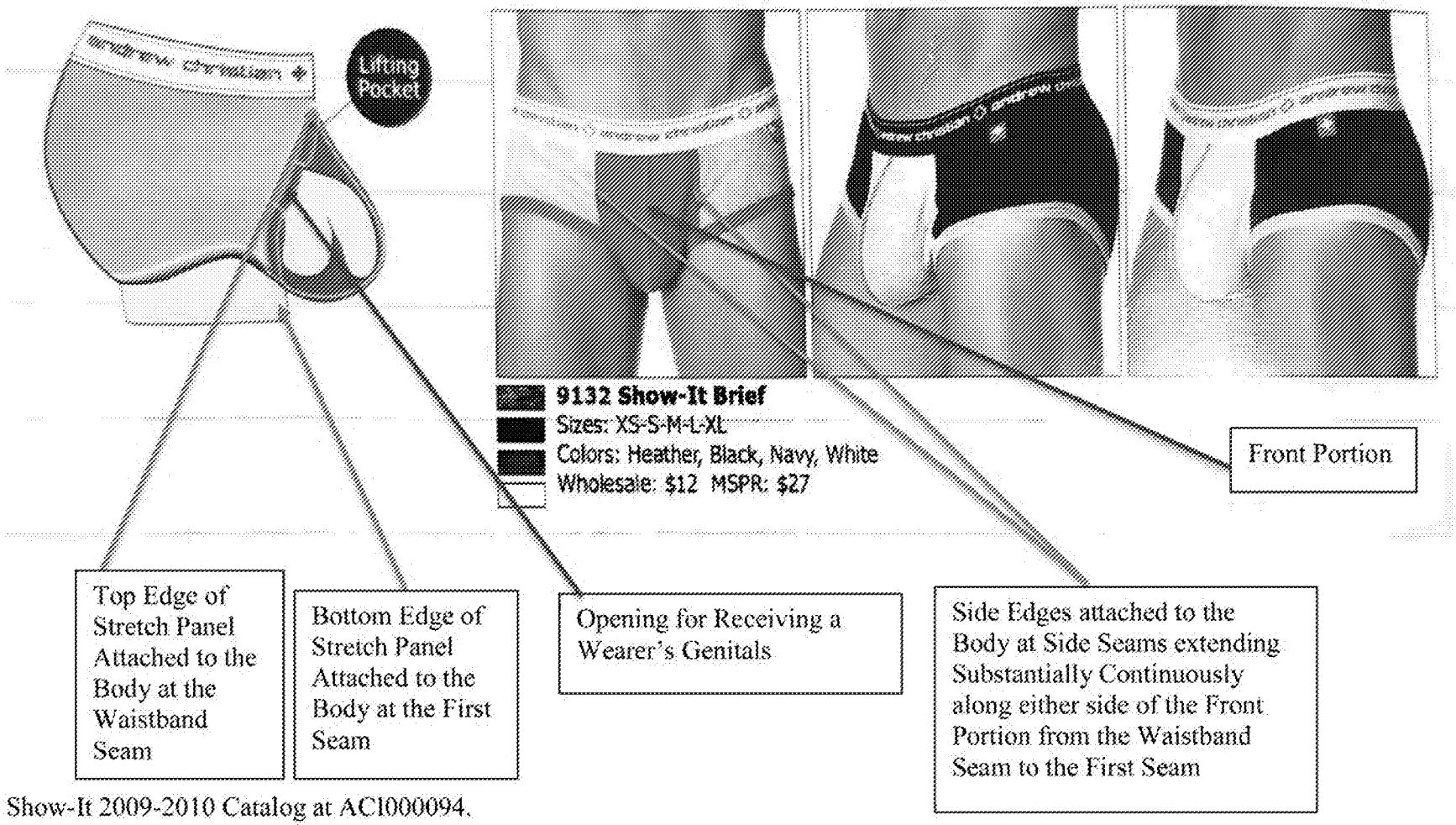
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Claim 1	Exemplary Disclosure in Prior Art
[1.3c] having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and	**The 9132 Show-It Brief includes a stretch panel having a top edge attached to the body at the waistband seam, a bottom edge attached at a first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam.** ***See,*** The 9132 Show-It Brief's "stretch panel" (the inner cup or comfy cup) has a top edge attached to the body at the waistband seam, a bottom edge attached to the body at the first seam, and side edges attached to the body at side seams extending continuously along either side of the "front portion" from the waistband seam to the first seam, as shown in the screen shot from ACI000040 and the images from the Show-It 2009-2010 Catalog below.  ACI000040 at 00:14.

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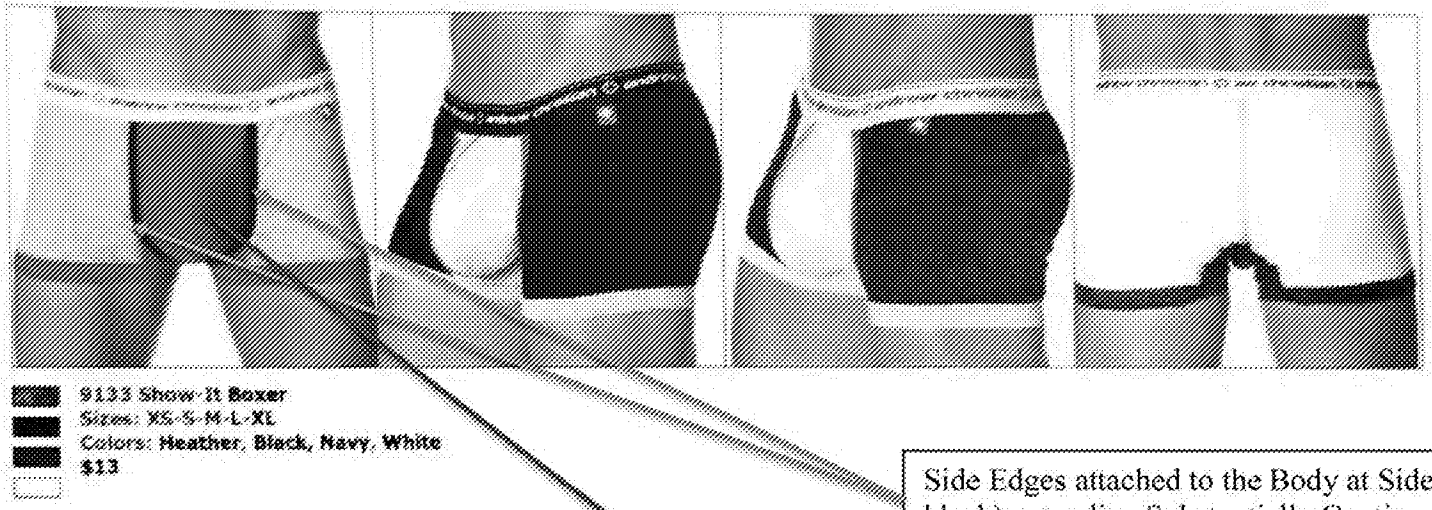
Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Claim 1	Exemplary Disclosure in Prior Art

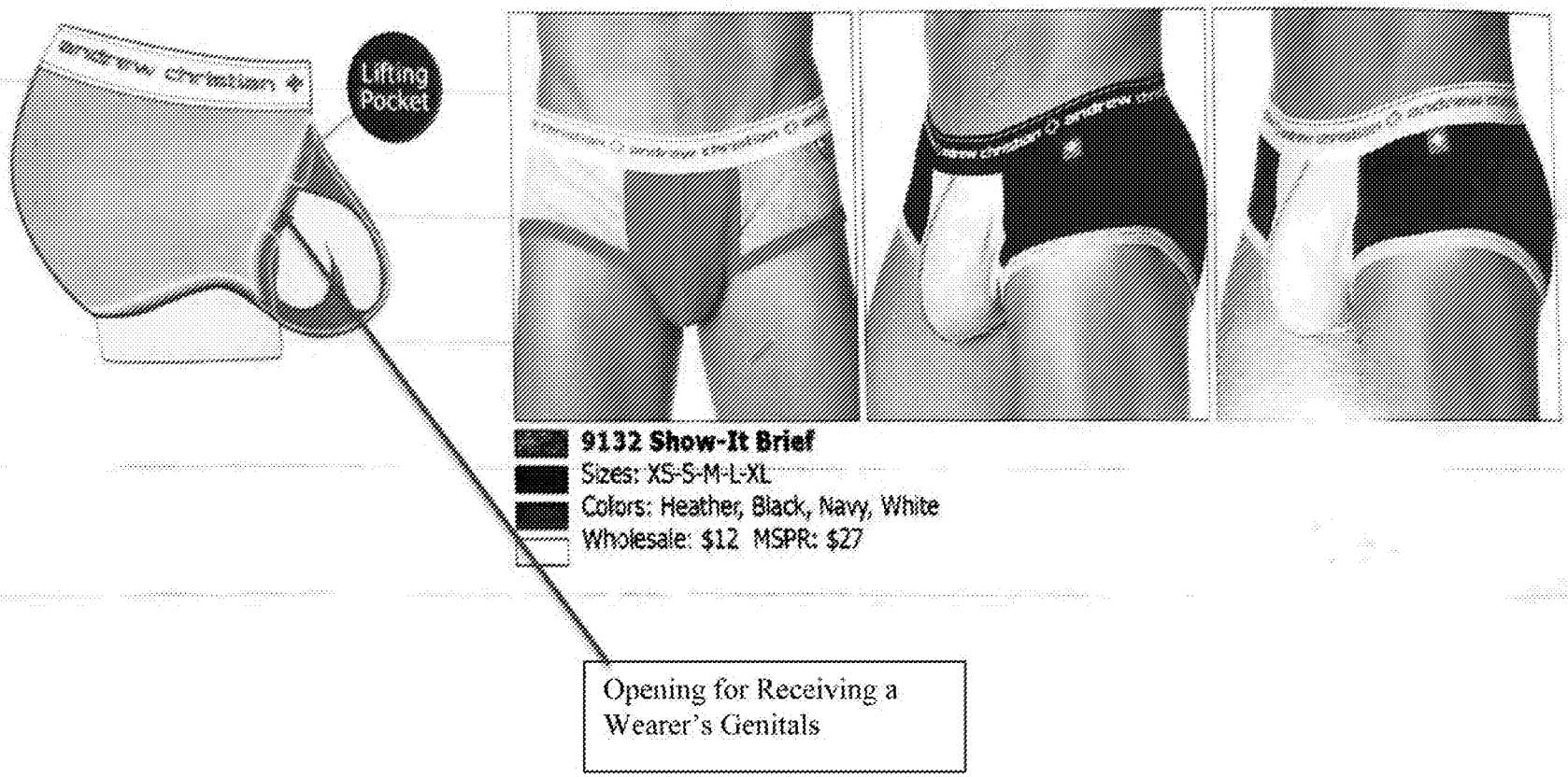


Show-It 2009-2010 Catalog at AC1000094.

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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a stretch panel having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the waistband seam to the first seam. ***See,*** On information and belief, the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and utilizes the same "inner cup" (that is, a Stretch Panel) which has a top edge attached to the body at the waistband seam and a bottom edge attached to the body at the first seam as shown in the image from the Show-It 2009-2010 Catalog above. The 9133 Show-It Boxer's "stretch panel" (the inner cup or comfy cup) has side edges attached to the body at side seams continuously along either side of the "front portion" from the waistband seam to the first seam, as shown in the images from the Show-It 2009 Line Sheet below.  Show-It 2009 Line Sheet at ACI000092

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Claim 1	Exemplary Disclosure in Prior Art
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;	**The "stretch panel" of the 9132 Show-It Brief includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening.** ***See,***  Show-It 2009-2010 Catalog at ACI000094.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:14.

The opening of the "stretch panel" of the 9132 Show-It Brief is described as "horseshoe shaped," and the inside of a horseshoe has a rounded bottom edge and opposing side edges that are spaced apart from one another. In the above image, the horseshoe shaped edges of the opening of the 9132 Show-It Brief are outlined by the black elastic lining.

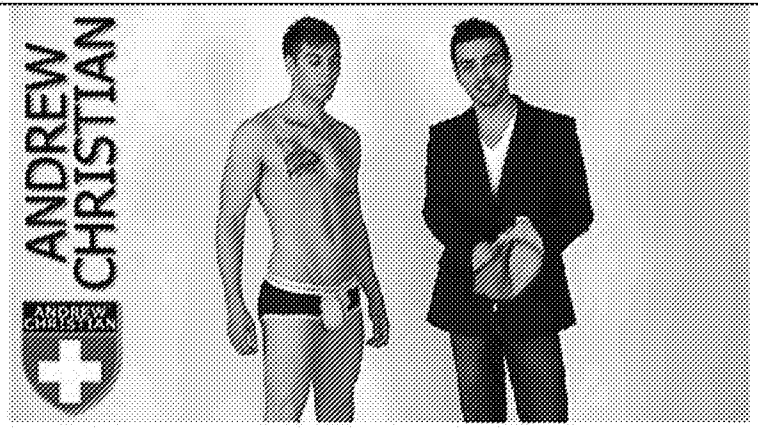
"Show-It Technology 2.0 features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.

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Claim 1	Exemplary Disclosure in Prior Art
	The "stretch panel" of the 9133 Show-It Boxer includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. ***See,*** The opening of the "stretch panel" of the 9133 Show-It Boxer is described as "horseshoe shaped," and the inside of a horseshoe has a rounded bottom edge and opposing side edges that are spaced apart from one another. "Show-It Technology 2.0 features a hidden "comfy cup" [Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) with the same horseshoe shaped opening as shown above in ACI000040 at 00:14. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup."
[1.4a] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges,	**The 9132 Show-It Brief includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000152. A stretch panel comprised of an elastically resilient four way stretch materia[redacted] would be resiliently elastic in both a direction between the top edge and the bottom edge and in a direction between the side edges. In the screenshot from ACI000040 below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "inner cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "inner cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges):

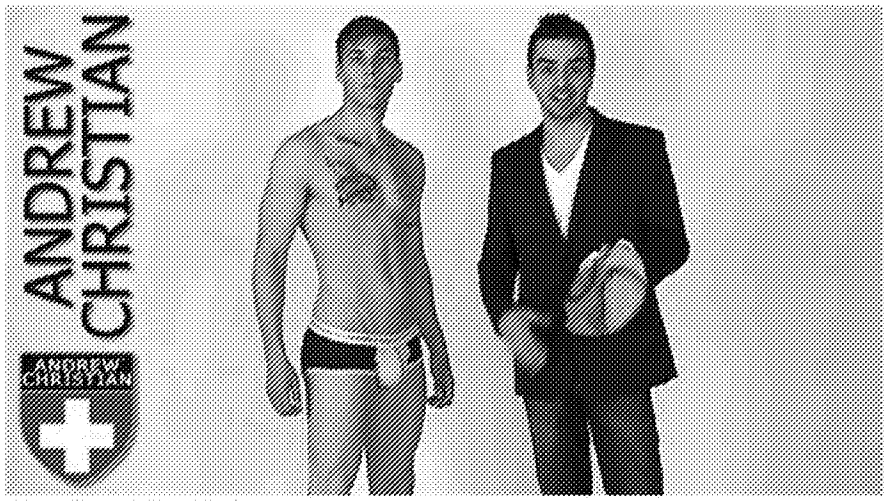
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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:20.

The "inner cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:



ACI000040 at 00.23.

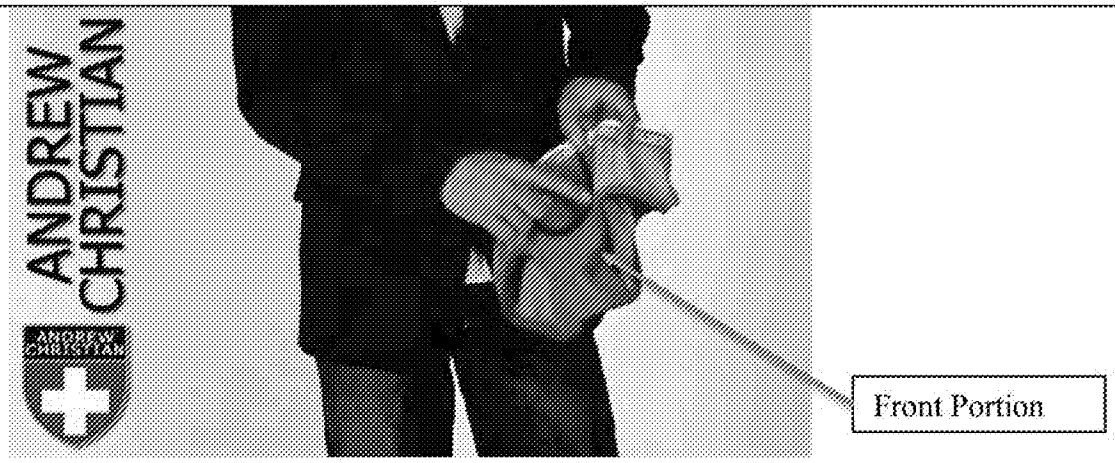
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Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" (the Stretch Panel) makes the "inner cup" (the Stretch Panel) "resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges," as it "gently aids in the lifting" of the male genitalia. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose the stretch panel (the "inner cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, would understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] an elastically resilient four way stretch material [redacted] capable of stretching in each of two different directions with substantial elastic recovery toward its pre-stretching size and shape). February 5, 2009 Pattern Sheets at ACI000151. A stretch panel comprised of an elastically resilient four way stretch materia[redacted] would be resiliently elastic in both a direction between the top edge and the bottom edge and in a direction between the side edges. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. At minimum, the "soft elastic" of the "inner cup" (the Stretch Panel) makes the "inner cup" (the Stretch Panel) "resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges," as it "gently aids in the lifting" of the male genitalia.

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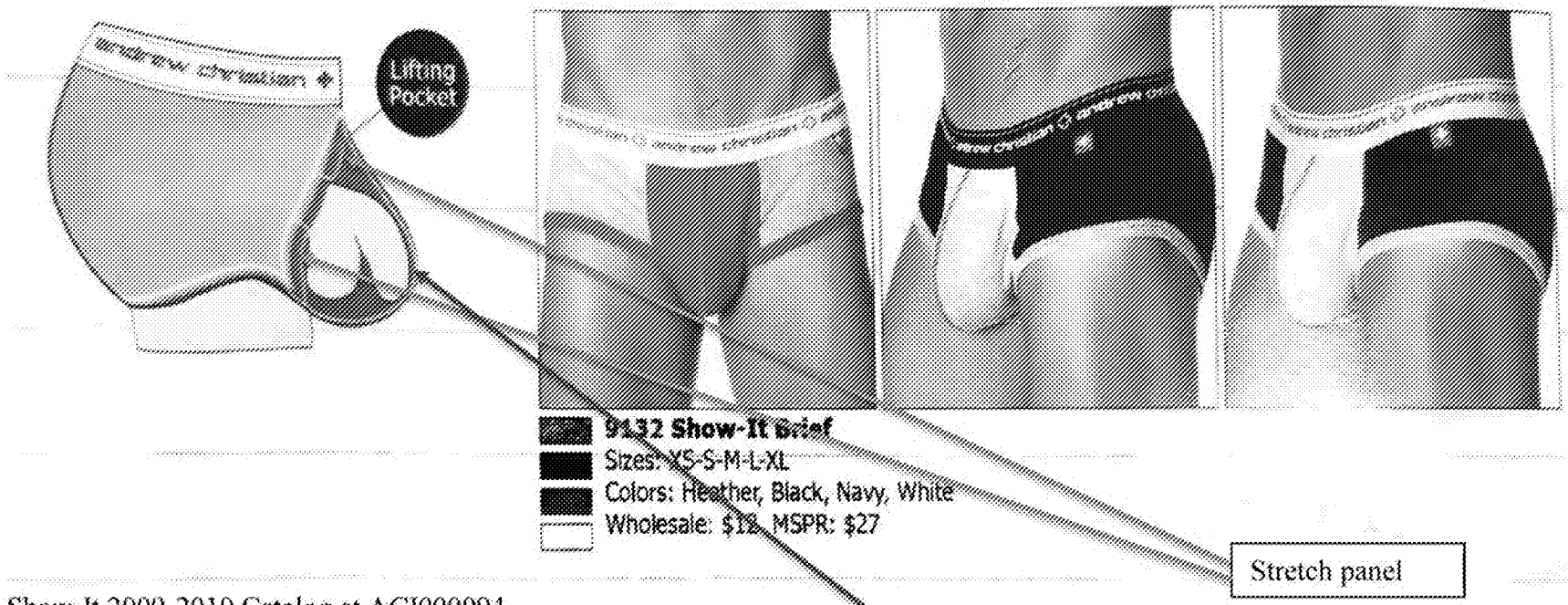
Claim 1	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose the stretch panel (the "inner cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, would understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.4b] the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the	**The 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. *See,*** In the below screenshot from ACI000040, one can see that the "front portion" of the 9132 Show-It Brief extends forward from the "stretch panel" (the "inner cup"), and therefore must be longer than the "stretch panel" ("inner cup"). As such, the "stretch panel" ("inner cup") must have a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "inner cup") of the 9132 Show-It Brief are attached along the waistband seam, a bottom seam (first seam), and the side seams extending from the waistband seam to the first seam.

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Claim 1	Exemplary Disclosure in Prior Art
front portion between the side seams	 ACI000040 at 00:28.

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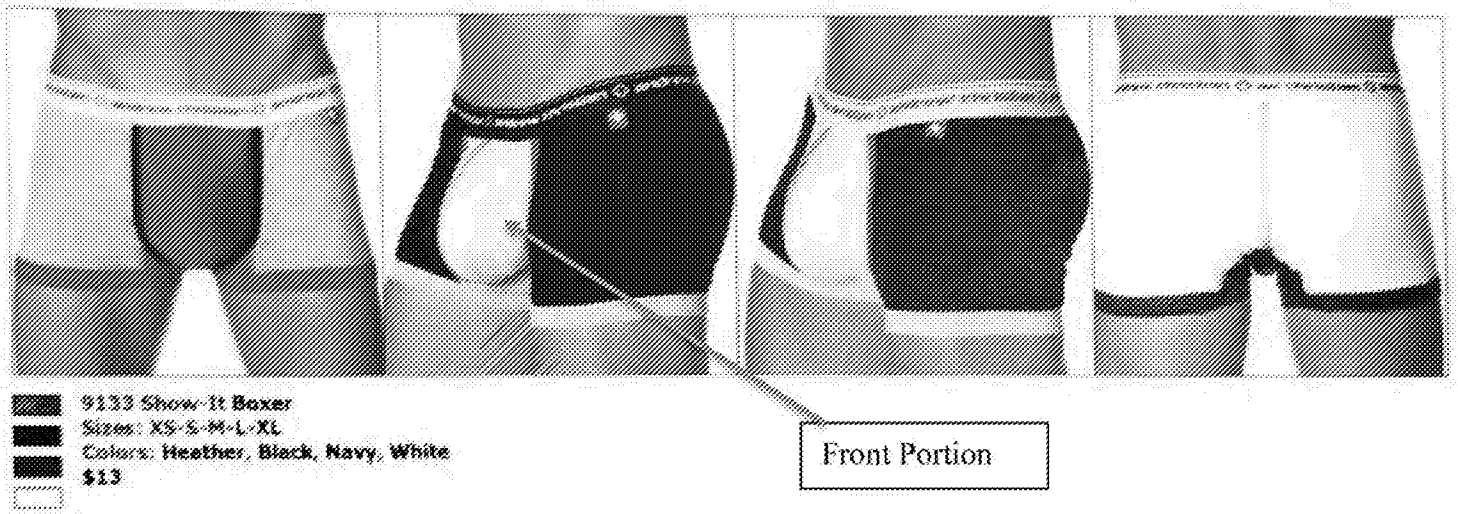
Claim 1	Exemplary Disclosure in Prior Art



Show-It 2009-2010 Catalog at ACI000094.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify 9132 Show-It Brief to meet this limitation.

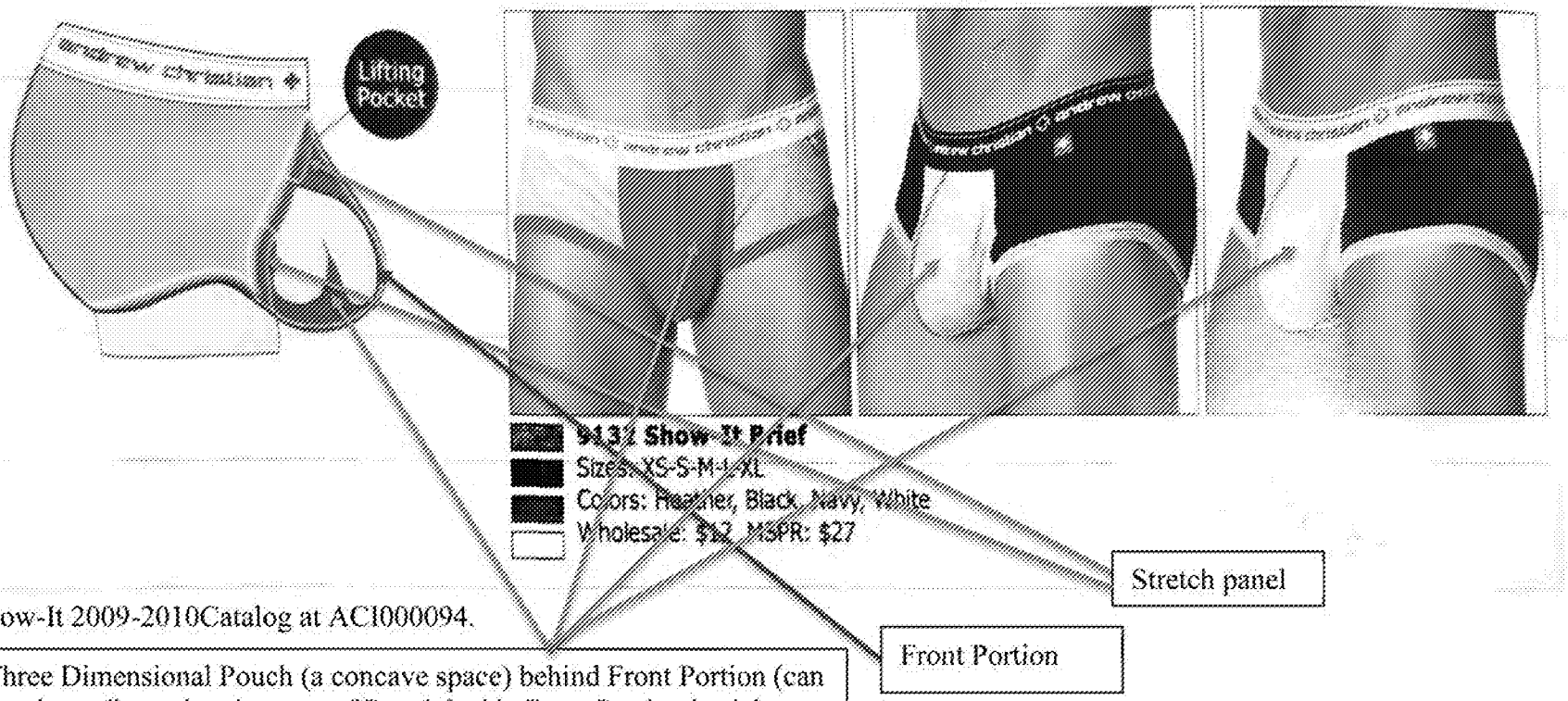
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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. ***See,***  "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 for the same description. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:28. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." The "front portion" of the 9133 Show-It Boxer extends forward from the "stretch panel" (the "inner cup"), and therefore must be longer than the "stretch panel" ("inner cup"). As such, the "stretch panel" ("inner cup") must have a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller

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Claim 1	Exemplary Disclosure in Prior Art
	than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "inner cup") of the 9133 Show-It Boxer are attached along the waistband seam, a bottom seam (first seam), and the side seams extending from the waistband seam to the first seam. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify 9133 Show-It Boxer to meet this limitation.
[1.4c] such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the	**The front portion of the 9132 Show-It Brief is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.**

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Claim 1	Exemplary Disclosure in Prior Art
wearer's genitals while the garment is being worn.	 Show-It 2009-2010Catalog at ACI000094. Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in right three pictures) – the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn Show-It 2009 Line Sheet at ACI000092 ("Contrasting pouch accentuates front.") The following screenshots from ACI000038 and ACI000040 show gathering of the "front portion" along each of the side seams and the waistband seam. The gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9132 Show-It Brief and the legs of the wearer.

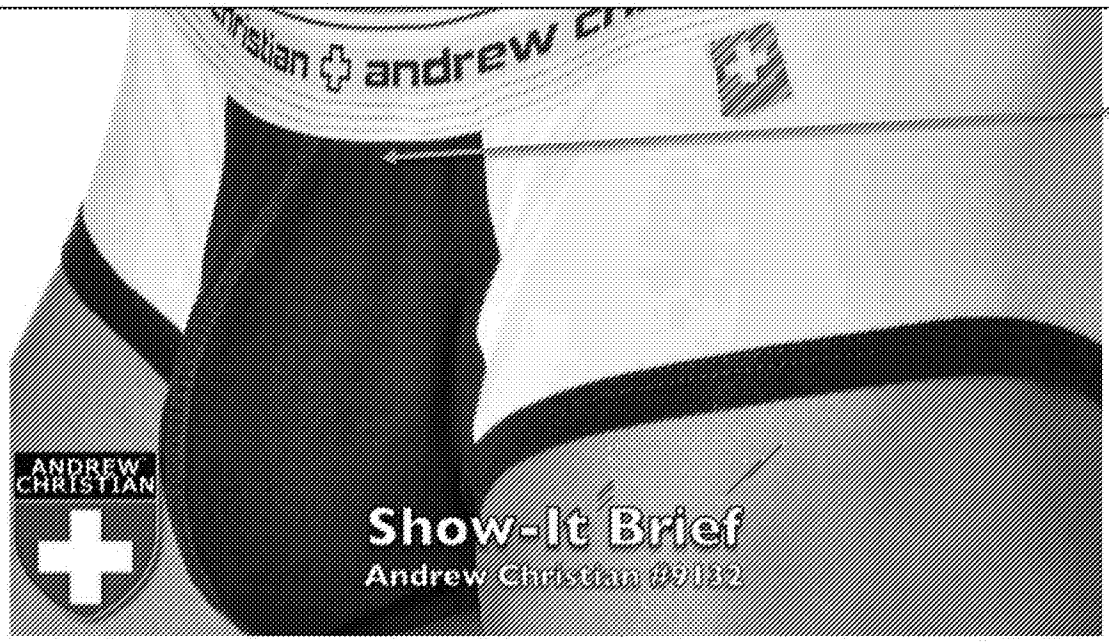
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Andrew Christian Show-It Underwear in Style Nos. 9132 (Show-It Brief) and 9133 (Show-It Boxer) in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

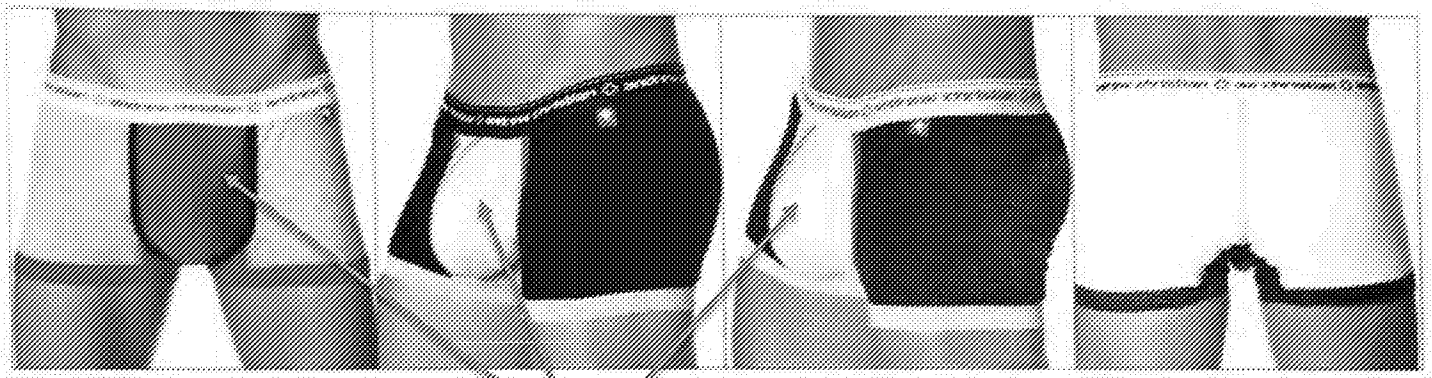


AC000038 at 4:02.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation.

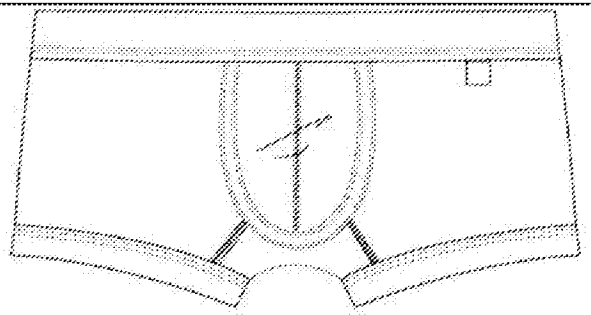
The front portion of the 9133 Show-It Boxer is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.

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Claim 1	Exemplary Disclosure in Prior Art
	See Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "contrasting pouch [that] accentuates front."  Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in left three pictures) - the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn *Id.*

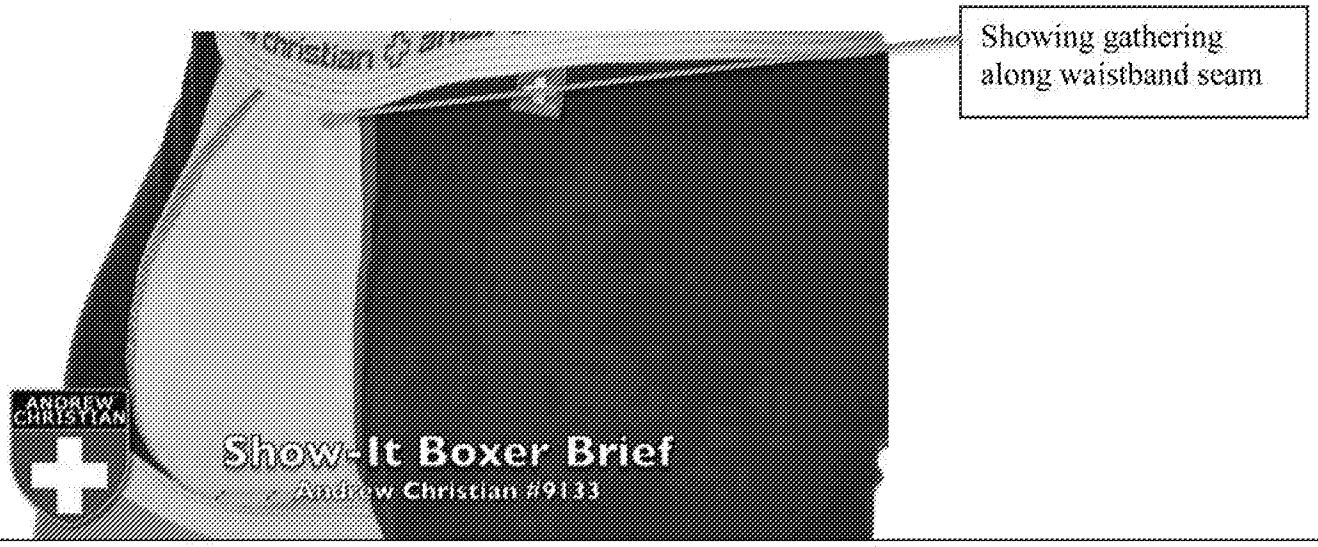
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Claim 1	Exemplary Disclosure in Prior Art



ACI000022. The lines in the center of the Front Portion above indicate the three dimensional nature of the Pouch formed between the Front Portion (shown) and the Stretch Panel (internal "inner cup").

The following screenshots from ACI000038 show gathering of the "front portion" along one side seam and the waistband seam. The gathering of the "front portion" along the other side seam is not visible, based on the orientation in the screenshot, and the gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9133 Show-It Boxer and the legs of the wearer.



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Claim 1	Exemplary Disclosure in Prior Art
	ACI000038 at 2:52.  ACI000038 at 3:05. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify 9133 Show-It Boxer to meet this limitation. **EP 0 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric.** ***See, e.g.,*** EP 0 476 818 discloses a method of applying elastic materials to garments, including mens underwear, such that the fabric is "ruched" (gathered):

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Claim 1	Exemplary Disclosure in Prior Art
	"The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn." (4:4-12) "The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved." (6:47-53) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and EP 0 476 818, understand how to modify the 9132 Show-It Brief and the 9133 Show-It Boxer to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that	The obviousness combinations asserted and disclosed in this chart for claim 2 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of '369 Patent • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 in further view of '369 Patent See above regarding claim 1. The Court has construed "asymmetrical stretch characteristics" as "a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction."

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Claim 2	Exemplary Disclosure in Prior Art
the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.	**The 9132 Show-It Brief is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.** ***See,*** The 9132 Show-It Brief's "stretch panel" comprises [redacted] a material that is capable of stretching more easily in a first direction than a second direction at right angles to the first direction. February 5, 2009 Pattern Sheets at ACI000152. The "inner cup" of the 9132 Show-It Brief (the Stretch Panel) "lifts and presents" the male genitalia, which indicates that the "inner cup" (the Stretch Panel) will stretch less easily in a direct at right angles to the waistband (i.e., up and down) – to "lift" up it needs to stretch relatively less in the "up" direction. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.** ***See,*** The 9133 Show-It Boxer's "stretch panel" comprises [redacted] a material that is capable of stretching more easily in a first direction than a second direction at right angles to the first direction. February 5, 2009 Pattern Sheets at ACI000151. The "inner cup" of the 9133 Show-It Boxer (the Stretch Panel) "lifts and presents" the male genitalia, which indicates that the "inner cup" (the Stretch Panel) will stretch less easily in a direct at right angles to the waistband (i.e., up and down) – to "lift" up it needs to stretch relatively less in the "up" direction. "Show-It Technology 2.0 features a hidden "comfy cup" that gently lifts and presents the

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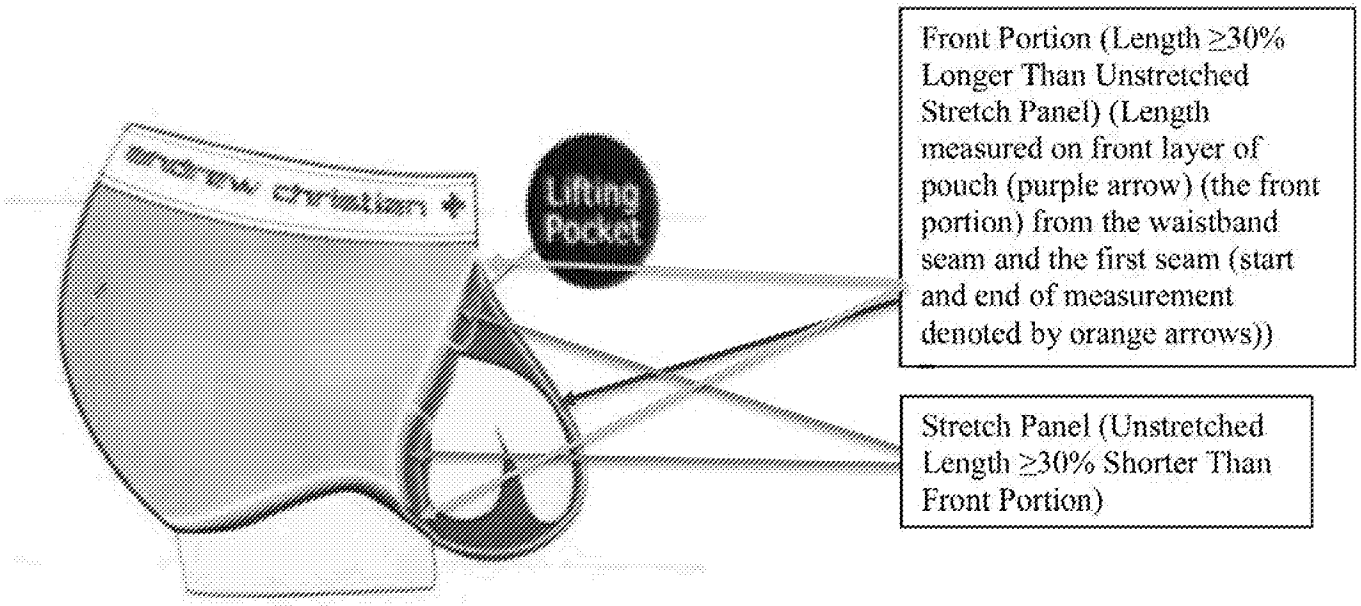
Claim 2	Exemplary Disclosure in Prior Art
	package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation. **The '369 Patent discloses a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.. *See*,** In particular, the '369 Patent discloses a "warp knit," which has asymmetrical stretch characteristics and is used in male underwear. The '396 Patent also discloses that it is advantageous for a fabric to stretch more easily in a direction parallel to the waistband [direction 29, the horizontal direction] and less easily in a direction at right angles to the waistband [direction 27, the vertical direction]. "The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29." (2:40-52) "The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10." (3:1-10) To the extent Plaintiffs contend the 9132 Show-It Brief or the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would,

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Claim 2	Exemplary Disclosure in Prior Art
	based on one's knowledge and the And the 9132 Show-It Brief or the 9133 Show-It Boxer, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation. Alternatively, one of ordinary skill could modify the 9132 Show-It Brief or the 9133 Show-It Boxer in view of the '369 Patent to meet this limitation.

Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **In the 9132 Show-It Brief, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,*** The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals.

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Claim 5	Exemplary Disclosure in Prior Art
when unstretched, by at least 30%.	 Show-It 2009-2010 Catalog at ACI000094. Identical image in March 11, 2009 Blog Entry. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **In the 9133 Show-It Boxer, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,*** The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals.

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Claim 5	Exemplary Disclosure in Prior Art
	On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in Show-It 2009-2010 Catalog at ACI000094. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 6	Exemplary Disclosure in Prior Art
[6] A garment according to claim 1 wherein the garment is a pair of undershorts.	The obviousness combinations asserted and disclosed in this chart for claim 6 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1.

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Claim 6	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief is a pair of undershorts. ***See,***  Show-It 2009 Line Sheet at ACI000092.

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Claim 6	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a pair of undershorts. ***See,***  Show-It 2009 Line Sheet at ACI000092.

Claim 7	Exemplary Disclosure in Prior Art
[7] A garment according to claim 1 wherein the stretch panel comprises a fabric	The obviousness combinations asserted and disclosed in this chart for claim 7 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes a stretch panel comprising a fabric different from a fabric of the body.** ***See,***

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Claim 7	Exemplary Disclosure in Prior Art
different from a fabric of the body.	As shown below in the screenshot from ACI000040, the stretch panel (the inner cup) of the pictured 9132 Show-It Brief is made from a red fabric, while at least some of the body is made from a different gray fabric.  ACI000040 at 00:14. "The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. The Stretch Panel is also lined by (comprises) a "soft elastic" – the "soft elastic" is a fabric different from the fabric of the body. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the disclosure of the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric different from a fabric of the body.** ***See*,** On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion in a different fabric from the Body, as shown above in ACI000040 at 00:14. Just like the 9132 Show-It Briefs, the 9133 Show-It Boxers have "contrasting" pouches, and the inside of the pouch (the "inner cup") (the Stretch Panel) will also be a "contrasting" fabric from the

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Claim 7	Exemplary Disclosure in Prior Art
	body. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." "The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting…." March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. The Stretch Panel is also lined by (comprises) a "soft elastic" – the "soft elastic" is a fabric different from the fabric of the body. To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the disclosure of the 9133 Show-It Boxer to meet this limitation.

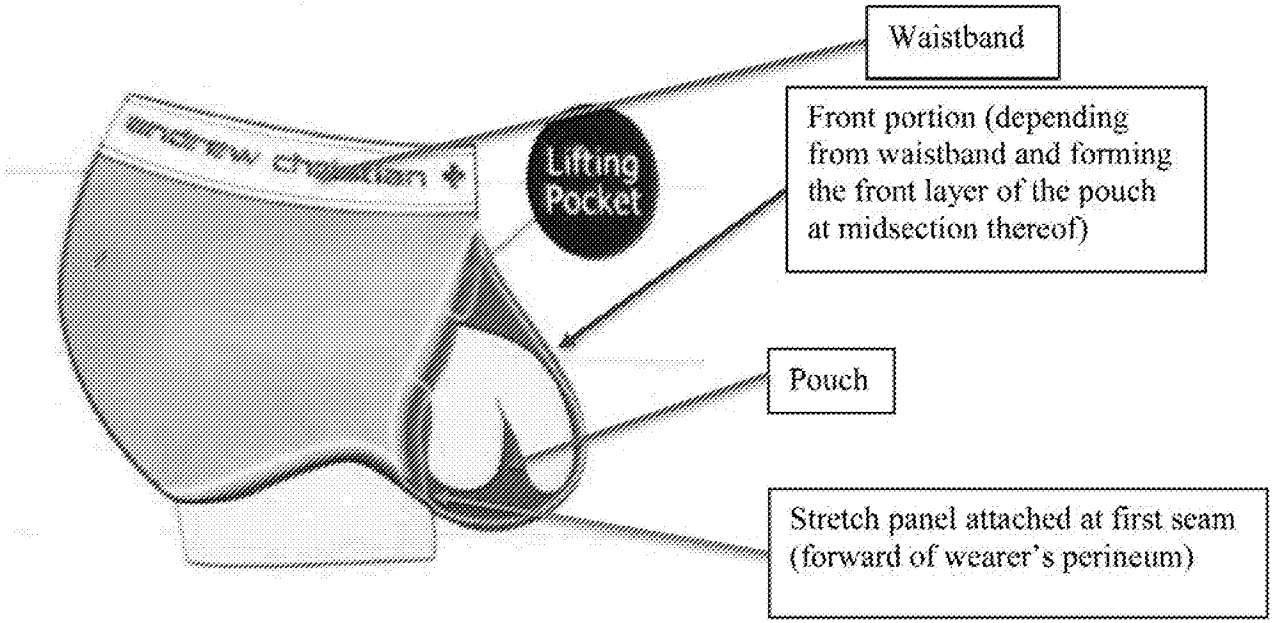
Claim 8	Exemplary Disclosure in Prior Art
[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.	The obviousness combinations asserted and disclosed in this chart for claim 8 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "inner cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening.

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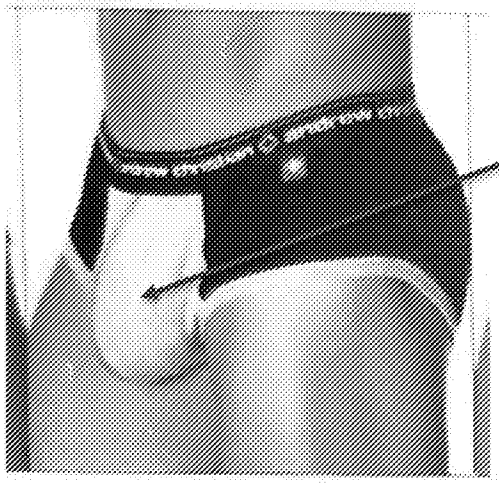
Claim 8	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "inner cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) with an opening with a width in excess of 2 cm.

Claim 9	Exemplary Disclosure in Prior Art
[9] A garment according to claim 1 wherein:	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1.

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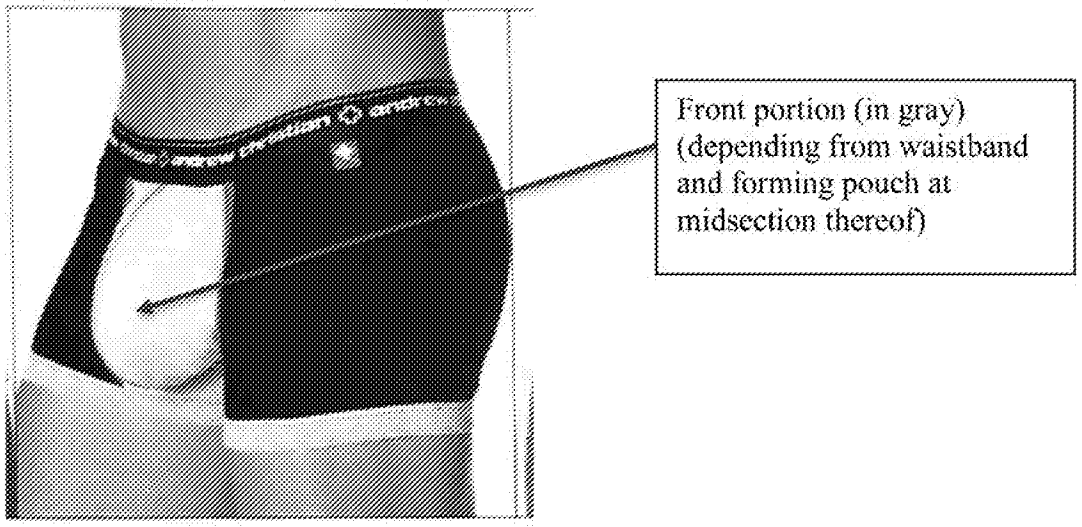
Claim 9	Exemplary Disclosure in Prior Art
the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the	**The 9132 Show-It Brief includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***  Show-It 2009-2010 Catalog at ACI000094. The scrotum of the wearer is supported underneath by the stretch panel (the inner cup or comfy cup of the 9132 Show-It Brief) to contain the wearer's penis and scrotum in the pouch: "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092.

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Claim 9	Exemplary Disclosure in Prior Art
stretch panel to contain a wearer's penis and scrotum in the pouch.	"Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.  Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***

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Claim 9	Exemplary Disclosure in Prior Art



Show-It 2009 Line Sheet at ACI000092.

"The scrotum of the wearer is supported underneath by the stretch panel to contain the wearer's penis and scrotum in the pouch":

"Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092.

"Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description.

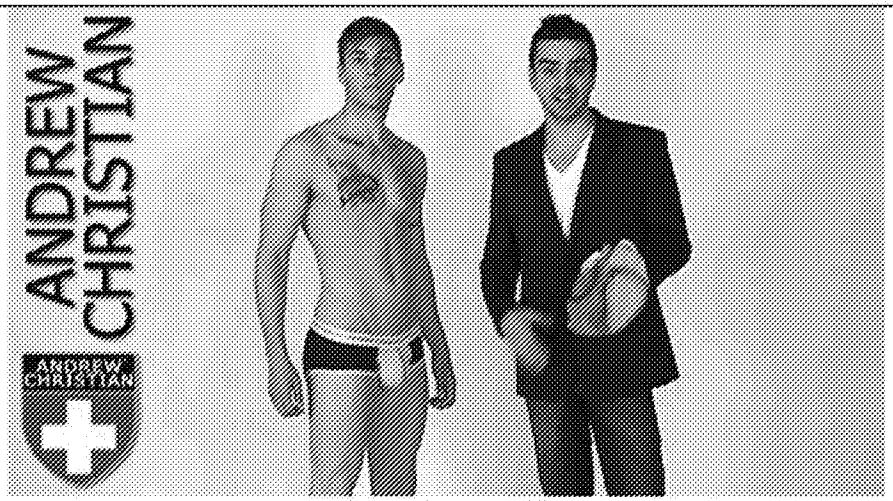
To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

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Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief discloses elastically resilient four-way stretch material comprised of a spandex blend. *See*,** The 9132 Show-It Brief's "stretch panel" comprises [redacted] February 5, 2009 Pattern Sheets at ACI000152. In ACI000040, Andrew Christian is demonstrating the elastically resilient four way stretch of the "inner cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "inner cup" (the Stretch Panel) stretches in length and width (four-way stretch):  ACI000040 at 00:20. The "inner cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:

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Claim 10	Exemplary Disclosure in Prior Art



ACI000040 at 00.23.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe.

The 9133 Show-It Boxer discloses elastically resilient four-way stretch material comprised of a spandex blend. ***See,***

The 9133 Show-It Boxer's "stretch panel" comprises [redacted] February 5, 2009 Pattern Sheets at ACI000151.

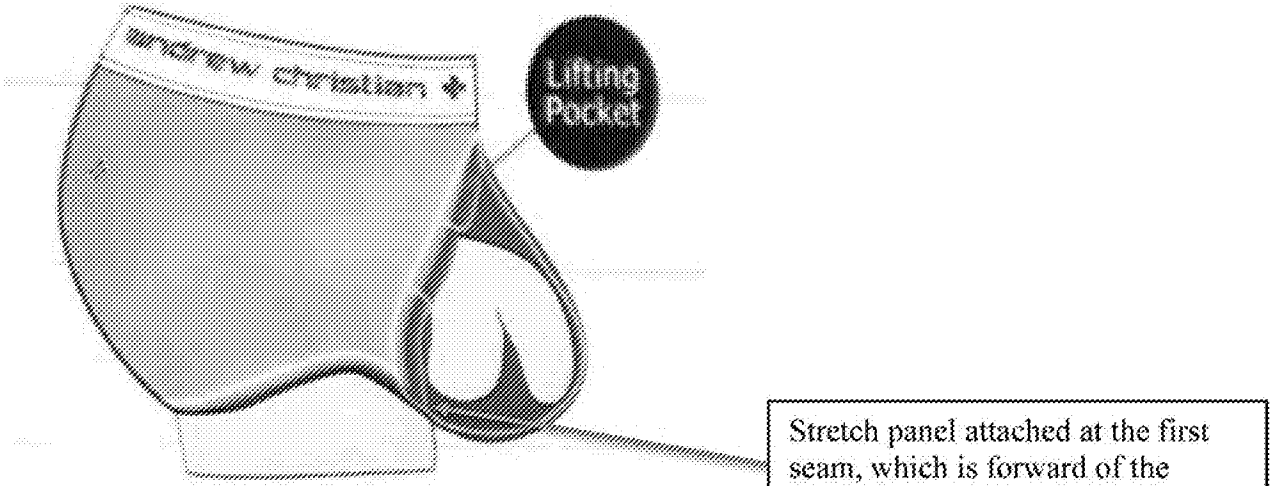
On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup."

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Claim 10	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe.

Claim 12	Exemplary Disclosure in Prior Art
[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 12 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **In the 9132 Show-It Brief, the first seam is disposed forward of a perineum region of a wearer.** ***See,***

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Claim 12	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. "Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a first seam disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation. **In the 9133 Show-It Boxer, the first seam is disposed forward of a perineum region of a wearer. *See,*** "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092.

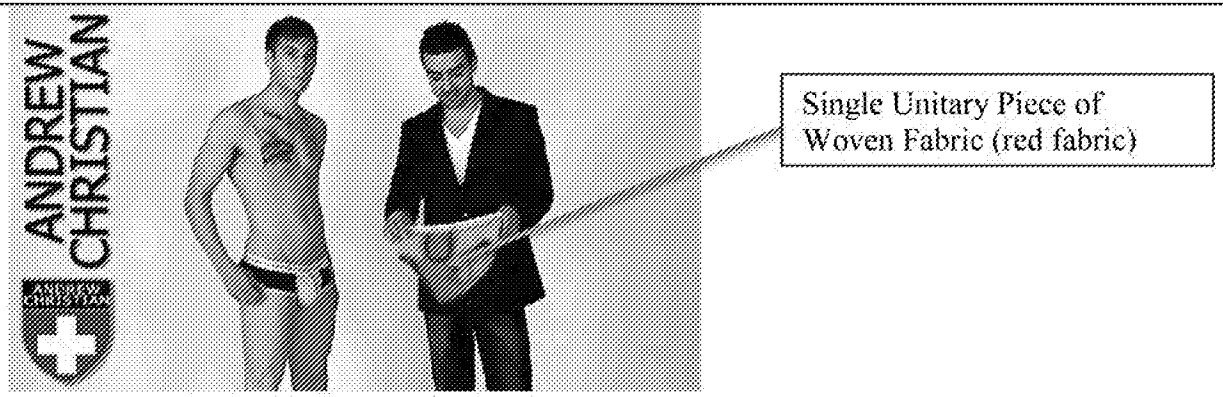
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Claim 12	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and presents the package to the front." March 3, 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a first seam disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 14	Exemplary Disclosure in Prior Art
[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.	The obviousness combinations asserted and disclosed in this chart for claim 14 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief's stretch panel is formed from a single unitary piece of woven fabric.** ***See,***

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Claim 14	Exemplary Disclosure in Prior Art



ACI000040 at 00:14.

To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer's stretch panel is formed from a single unitary piece of woven fabric. ***See,***

On information and belief, the 9133 Show-It Boxer utilized the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief, and an inside view of the 9133 Show-It Boxer would show a "inner cup" (that is, a Stretch Panel) formed from a single unitary piece of woven fabric inside the Front Portion as shown above in ACI000040 at 00:14. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup."

To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

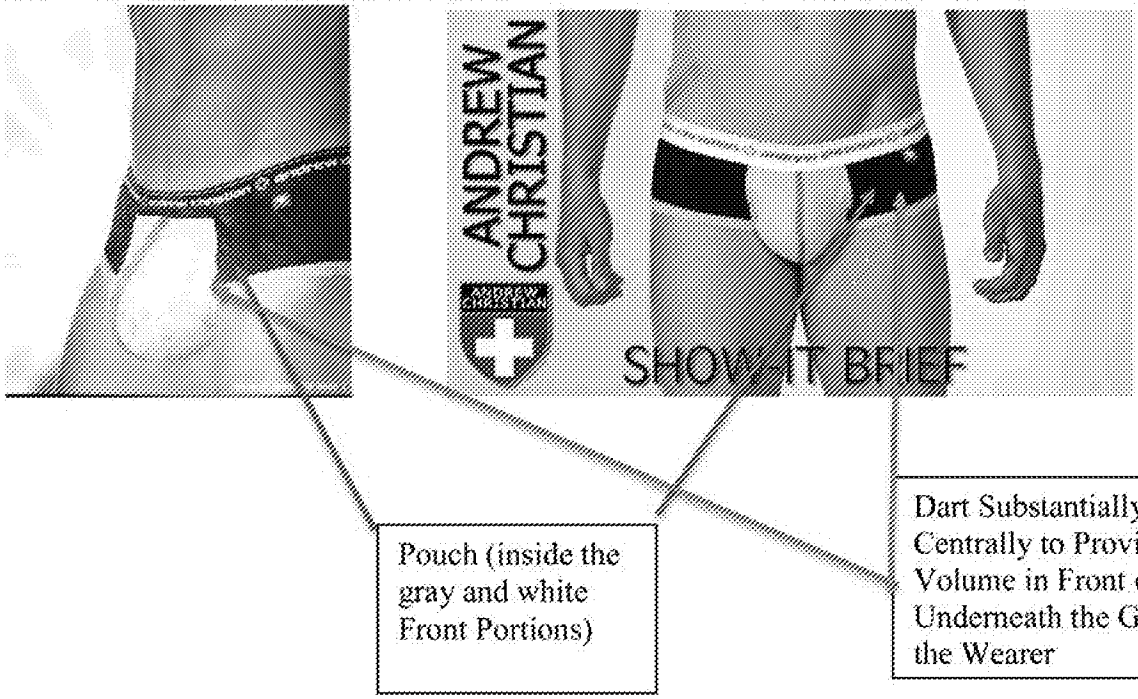
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Claim 15	Exemplary Disclosure in Prior Art
[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 15 are as follows: • Andrew Christian 9132 Show-It Brief/9133 Show-It Boxer in view of EP O 476 818 See above regarding claim 1. The Court has construed "a dart seam stitched along a bottom portion of the pouch" as "a shaping seam stitched along a bottom portion of the pouch." **The 9132 Show-It Brief includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.** ***See,*** The dart seam is the seam down the middle of the front portion (the front layer of the pouch) in the 9132 Show-It Briefs.

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Claim 15	Exemplary Disclosure in Prior Art

Show-It 2009 Line Sheet at ACI000091. ACI000040 at 00:10.



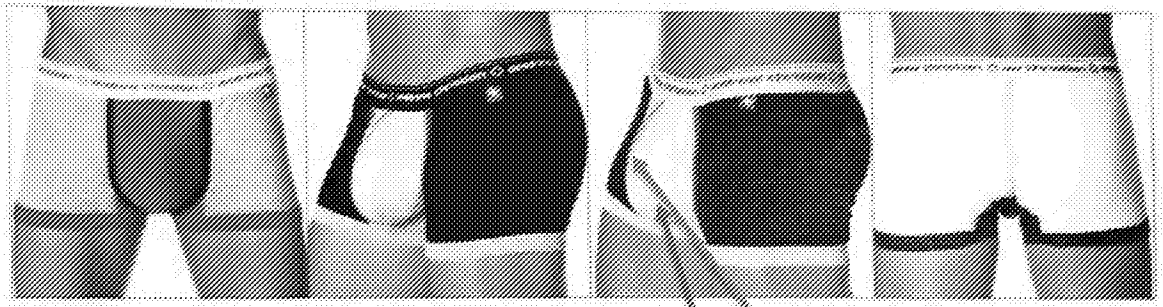
To the extent Plaintiffs contend the 9132 Show-It Brief does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. ***See,***

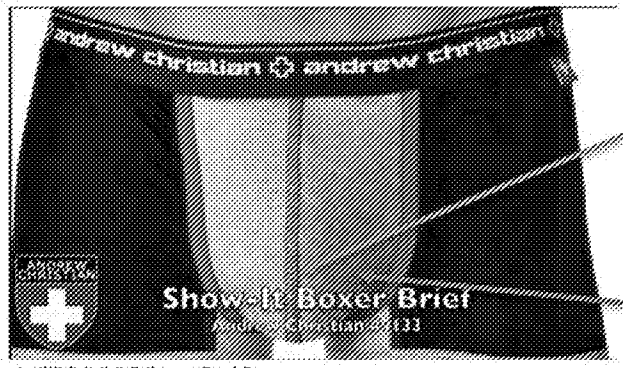
The dart seam is the seam down the middle of the front portion (the front layer of the pouch) in the 9133 Show-It Boxers.

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Claim 15	Exemplary Disclosure in Prior Art



Show-It 2009 Line Sheet at ACI000092.



ACI000038 at 2:43.

Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer

Pouch (inside the gray and white Front Portions)

To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.

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Andrew Christian Show-It Underwear Printed Publications in View of European Patent Application No. EP 0 476 818 and/or U.S. Patent 7,631,369

The combination of the following printed publications, each disclosing Andrew Christian products in Style No. 9132 (Show-It Brief) ("9132 Show-It Brief") and Style No. 9133 (Show-It Boxer) ("9133 Show-It Boxer") featuring "Show-It 2.0 Technology," renders obvious the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the "'369 Patent") and/or European Patent Application No. EP 0 476 818 (published March 25, 1992) ("EP 0 476 818").

The Andrew Christian printed publications are: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038 (the "ACI000038 publication" or "ACI000038"); ACI000040 (the "ACI000040 publication" or "ACI000040"). One of ordinary skill in the art of the Asserted Patents would understand to combine these four printed publications, as all four discuss and describe the same Andrew Christian products – the 9132 Show-It Brief and the 9133 Show-It Boxer. The '369 Patent discloses "performance underwear" for men.

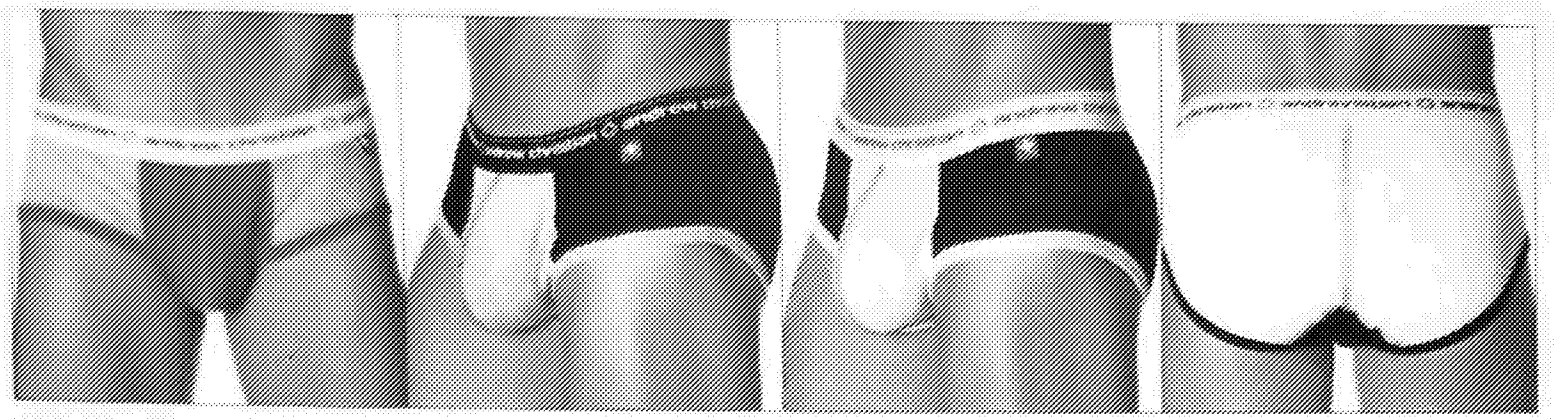
The obviousness combinations asserted and disclosed in this chart are as follows:

- Andrew Christian printed publications in view of EP O 476 818 (all asserted claims)
- Andrew Christian printed publications in view of in view of '369 Patent (claim 2)
- Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent (claim 2)

Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The 9132 Show-It Brief is a male garment.** ***See,***

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Claim 1	Exemplary Disclosure in Prior Art



Show-It 2009 Line Sheet at ACI000092.



Show-It 2009 Line Sheet at ACI000091.



ACI000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

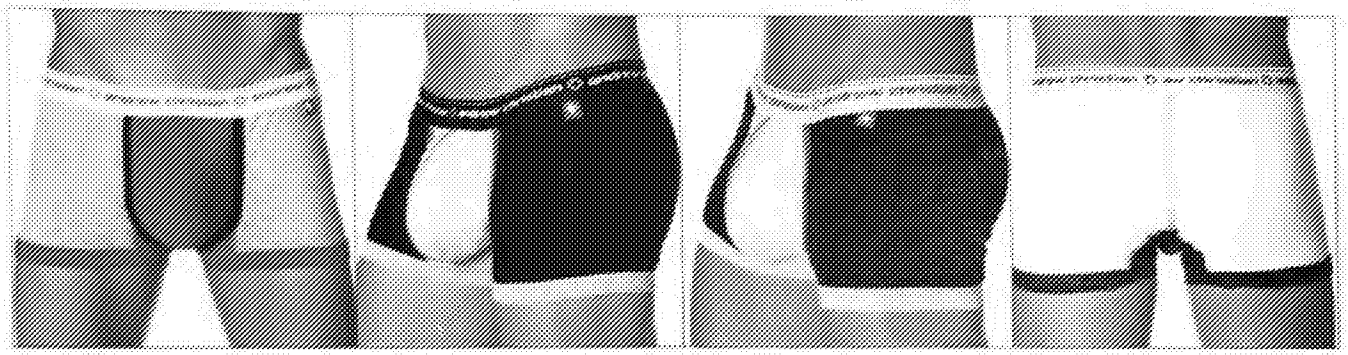
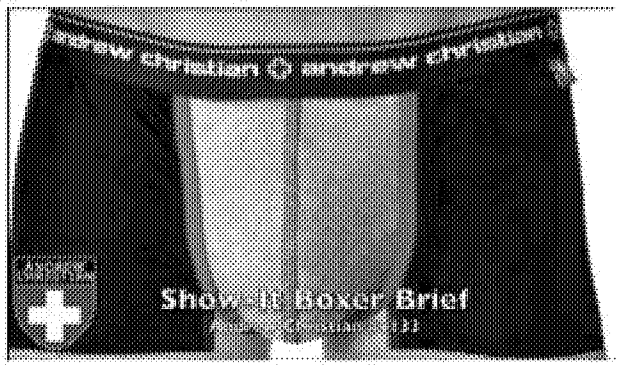


Show-It 2009-2010 Catalog at ACI000094.

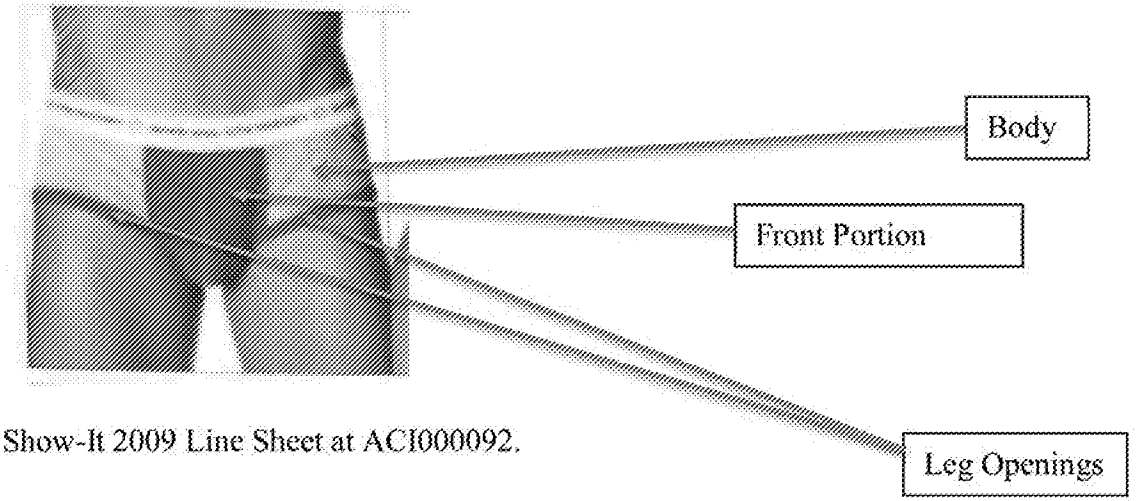


ACI000038 at 3:34.

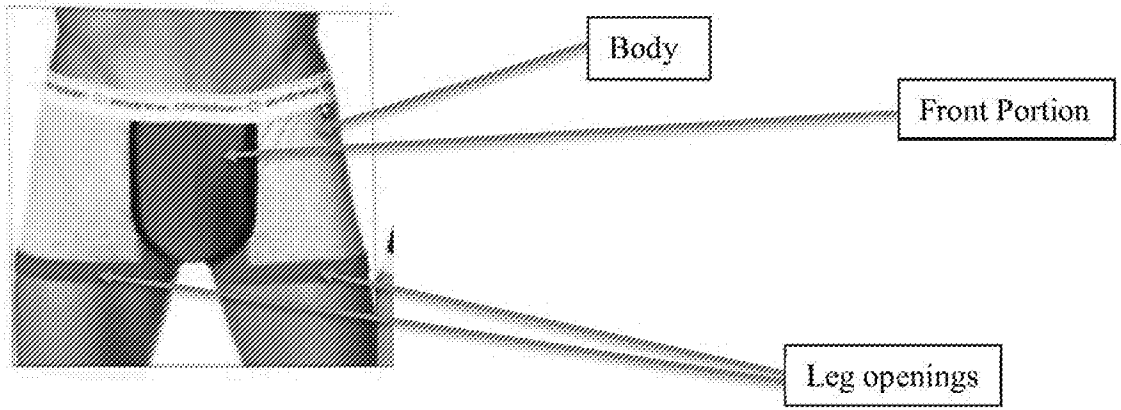
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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a male garment. ***See,***  Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43.

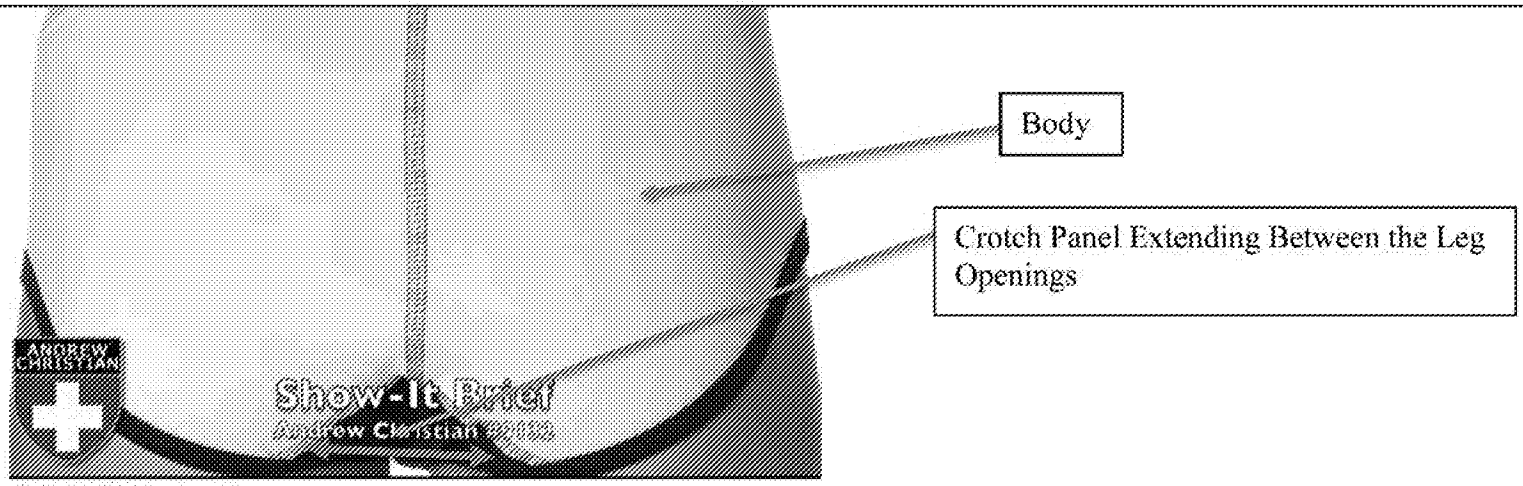
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Claim 1	Exemplary Disclosure in Prior Art
[1.1a] a body including a front portion and having leg openings for a wearer's legs,	**The 9132 Show-It Brief includes a body including a front portion and having leg openings for a wearer's legs. *See*,** The Show-It 2009 Line Sheet discloses the 9132 Show-It Brief including a "front portion," the central part of the body situated in front of the wearer of the 9132 Show-It Brief, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).  Show-It 2009 Line Sheet at ACI000092. **The 9133 Show-It Boxer includes a body including a front portion and having leg openings for a wearer's legs. *See*,** The Show-It 2009 Line Sheet discloses the 9133 Show-It Boxer including a "front portion," the central part of the body situated in front of the wearer of the 9133 Show-It Boxer, shown in red fabric in the image below (and labeled "Front Portion" with an arrow).

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Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;	**The 9132 Show-It Brief includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See,*** The ACI000038 publication shows a "crotch panel" of the 9132 Show-It Brief as the blue fabric panel extending between the legs as shown in the image below, as indicated by the accompanying arrows:

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 4:17. The ACI000040 publication shows a "crotch panel," in red in the screenshots below, that is attached to the "front portion" of the 9132 Show-It Brief (also in red below) along a first seam. As shown in the screenshots below, in the 9132 Show-It Brief, the "first seam" also attaches the "crotch panel" to the "stretch panel" (also in red).

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Claim 1	Exemplary Disclosure in Prior Art

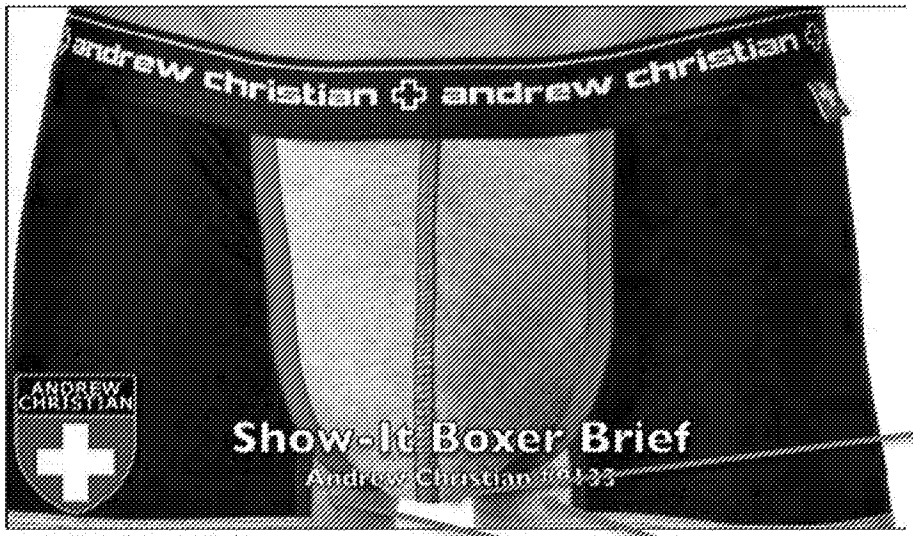


ACI000040 at 00:28.



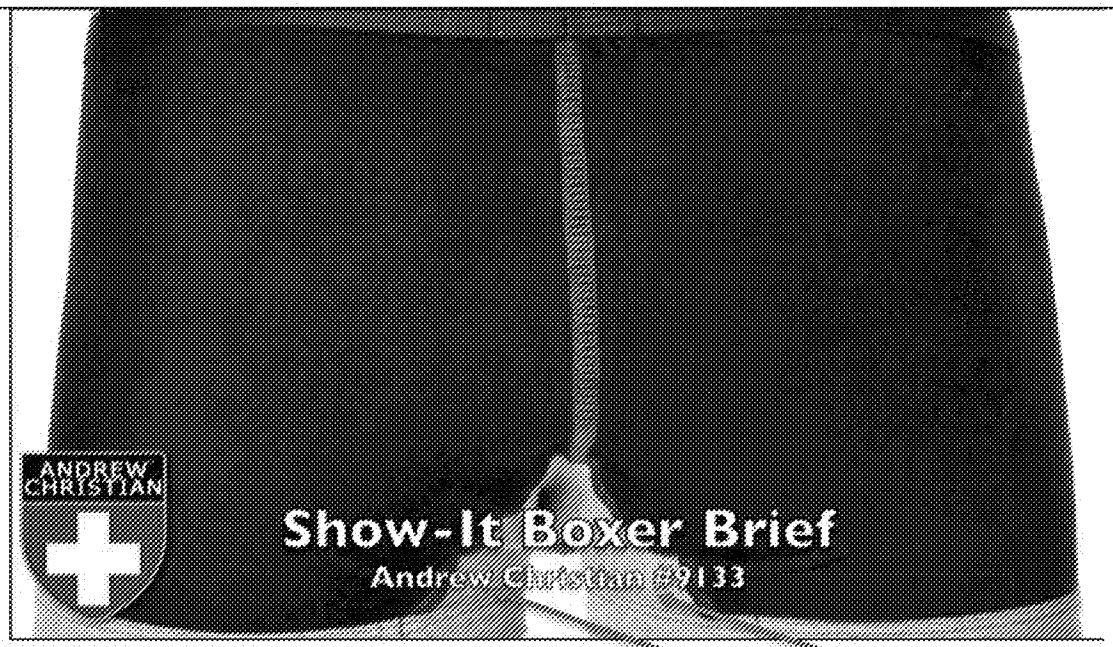
ACI000040 at 00:33.

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Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. ***See,*** The ACI000038 publication shows a "crotch panel" of the 9133 Show-It Boxer as the gray fabric panel extending between the legs seam as shown in the screenshots below, as indicated by the accompanying arrows. The crotch panel is joined to the front portion along a first seam, which is obstructed from view by the pouch in the image below:  ACI000038 at 2:43.

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Claim 1	Exemplary Disclosure in Prior Art

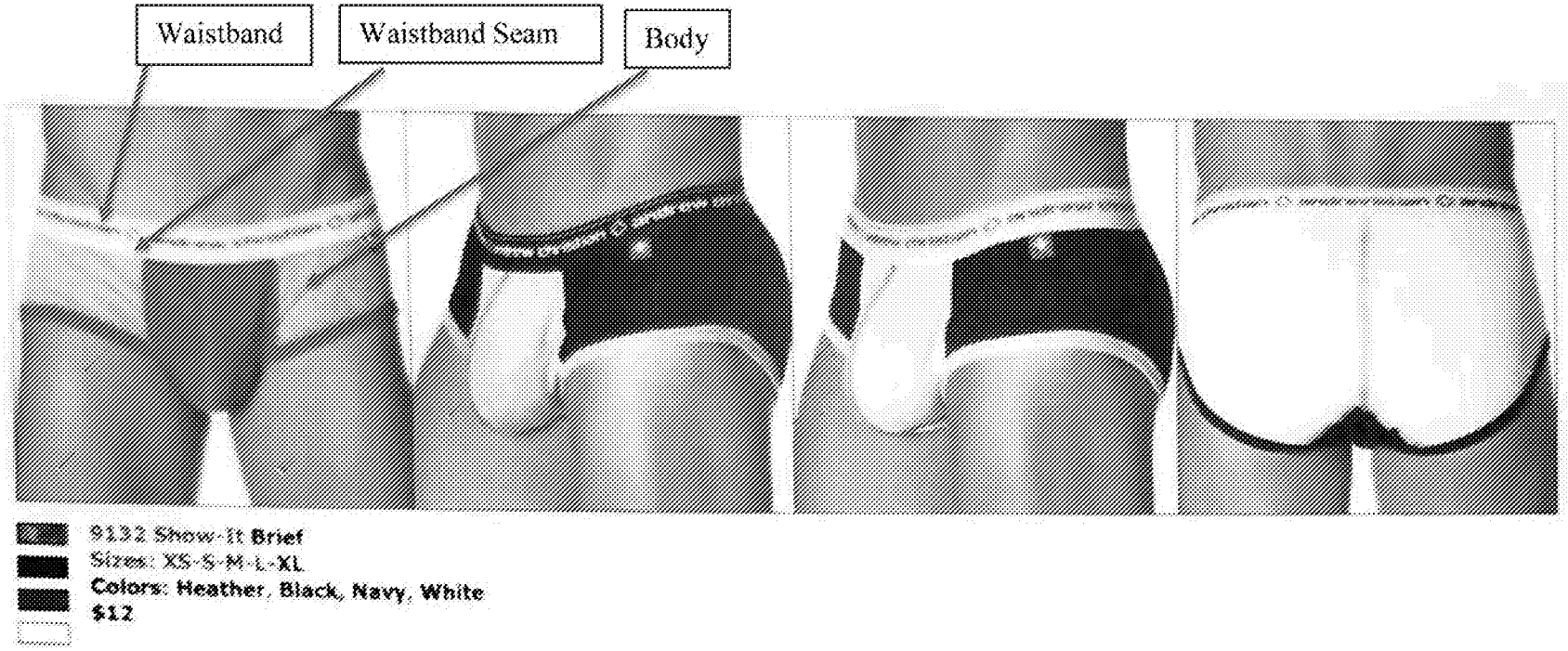


ACI000038 at 2:48.

Crotch Panel Extending Between the Leg Openings

To the extent Plaintiffs contend that the ACI000038 publication or the ACI000040 publication does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the ACI000038 publication or the ACI000040 publication, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation.

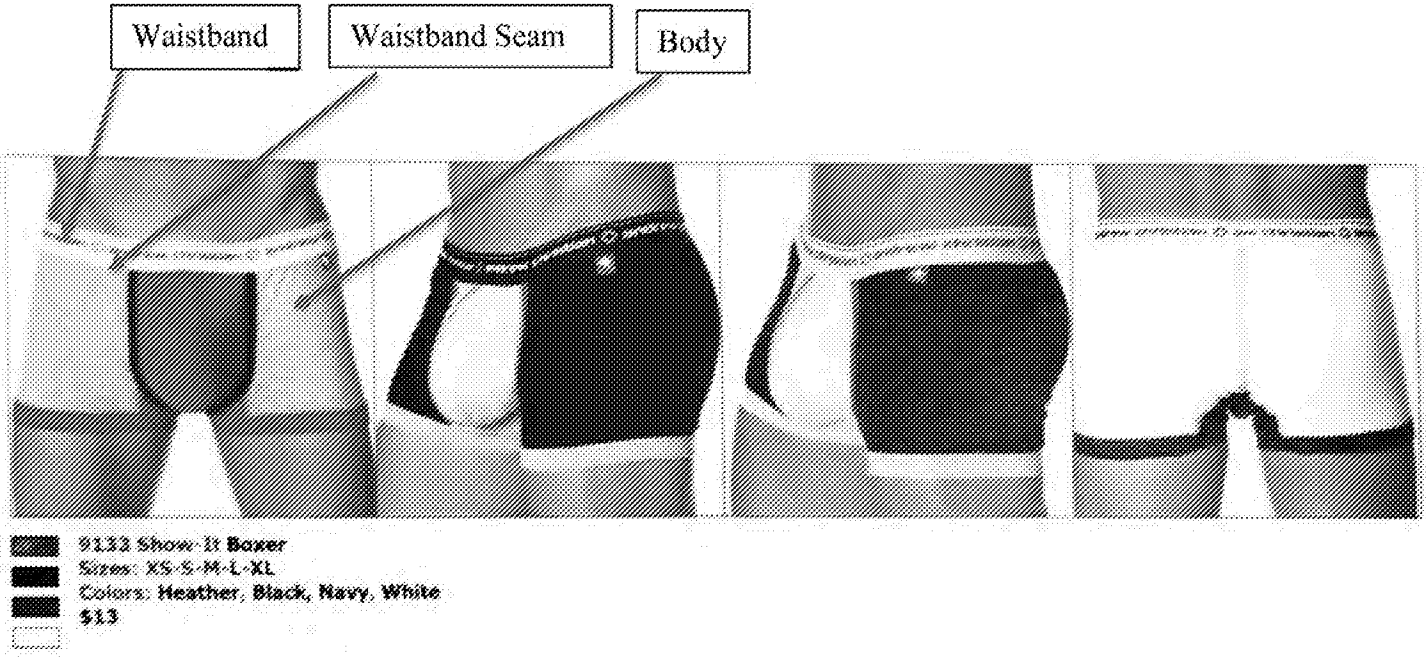
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Claim 1	Exemplary Disclosure in Prior Art
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The 9132 Show-It Brief includes a waistband attached by a waistband seam at an upper edge of the body.** ***See,*** The Show-It 2009 Line Sheet depicts a "waistband" of the 9132 Show-It Brief (with "Andrew Christian" printed on it) that is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9132 Show-It Brief shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red.  Show-It 2009 Line Sheet at ACI000092.

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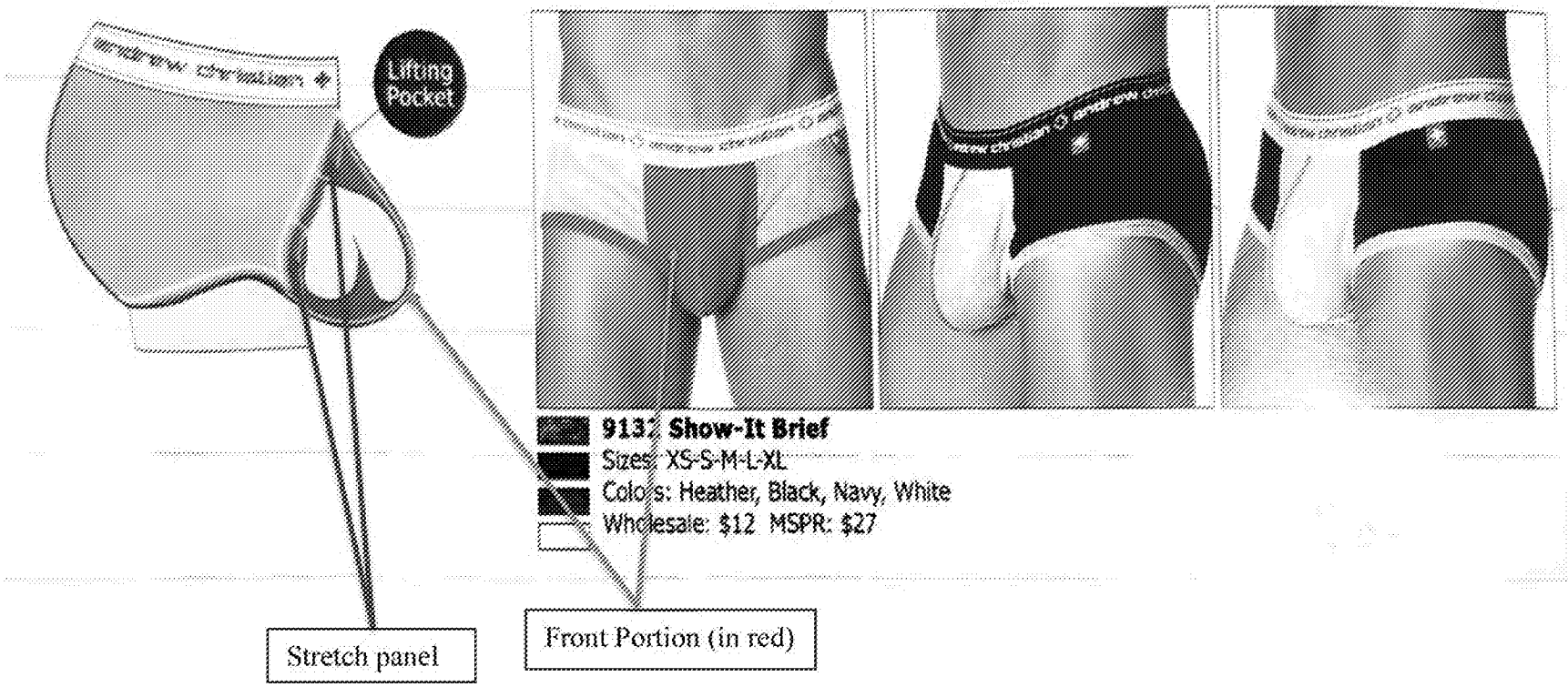
Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a waistband attached by a waistband seam at an upper edge of the body. *See,*

The Show-It 2009 Line Sheet depicts a "waistband" of the 9133 Show-It Boxer (with "Andrew Christian" printed on it) that is attached by a seam (the "waistband seam") at the upper edge of the "body." In the leftmost image of the 9133 Show-It Boxer shown below, the body is heather (gray) and red and the waistband is white with "Andrew Christian" printed in red.



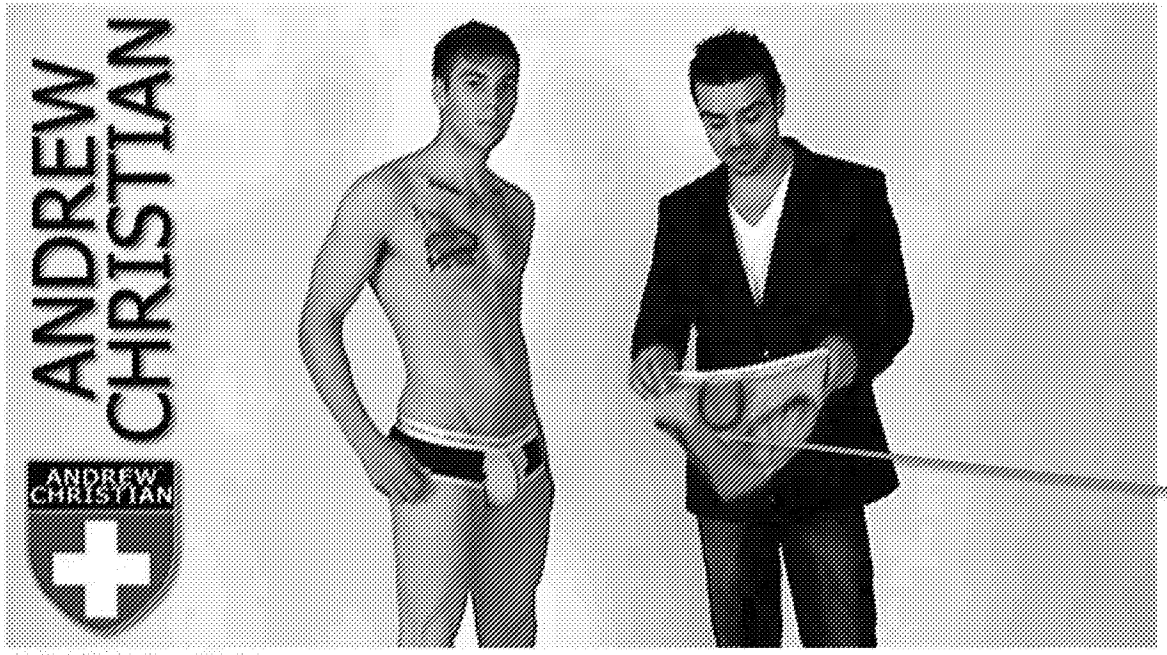
Show-It 2009 Line Sheet at ACI000092.

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Claim 1	Exemplary Disclosure in Prior Art
[1.3a] a stretch panel attached to the body inside the front portion,	**The 9132 Show-It Brief includes a stretch panel attached to the body inside the front portion.** ***See,*** The Show-It 2009-2010 Catalog shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams. The "stretch panel" of the 9132 Show-It Brief is referred to as the "Comfy Cup" in descriptions of the 9132 Show-It Brief.  "Our Comfy Cup™ cradles and lifts…" Show-It 2009-2010 Catalog at ACI000094.

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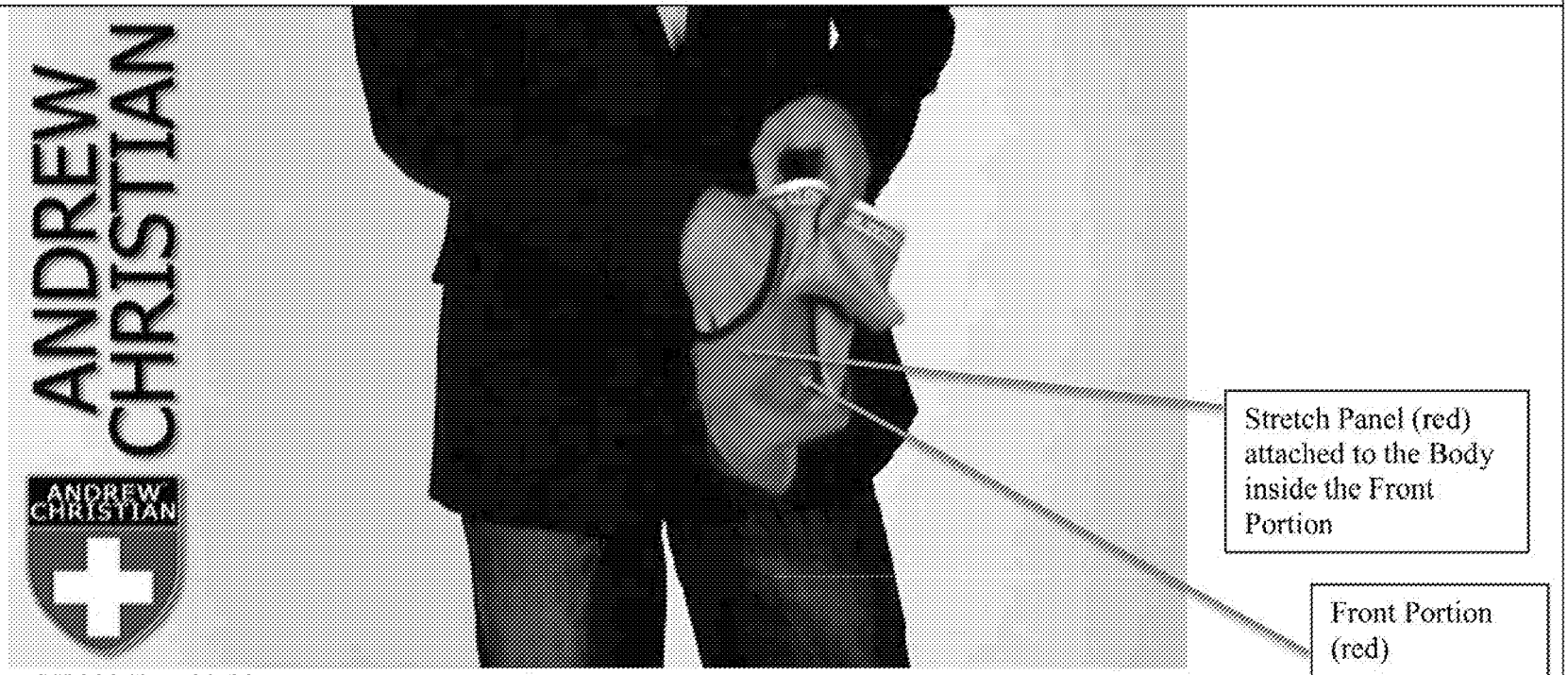
Claim 1	Exemplary Disclosure in Prior Art
	The ACI000040 publication shows an inside view of the 9132 Show-It Brief (as shown in the screenshots below), which shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams.



ACI000040 at 00:14.

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Claim 1	Exemplary Disclosure in Prior Art

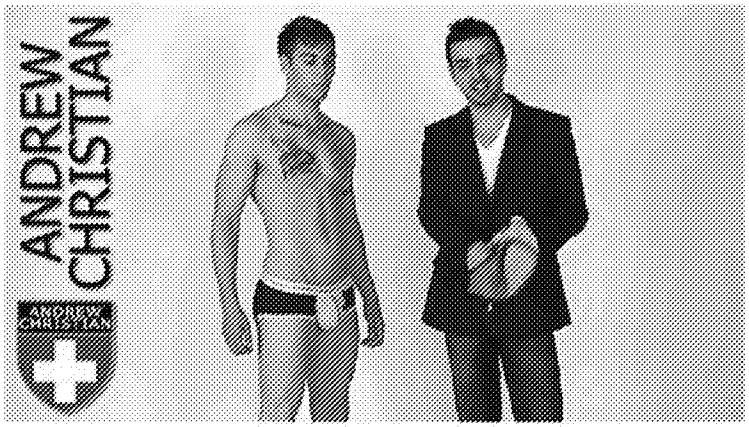


ACI000040 at 00:22.

The 9133 Show-It Boxer includes a stretch panel attached to the body inside the front portion. *See*,

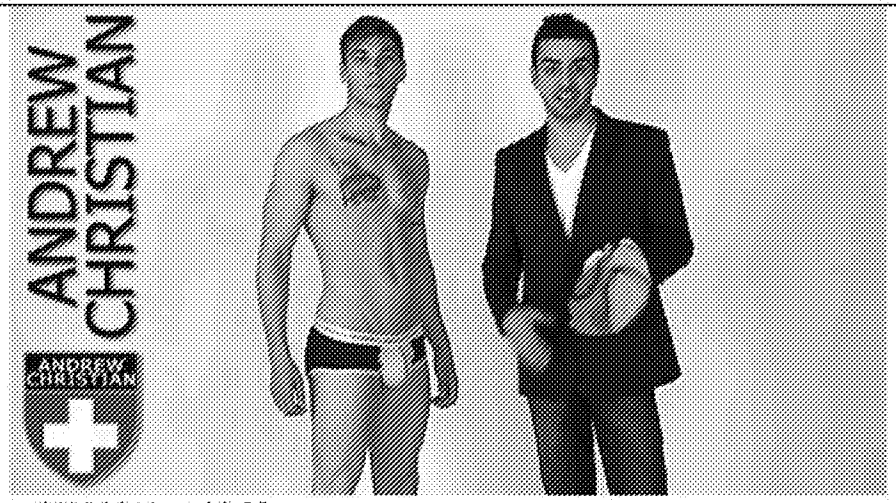
The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a stretch panel as shown in the screen shots of ACI000040 shown above in relation to the 9132 Show-It Brief.

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Claim 1	Exemplary Disclosure in Prior Art
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The 9132 Show-It Brief includes a stretch panel comprising a sheet of elastically resilient four-way stretch material.** ***See,*** In the ACI000040 publication, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch ("a concave space"), as the "comfy cup" (the Stretch Panel) stretches in length and width (four-way stretch):  ACI000040 at 00:20. The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00.23.

The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient four-way stretch material.

To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprising elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication or the Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation.

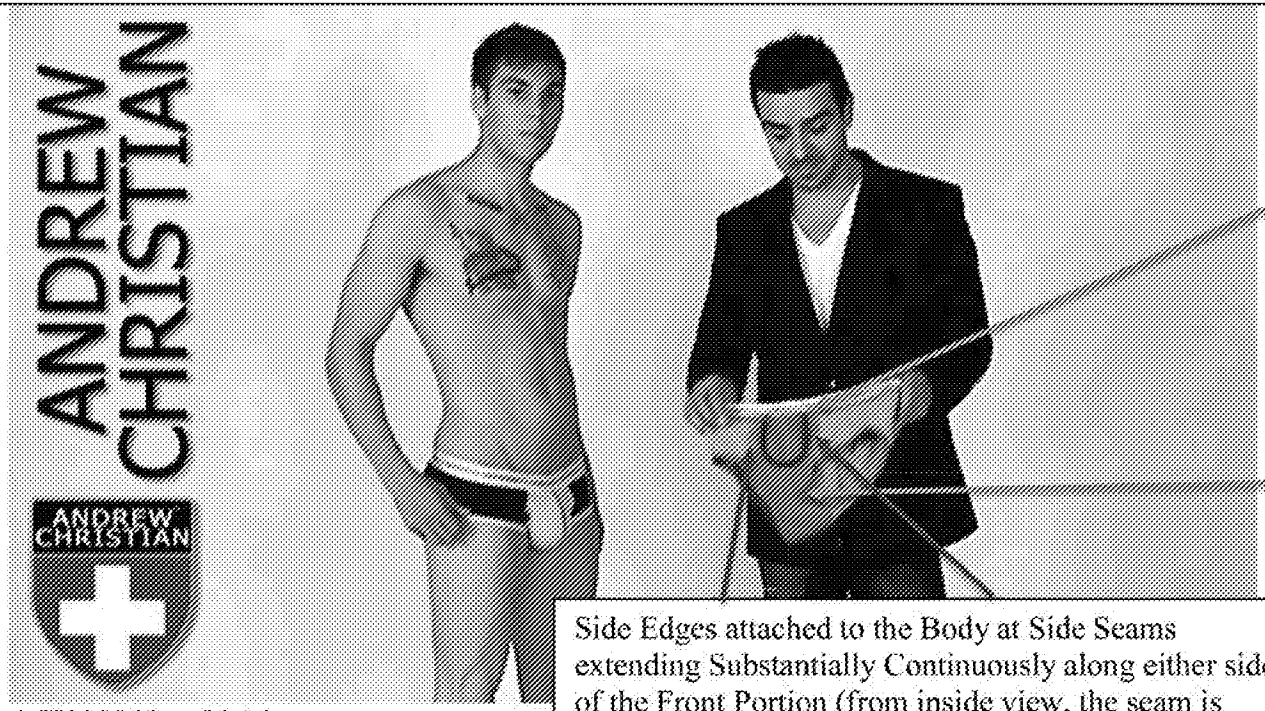
The 9133 Show-It Boxer includes a stretch panel comprising a sheet of elastically resilient four-way stretch material. ***See*****,**

The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside

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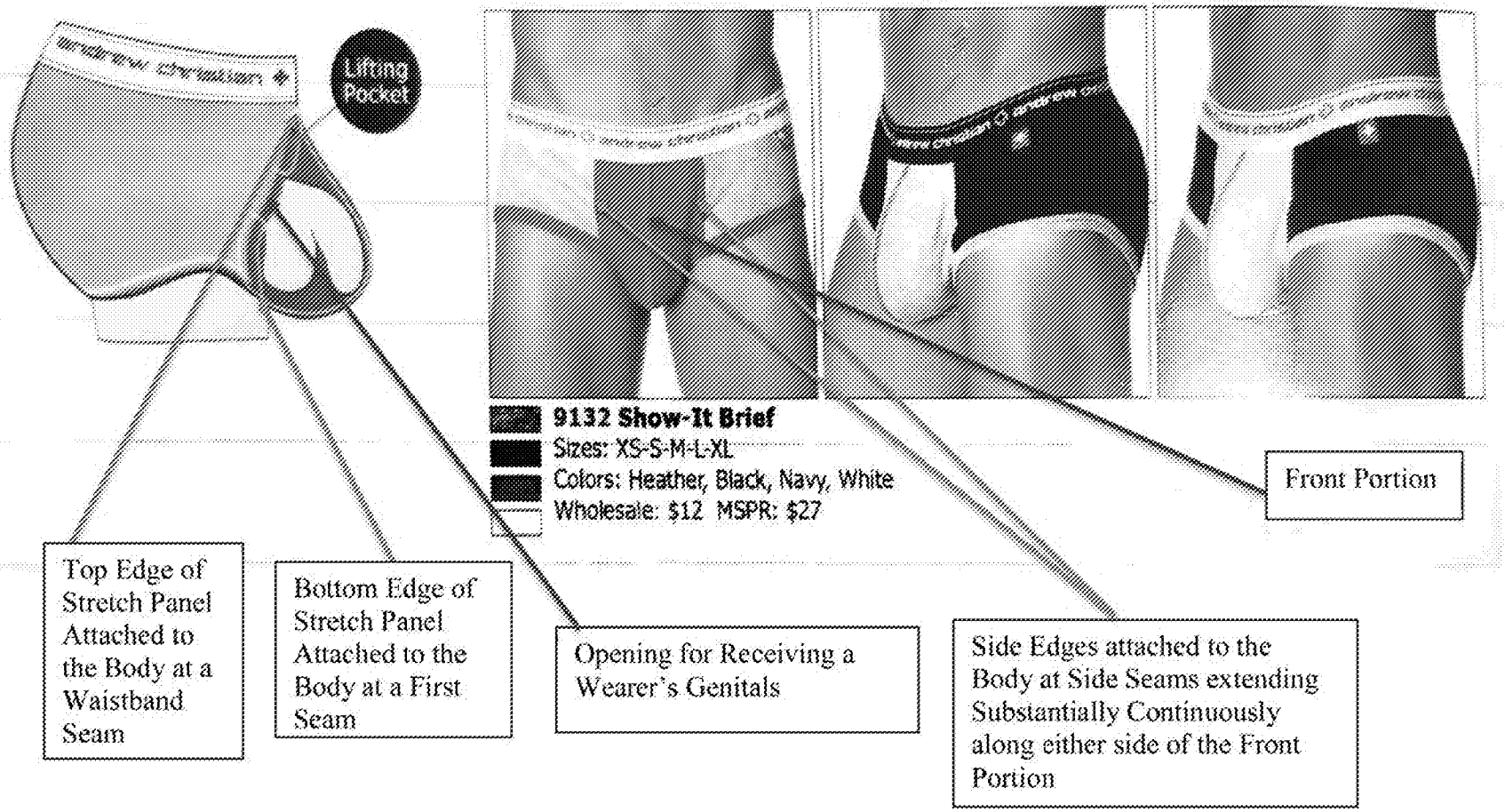
Claim 1	Exemplary Disclosure in Prior Art
	view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23 and the Stretch Panel would have the same elastically resilient four way stretch material. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient four-way stretch material. To the extent Plaintiffs contend the ACI000040 publication the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel comprising elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication or the Show-It 2009 Line Sheet, understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.3c] having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously	**The 9132 Show-It Brief includes a stretch panel having a top edge attached to the body at the waistband seam, a bottom edge attached at a first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam.** ***See,*** The ACI000040 publication discloses that the 9132 Show-It Brief's "stretch panel" (the comfy cup) has a top edge attached to the body at the waistband seam, a bottom edge attached to the body at the first seam, and side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the screenshot below.

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Claim 1	Exemplary Disclosure in Prior Art
along either side of the front portion from the first seam to the waistband seam and	 ACI000040 at 00:14. The Show-It 2009-2010 Catalog also depicts the 9132 Show-It Brief's "stretch panel" (the comfy cup) with a top edge attached to the body at the waistband seam, a bottom edge attached to the body at the first seam, and side edges attached to the body at side seams extending continuously along either side of the "front portion."

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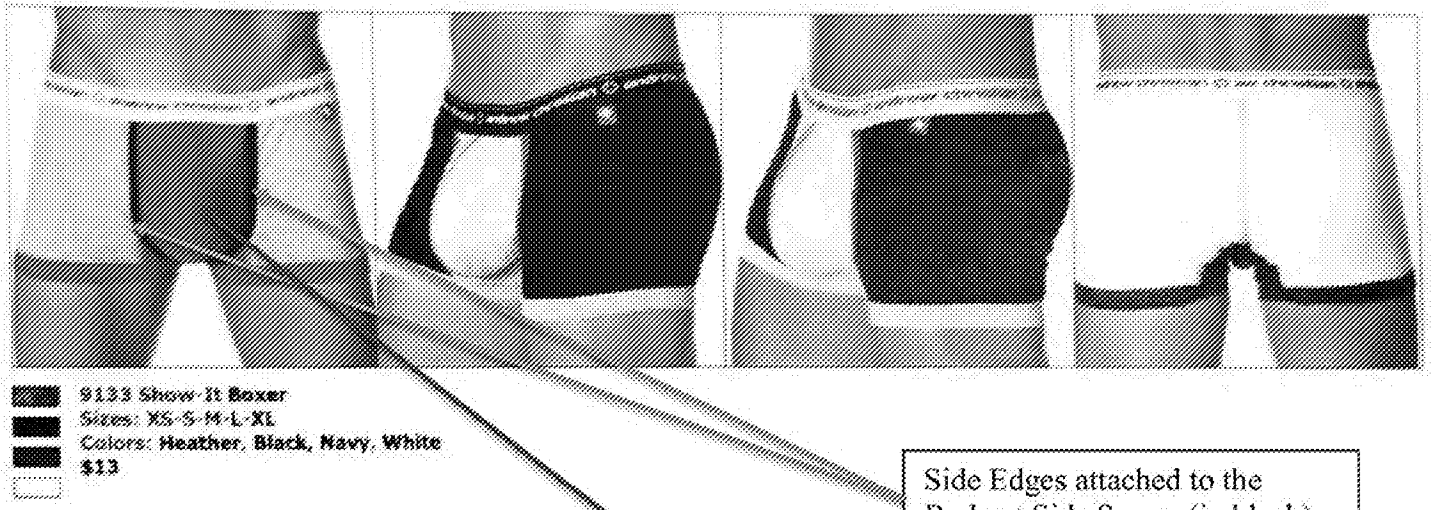
Claim 1	Exemplary Disclosure in Prior Art



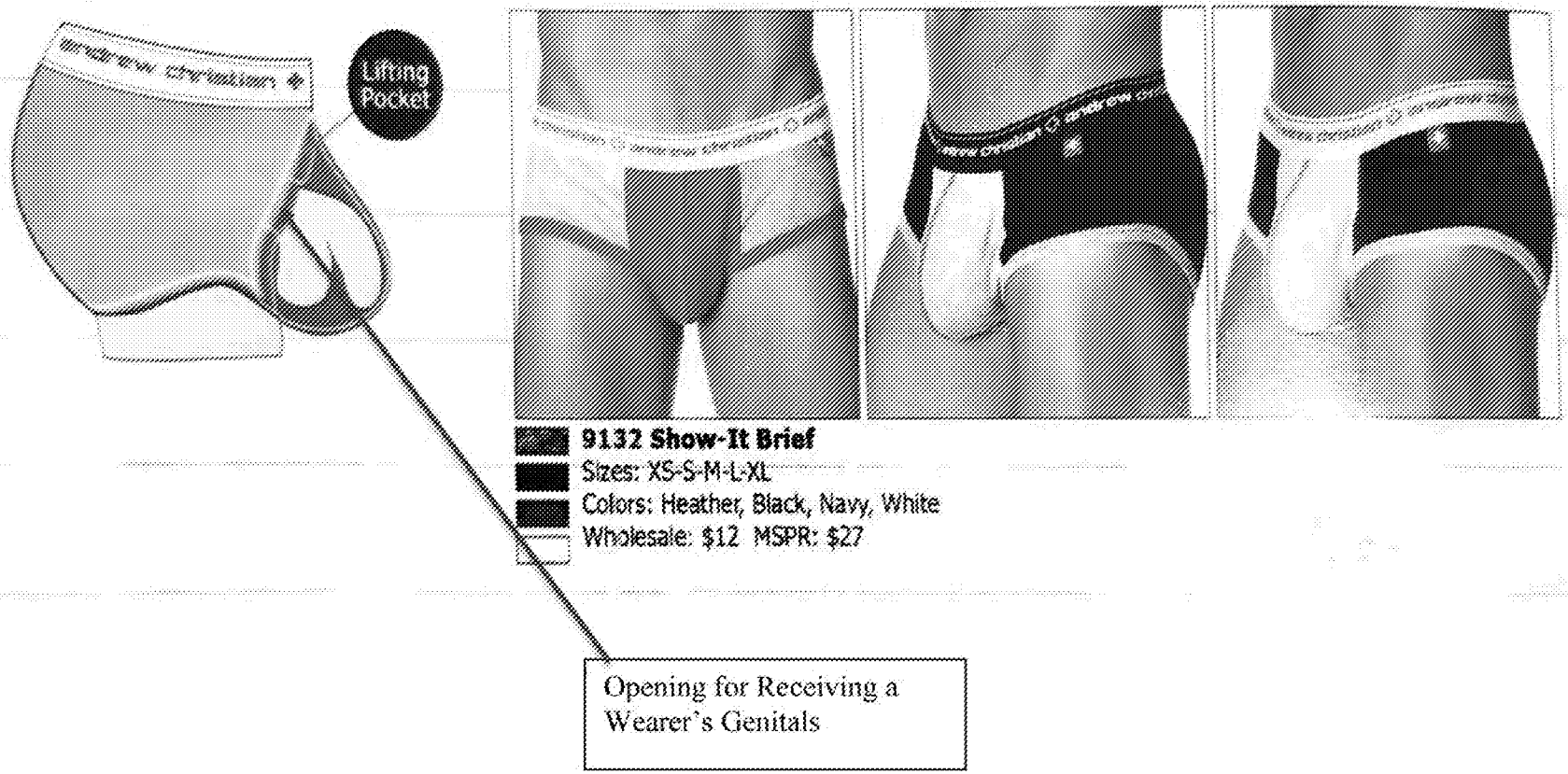
Show-It 2009-2010 Catalog at ACI000094.

The 9133 Show-It Boxer includes a stretch panel having a top edge attached to the body at the waistband seam, a bottom edge attached at a first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam. ***See*****,**

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Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, On information and belief, the 9133 Show-It Boxer utilizes the same "comfy cup" (that is, a Stretch Panel) which has a top edge attached to the body at the waistband seam and a bottom edge attached to the body at the first seam as shown in the image from the Show-It 2009-2010 Catalog above. The Show-It 2009 Line Sheet depicts the 9133 Show-It Boxer's "stretch panel" (the comfy cup) having side edges attached to the body at side seams extending continuously along either side of the "front portion," as shown in the images from the Show-It 2009 Line Sheet below.  Show-It 2009 Line Sheet at ACI000092

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Claim 1	Exemplary Disclosure in Prior Art
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;	**The "stretch panel" of the 9132 Show-It Brief includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening.** ***See,*** The Show-It 2009-2010 Catalog depicts the 9132 Show-It Brief's Stretch Panel ("Comfy cup") having an opening for receiving a wearer's genitals.  Show-It 2009-2010 Catalog at ACI000094.

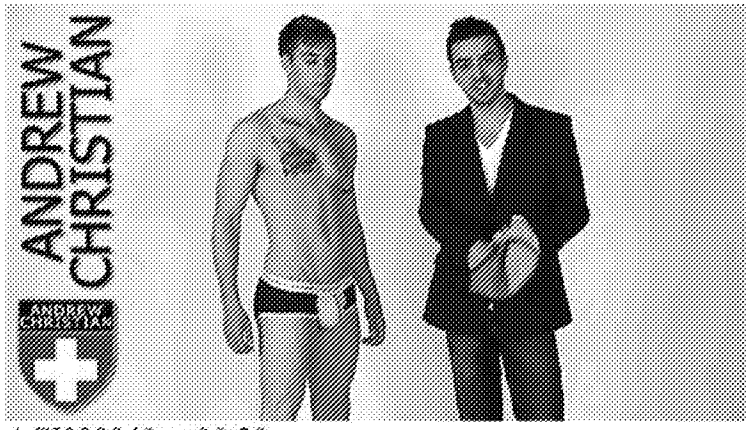
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Claim 1	Exemplary Disclosure in Prior Art
	The ACI000040 publication includes an inside view of the 9132 Show-It Brief, which shows a Stretch Panel ("comfy cup") having an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. The edges of the opening of the 9132 Show-It Brief are outlined by the black elastic lining, which is rounded on the bottom and has opposing side edges spaced apart from each other.

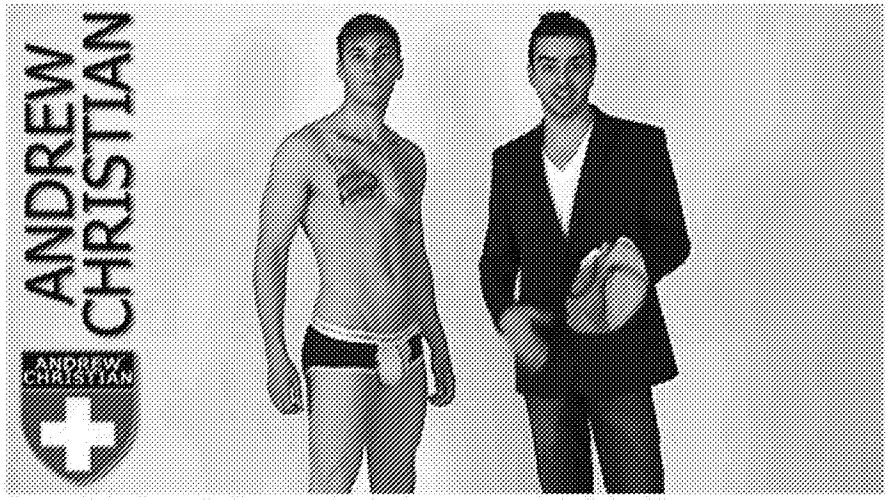


ACI000040 at 00:14.

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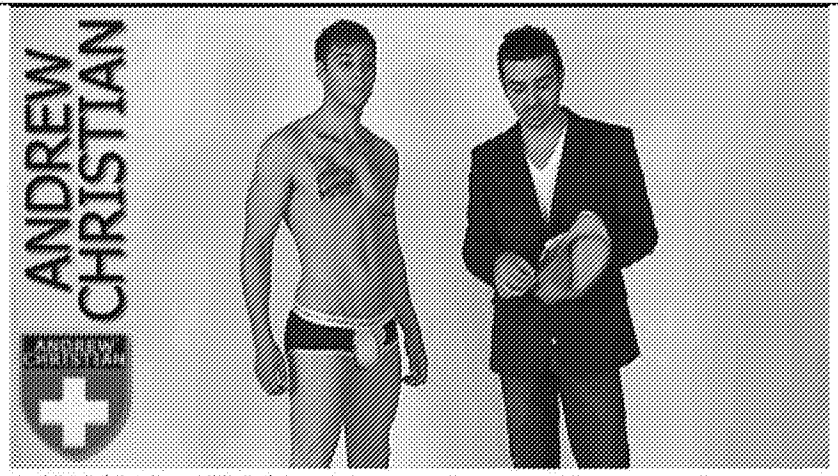
Claim 1	Exemplary Disclosure in Prior Art
	The "stretch panel" of the 9133 Show-It Boxer includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, and an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) with the same opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening as shown above in ACI000040 at 00:14.
[1.4a] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges,	**The 9132 Show-It Brief includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges.** ***See,*** In the screenshot from the ACI000040 publication below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges):  ACI000040 at 00:20.

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Claim 1	Exemplary Disclosure in Prior Art
	The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23. The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup").

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Claim 1	Exemplary Disclosure in Prior Art



ACI000040 at 00:26.

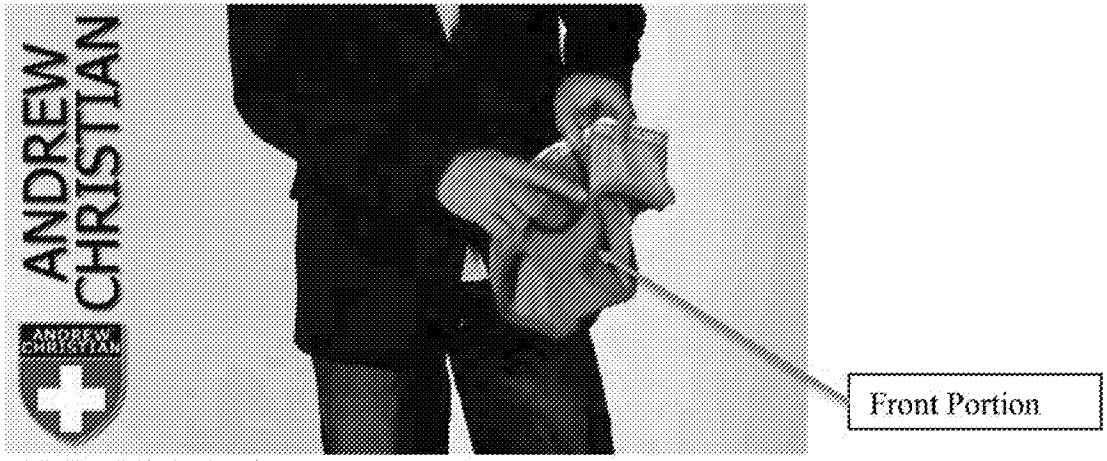
To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the stretch panel (the "comfy cup") being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9132 Show-It Brief, would understand how to modify the 9132 Show-It Brief to meet this limitation.

The 9133 Show-It Boxer includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. ***See,***

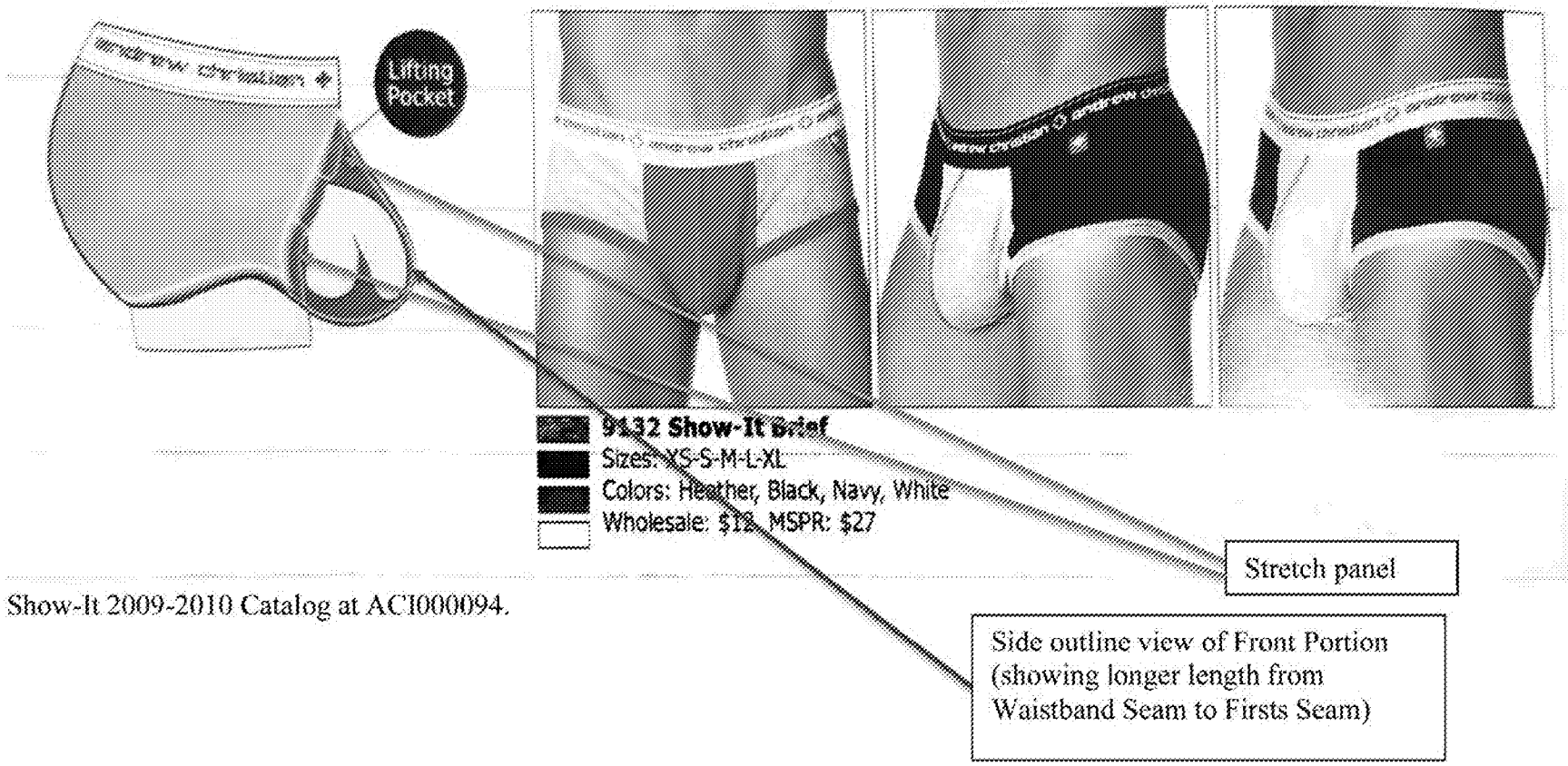
The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, the inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as disclosed in the ACI000040 publication at 00:20, 00:23, and 00:26.

To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009 Line Sheet, does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes the stretch panel (the "comfy cup") being resiliently elastic both in a

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Claim 1	Exemplary Disclosure in Prior Art
	direction between the top edge and the bottom edge and in a direction between the side edges, one of ordinary skill in the art would, based on one's knowledge and the 9133 Show-It Boxer, understand how to modify the 9133 Show-It Boxer to meet this limitation.
[1.4b] the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams	**The 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams.** ***See,*** In the below screenshot from the ACI000040 publication, one can see that the "front portion" of the 9132 Show-It Brief extends forward from the "stretch panel" (the "comfy cup"), and therefore must be longer than the "stretch panel" ("comfy cup"). As such, the "stretch panel" ("comfy cup") must have a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "comfy cup") of the 9132 Show-It Brief are attached along the waistband seam, a bottom seam (the first seam), and the side seams extending from the waistband seam to the first seam.  ACI000040 at 00:28.

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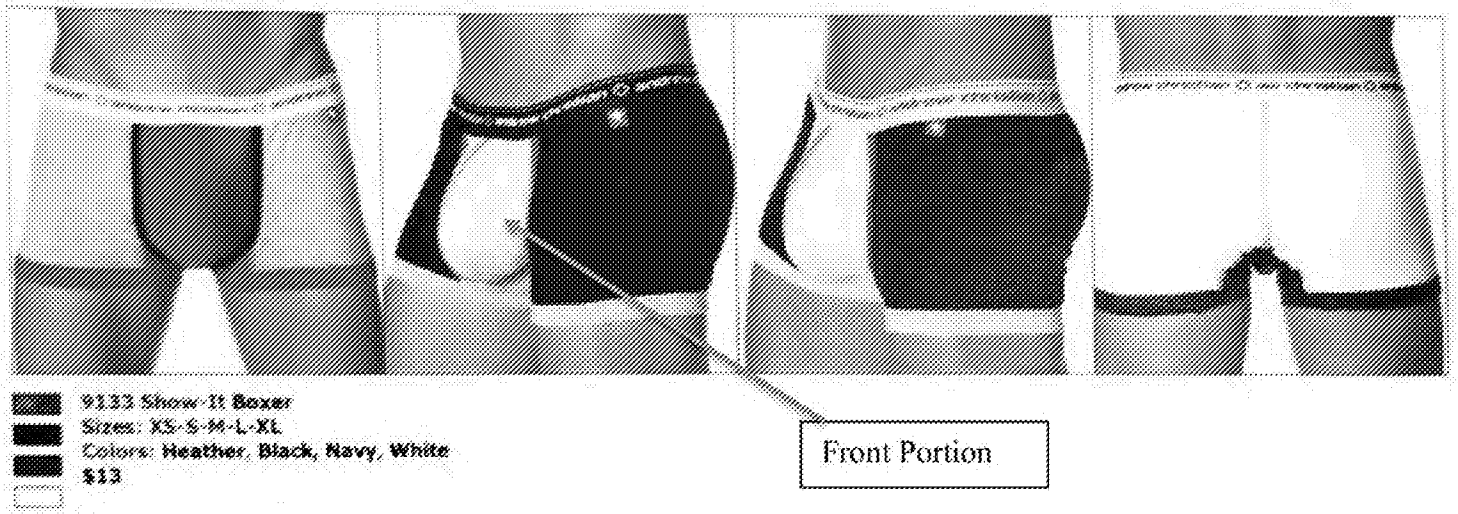
Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009-2010 Catalog discloses that the 9132 Show-It Brief includes a "lifting pocket" and depicts the lifting pocket as having a front portion that is longer in length from the waistband seam to the first seam than the stretch panel ("comfy cup") as shown below. On information and belief, the depicted stretch panel must have a length when unstretched smaller than a length measured along the front portion between the first seam and waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams  Show-It 2009-2010 Catalog at ACI000094.

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Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the ACI000040 publication or the Show-It 2009-2010 Catalog, do not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the ACI000040 publication or the Show-It 2009-2010 Catalog, understand how to modify 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in the ACI000040 publication at 00:28 and the Show-It 2009-2010 Catalog at ACI000094.

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Claim 1	Exemplary Disclosure in Prior Art

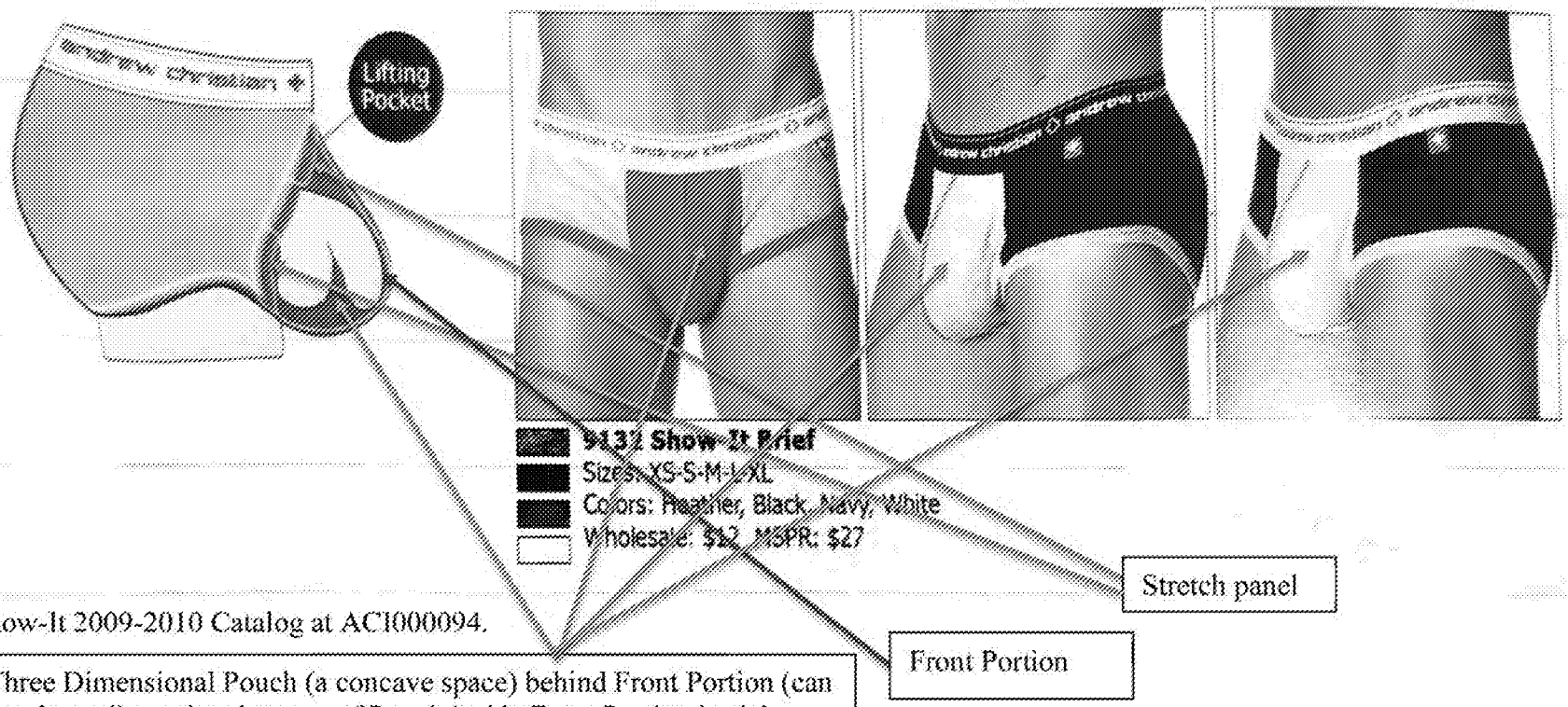


Show-It 2009 Line Sheet at ACI000092

As depicted in the Show-It 2009 Line Sheet at ACI000092, the "front portion" of the 9133 Show-It Boxer extends forward from the "stretch panel" (the "comfy cup"), and therefore must be longer than the "stretch panel" ("comfy cup"). As such, the "stretch panel" ("comfy cup") must have a length when unstretched smaller than a length measured along the front portion between between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, as the "front portion" and "stretch panel" (the "comfy cup") of the 9133 Show-It Boxer are attached along the waistband seam, a bottom seam (the first seam), and the side seams extending from the waistband seam to the first seam.

To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify 9133 Show-It Boxer to meet this limitation.

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Claim 1	Exemplary Disclosure in Prior Art
[1.4c] such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.	**The front portion of the 9132 Show-It Brief is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn.** ***See,*** The Show-It 2009-2010 Catalog depicts the 9132 Show-It Brief having a three-dimensional pouch ("a concave space") between the Stretch Panel ("comfy cup") and the front portion and shows the three-dimensional pouch holding a wearer's genitals.  Show-It 2009-2010 Catalog at AC1000094. Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in right three pictures) – the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn

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Claim 1	Exemplary Disclosure in Prior Art

The Show-It 2009 Line Sheet at ACI000092 also teaches that the 9132 Show-It Brief has a three-dimensional pouch ("a concave space") ("Contrasting pouch accentuates front.")

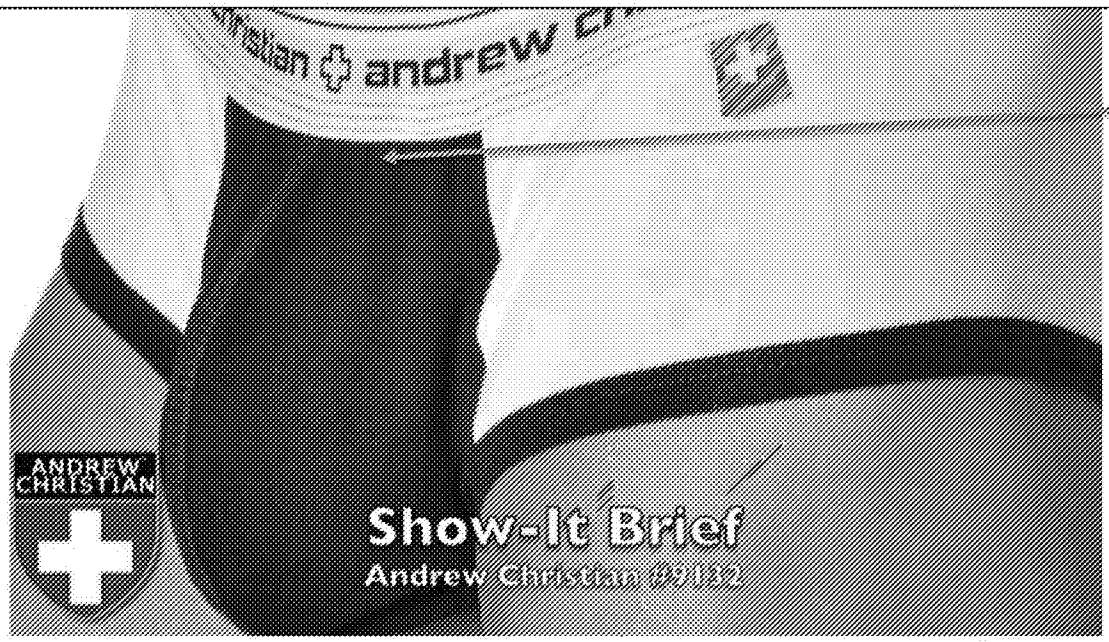
The following screenshots from the ACI000038 publication and the ACI000040 publication show gathering of the "front portion" along each of the side seams and the waistband seam. The gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9132 Show-It Brief and the legs of the wearer.



ACI000040 at 00:10.

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Claim 1	Exemplary Disclosure in Prior Art

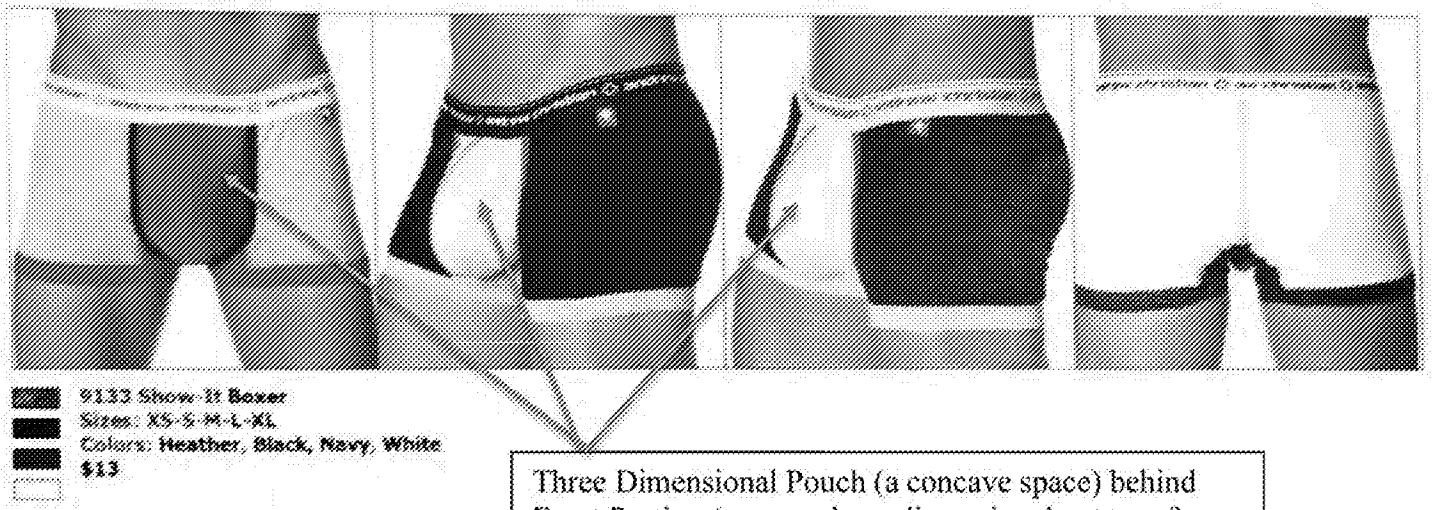


AC000038 at 4:02.

To the extent Plaintiffs contend the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation.

The front portion of the 9133 Show-It Boxer is gathered from side to side and top to bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals while the garment is being worn. *See*,

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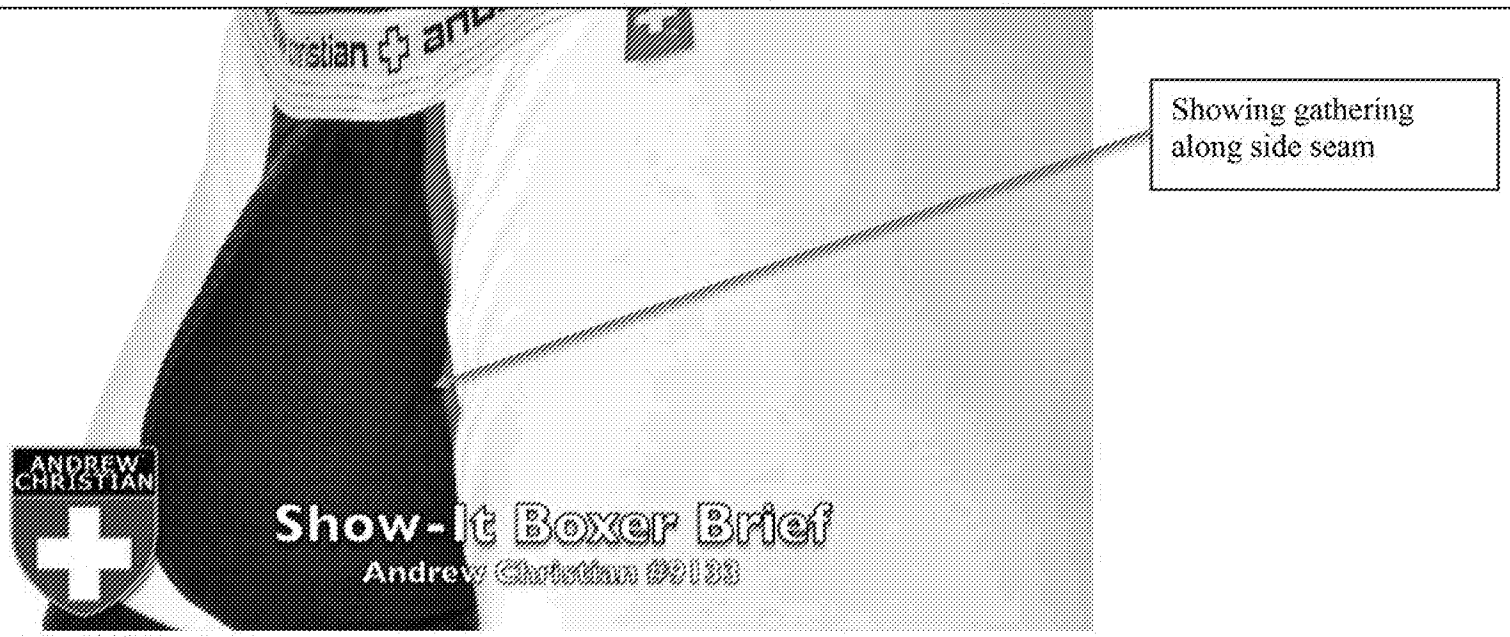
Claim 1	Exemplary Disclosure in Prior Art
	See Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "contrasting pouch [that] accentuates front."  Three Dimensional Pouch (a concave space) behind Front Portion (can see three-dimensional nature of Pouch inside Front Portion in left three pictures) - the Pouch is receiving and holding the wearer genitals while the 9132 Show-It Brief is being worn *Id.* The following screenshots from the ACI000038 publication show gathering of the "front portion" along one side seam and the waistband seam. The gathering of the "front portion" along the other side seam is not visible, based on the orientation in the screenshot, and the gathering of the "front portion" along the first seam is not visible, as the first seam is hidden by the pouch of the 9133 Show-It Boxer and the legs of the wearer.

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Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 2:52.

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Claim 1	Exemplary Disclosure in Prior Art



ACI000038 at 3:05.

To the extent Plaintiffs contend the ACI000038 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the front portion of the 9133 Show-It Boxer is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the ACI000038 publication or the Show-It 2009 Line Sheet, understand how to modify 9133 Show-It Boxer to meet this limitation.

EP 0 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. ***See, e.g.,***

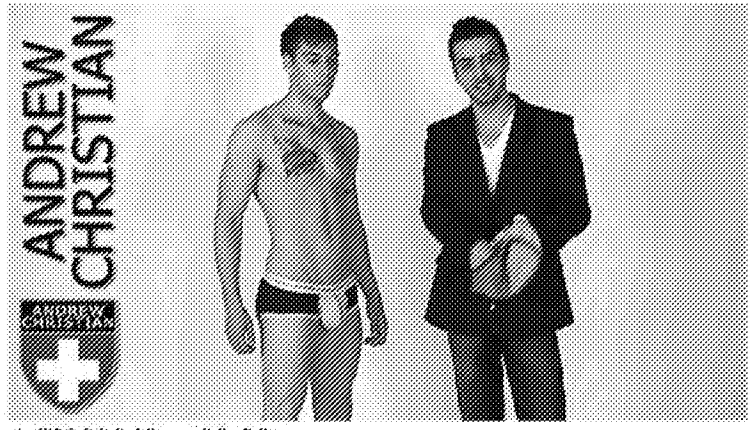
EP 0 476 818 discloses a method of applying elastic materials to garments, including mens underwear, such that the fabric is "ruched" (gathered):

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Claim 1	Exemplary Disclosure in Prior Art
	"The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn." (4:4-12) "The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved." (6:47-53) To the extent Plaintiffs contend the ACI000038 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and EP 0 476 818, understand how to modify the 9132 Show-It Brief and the 9133 Show-It Boxer to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.	The obviousness combinations asserted and disclosed in this chart for claim 2 are as follows: • Andrew Christian printed publications in view of EP O 476 818 • Andrew Christian printed publications in view of in view of '369 Patent • Andrew Christian printed publications in view of EP O 476 818 in further view of '369 Patent See above regarding claim 1. The Court has construed "asymmetrical stretch characteristics" as "a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction."

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Claim 2	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. ***See,*** In the screenshot from the ACI000040 publication below, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel of the 9132 Show-It Brief and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length (a direction between the top edge and bottom edge) and width (a direction between the side edges). The Stretch Panel appears to stretch more in a direction parallel to the waistband than in the direction at right angles to the waistband:  ACI000040 at 00:20. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy cup cradles and lifts." On information and belief, the Stretch Panel ("comfy cup") of the 9132 Show-It Brief must stretch more easily in the direction parallel to the waistband (to be able to accommodate the genitalia of the wearer) and must stretch less easily in a direction at right angles to the waist band (to be able to provide an upward force needed to "lift" the genitalia).

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Claim 2	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the ACI000040 publication or Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the ACI000040 publication or Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer is a garment wherein the stretch panel has a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.** ***See*****,** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, the inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion and having the same stretch characteristics as disclosed in the ACI000040 publication at 00:20 above. The Show-It 2009 Line Sheet at ACI000092 also discloses that the 9133 Show-It Boxer's "Comfy cup cradles and lifts." On information and belief, the Stretch Panel ("comfy cup") of the 9133 Show-It Boxer must stretch more easily in the direction parallel to the waistband (to be able to accommodate the genitalia of the wearer) and must stretch less easily in a direction at right angles to the waist band (to be able to provide an upward force needed to "lift" the genitalia). To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

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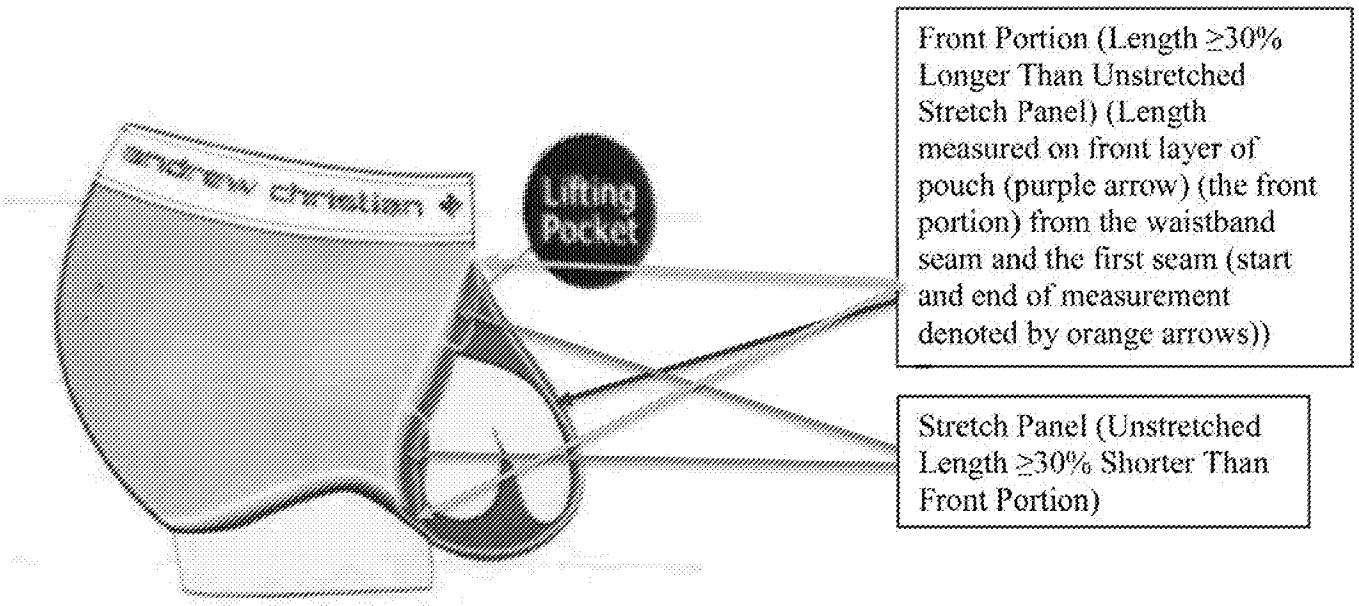
Claim 2	Exemplary Disclosure in Prior Art
	The '369 Patent discloses a property wherein the degree of stretch produced when force is applied in one direction differs from the degree of stretch produced when the same amount of force is applied in a direction at right angles to the first direction such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.. *See*, In particular, the '369 Patent discloses a "warp knit," which has asymmetrical stretch characteristics and is used in male underwear. The '396 Patent also discloses that it is advantageous for a fabric to stretch more easily in a direction parallel to the waistband [direction 29, the horizontal direction] and less easily in a direction at right angles to the waistband [direction 27, the vertical direction]. "The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29." (2:40-52) "The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10." (3:1-10) To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief or the 9133 Show-It Boxer teaches the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the and the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9132 Show-It Brief or the 9133 Show-It Boxer to meet this limitation. Alternatively, one of ordinary skill could modify the 9132 Show-It Brief or the 9133 Show-It Boxer in view of the '369 Patent to meet this limitation

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Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **In the 9132 Show-It Brief, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.** ***See,*** The Show-It 2009-2010 Catalog includes an image depicting a three-dimensional pouch formed between the front portion and the stretch panel ("comfy cup"). The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals.

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Claim 5	Exemplary Disclosure in Prior Art



Show-It 2009-2010 Catalog at ACI000094.

To the extent Plaintiffs contend the Show-it 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-it 2009-2010 Catalog, understand how to modify the 9132 Show-It Brief to meet this limitation.

In the 9133 Show-It Boxer, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. ***See,***

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Claim 5	Exemplary Disclosure in Prior Art
	The length of the material of the front portion from the first seam to the waistband seam must be at least 30% longer than the length measured along the material of the stretch panel from the first seam to the waistband seam, when unstretched, to account for the creation of the three-dimensional pouch (the concave space) that is large enough to hold a wearer's genitals. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in Show-It 2009-2010 Catalog at ACI000094. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 6	Exemplary Disclosure in Prior Art
[6] A garment according to claim 1 wherein the garment is a pair of undershorts.	The obviousness combinations asserted and disclosed in this chart for claim 6 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1.

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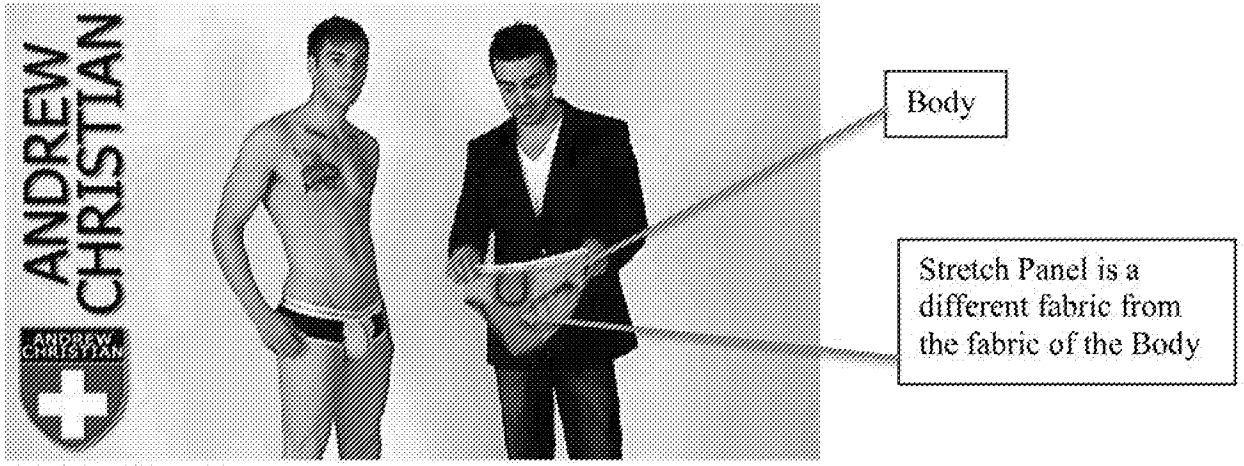
Claim 6	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief is a pair of undershorts. ***See,*** The Show-It 2009 Line Sheet shows that the 9132 Show-It Brief is a pair of undershorts (at ACI000092): 

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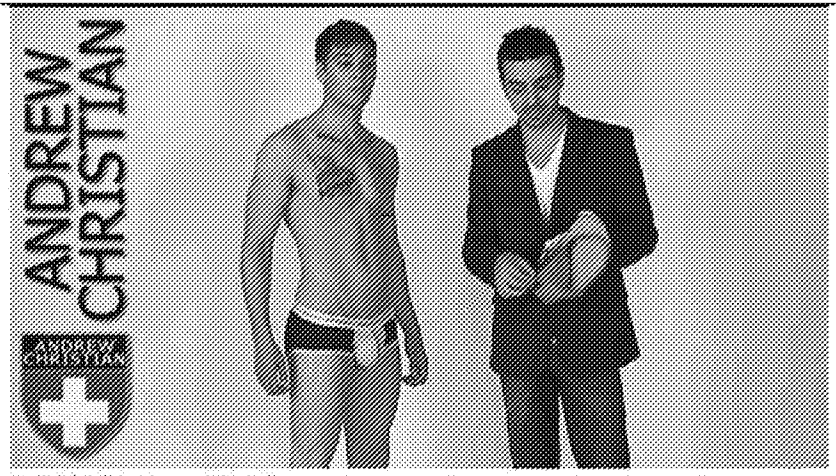
Claim 6	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a pair of undershorts. ***See,*** The Show-It 2009 Line Sheet shows that the 9133 Show-It Boxer is a pair of undershorts (at ACI000092): 

Claim 7	Exemplary Disclosure in Prior Art
[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.	The obviousness combinations asserted and disclosed in this chart for claim 7 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1.

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Claim 7	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief includes a stretch panel comprising a fabric different from a fabric of the body. *See*, As shown below in the screenshot from the ACI000040 publication, the stretch panel (the comfy cup) of the pictured 9132 Show-It Brief is made from a red fabric, while at least some of the body is made from a different gray fabric. In addition, the Stretch Panel ("comfy cup") includes a black "binding", which is a fabric different from the fabric of the body. *See* ACI000040 at 00:14. The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup"). The Show-It 2009 Line Sheet also discloses that the 9132 Show-It Brief includes a "contrasting pouch [that] accentuates the front." *See* Show-It 2009 Line Sheet at ACI000092.  ACI000040 at 00:14.

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Claim 7	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the disclosure of the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric different from a fabric of the body.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion in a different fabric from the Body, as shown above in the ACI000040 publication at 00:14 and 00:26.

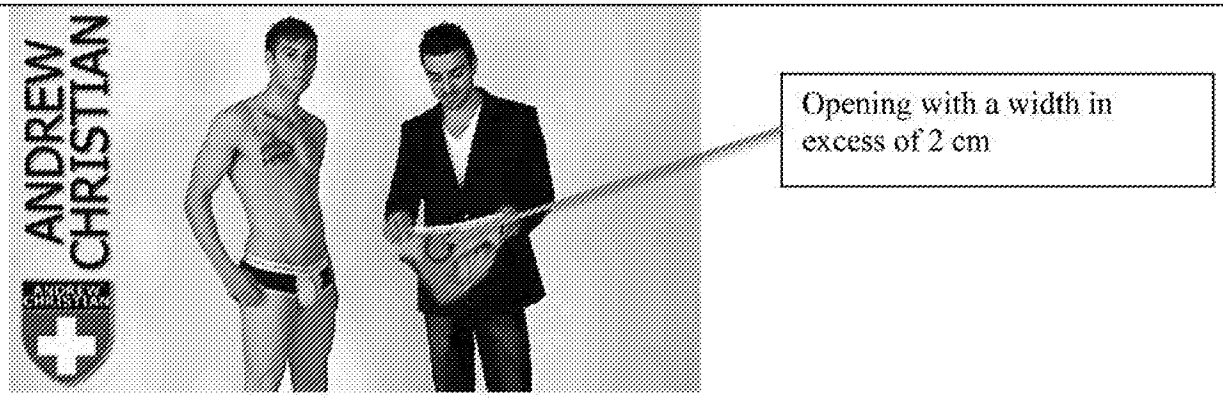
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Claim 7	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet also discloses that the 9133 Show-It Boxer includes "a contrasting pouch [that] accentuates the front." *See* Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the disclosure of the 9133 Show-It Boxer to meet this limitation.

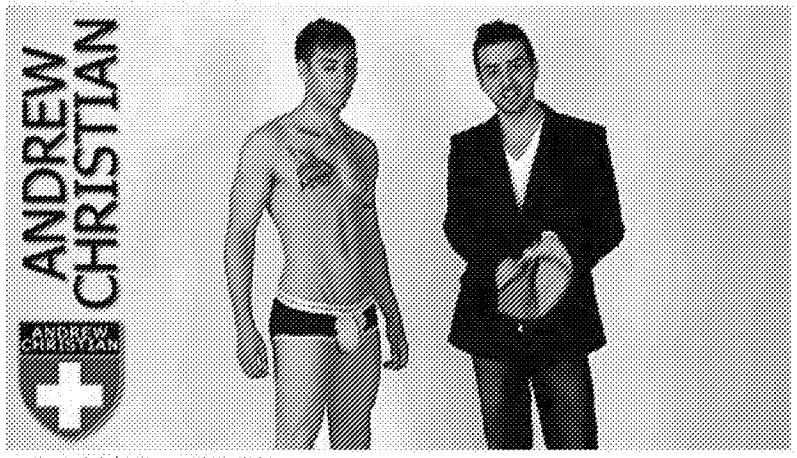
Claim 8	Exemplary Disclosure in Prior Art
[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.	The obviousness combinations asserted and disclosed in this chart for claim 8 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. In the screenshots from the ACI000040 publication below, Andrew Christian is demonstrating the "comfy cup" by displaying it in its resting state (ACI000040 at 00:14) and by placing his hand through the opening of the Stretch Panel and into the pouch (ACI000040 at 00:20), the opening must necessarily have a width in excess of 2 cm for Andrew Christian to be able to place his hand through it.

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Claim 8	Exemplary Disclosure in Prior Art



ACI000040 at 00:14.



ACI000040 at 00:20

The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm. ***See*****,**

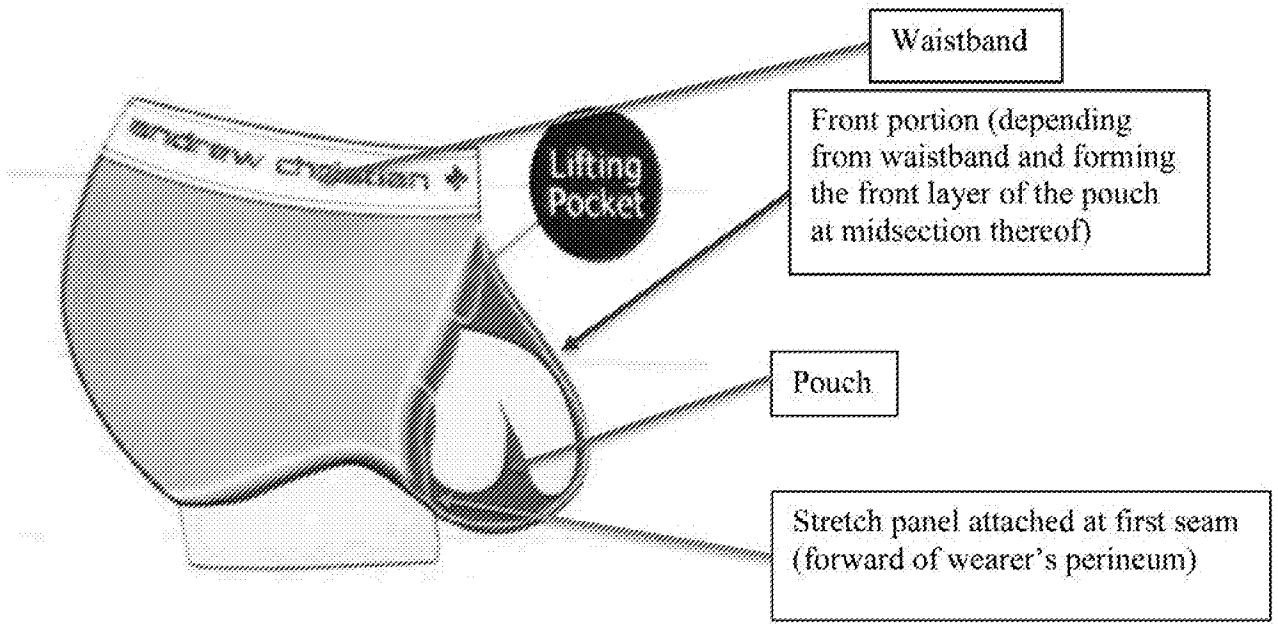
The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening.

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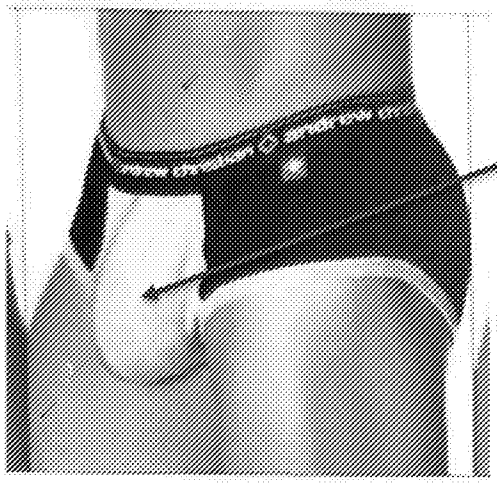
Claim 8	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) with an opening with a width in excess of 2 cm as shown in the screenshots of the ACI000040 production, above.

Claim 9	Exemplary Disclosure in Prior Art
[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,*** The Show-It 2009-2010 Catalog depicts a scrotum of the wearer being supported underneath by the stretch panel (the comfy cup of the 9132 Show-It Brief) to contain the wearer's penis and scrotum in the pouch:

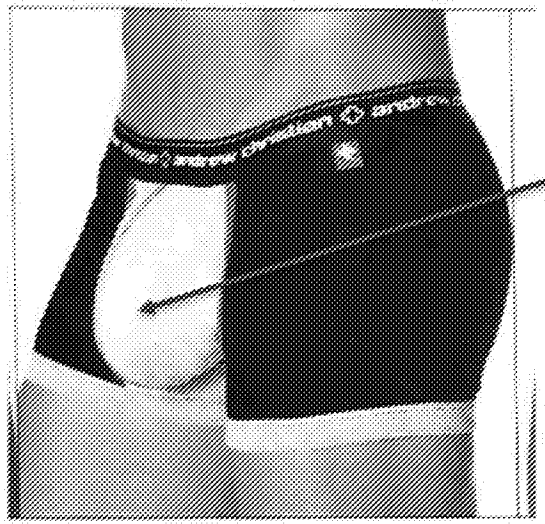
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Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. On information and belief, the Stretch Panel ("comfy cup") of the 9132 Show-It Brief must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch.

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Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose the 9132 Show-It Brief having a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.** ***See,***

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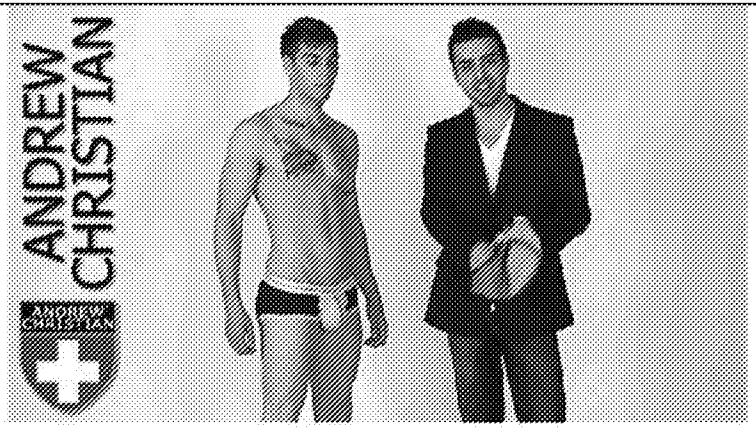
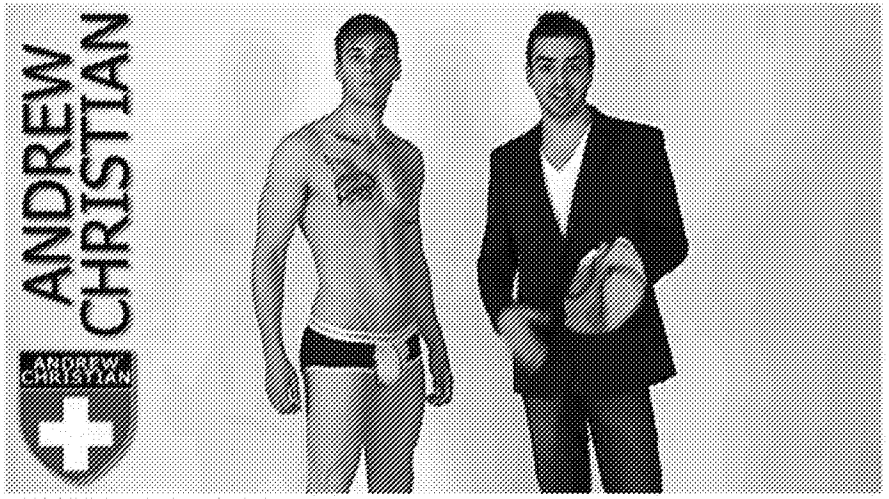
Claim 9	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. Show-It 2009 Line Sheet at ACI000092. On information and belief, the Stretch Panel ("comfy cup") of the 9133 Show-It Boxer must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an internal view of the 9133 Show-It Boxer would appear the same as that depicted with respect to the 9132 Show-It Brief, as shown above in the image from the Show-It 2009-2010 Catalog at ACI000094. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the Show-It 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel positioned to be disposed forward

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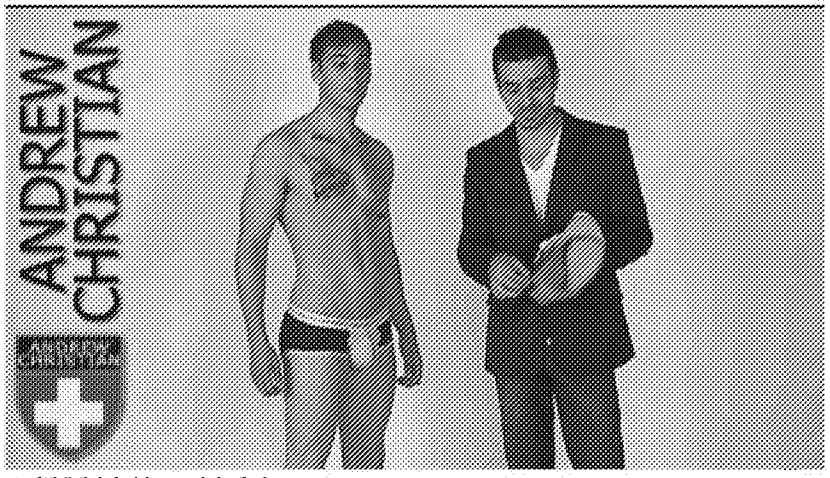
Claim 9	Exemplary Disclosure in Prior Art
	of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the Show-It 2009-2010 Catalog, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See,*** In ACI000040, Andrew Christian is demonstrating the elastically resilient four way stretch of the "comfy cup" (the Stretch Panel) by placing his hand through the opening of the Stretch Panel and into the Pouch, as the "comfy cup" (the Stretch Panel) stretches in length and width (four-way stretch):

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Claim 10	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:20. The "comfy cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23.

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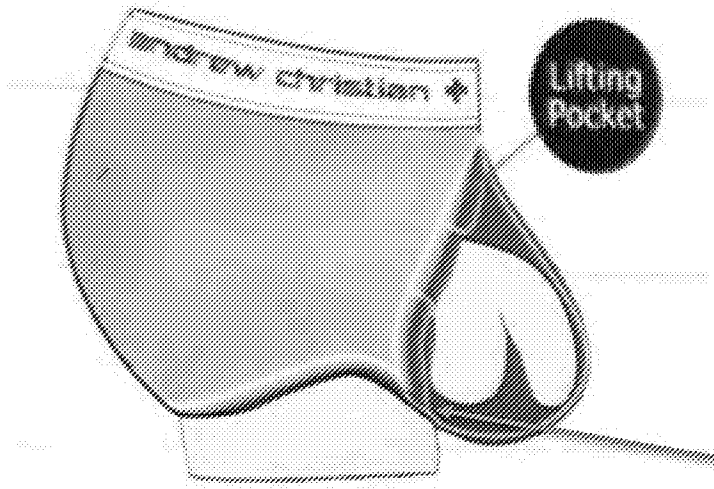
Claim 10	Exemplary Disclosure in Prior Art
	The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup").  ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the disclosure from the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe. **The 9133 Show-It Boxer discloses elastically resilient four-way stretch material comprised of a spandex blend.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the

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Claim 10	Exemplary Disclosure in Prior Art
	9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20, 00:23, and 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer includes elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one's knowledge and the the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation, as spandex blends were well-known and often used in male undergarments, among other garments, in the 2009 timeframe.

Claim 12	Exemplary Disclosure in Prior Art
[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 12 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **In the 9132 Show-It Brief, the first seam is disposed forward of a perineum region of a wearer.** ***See,*** The Show-It 2009-2010 Catalog depicts a scrotum of the wearer being supported underneath by the stretch panel (the comfy cup of the 9132 Show-It Brief) to contain the wearer's penis and scrotum in the pouch. The first seam, where the bottom edge of the stretch panel attaches to the front portion is shown being disposed forward of the perineum region of the wearer:

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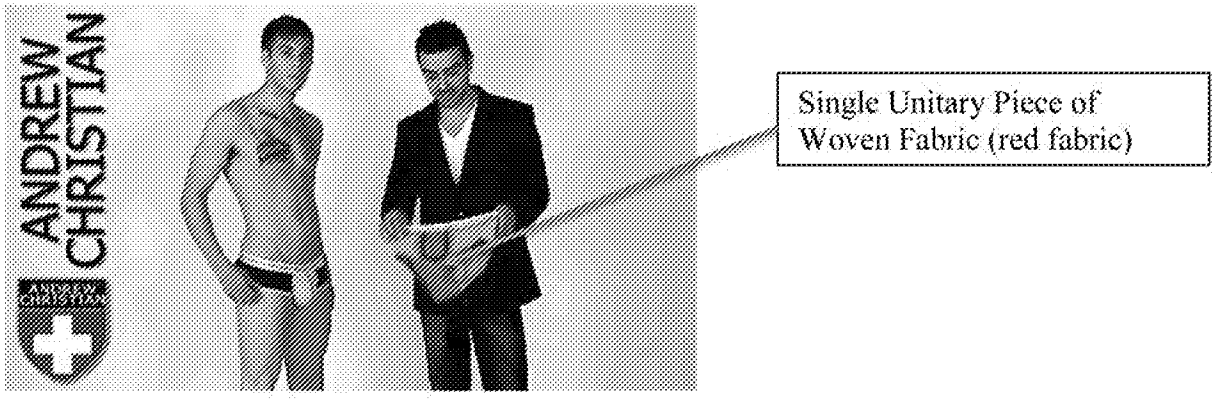
Claim 12	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. On information and belief, the firs seam of the 9132 Show-It Brief must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose the 9132 Show-It Brief having a first seam that is disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet, understand how to modify the 9132 Show-It Brief to meet this limitation.

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Claim 12	Exemplary Disclosure in Prior Art
	In the 9133 Show-It Boxer, the first seam is disposed forward of a perineum region of a wearer. ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an internal view of the 9133 Show-It Boxer would appear the same as that depicted with respect to the 9132 Show-It Brief, as shown above in the image from the Show-It 2009-2010 Catalog at ACI000094, and show a first seam that is disposed forward of a perineum region of a wearer. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. On information and belief, the firs seam of the 9133 Show-It Boxer must be disposed forward of a wearer's perineum when the garment is worn to be able to provide a "lift" to the scrotum and penis of the wearer as the scrotum an penis are "cradle[d]" in the pouch. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer having a first seam that is disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet, understand how to modify the 9133 Show-It Boxer to meet this limitation.

Claim 14	Exemplary Disclosure in Prior Art
[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.	The obviousness combinations asserted and disclosed in this chart for claim 14 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. **The 9132 Show-It Brief's stretch panel is formed from a single unitary piece of woven fabric.** ***See,***

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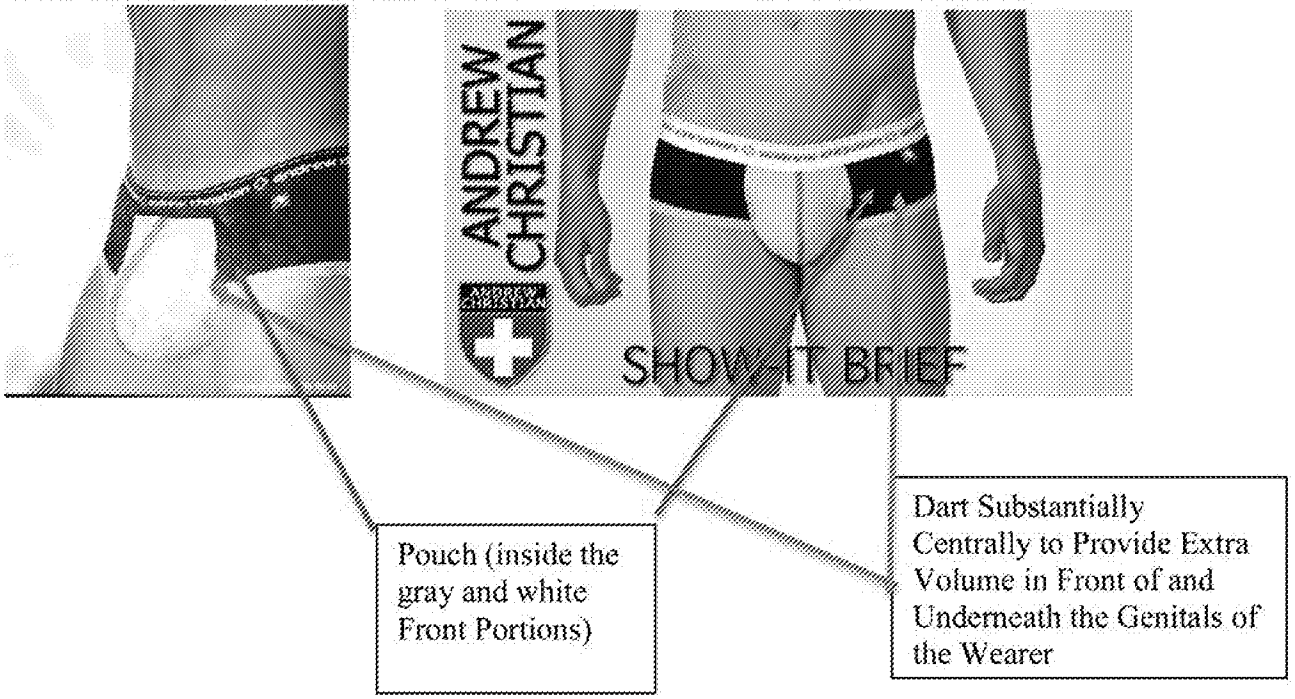
Claim 14	Exemplary Disclosure in Prior Art
	The ACI000040 publication shows a "comfy cup" (Stretch Panel) in red, that is formed from a single piece of woven fabric, as shown below:  ACI000040 at 00:14. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer's stretch panel is formed from a single unitary piece of woven fabric.** ***See*****,** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized in the 9132 Show-It Brief. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) formed from a single unitary piece of woven fabric inside the Front Portion as shown above in ACI000040 at 00:14.

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Claim 14	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer including a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

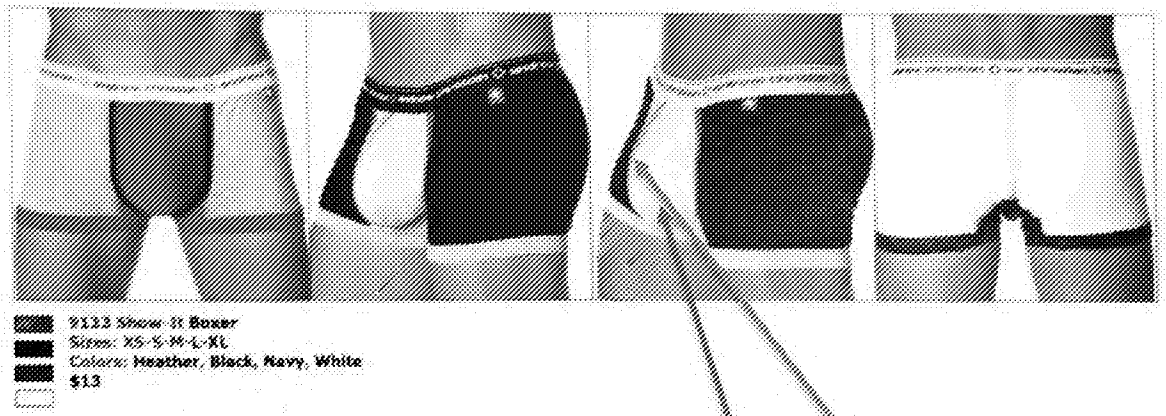
Claim 15	Exemplary Disclosure in Prior Art
[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 15 are as follows: • Andrew Christian printed publications in view of EP O 476 818 See above regarding claim 1. The Court has construed "a dart seam stitched along a bottom portion of the pouch" as "a shaping seam stitched along a bottom portion of the pouch." **The 9132 Show-It Brief includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. *See*,** The Show-It 2009 Line Sheet shows a dart seam, the seam down the middle of the front portion (the front layer of the pouch), in the 9132 Show-It Briefs. The ACI000040 publication shows the same dart seam.

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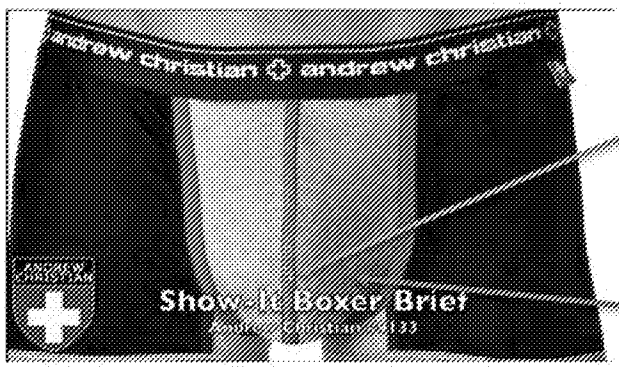
Claim 15	Exemplary Disclosure in Prior Art
	Show-It 2009 Line Sheet at ACI000091. ACI000040 at 00:10.  To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a pouch with a shaping seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. *See*,**

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Claim 15	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet shows a dart seam, the seam down the middle of the front portion (the front layer of the pouch), in the 9133 Show-It Boxer. The ACI000038 publication shows the same dart seam.



Show-It 2009 Line Sheet at ACI000092.



ACI000038 at 2:43.

Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer

Pouch (inside the gray and white Front Portions)

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Claim 15	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000038 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Boxer includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000038 publication, understand how to modify the 9132 Show-It Boxer to meet this limitation.

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