Exhibit 15

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

The disclosure of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (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, 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," and/or U.S. Patent No. 7,631,369 (issued Dec. 15, 2009) (the "'369 Patent"), as set forth in the chart below.

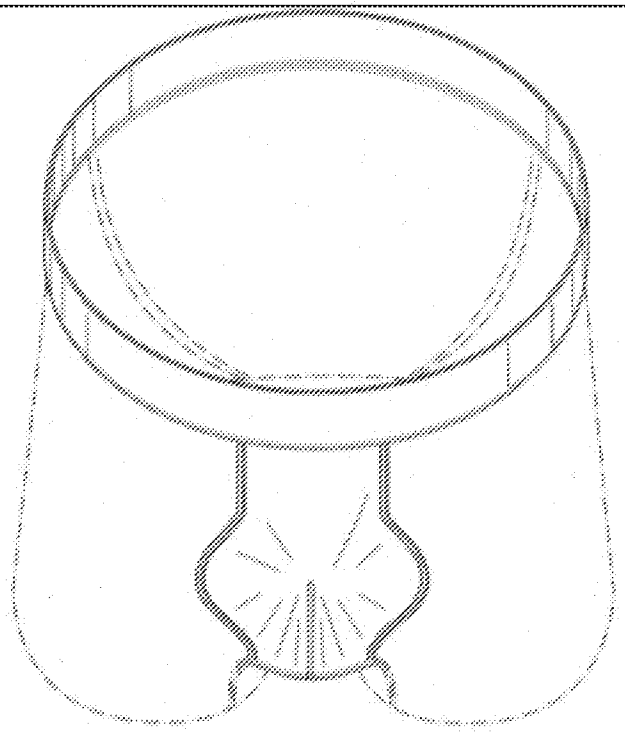
The Andrew Christian printed publications are: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038 (the "ACI000038 publication" or "ACI000038"); ACI000040 (the "ACI000040 publication" or "ACI000040"). One of ordinary skill in the art of the Asserted 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 '058 Design also discloses a "men's undergarment" and the '369 Patent discloses "performance underwear" for men.

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

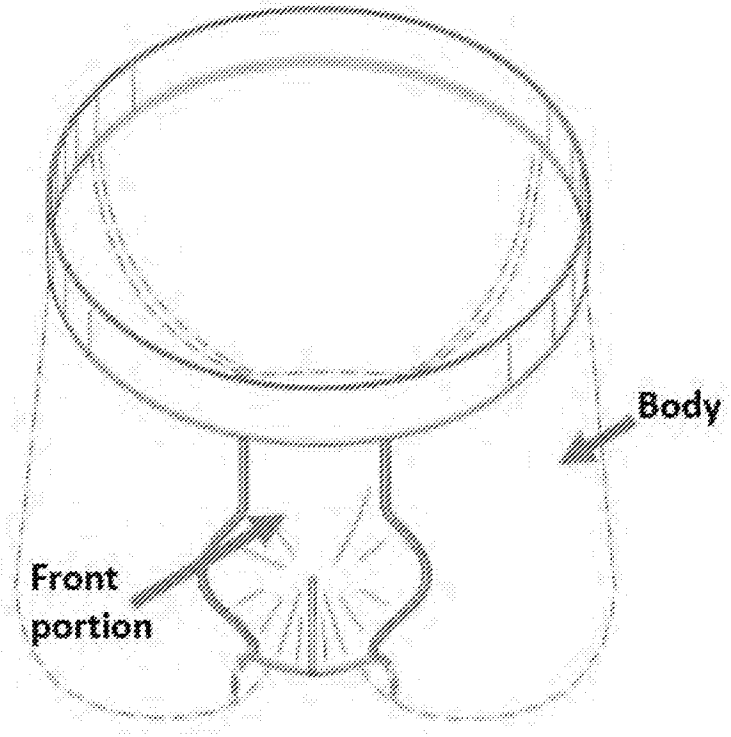
- '058 Design in view of Andrew Christian printed publications (all asserted claims)
- '058 Design in view of Andrew Christian printed publications in further view of '369 Patent (claim 2)

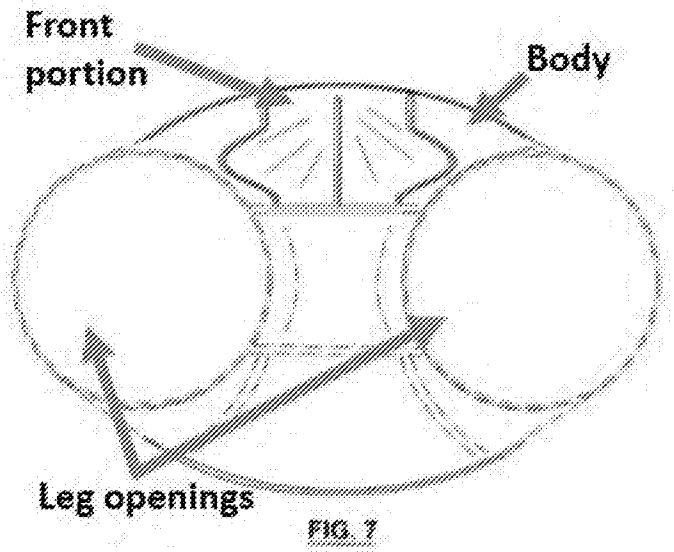
Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The '058 Design discloses a male garment.** ***See,*** "Men's Undergarment" (Title)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

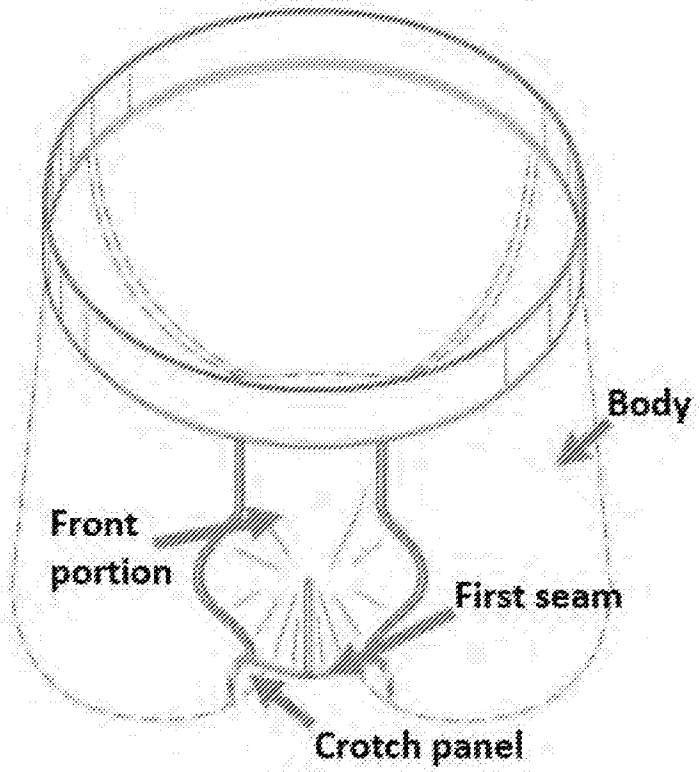
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.1a] a body including a front portion and having leg openings for a	**The '058 Design discloses a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The "front portion" of the garment is the central part of the body situated in front of the wearer and labeled "front portion" with an arrow below.

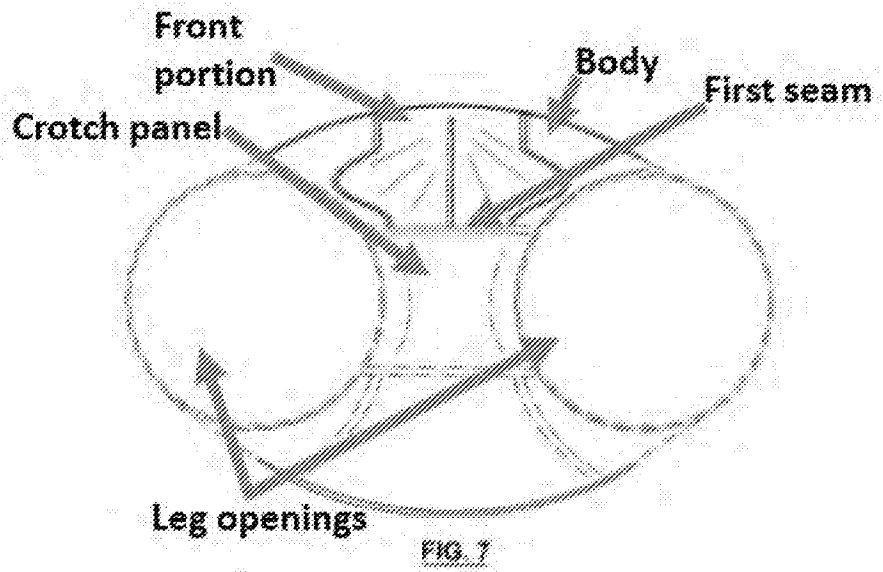
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

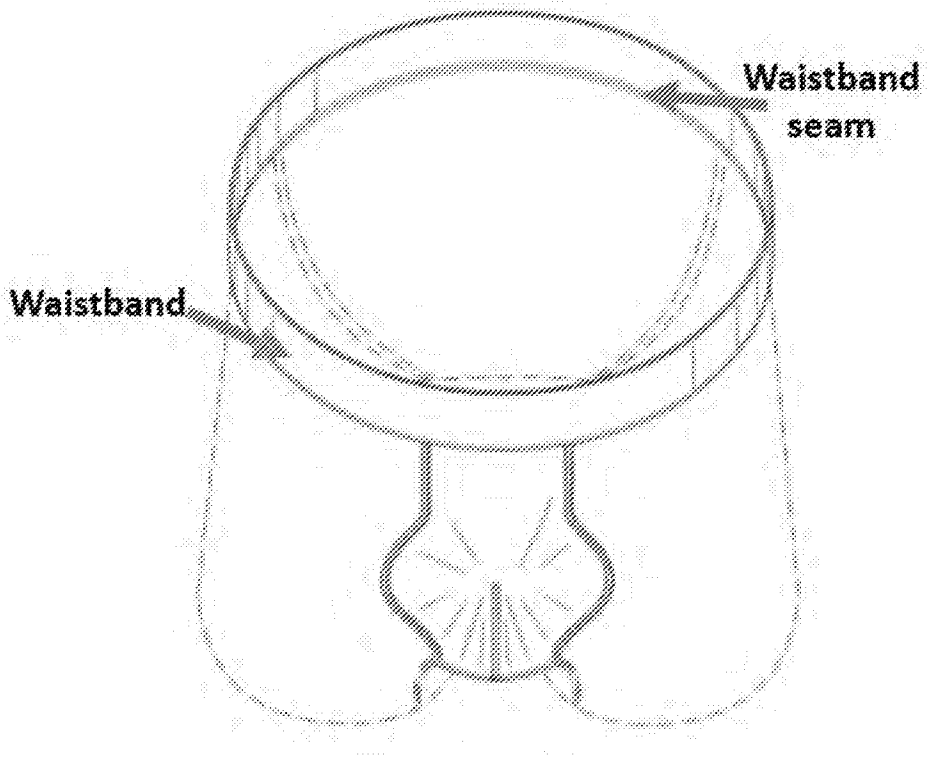
Claim 1	Exemplary Disclosure in Prior Art
wearer's legs,	 FIG. 1

Claim 1	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including a body including a front portion and having leg openings for a wearer's legs, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion	**The '058 Design discloses 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 (labeled as "crotch panel" with arrows in Figures 1 and 7, below) can be seen extending between the leg openings and joining to the front portion along a first seam in Figures 1 and 7.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
along a first seam;	 FIG. 1

Claim 1	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including 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 '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The '058 Design discloses a waistband attached by a waistband seam at an upper edge of the body.** ***See,***

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.3a] a stretch panel attached to the body inside the front portion,	**The '058 Design discloses a stretch panel attached to the body inside the front portion.** ***See,*** The stretch panel (labeled as "Stretch panel" with an arrow in Figure 2, below) is attached to the body inside the front portion (both features labeled respectively with arrows in Figure 1, below):

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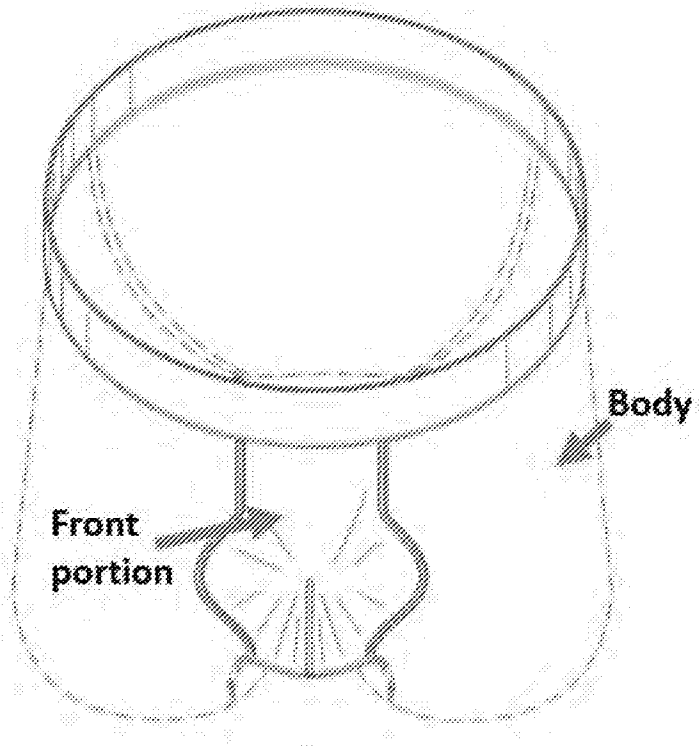
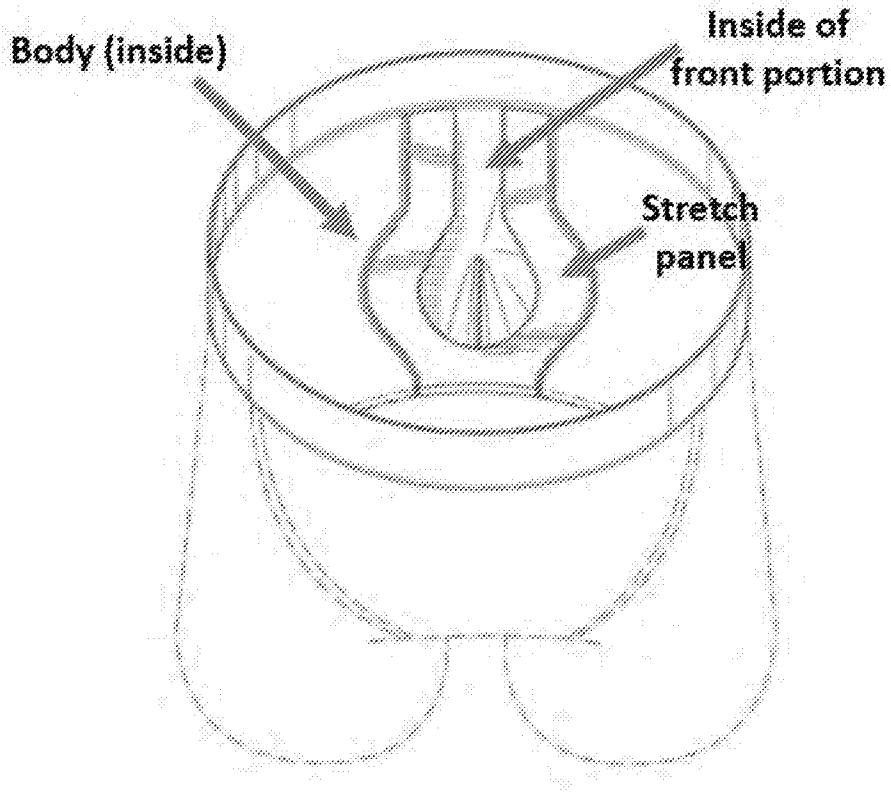
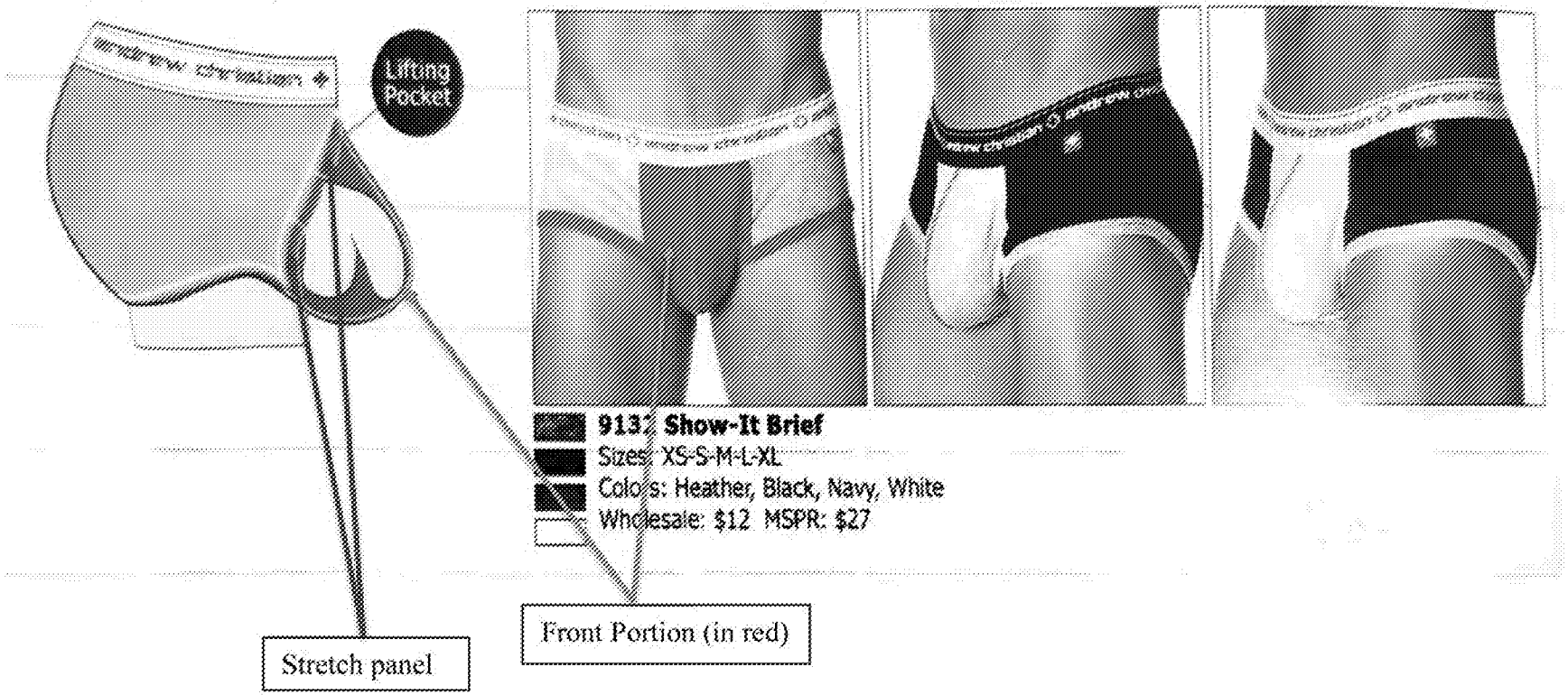
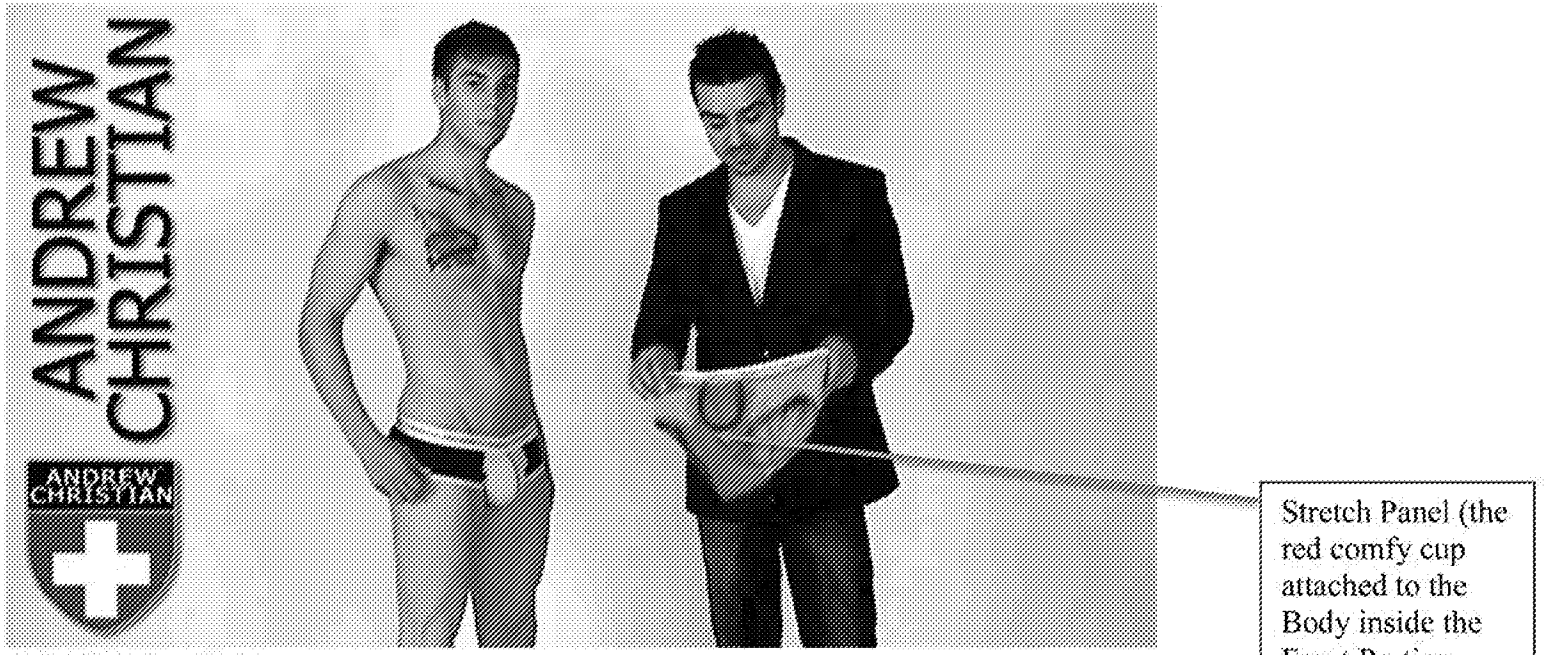
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the ACI000040 publication, and/or the Show-It 2009 Line Sheet to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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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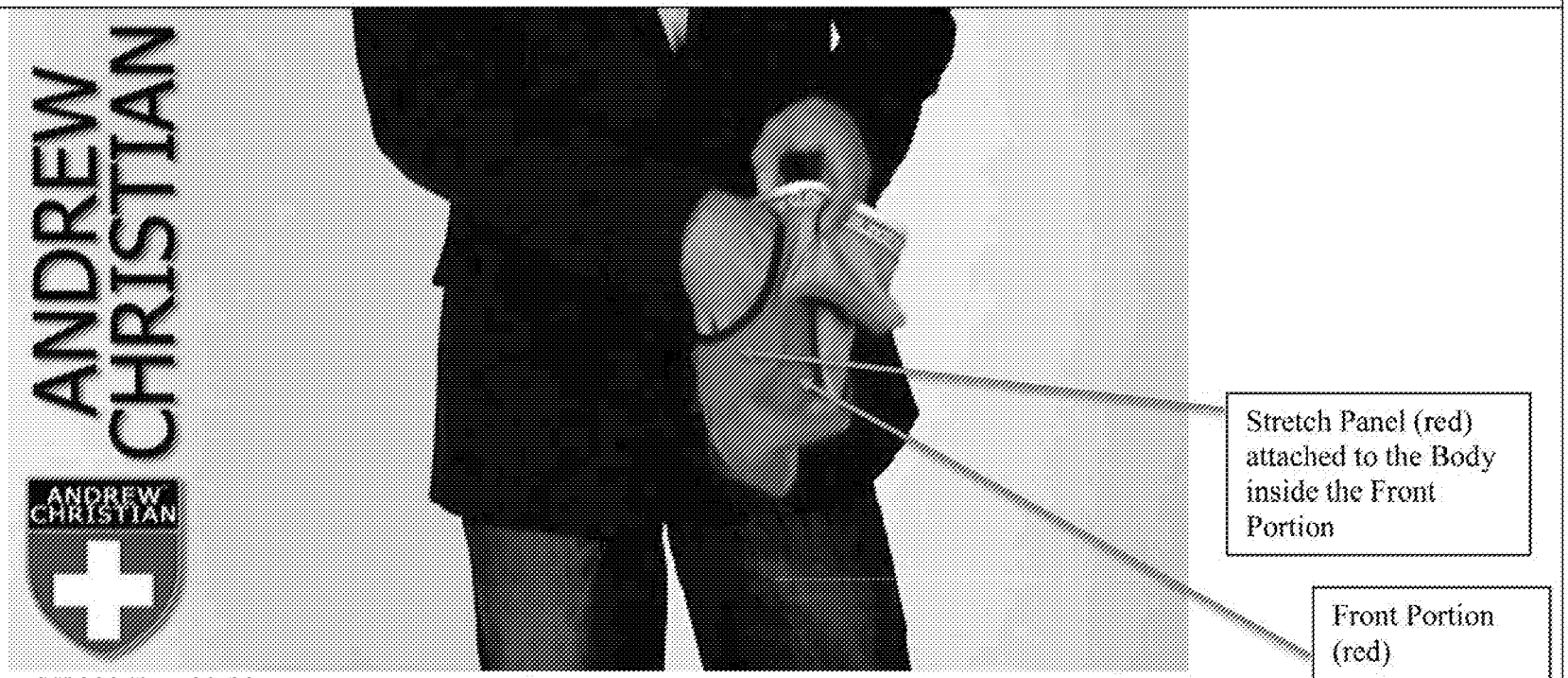
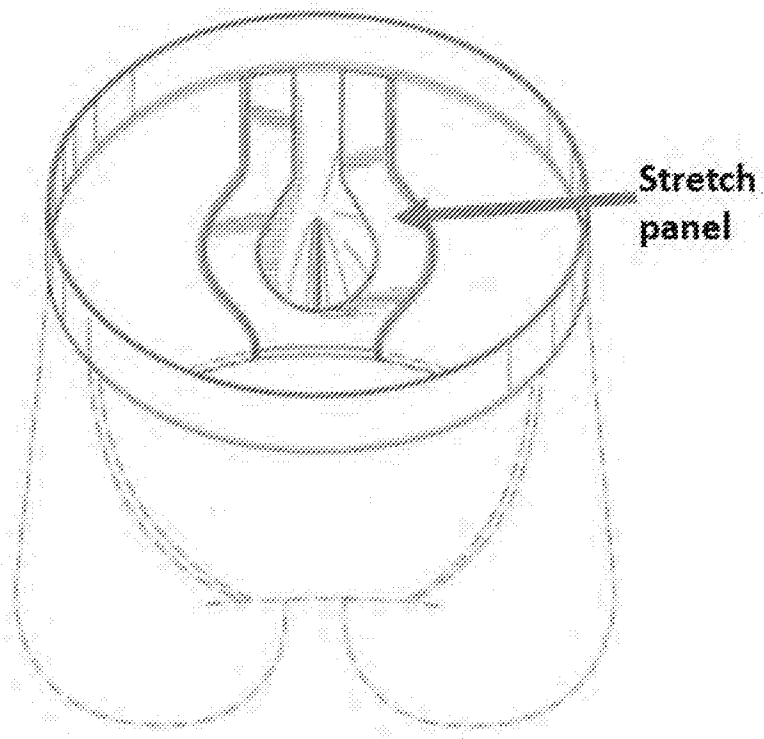
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:22. **The 9133 Show-It Boxer includes a stretch panel attached to the body inside the front portion.** ***See,*** The Show-It 2009 Line Sheet at ACI000092 discloses that the 9133 Show-It Boxer utilizes the same "Show-It Technology 2.0" utilized 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.

Claim 1	Exemplary Disclosure in Prior Art
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The '058 Design discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill in the art of the Asserted Patents as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure:  FIG. 2

Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel comprising a sheet of elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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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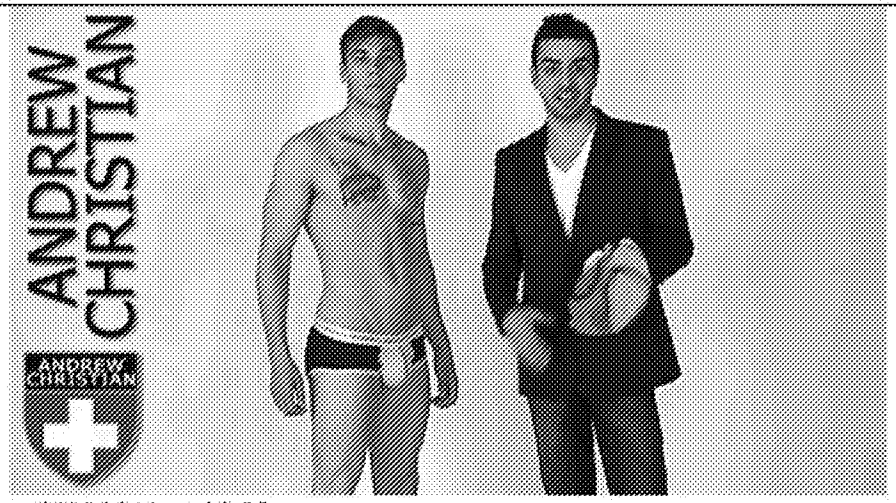
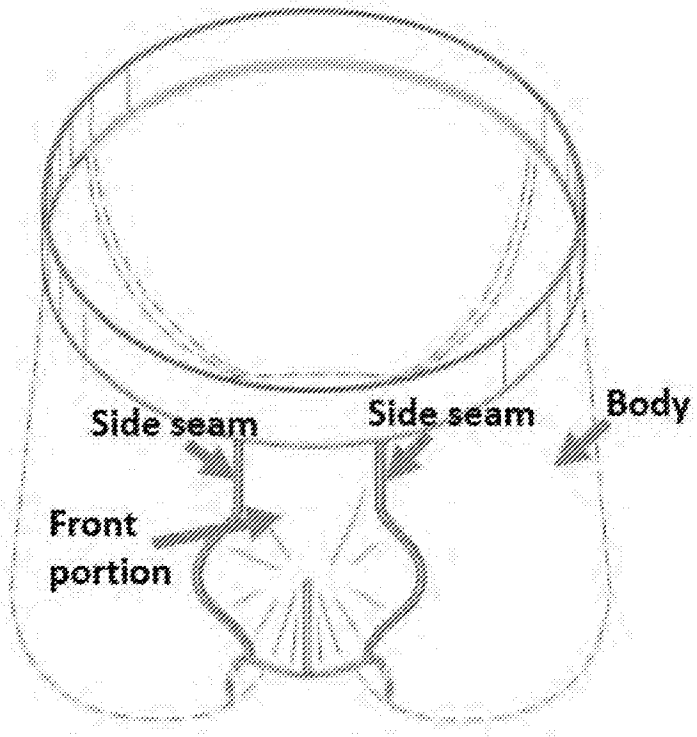
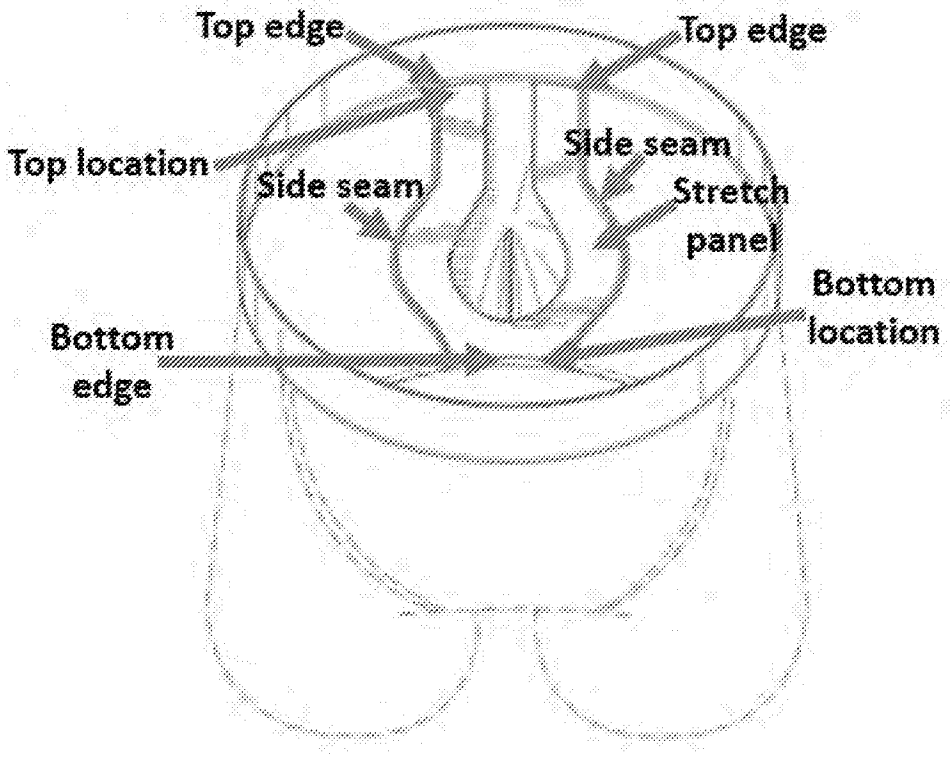
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00.23. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient 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

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 or 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 '058 Design discloses 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,***

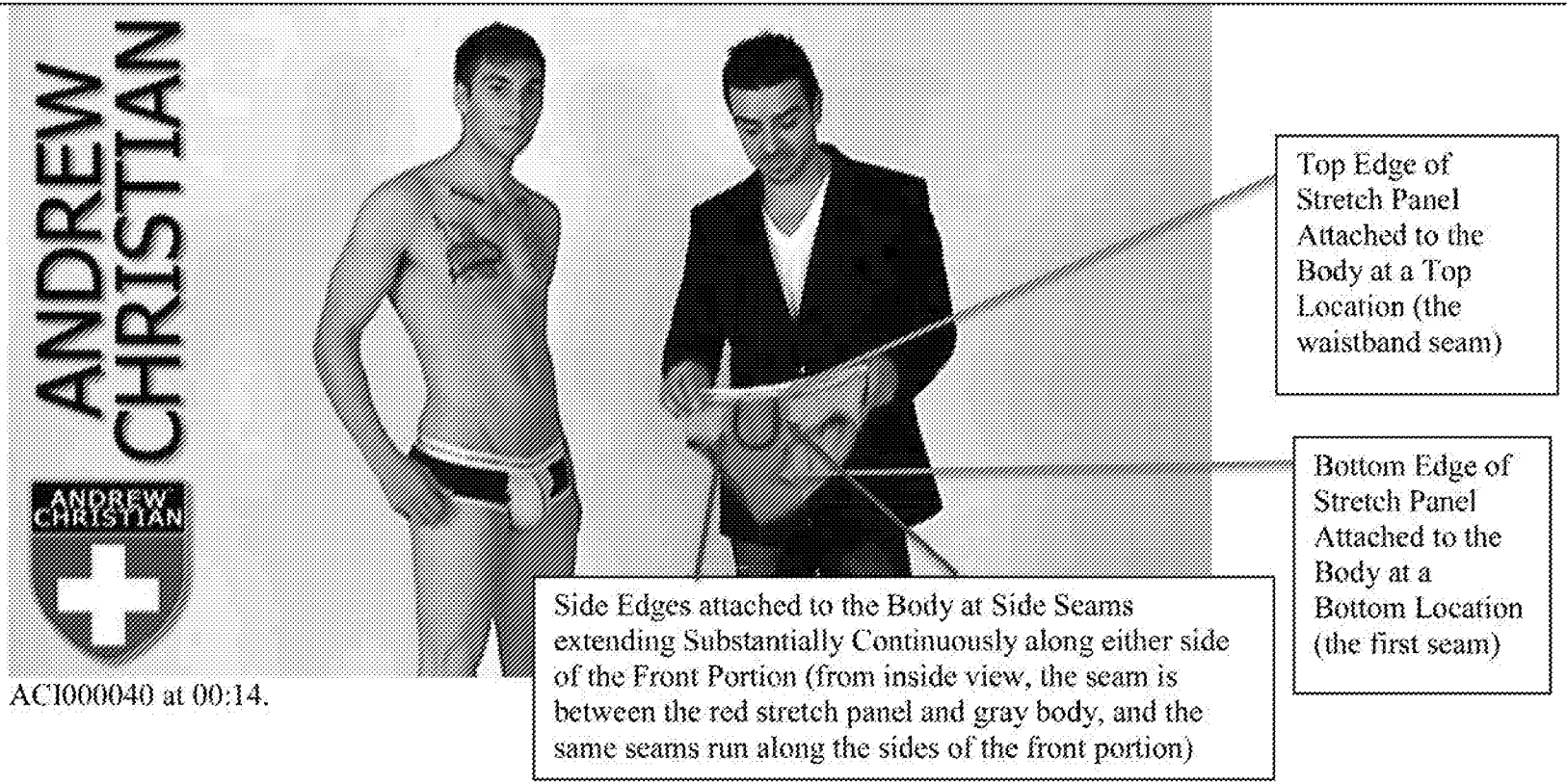
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
along either side of the front portion and	 FIG. 1

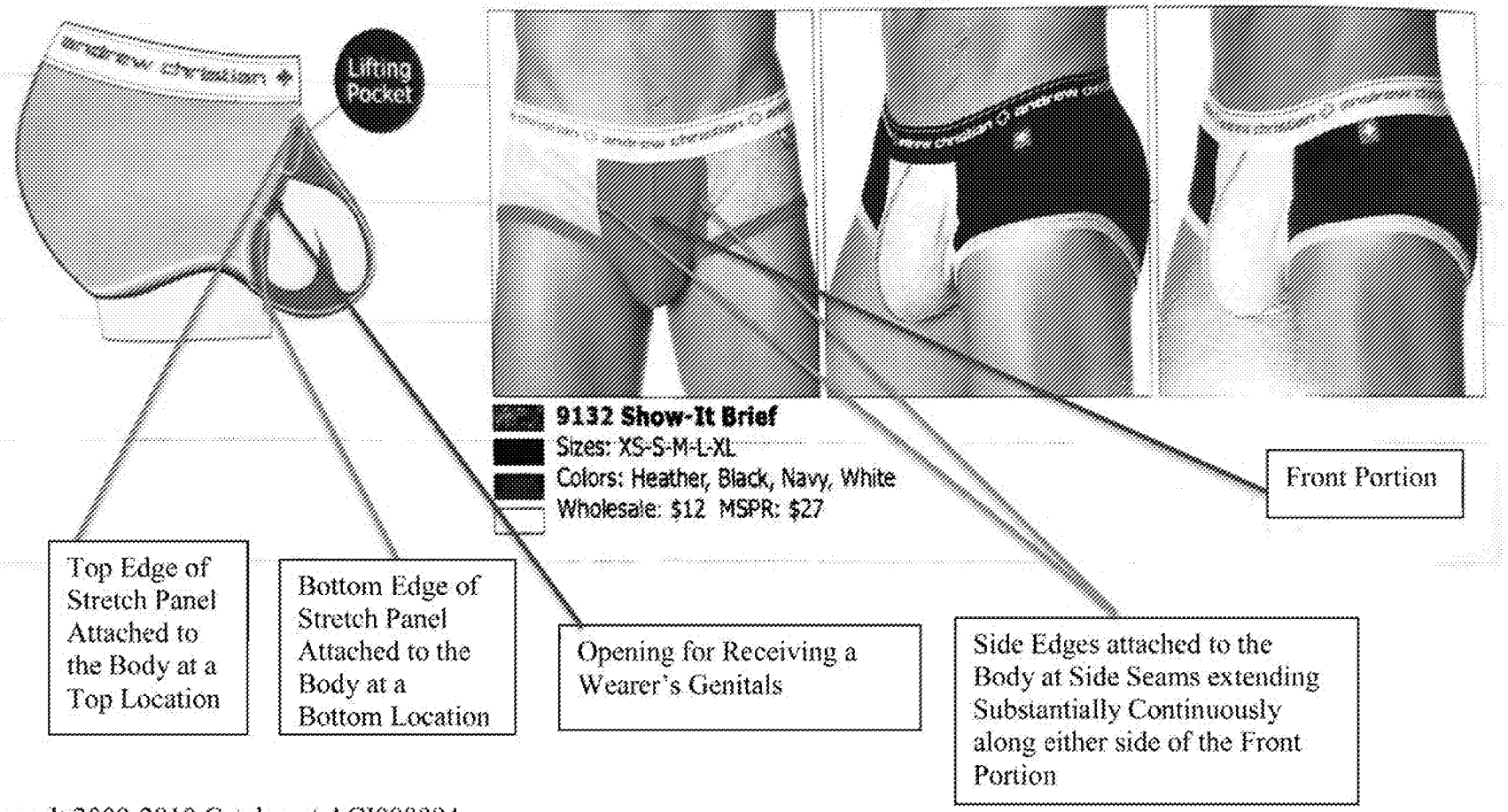
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication, the Show-It 2009-2010 Catalog, and/or Show-It 2009 Line Sheet to meet this limitation. **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.

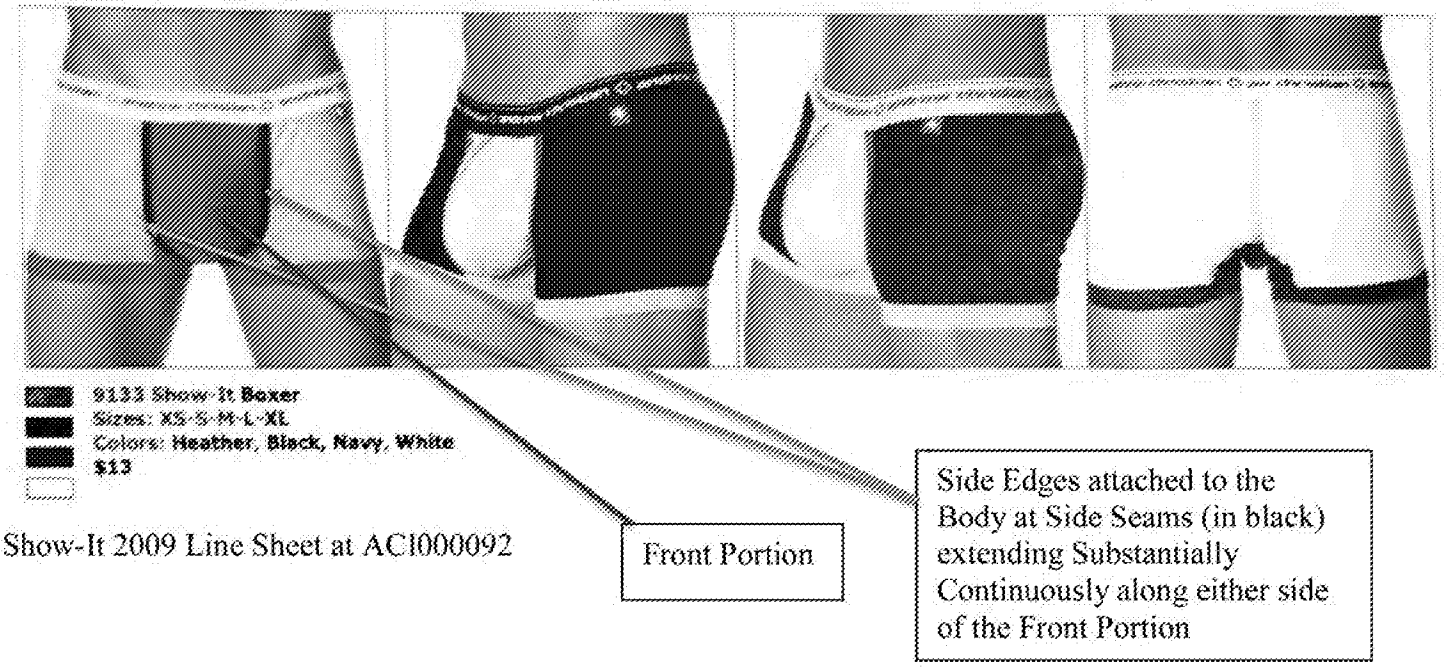
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 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."

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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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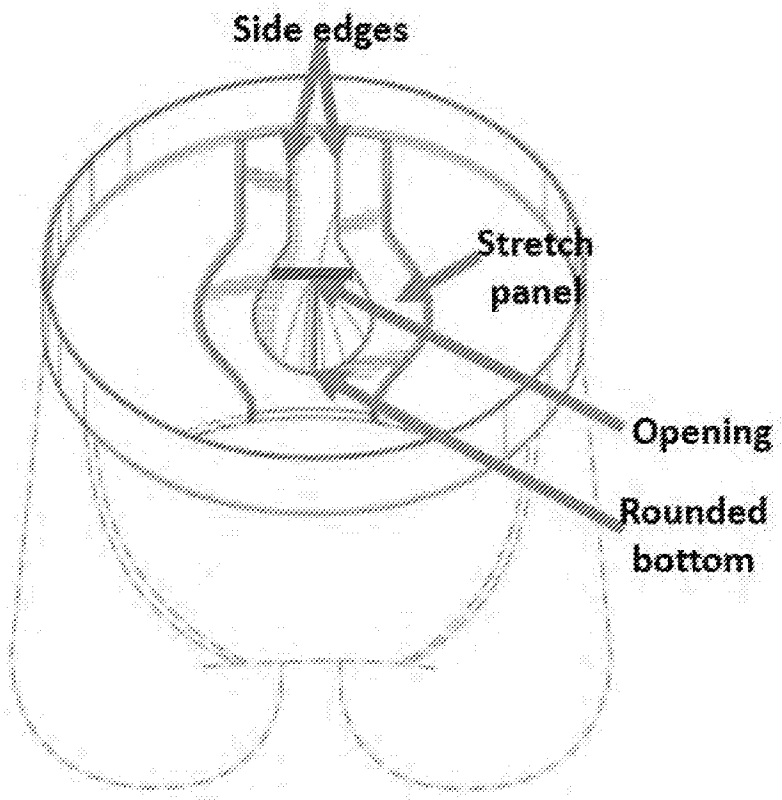
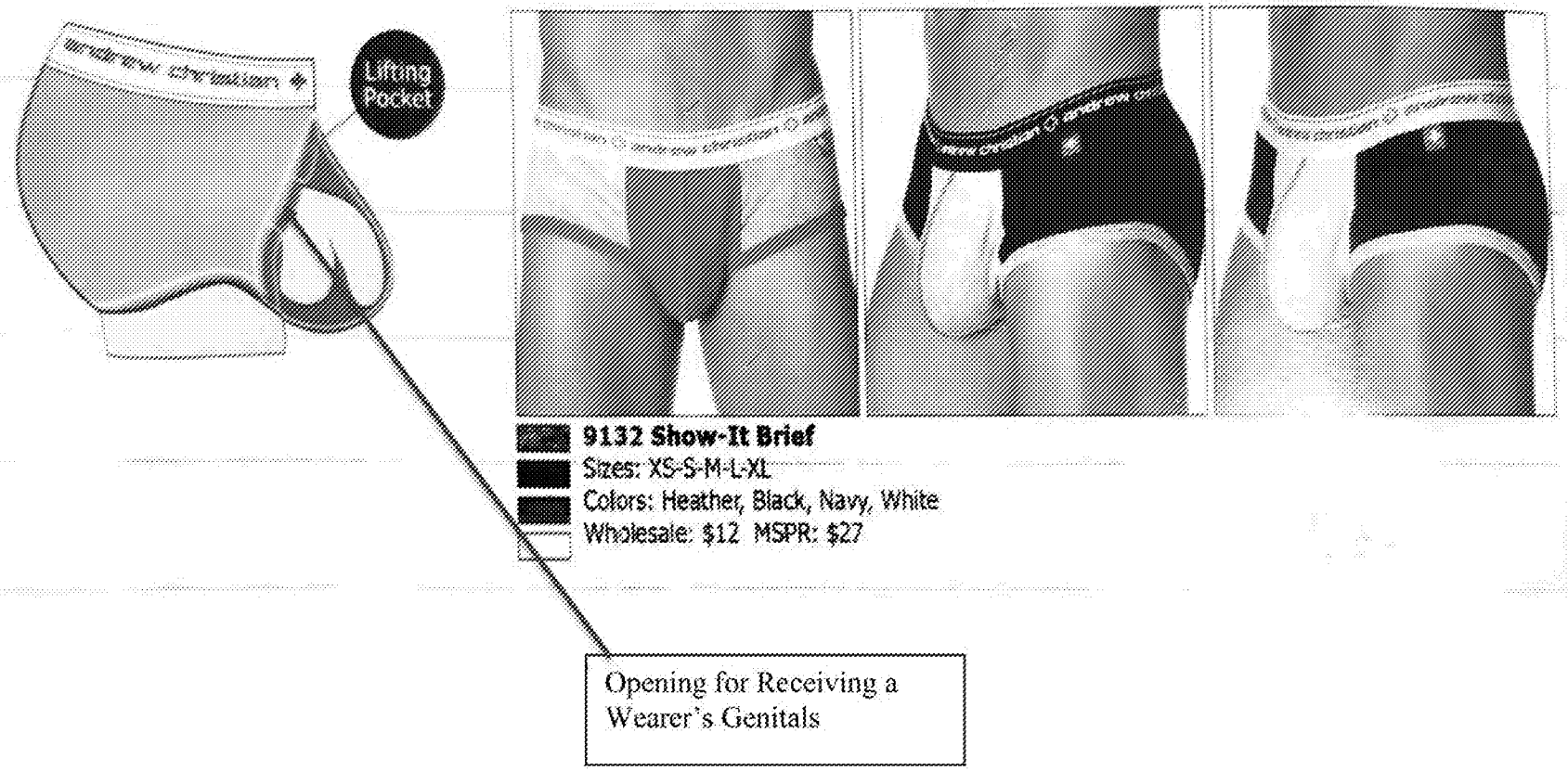
Claim 1	Exemplary Disclosure in Prior Art
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;	**The '058 Design discloses an opening for receiving a wearer's genitals, 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 (labeled "Opening" with an arrow in Figure 2, below) is further shown with a red line between the two side edges at one point.  FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose an opening for receiving a wearer's genitals having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the ACI000040 publication, and/or the Show-It 2009 Line Sheet to meet this limitation. **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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

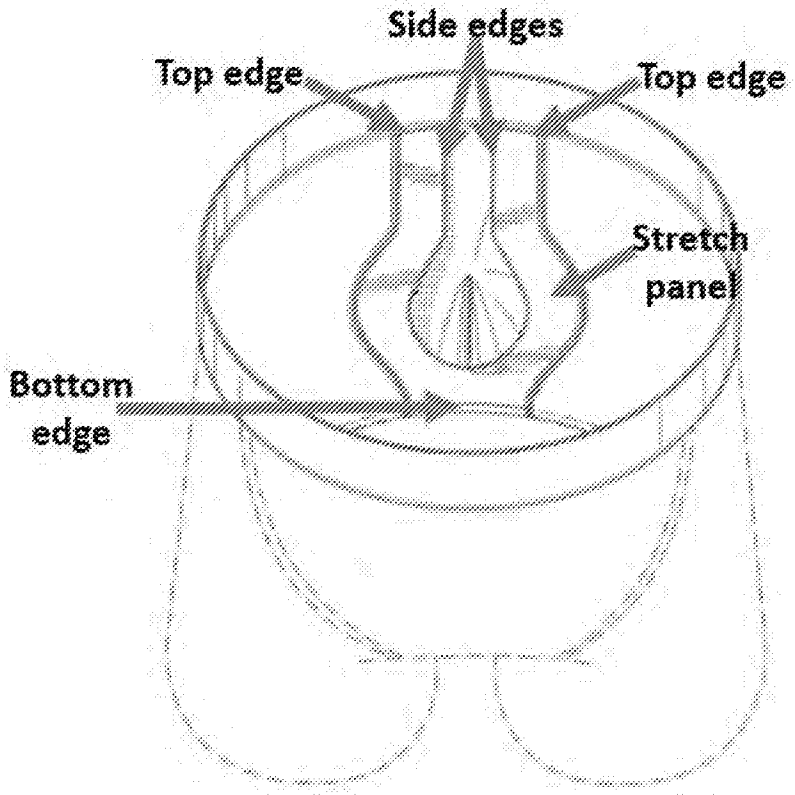
Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. The ACI000040 publication includes an inside view of the 9132 Show-It Brief, which shows a Stretch Panel ("comfy cup") having an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and 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.

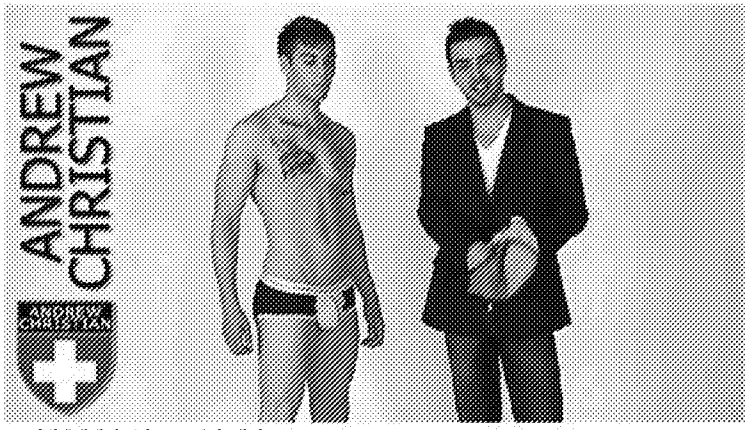
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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

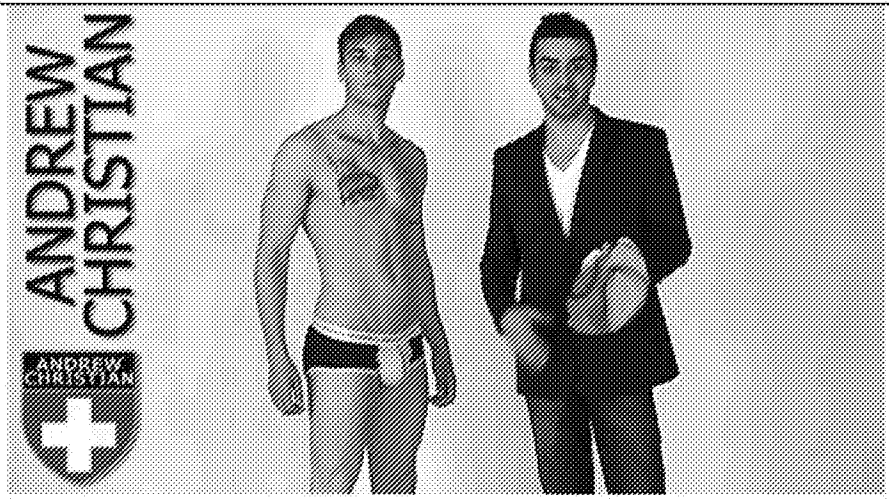
Claim 1	Exemplary Disclosure in Prior Art
	inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) with the same opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening as shown above in ACI000040 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 '058 Design discloses 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being resiliently elastic (that is, with substantial elastic recovery towards its pre-stretching size and shape) in both a direction between the top and bottom edges and a direction between the side edges (each edge labeled as "Top edge," "Bottom edge," or "Side edges," respectively with an arrow in Figure 2, below) due to the stretch panel's depicted texturing and/or structure:

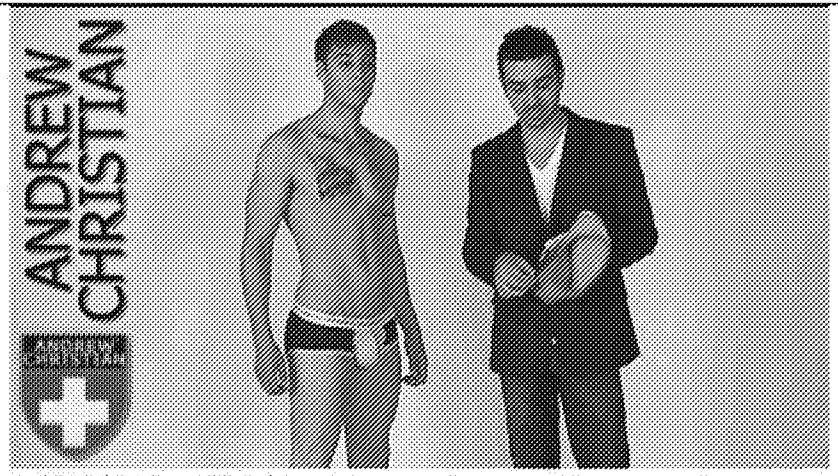
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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. 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:

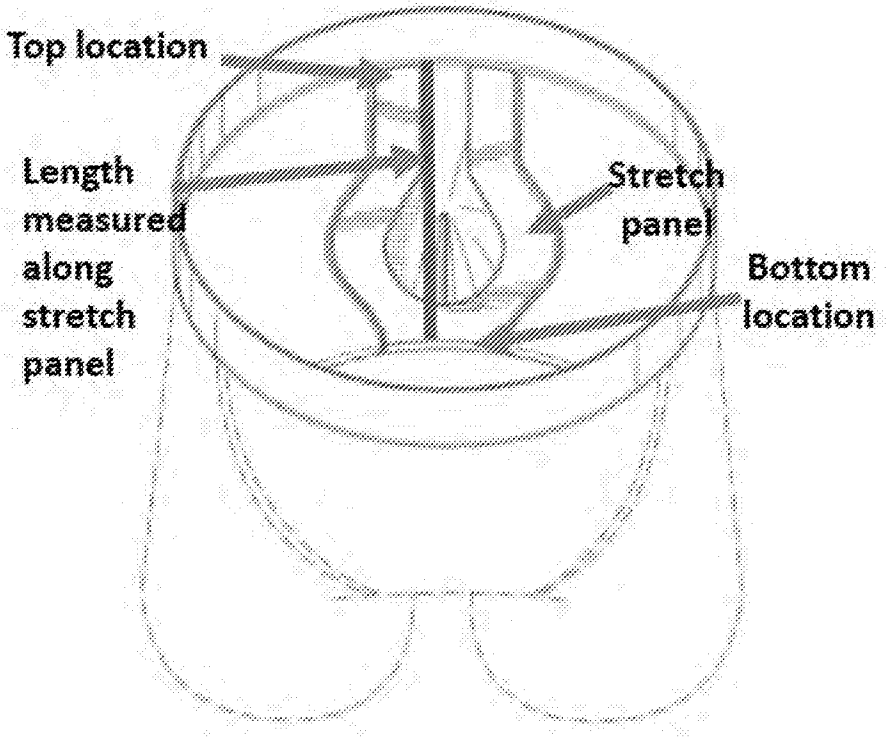
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 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").

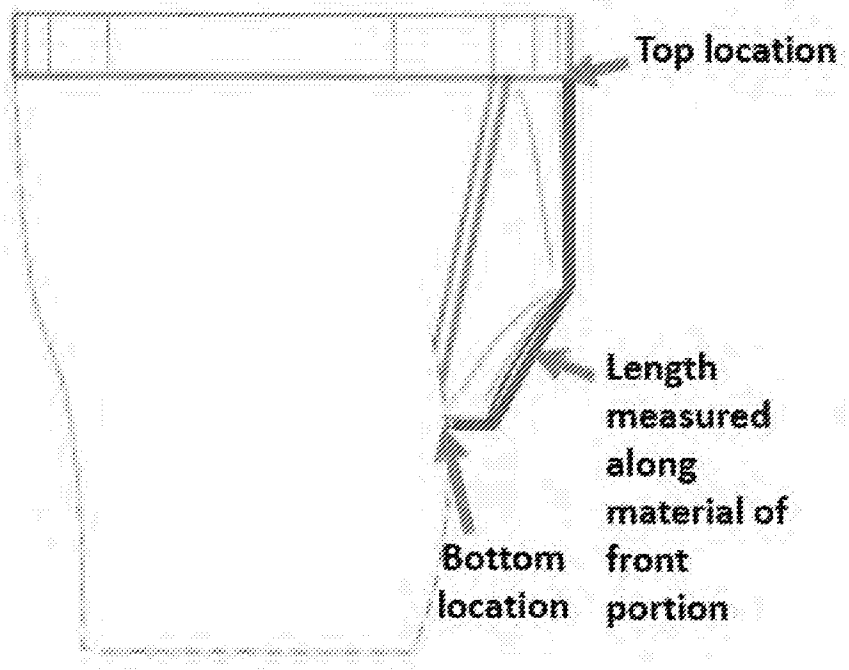
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the stretch panel (the "comfy cup") being resiliently elastic both in a direction between 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.

Claim 1	Exemplary Disclosure in Prior Art
	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 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 '058 Design discloses 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 length and width of the unstretched stretch panel and front portion, respectively, are labeled with arrows and further depicted with red lines below. In particular, the width measured along the front portion between the side seams is more fully seen by viewing Figures 1 and 3 collectively:

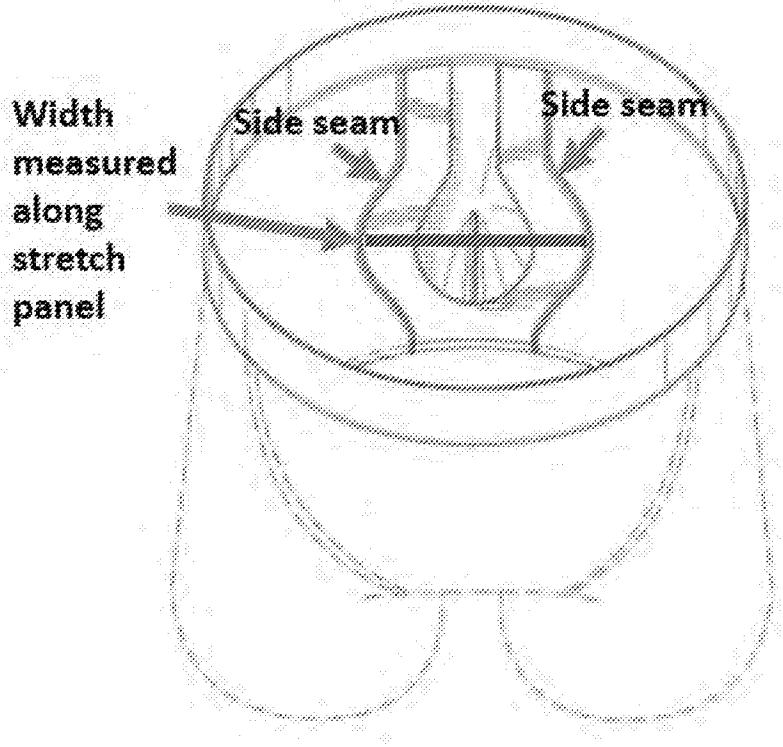
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

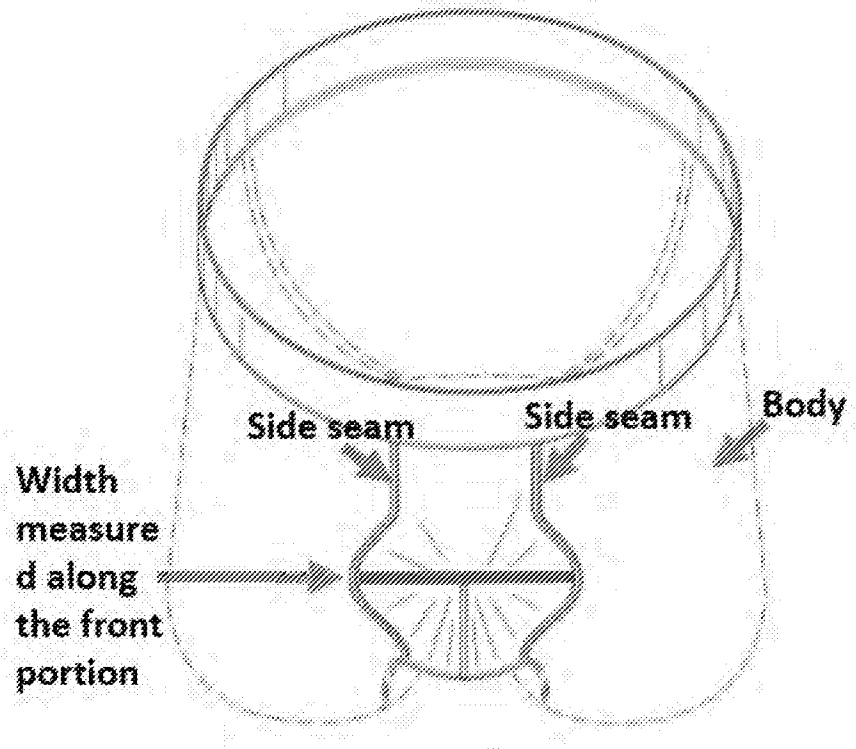
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

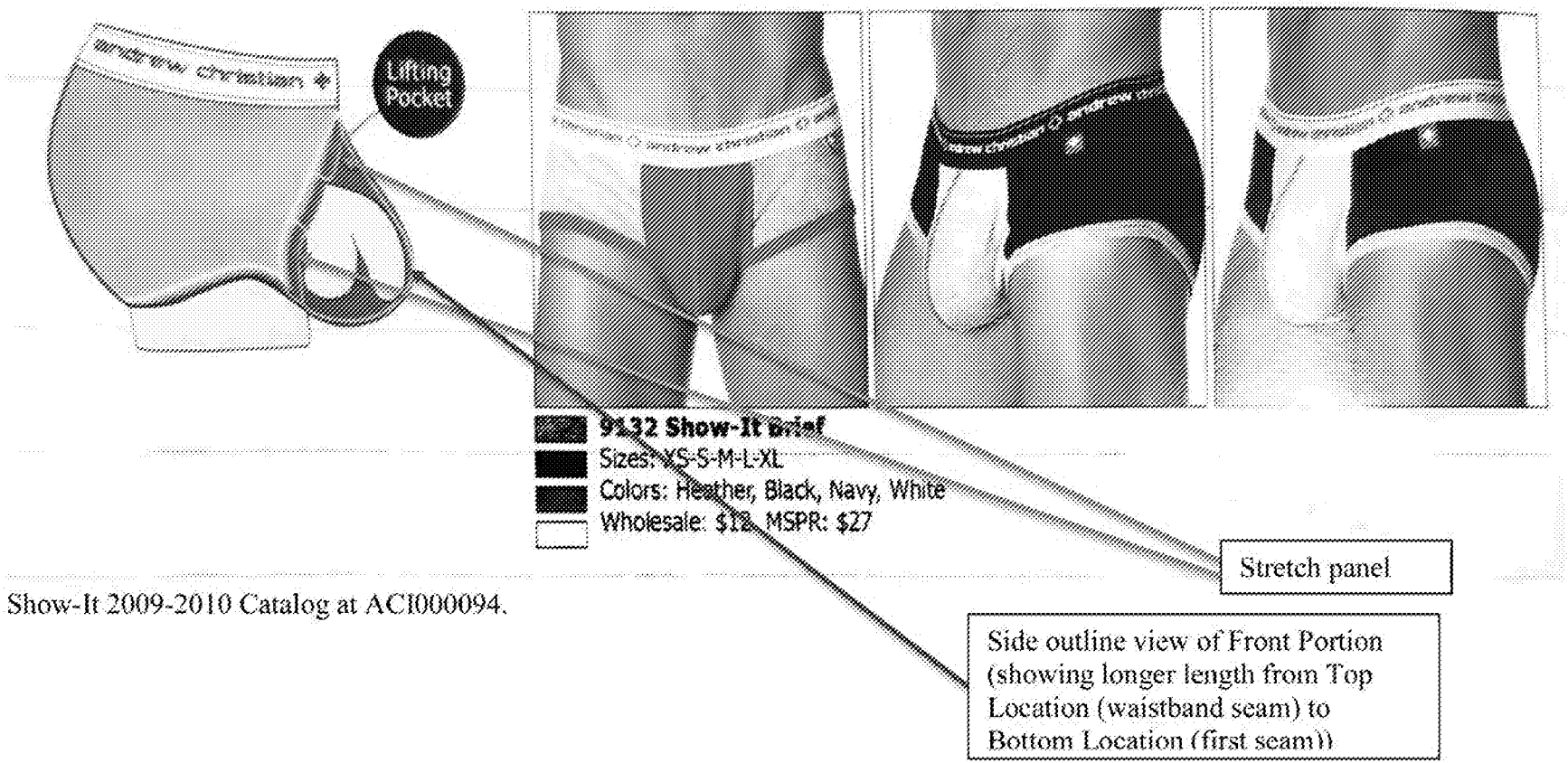
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

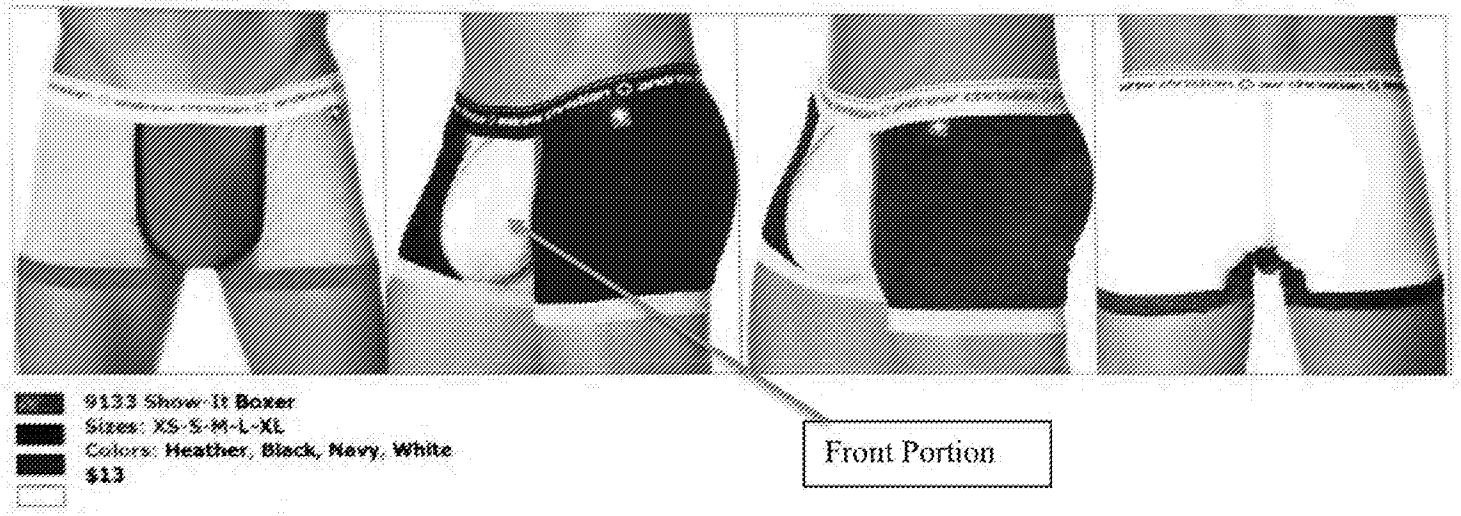
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1

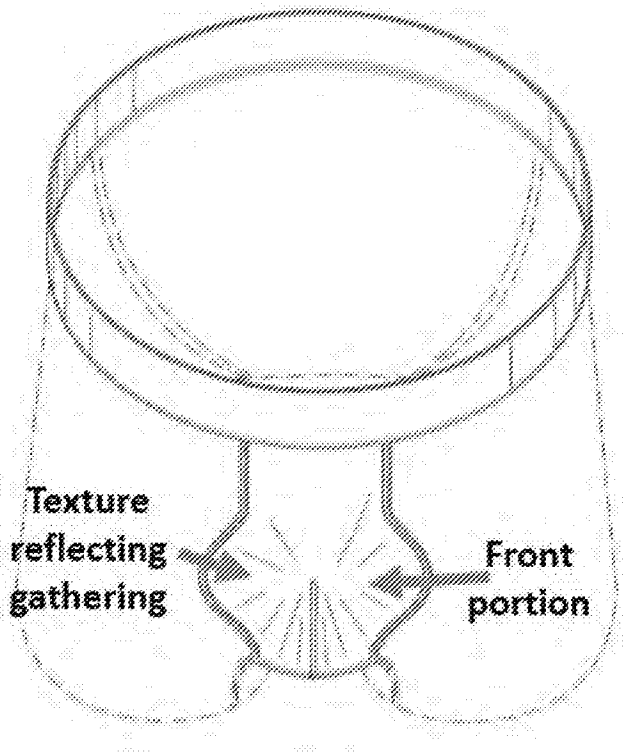
Claim 1	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between 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 shown below. On information and belief, the depicted stretch panel must have a length when unstretched smaller than a length

Claim 1	Exemplary Disclosure in Prior Art
	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

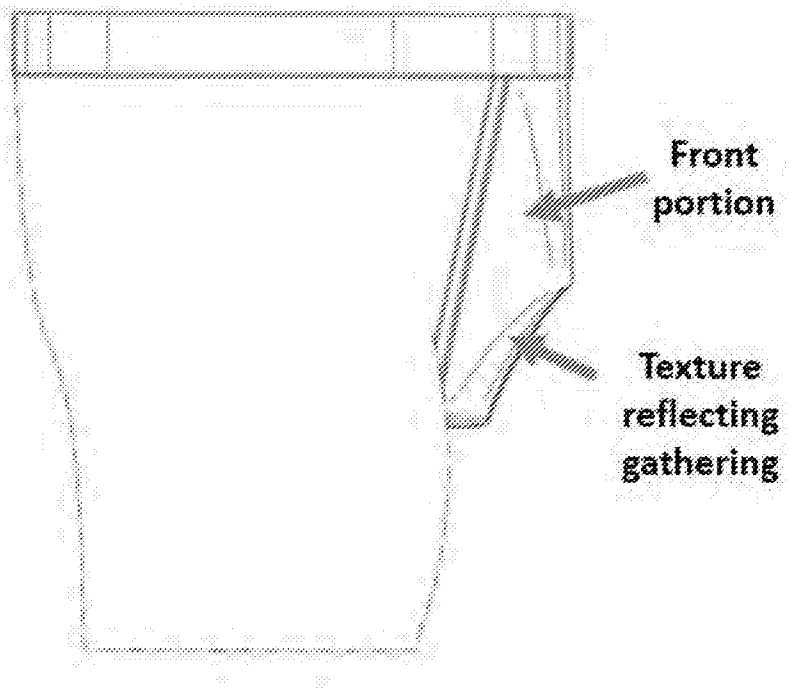
Claim 1	Exemplary Disclosure in Prior Art
	along the front portion between the side seams, one of ordinary skill in the art would, based on one's knowledge and the disclosure of the ACI000040 publication or the Show-It 2009-2010 Catalog, understand how to modify 9132 Show-It Brief to meet this limitation. **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

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 '058 Design defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.** ***See,*** One having ordinary skill in the art of the Asserted Patents would understand that the front portion is gathered side-to-side and top-to-bottom by the stretch panel by the texturing of the front portion in Figures 1-3 and the stretch panel in Figure 2. One having ordinary skill would understand that the three-dimensional pouch (a concave space) formed between stretch panel and front portion would be for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn because of the structure and positioning of the pouch:

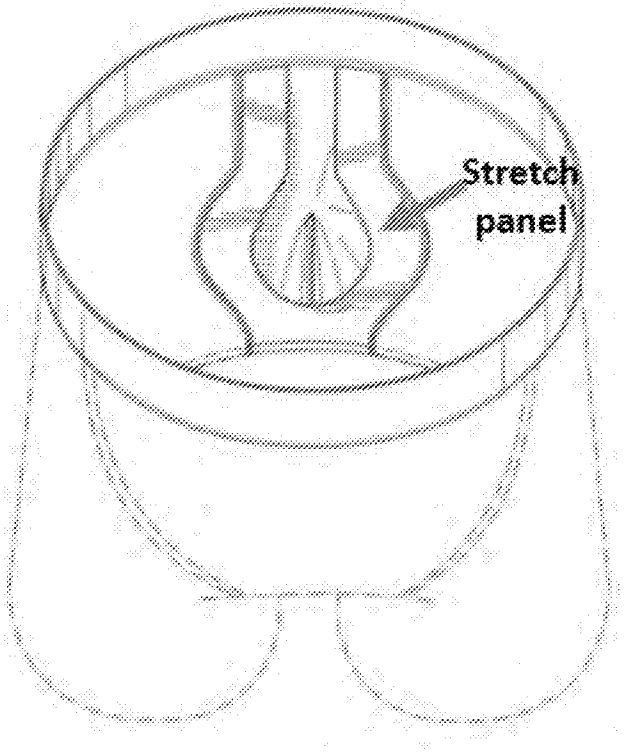
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

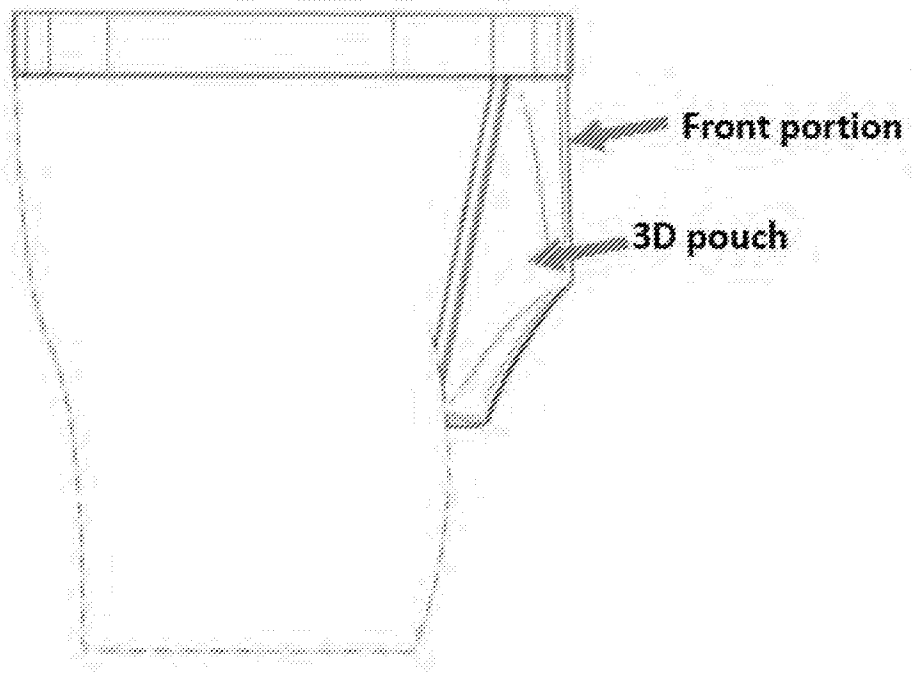
Claim 1	Exemplary Disclosure in Prior Art
receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.	 FIG. 1

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

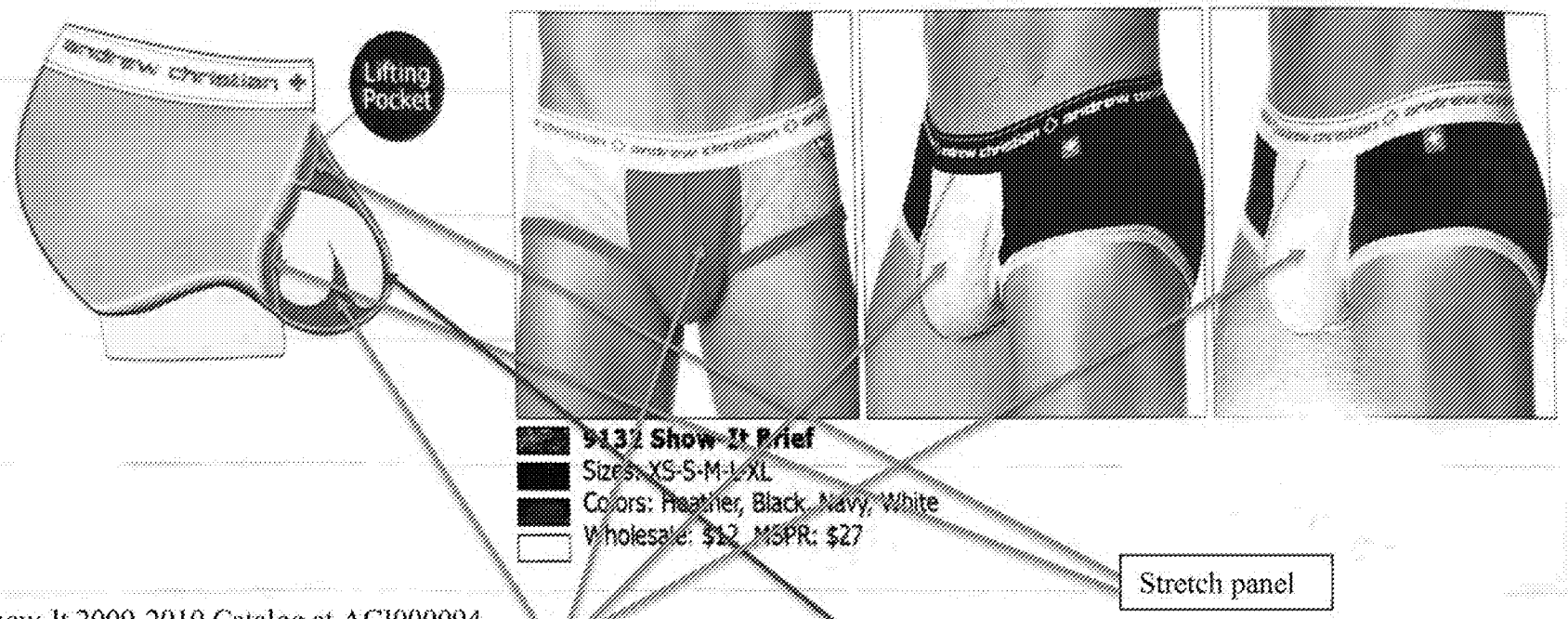
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

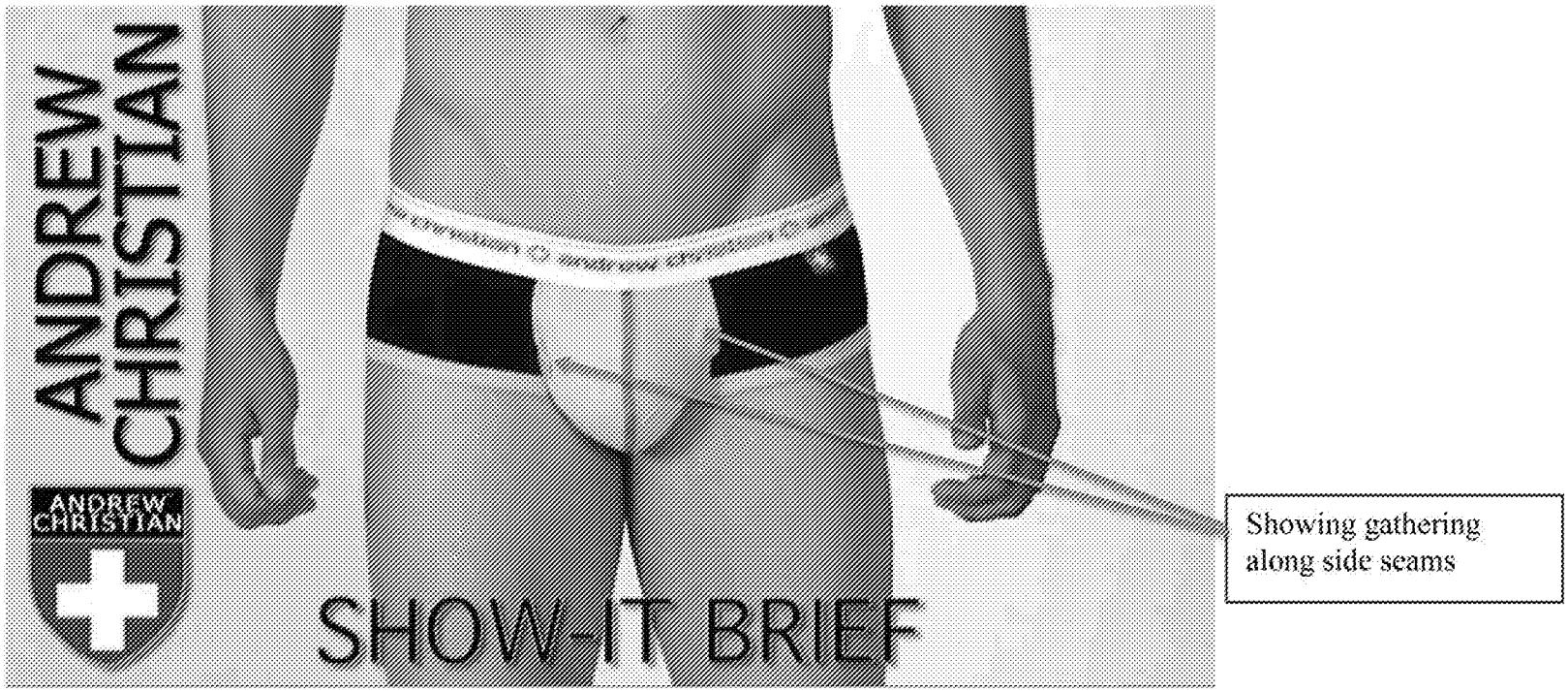
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the Show-It 2009 Line Sheet, the ACI000038 publication, and/or the ACI000040 publication to meet this limitation.

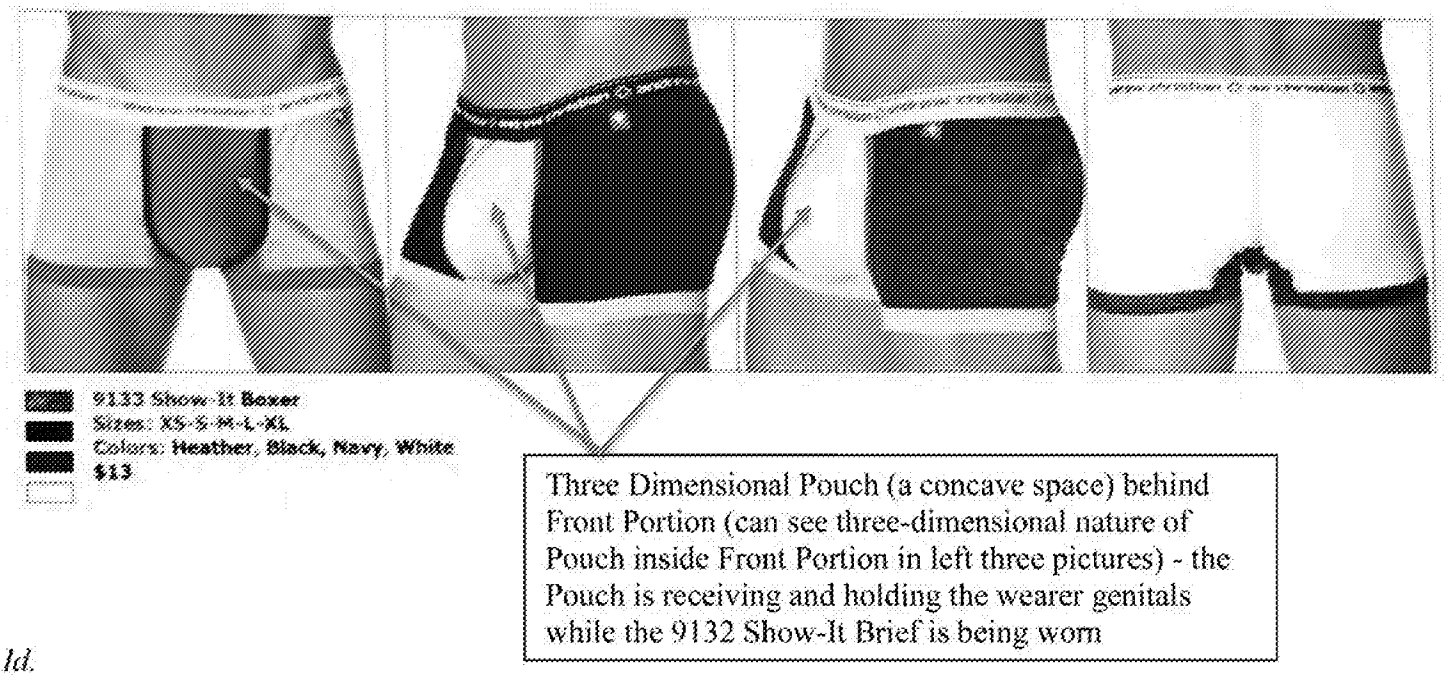
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	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 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

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

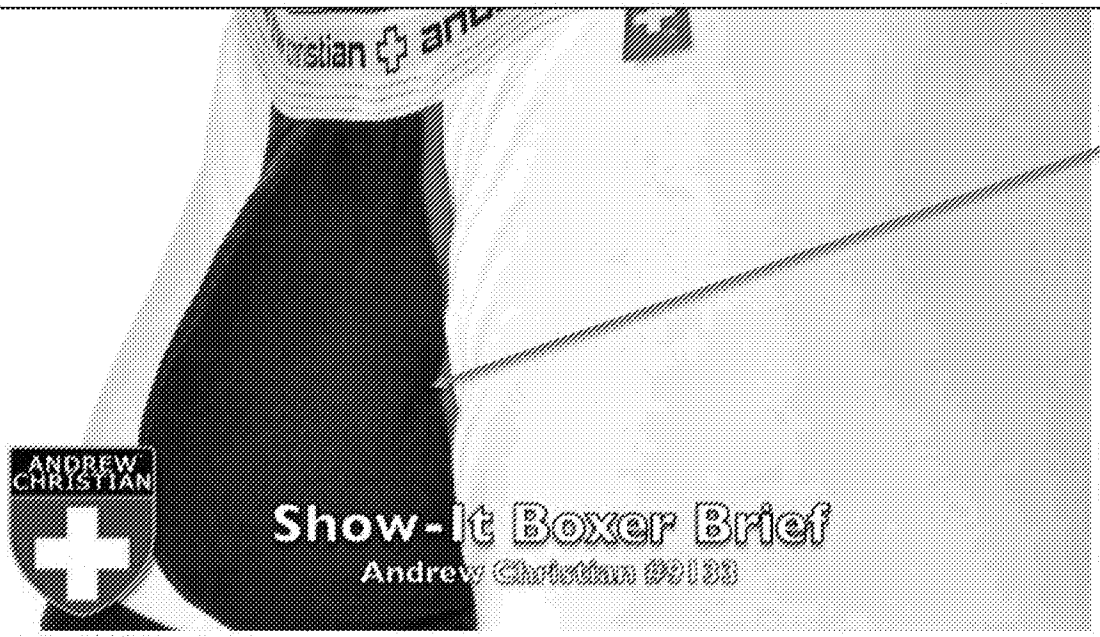
Claim 1	Exemplary Disclosure in Prior Art
	 AC000038 at 4:02. To the extent Plaintiffs contend the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the front portion is gathered 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,***

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."  *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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 Showing gathering along waistband seam ACI000038 at 2:52.

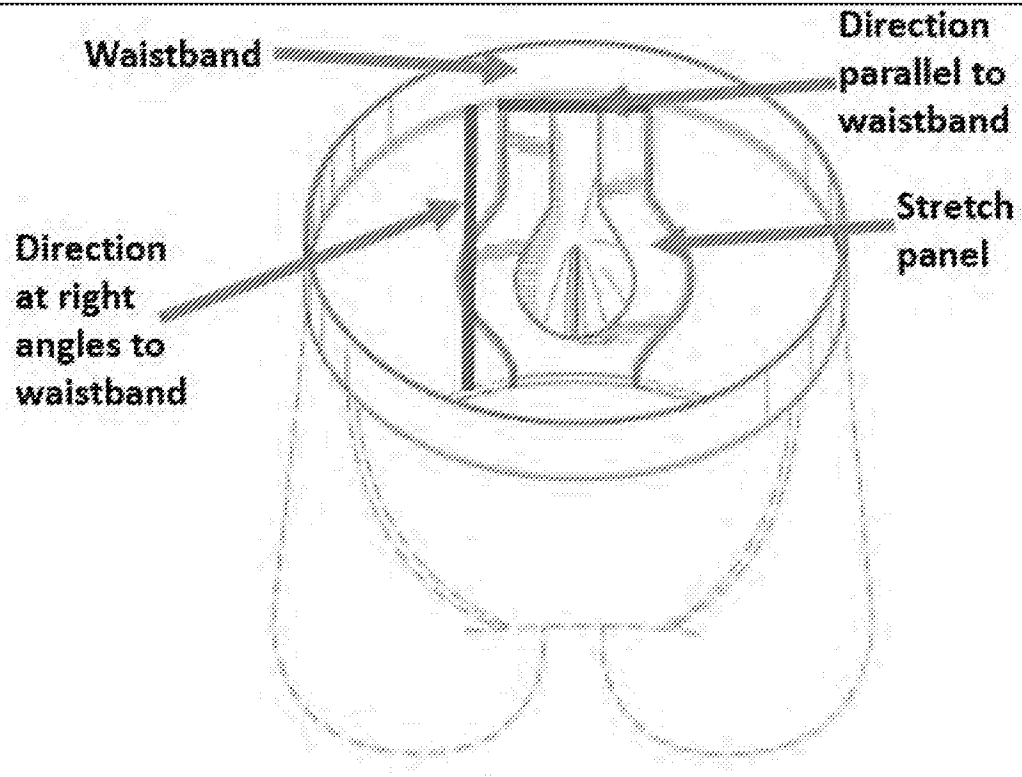
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

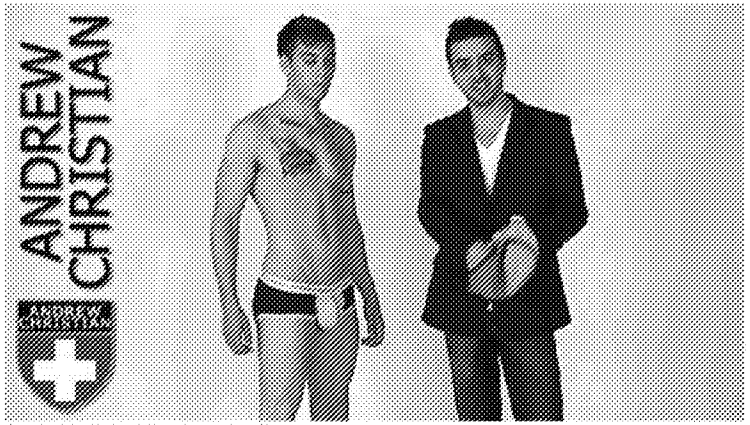
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000038 at 3:05. To the extent Plaintiffs contend the ACI000038 publication or the Show-It 2009 Line Sheet does not expressly, implicitly, or inherently disclose that the front portion of the 9133 Show-It Boxer is gathered from side-to-side and top-to-bottom 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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: • '058 Design in view of Andrew Christian printed publications • '058 Design in view of Andrew Christian printed publications 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." **The '058 Design discloses a stretch panel that 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as having stretch characteristics due to the stretch panel's depicted texturing and/or structure, which could stretch more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

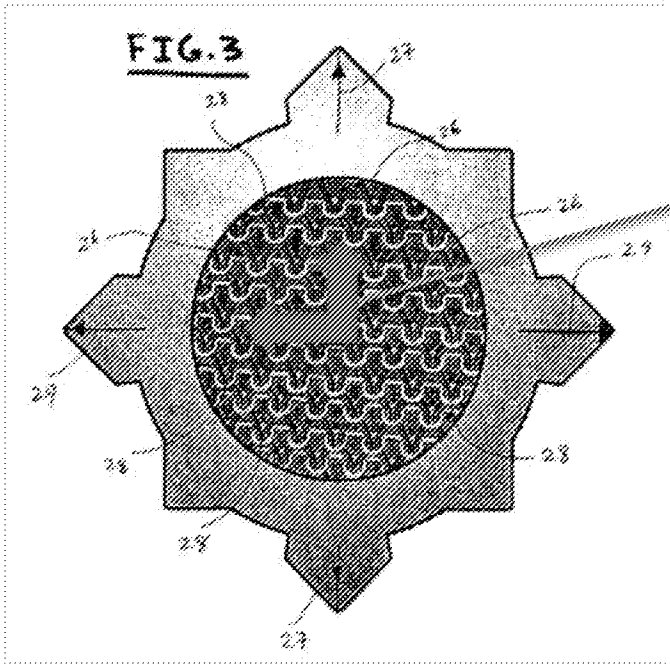
Claim 2	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication, the Show-It 2009 Line Sheet, and/or the '369 Patent to meet this limitation. **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

Claim 2	Exemplary Disclosure in Prior Art
	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 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

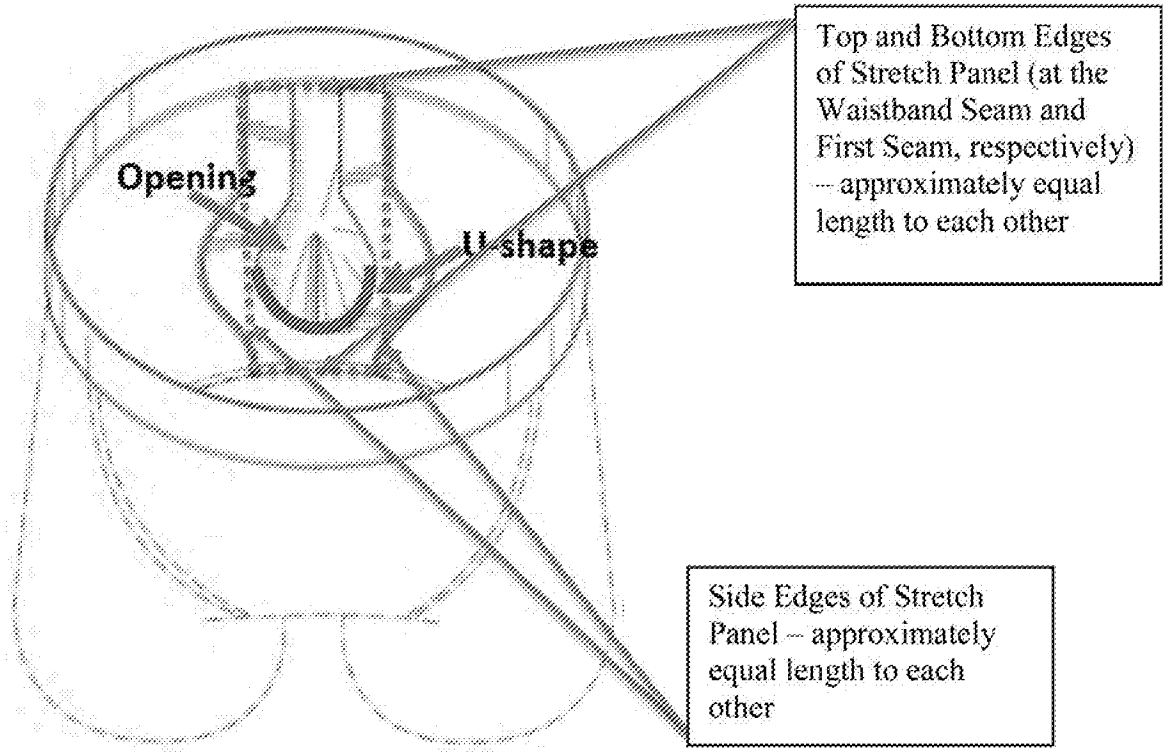
Claim 2	Exemplary Disclosure in Prior Art
	that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation. **The '369 Patent for "Performance Underwear" discloses a fabric with 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 it stretches more easily in one direction and less easily in a direction at right angles to the first direction.** ***See,*** In particular, the '369 Patent discloses a warp knit, which has asymmetrical stretch characteristics. *See,* "With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. 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)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 2	Exemplary Disclosure in Prior Art
	 Direction 27 is at a right angle to Direction 29 (and vice versa). The "warp knit" (the fabric) stretches more easily in the horizontal direction, that is, Direction 29 (roughly parallel to the waistband), than in the vertical direction, that is, Direction 27 (roughly at a right angle to the waistband)

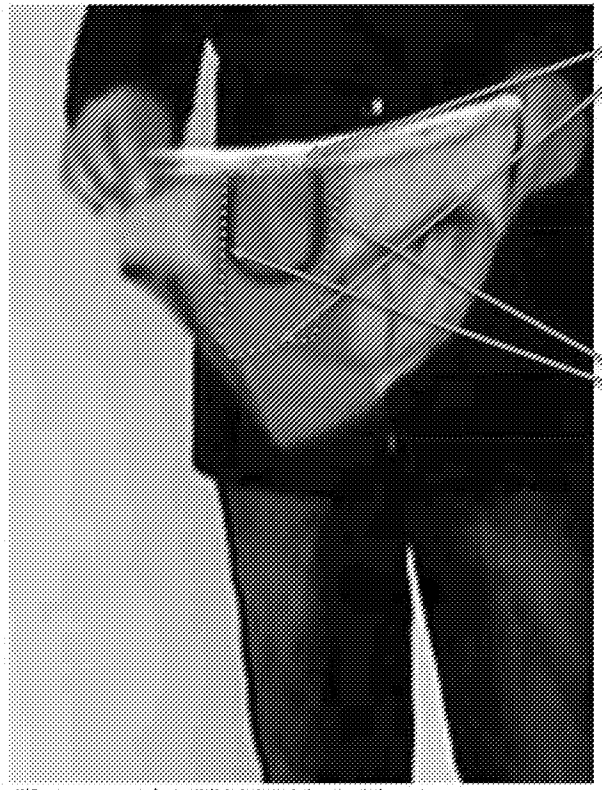
Claim 3	Exemplary Disclosure in Prior Art
[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.	The obviousness combinations asserted and disclosed in this chart for claim 3 are as follows: • '058 Design in view of Andrew Christian printed publications 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."

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

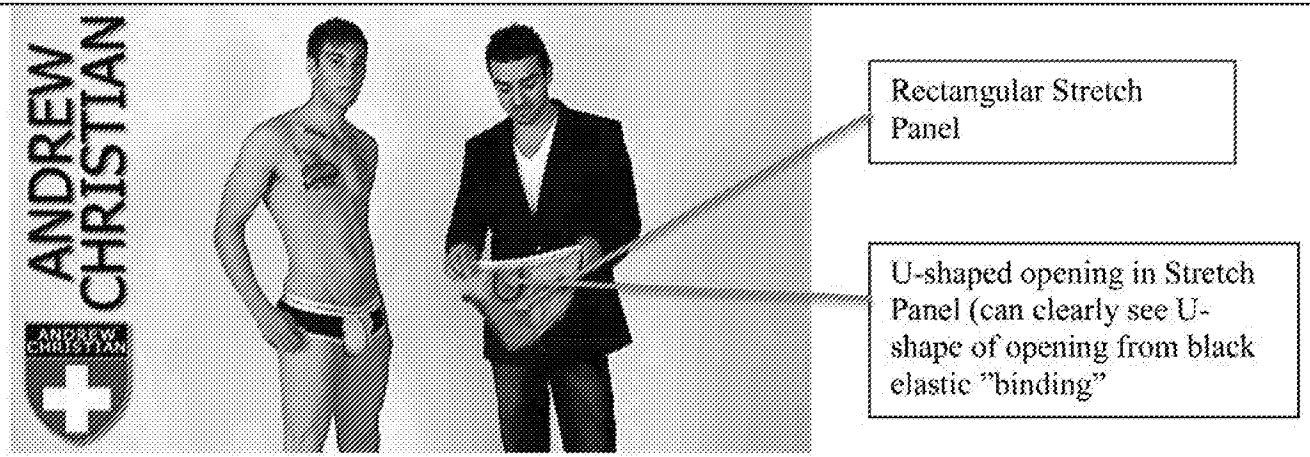
Claim 3	Exemplary Disclosure in Prior Art
	The '058 Design discloses a garment wherein the stretch panel is a shape with four corners wherein the lengths of the top and bottom edges are approximately equal to each other and the lengths of the left and right edges are approximately equal to each other and the opening is U-shaped. ***See,*** The stretch panel is depicted 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:  FIG. 2

Claim 3	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel 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 or an opening that is U-shaped, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 3	Exemplary Disclosure in Prior Art
	 Top and Bottom Edges of Stretch Panel (at the Waistband Seam and First Seam, respectively) – approximately equal length to each other Side Edges of Stretch Panel – approximately equal length to each other Close up of ACI000040 at 00:14.

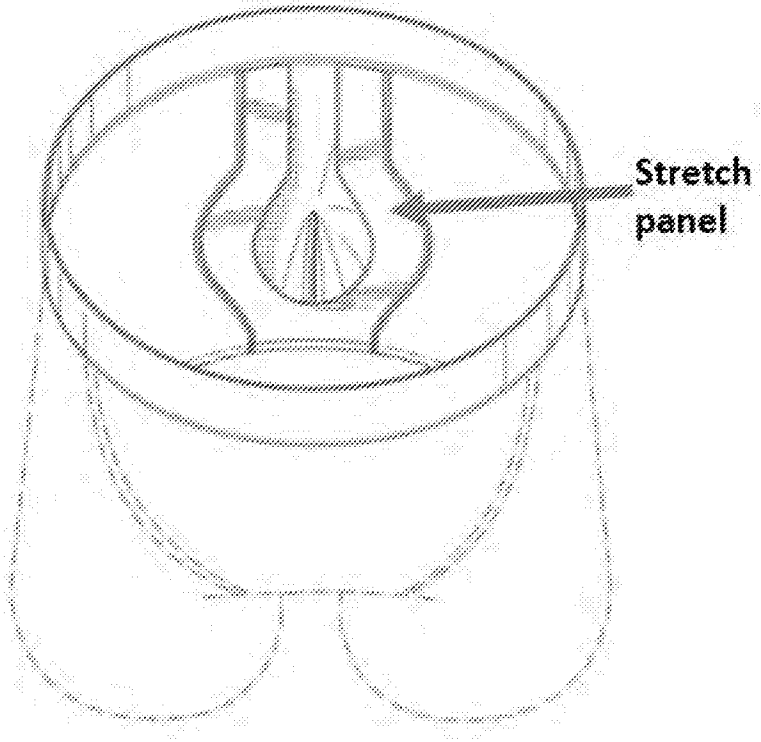
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

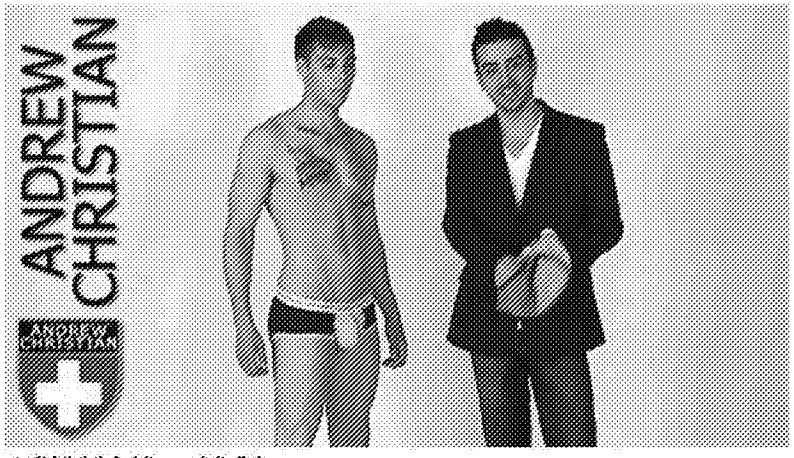
Claim 3	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. To the extent Plaintiffs contend that the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief has a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge 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.

Claim 3	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend that the Show-It 2009 Line Sheet 9133 Show-It Boxer 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.

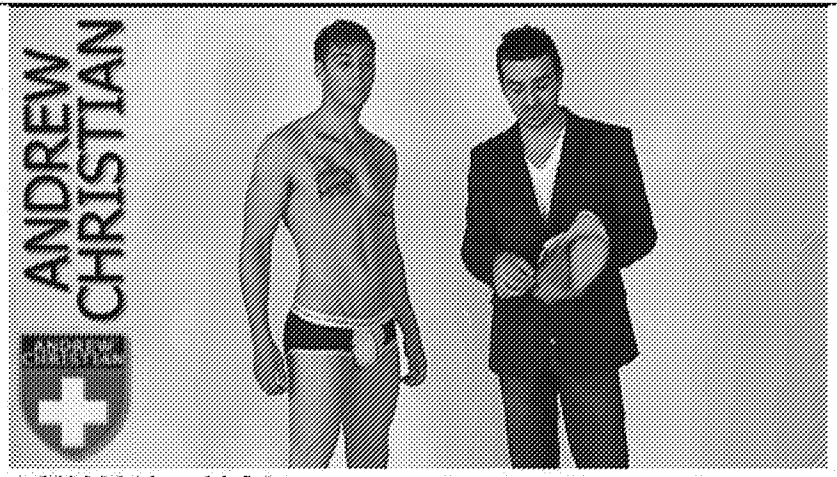
Claim 4	Exemplary Disclosure in Prior Art
[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 4 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 3. **The '058 Design discloses a stretch panel comprising a fabric having a stretch of at least 30%.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as having stretch characteristics due to the stretch panel's depicted texturing and/or structure, which could have a stretch of at least 30%:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 4	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009 Line Sheet and/or the ACI000040 publication to meet this limitation.

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

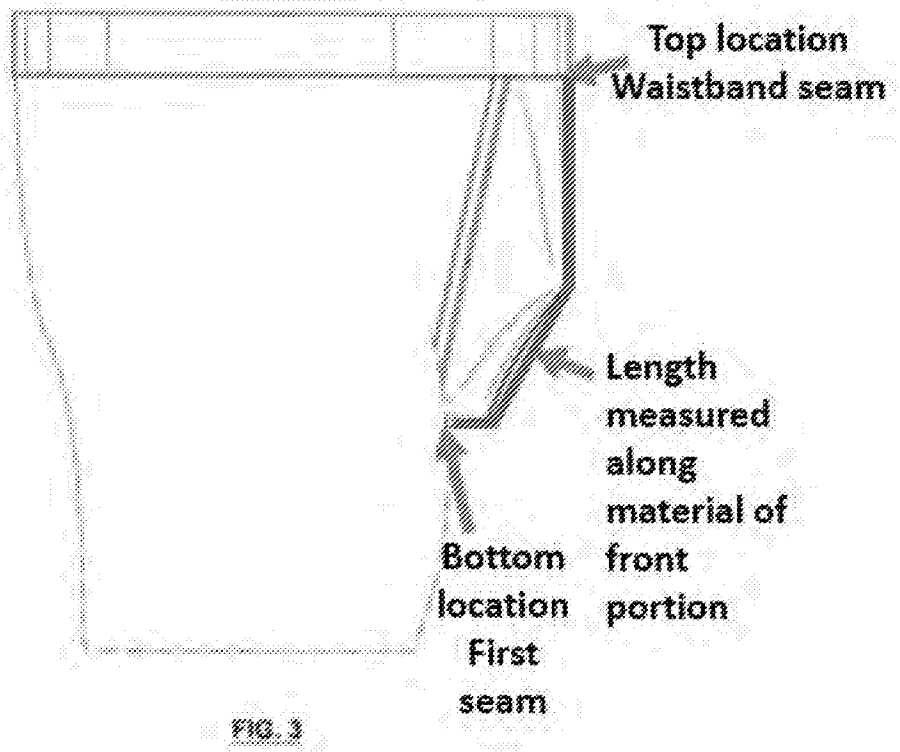
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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

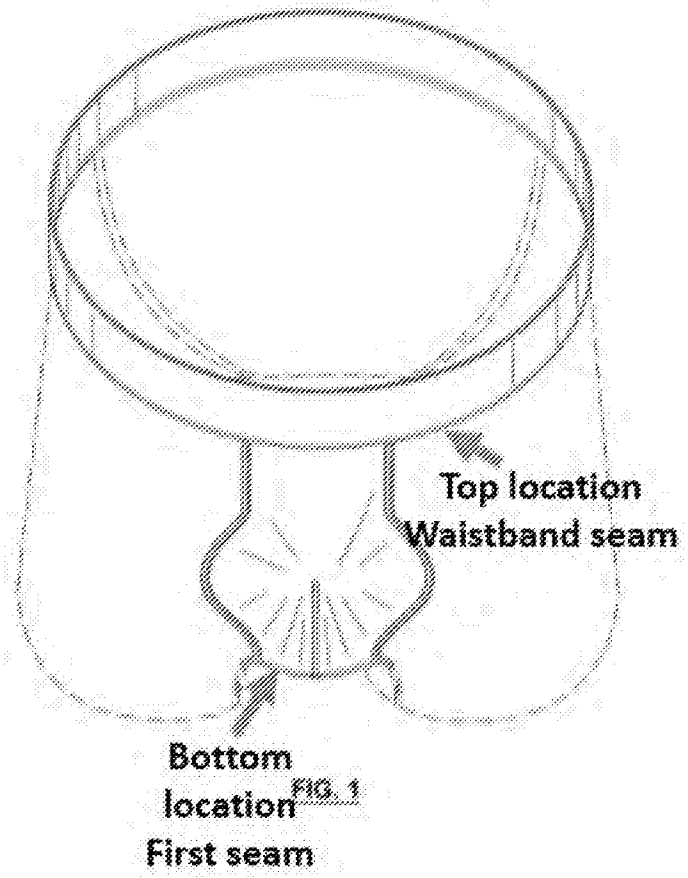
Claim 4	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the disclosure in the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation.

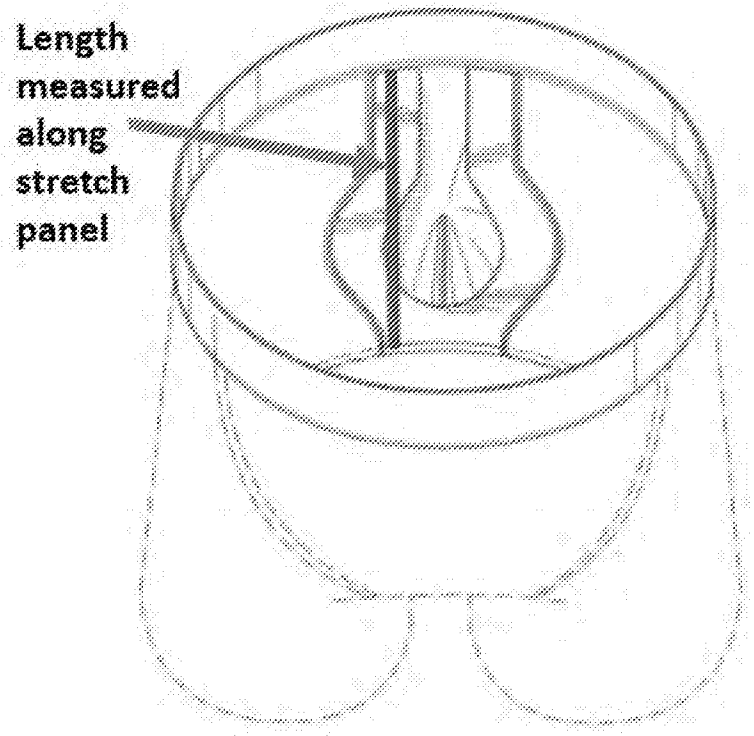
Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment where the top location is the waistband seam and the bottom location is the first seam, 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%.** ***See,*** The lengths measured along material of the front portion from the first seam to the waistband seam and measured along the fabric of the stretch panel, when unstretched, are depicted in red lines below:

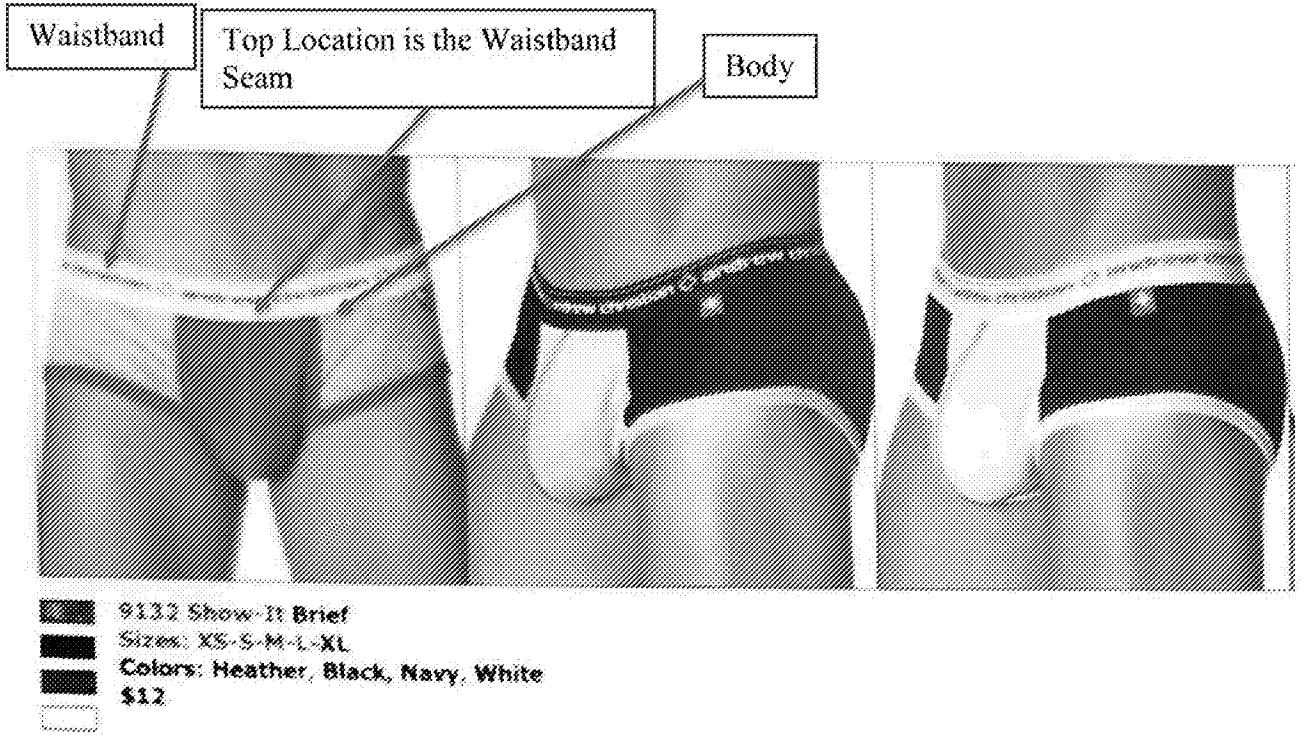
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	

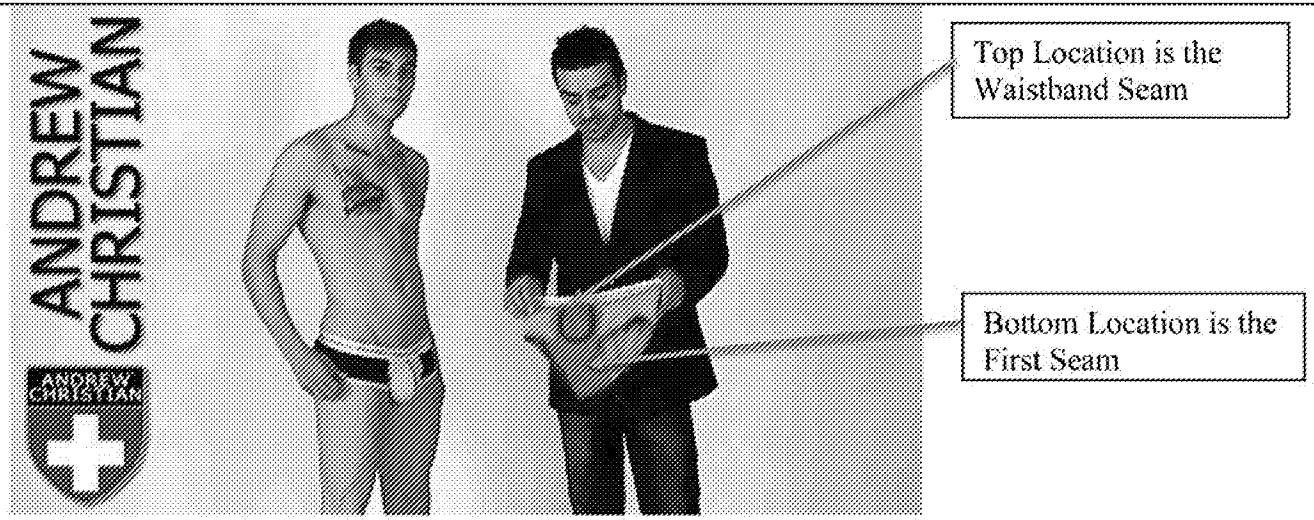
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	 FIG. 1

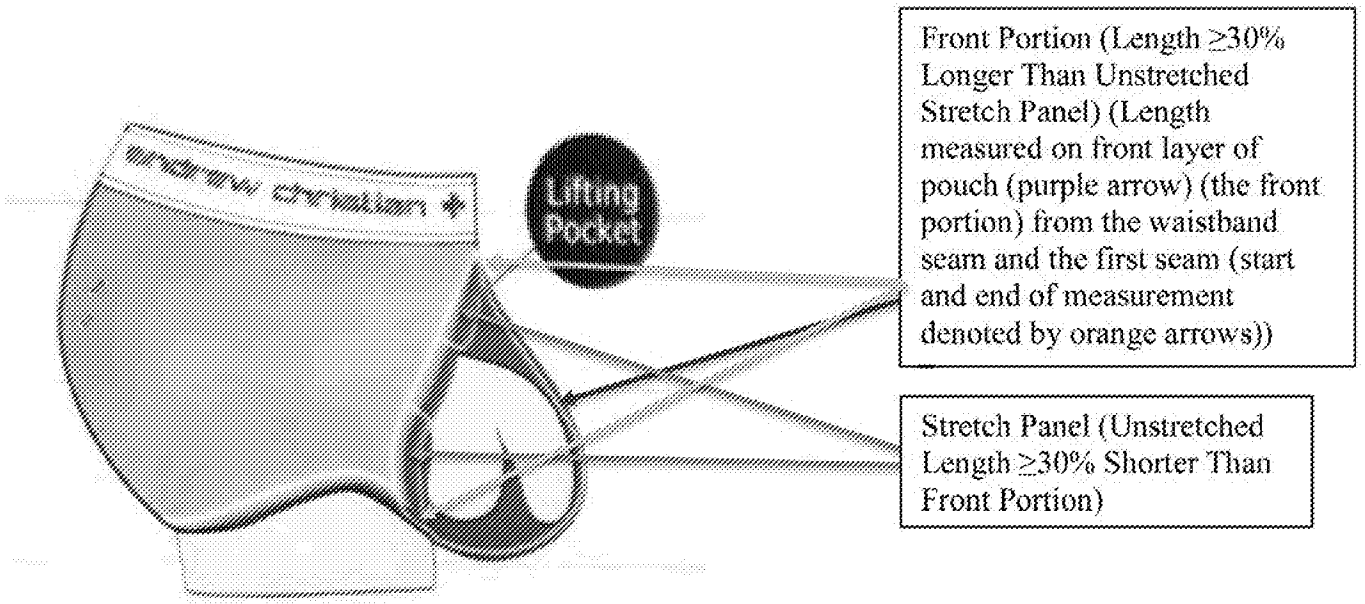
Claim 5	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, and/or the ACI000040 publication to meet this limitation.

Claim 5	Exemplary Disclosure in Prior Art
	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,*** 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.

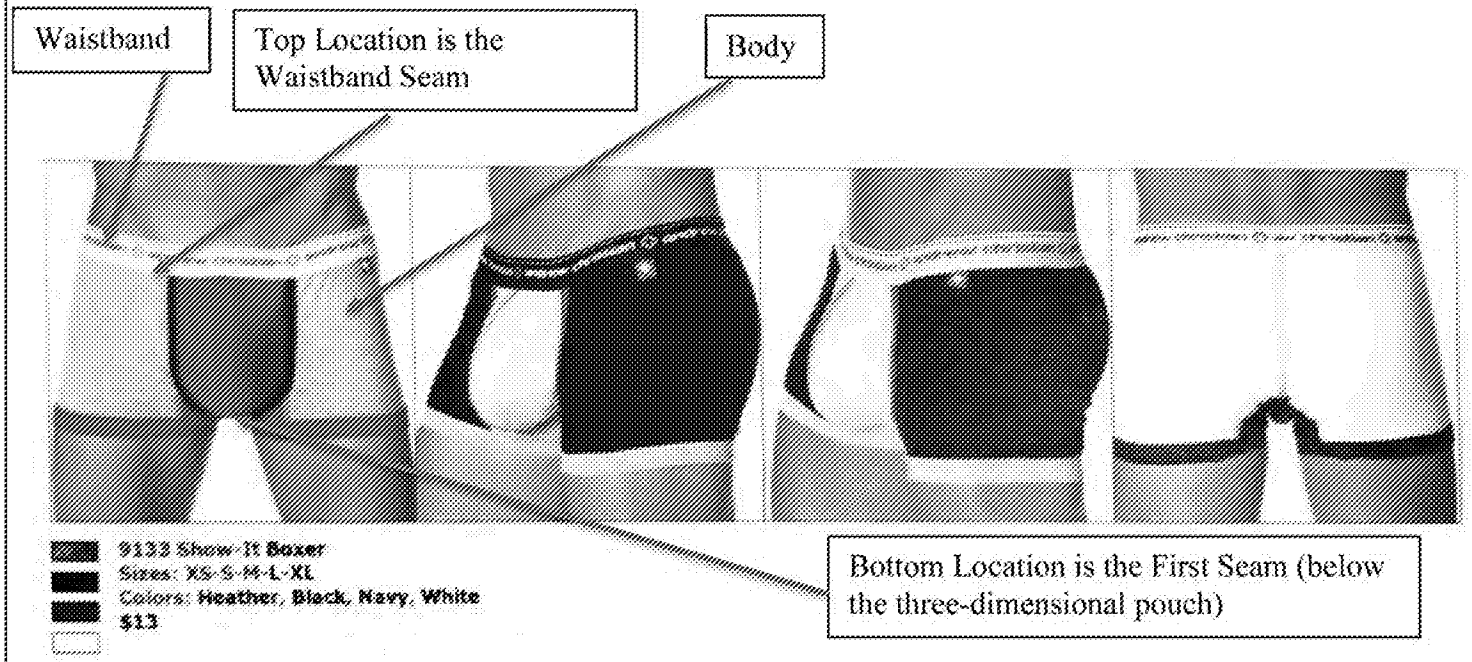
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. **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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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. **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 Boxer 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.

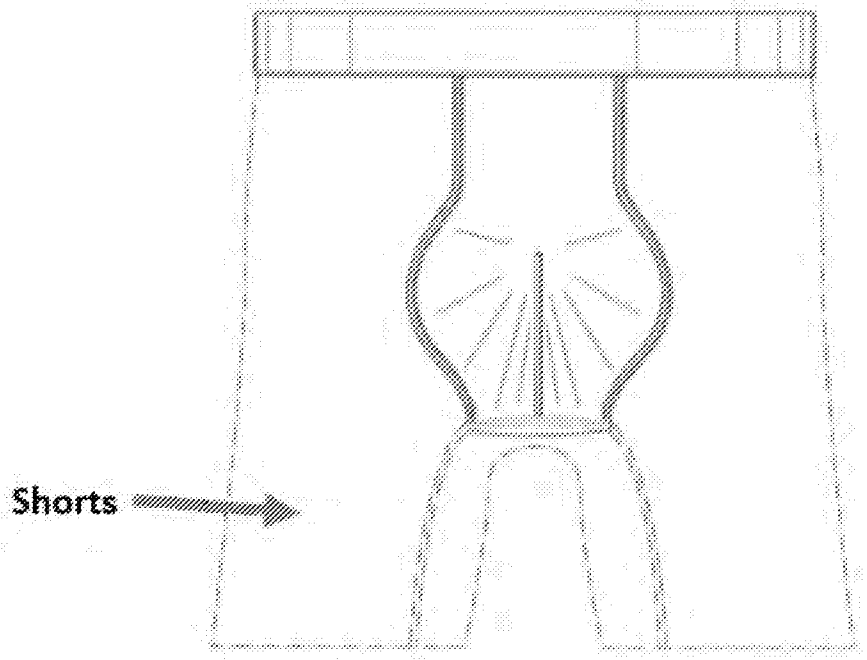
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092. **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.

Claim 5	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) 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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a pair of undershorts. *See*,** "Men's Undergarment" (Title)

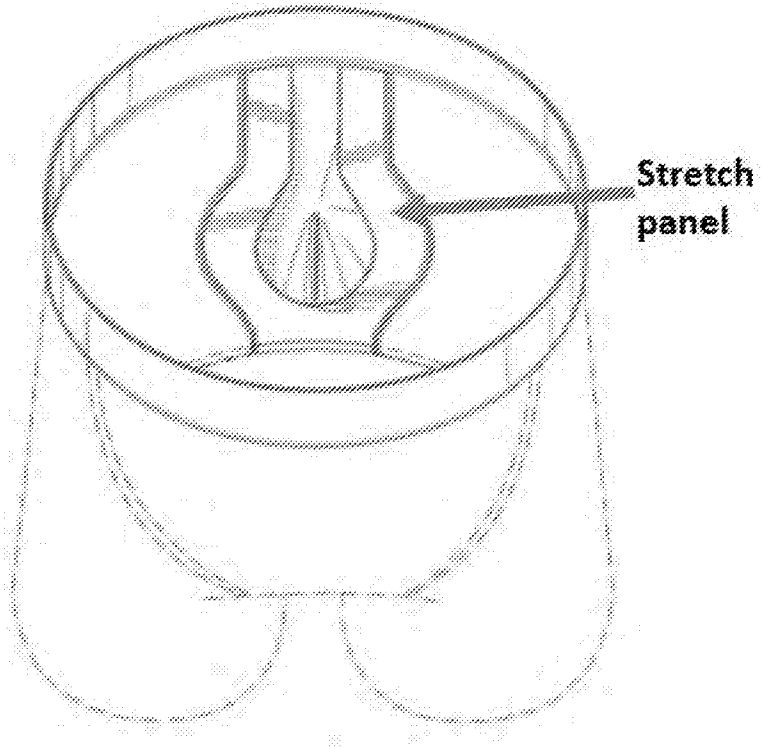
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 6	Exemplary Disclosure in Prior Art
	 FIG. 4

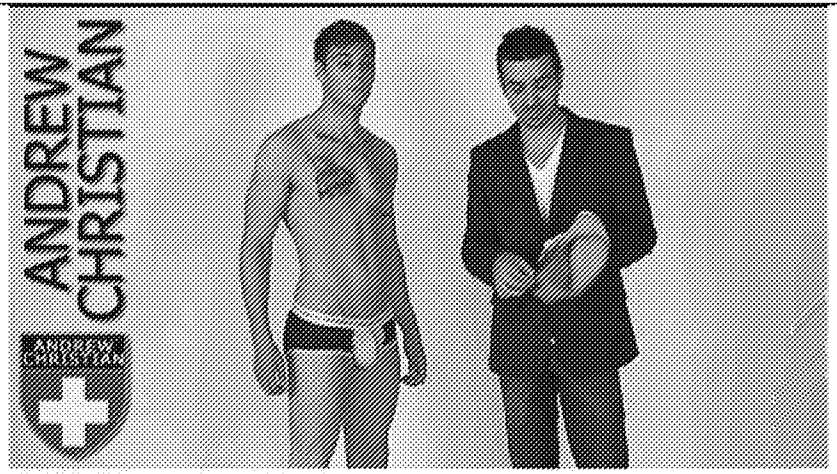
Claim 6	Exemplary Disclosure in Prior Art
	Further, the 9132 Show-It Brief is a pair of undershorts. ***See,*** The Show-It 2009 Line Sheet shows that the 9132 Show-It Brief is a pair of undershorts (at ACI000092):

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a stretch panel comprising a fabric different from a fabric of the body.** ***See,***

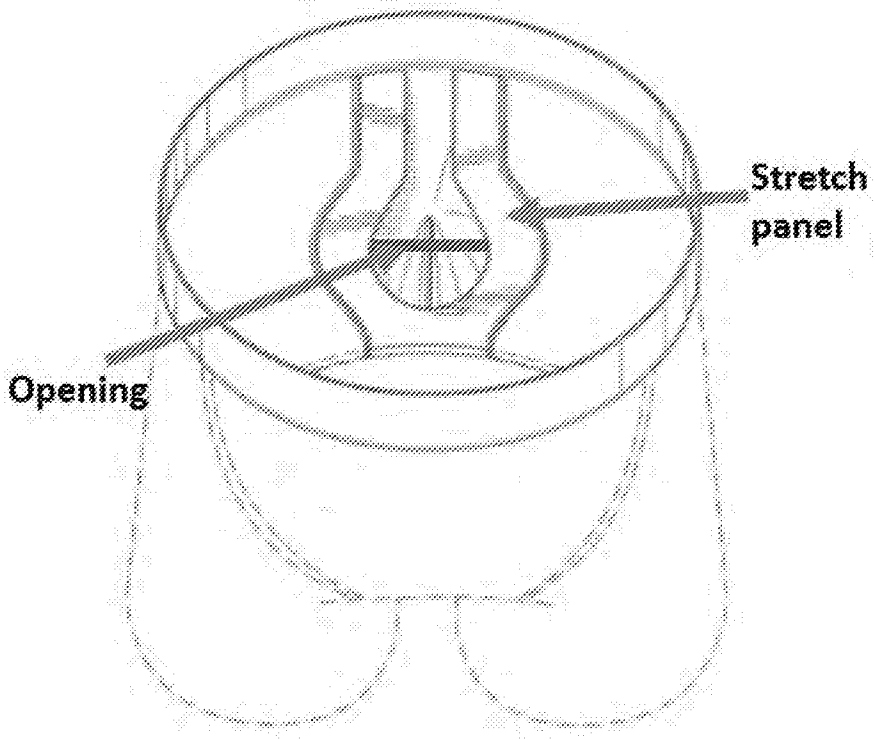
Claim 7	Exemplary Disclosure in Prior Art
	One having ordinary skill would understand the stretch panel could be comprised of a fabric different from the fabric of the body due to the stretch panel's depicted texturing and/or structure:  FIG. 3 To the extent Plaintiffs contend the'058 Design does not 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 '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation.

Claim 7	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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.

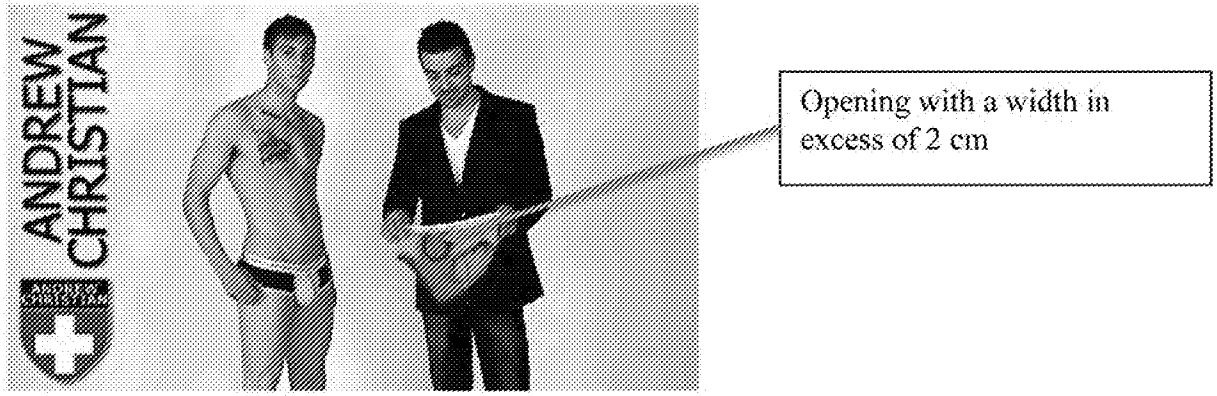
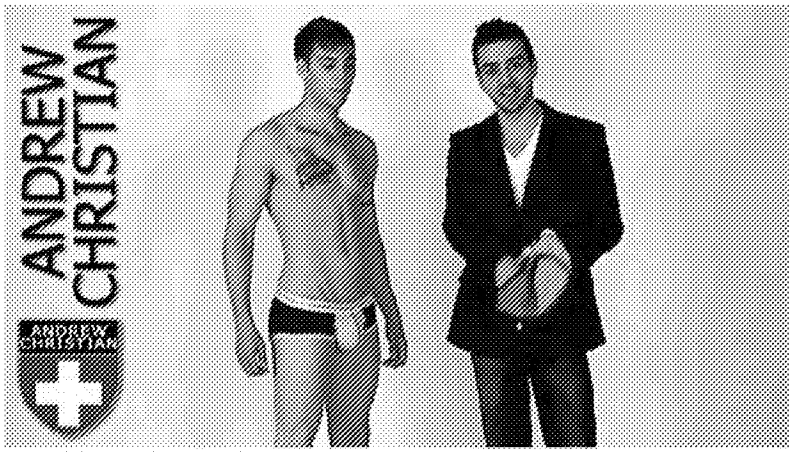
Claim 7	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprises a fabric different from a fabric 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.

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses an opening with a width in excess of 2 cm.** ***See,*** The opening width is shown with a red line. One having ordinary skill would understand the opening to have a width in excess of 2 cm due to the nature of the garment – for male genitalia to fit through the opening:

Claim 8	Exemplary Disclosure in Prior Art
	 FIG. 2 **Further, 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

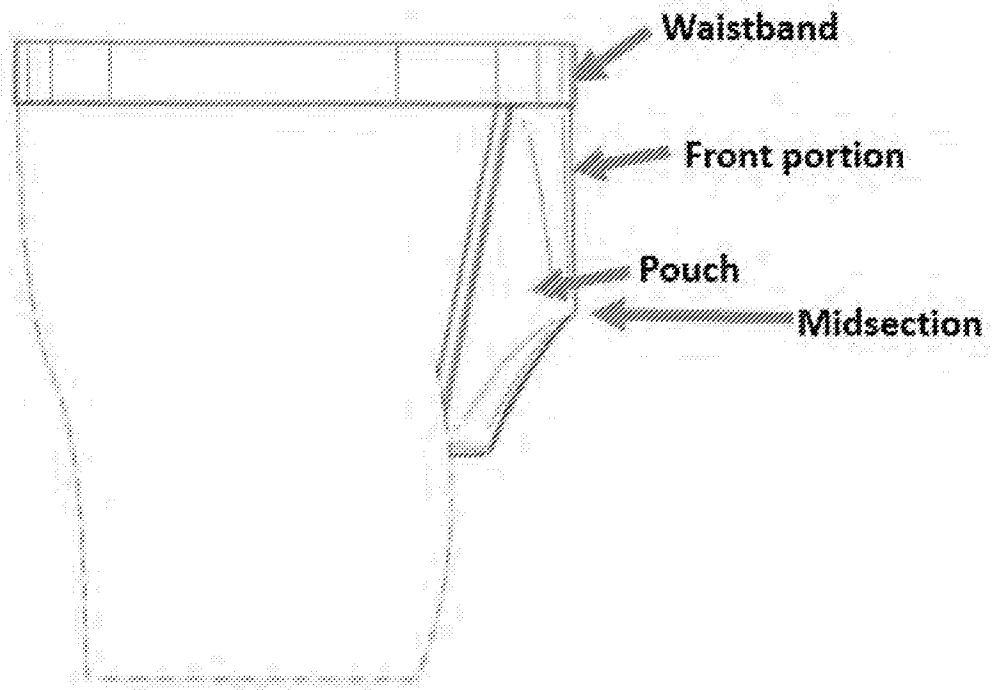
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 8	Exemplary Disclosure in Prior Art
	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.  ACI000040 at 00:14.  ACI000040 at 00:20

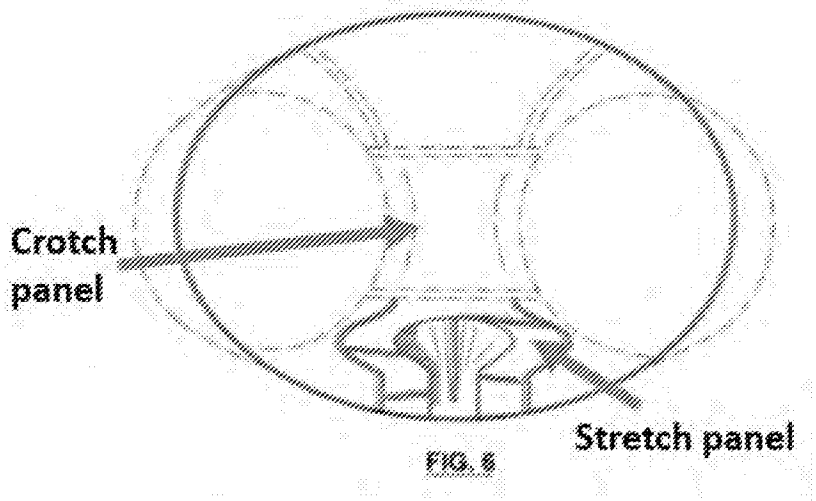
Claim 8	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm. ***See,*** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. The Show-It 2009 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 publication, 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	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment 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.** ***See,***

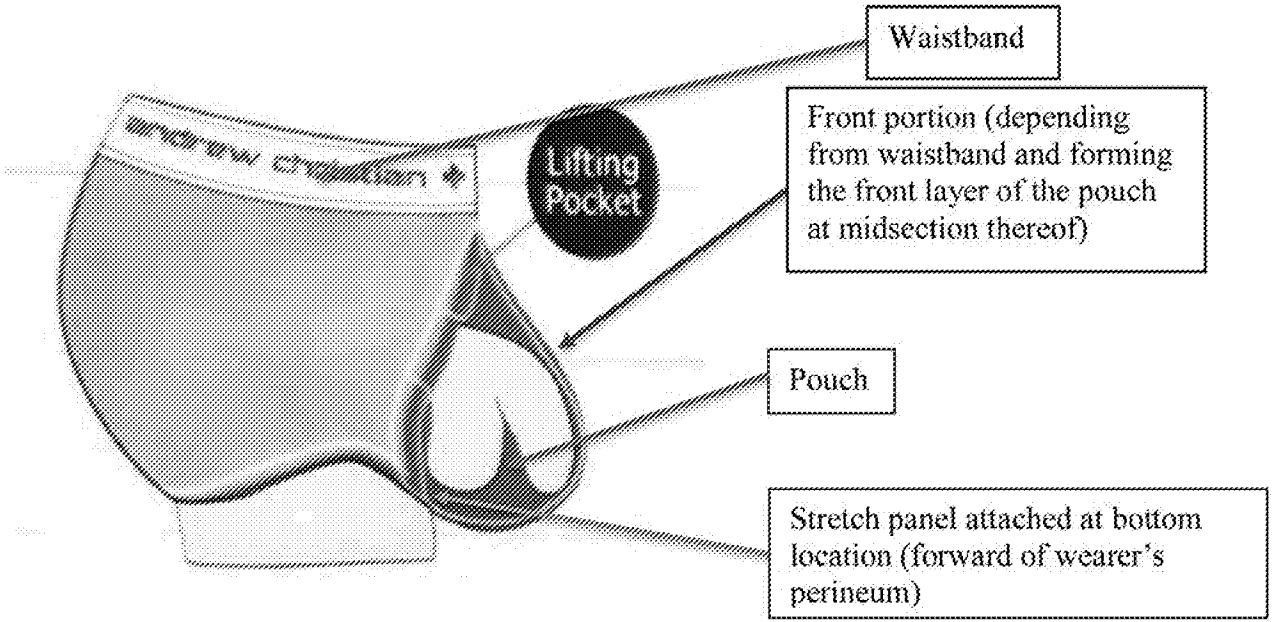
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
penis and scrotum in the pouch.	 FIG. 3

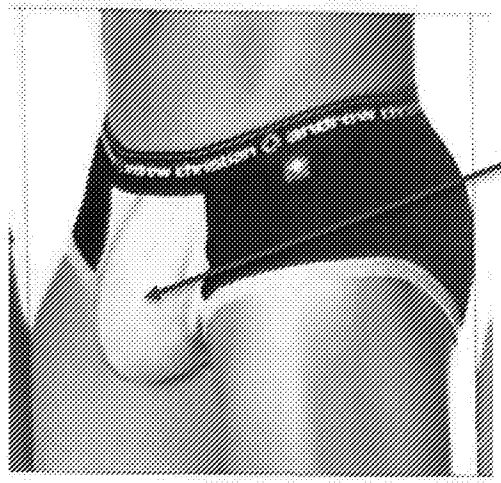
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog and/or the Show-It 2009 Line Sheet to meet this limitation. **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,***

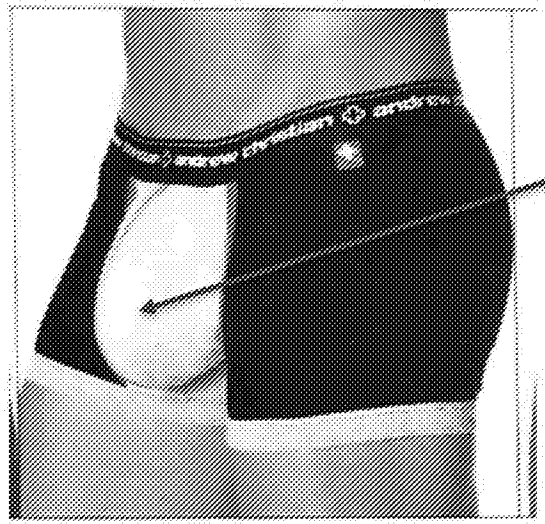
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	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:  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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

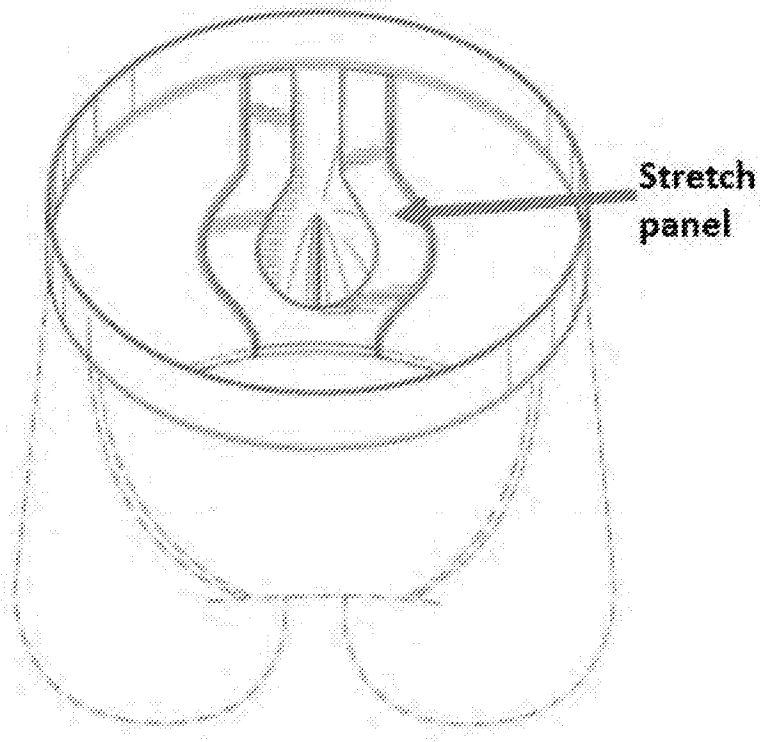
Claim 9	Exemplary Disclosure in Prior Art
	 Front portion (in gray) (depending from waistband and forming the outmost layer of the pouch at midsection thereof) Show-It 2009 Line Sheet at ACI000092. To the extent Plaintiffs contend the Show-It 2009-2010 Catalog or the Show-It 2009 Line Sheet does not 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,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	 Front portion (in gray) (depending from waistband and forming pouch at midsection thereof) 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.

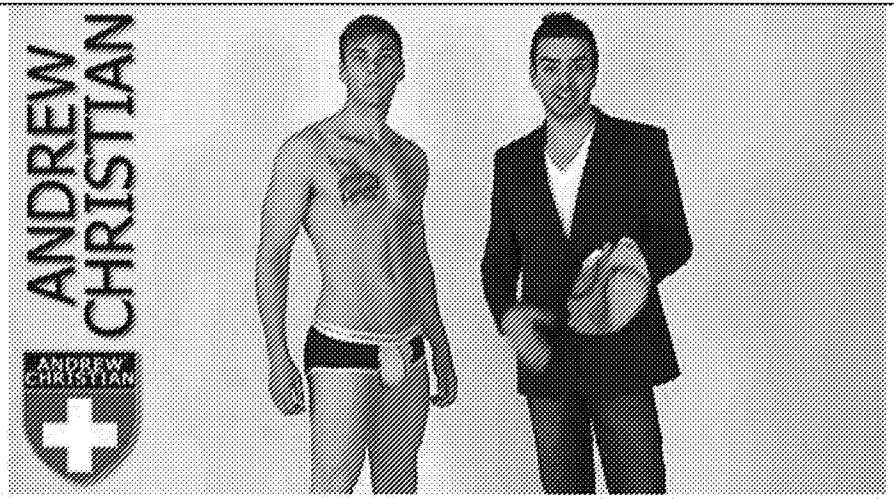
Claim 9	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the Show-It 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9133 Show-It Boxer includes a stretch panel positioned to be disposed forward of a wearer's perineum 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.

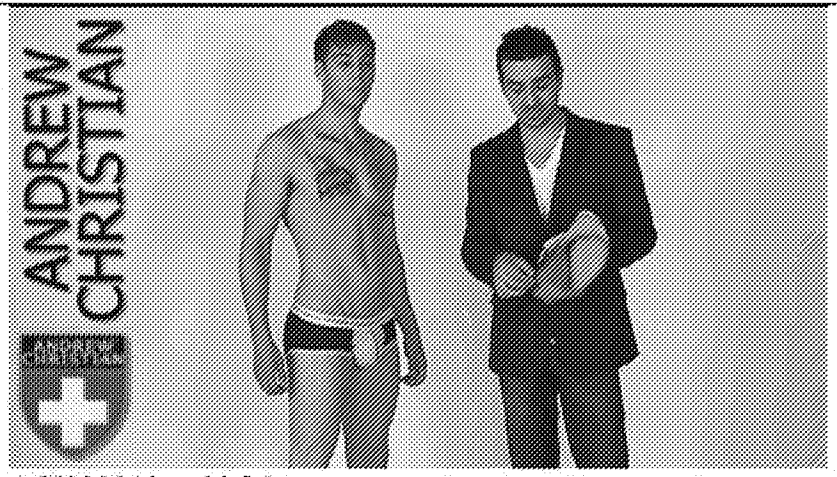
Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment wherein the elastically resilient four-way stretch material is comprised of a spandex blend.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure, which could be comprised of a spandex blend:

Claim 10	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or Show-It 2009 Line Sheet to meet this limitation.

Claim 10	Exemplary Disclosure in Prior Art
	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): 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:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 10	Exemplary Disclosure in Prior Art
	 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").

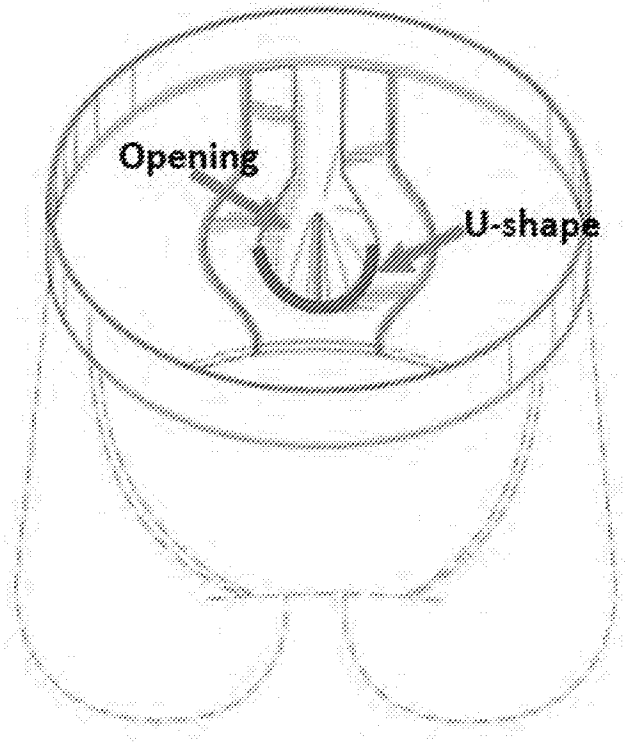
Claim 10	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the elastically resilient four-way stretch material comprised of a spandex blend, one 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 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.

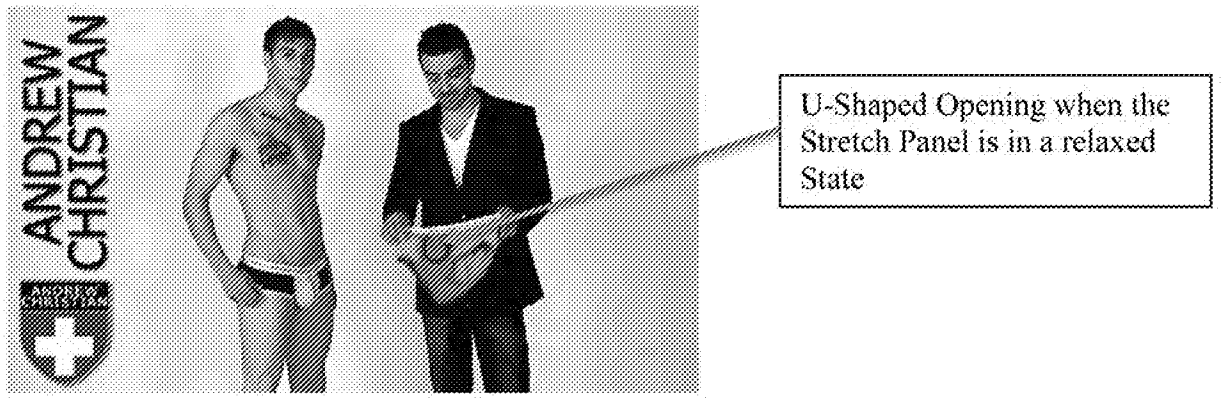
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 10	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 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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a stretch panel with an opening that has a U-shape when the stretch panel is in a relaxed state. *See*,**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

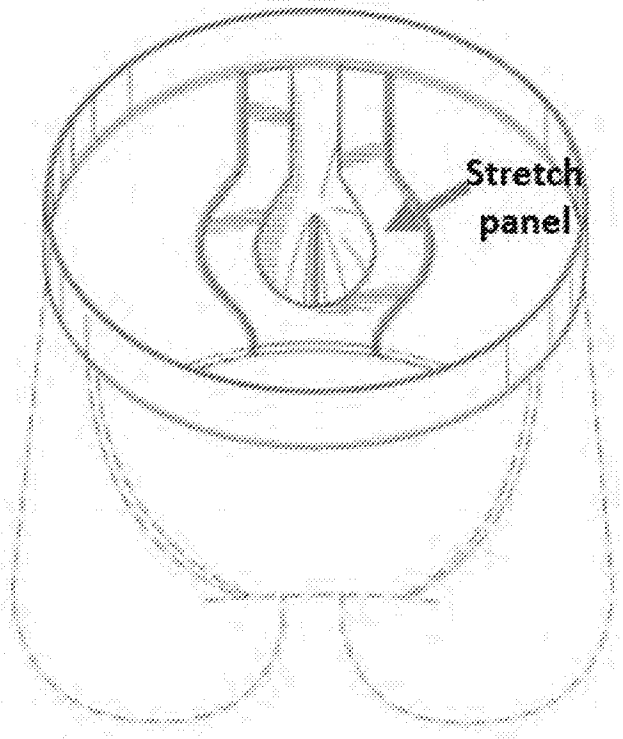
Claim 13	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel with an opening that has a U-shape when the stretch panel is in a relaxed state, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

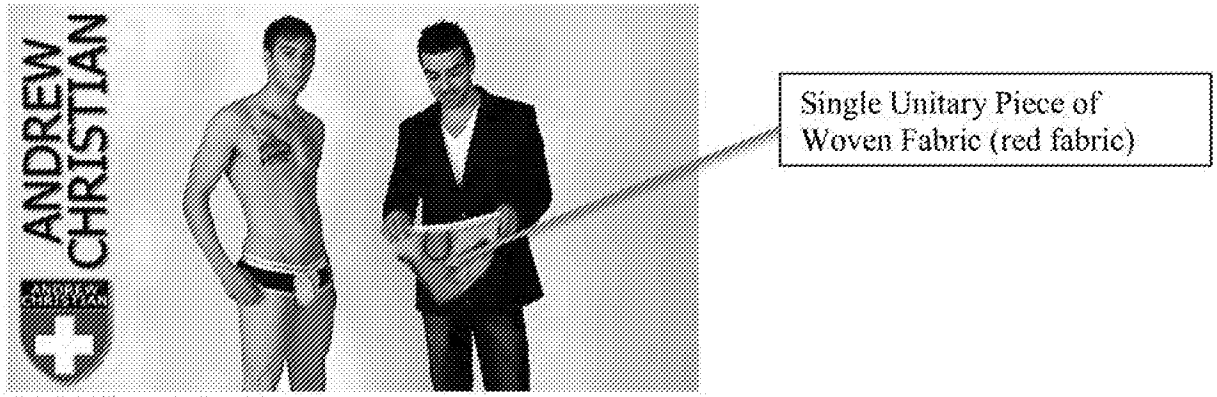
Claim 13	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **The 9132 Show-It Brief's opening has a U-shape when the stretch panel is in a relaxed state.** ***See,*** The ACI000040 publication 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.  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" (Stretch Panel) inside the Front Portion and having the same U-shape as depicted in the screenshot from the ACI000040 publication above.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a stretch panel formed from a single unitary piece of fabric.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material due to the stretch panel's depicted texturing and/or structure, which could be formed from a single unitary piece of woven fabric:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

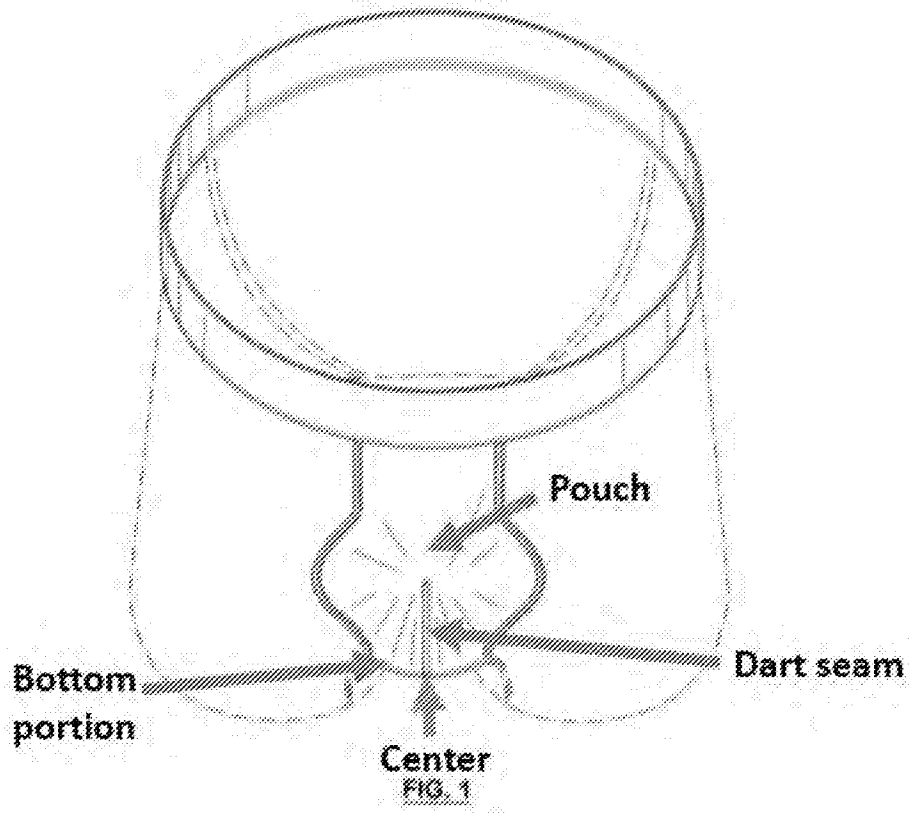
Claim 14	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation.

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.

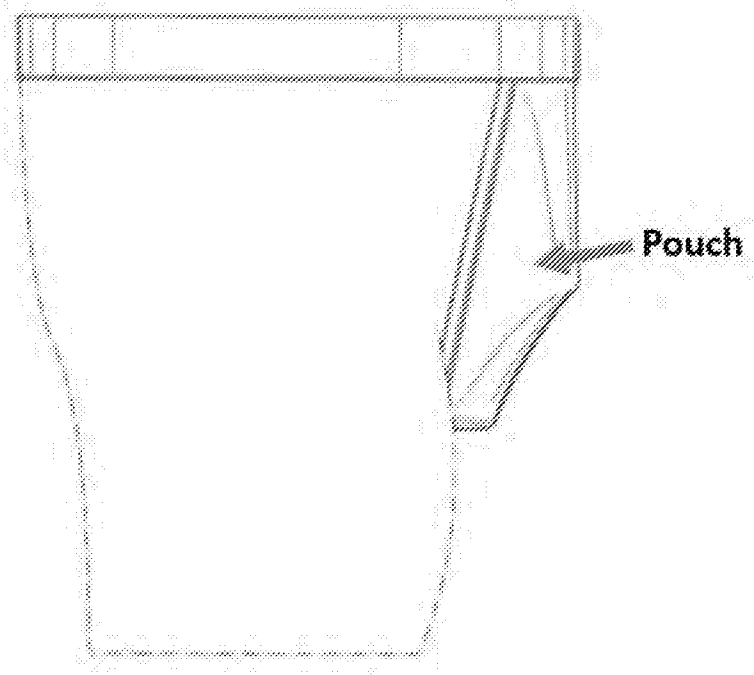
Claim 14	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose the 9133 Show-It Boxer including a stretch panel formed from a single unitary piece of woven fabric, one of ordinary 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.

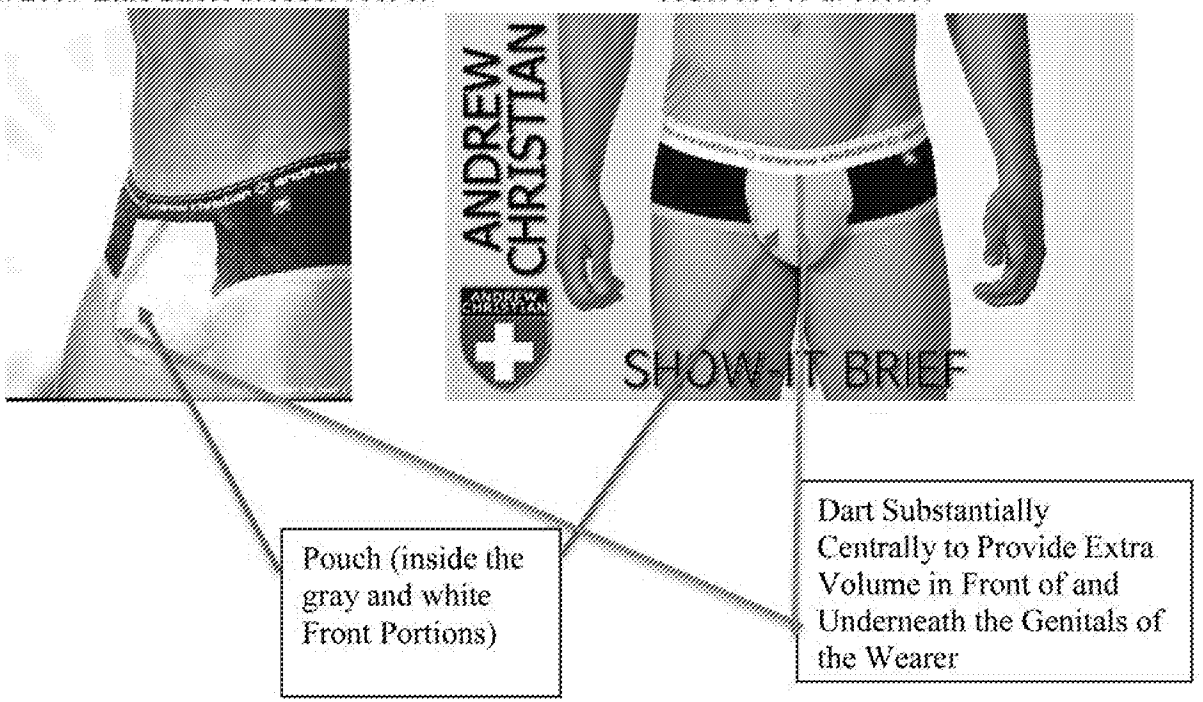
Claim 15	Exemplary Disclosure in Prior Art
[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 15 are as follows: • '058 Design in view of Andrew Christian printed publications 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 '058 Design discloses 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,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	 FIG. 1

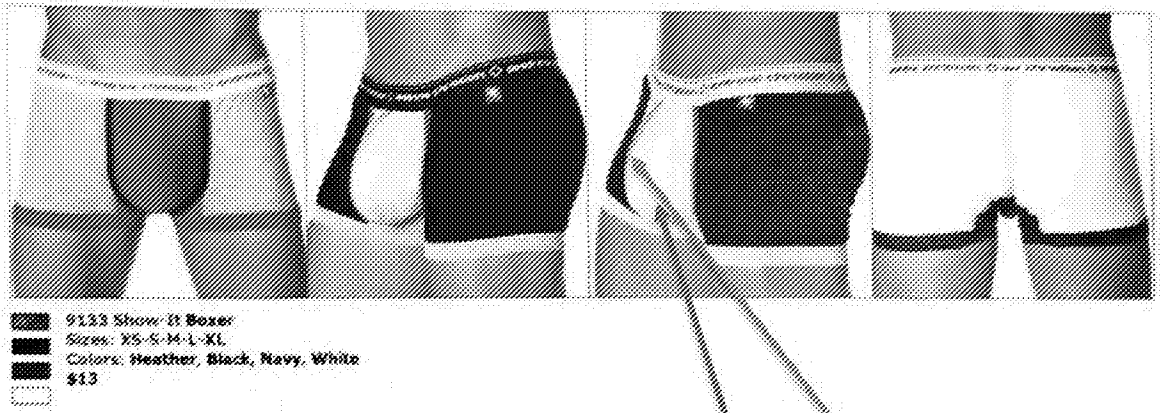
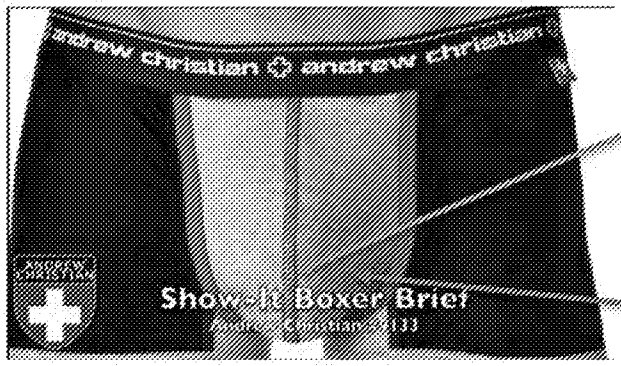
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009 Line Sheet and/or the ACI000038 publication to meet this limitation.

Claim 15	Exemplary Disclosure in Prior Art
	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. 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

Claim 15	Exemplary Disclosure in Prior Art
	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,*** 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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 9133 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 9133 Show-It Boxer to meet this limitation

Exhibit 16

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

The disclosure of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (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 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") (on sale at least as early as March 6, 2009), and/or U.S. Patent No. 7,631,369 (issued Dec. 15, 2009) (the "'369 Patent"), as set forth in the chart below.

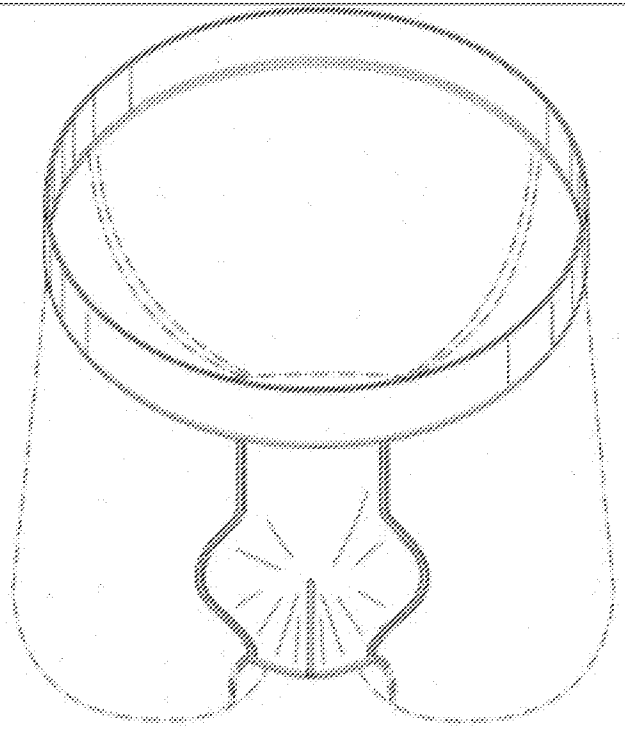
The obviousness combinations asserted and disclosed in this chart are as follows:

- '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 '369 Patent (claim 2)

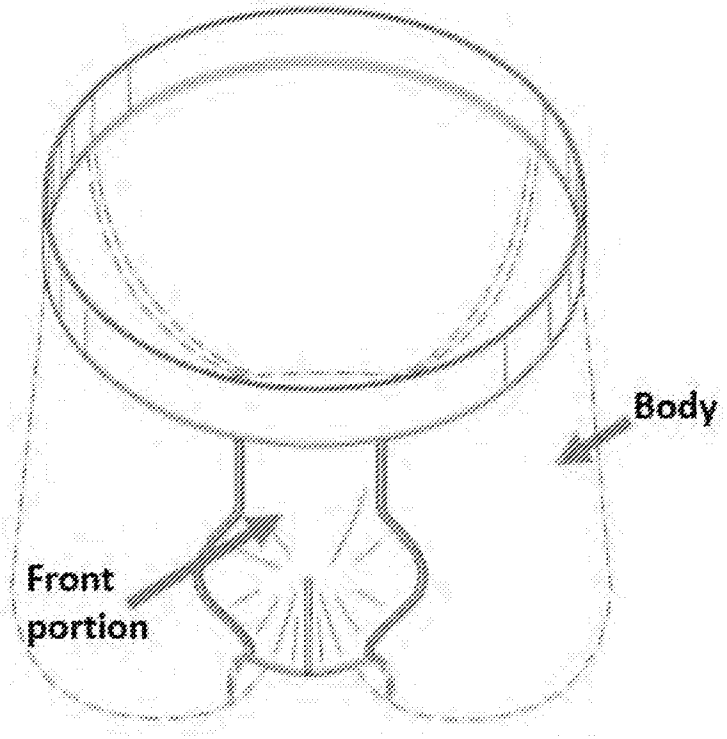
One of ordinary skill in the art of the Asserted Patents would understand to combine these references as they relate to men's underwear. The 9132 Show-It Brief and the 9133 Show-It Boxer are men's underwear; the '058 Design discloses a "men's undergarment;" and the '369 Patent discloses "performance underwear" for men.

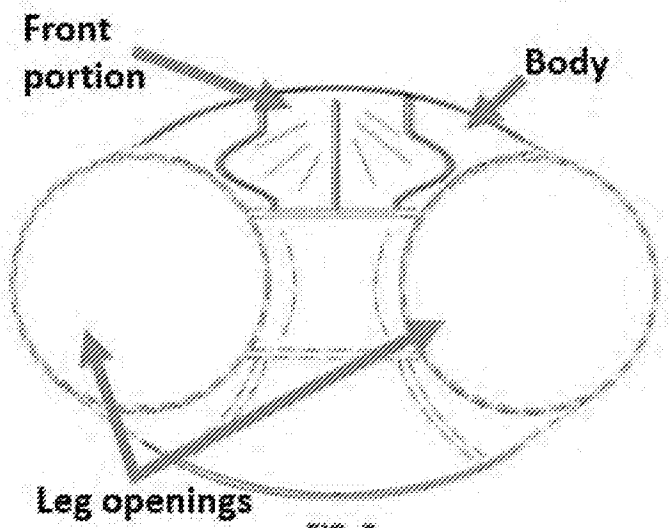
Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The '058 Design discloses a male garment.** *See,* "Men's Undergarment" (Title)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

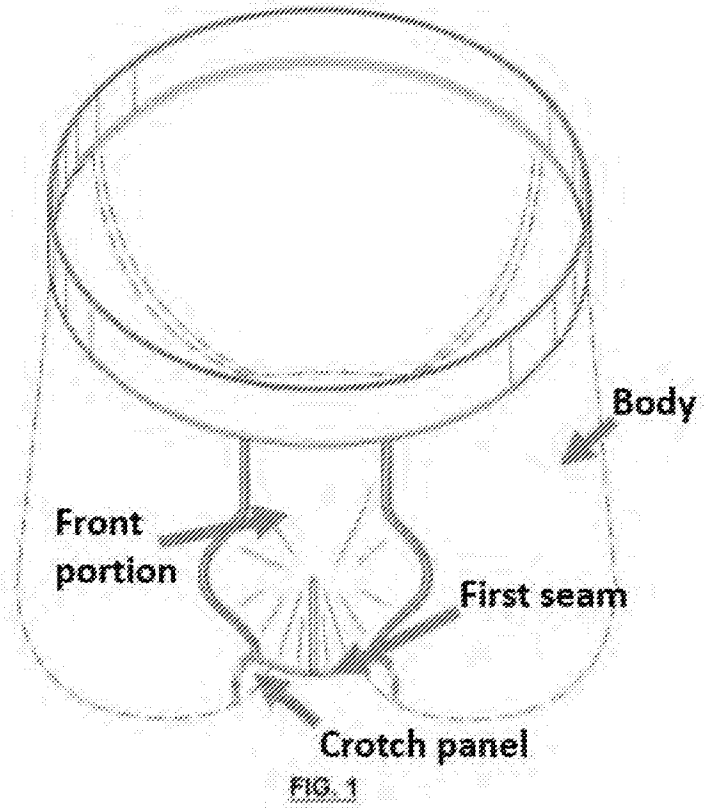
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.1a] a body including a front portion and having leg openings	**The '058 Design discloses a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The "front portion" of the garment is the central part of the body situated in front of the wearer and labeled "front portion" with an arrow below.

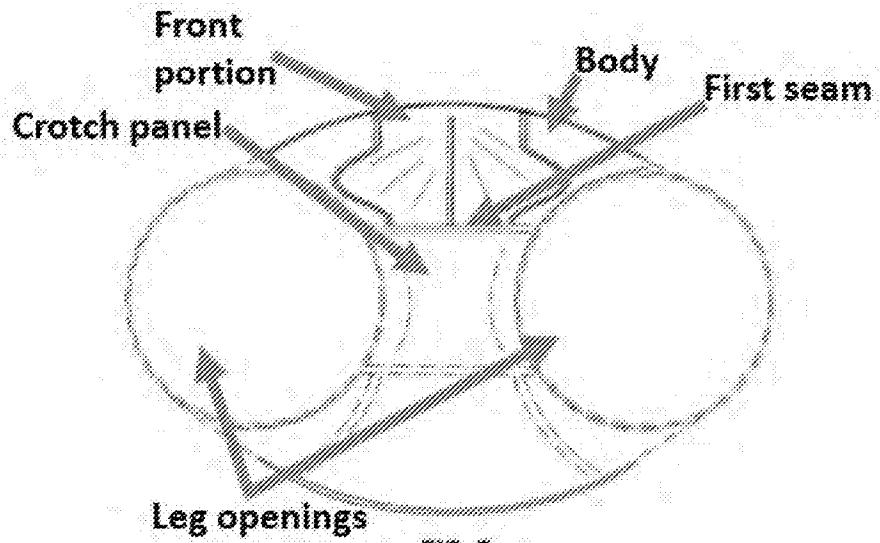
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
for a wearer's legs,	 FIG. 1

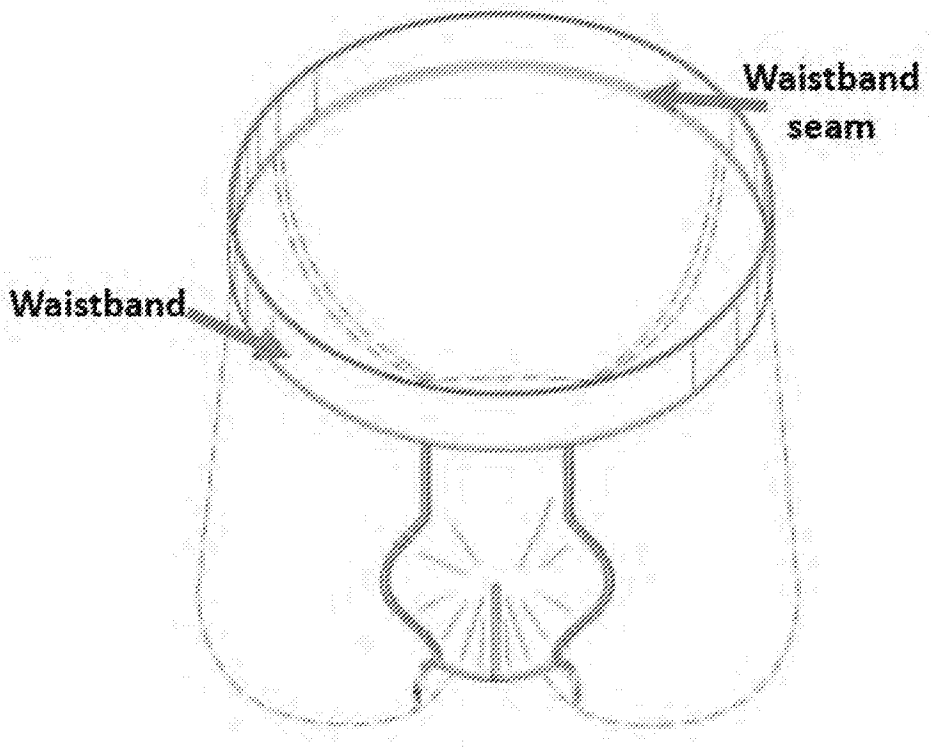
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 7 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including a body including a front portion and having leg openings for a wearer's legs, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front	**The '058 Design discloses 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 (labeled as "crotch panel" with arrows in Figures 1 and 7, below) can be seen extending between the leg openings and joining to the front portion along a first seam in Figures 1 and 7.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

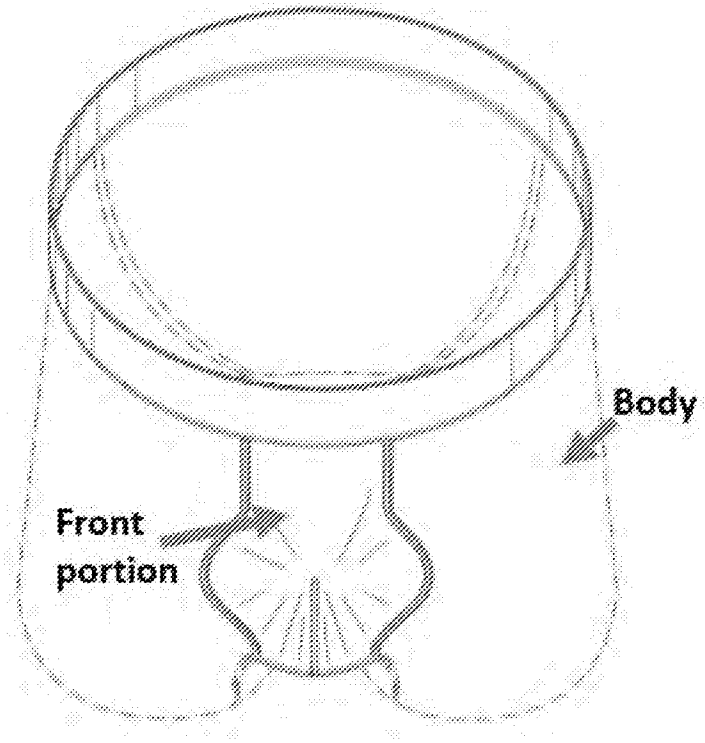
Claim 1	Exemplary Disclosure in Prior Art
portion along a first seam;	 FIG. 1

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 7 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including 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 '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The '058 Design discloses a waistband attached by a waistband seam at an upper edge of the body.** ***See,***

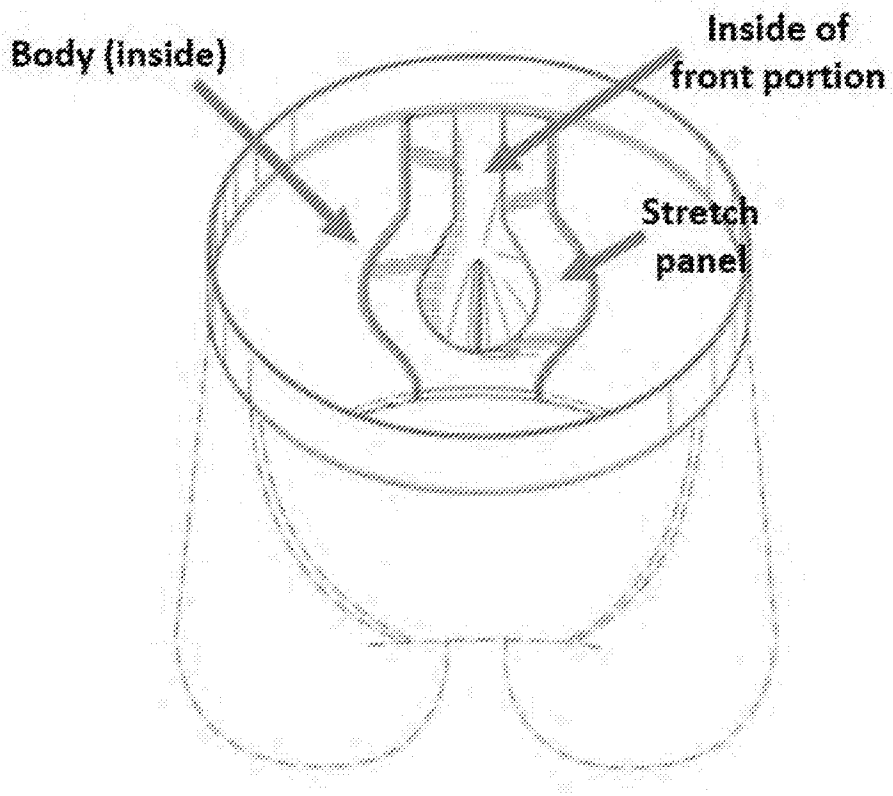
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.3a] a stretch panel attached to the body inside the	**The '058 Design discloses a stretch panel attached to the body inside the front portion.** ***See,*** The stretch panel (labeled as "Stretch panel" with an arrow in Figure 2, below) is attached to the body inside the front portion (both features labeled respectively with arrows in Figure 1, below):

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
front portion,	 FIG. 1

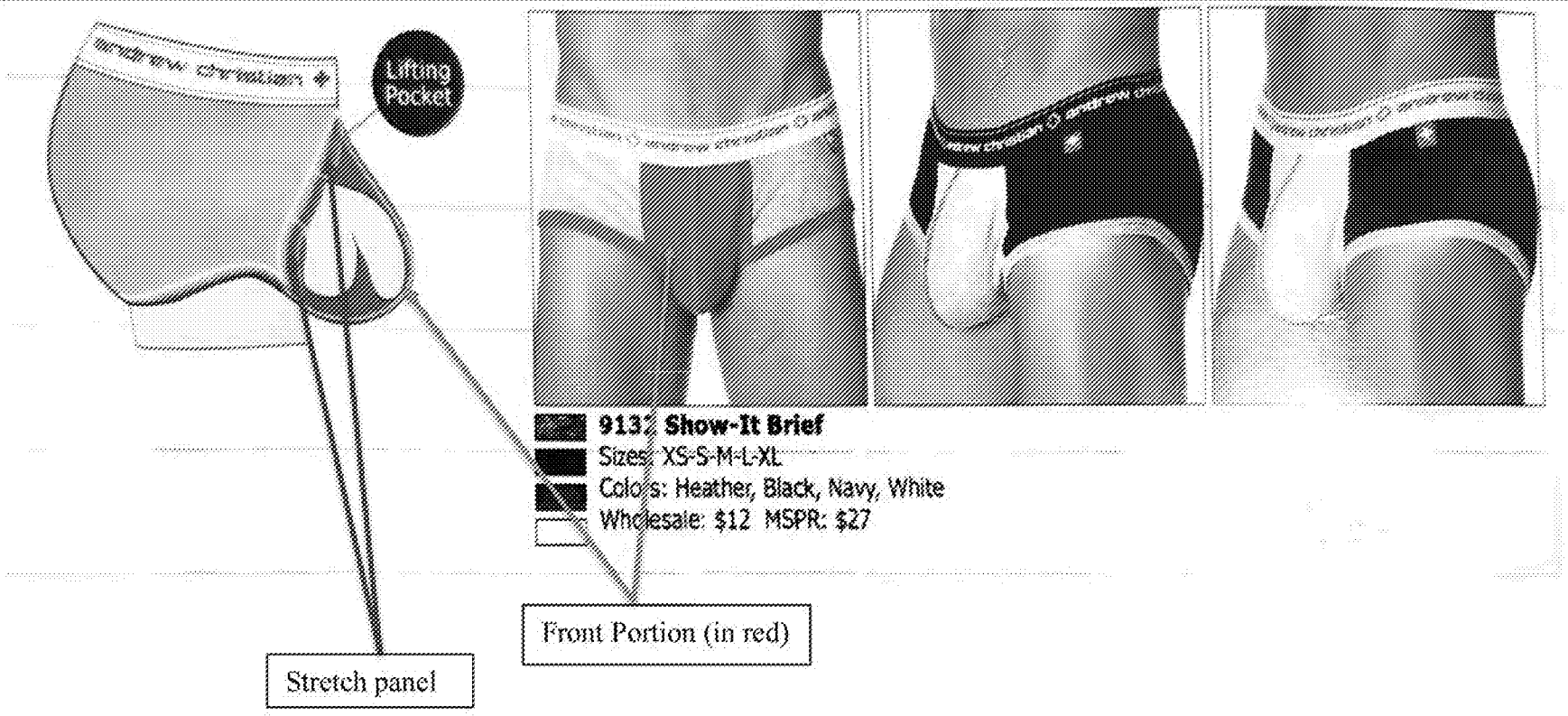
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **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.

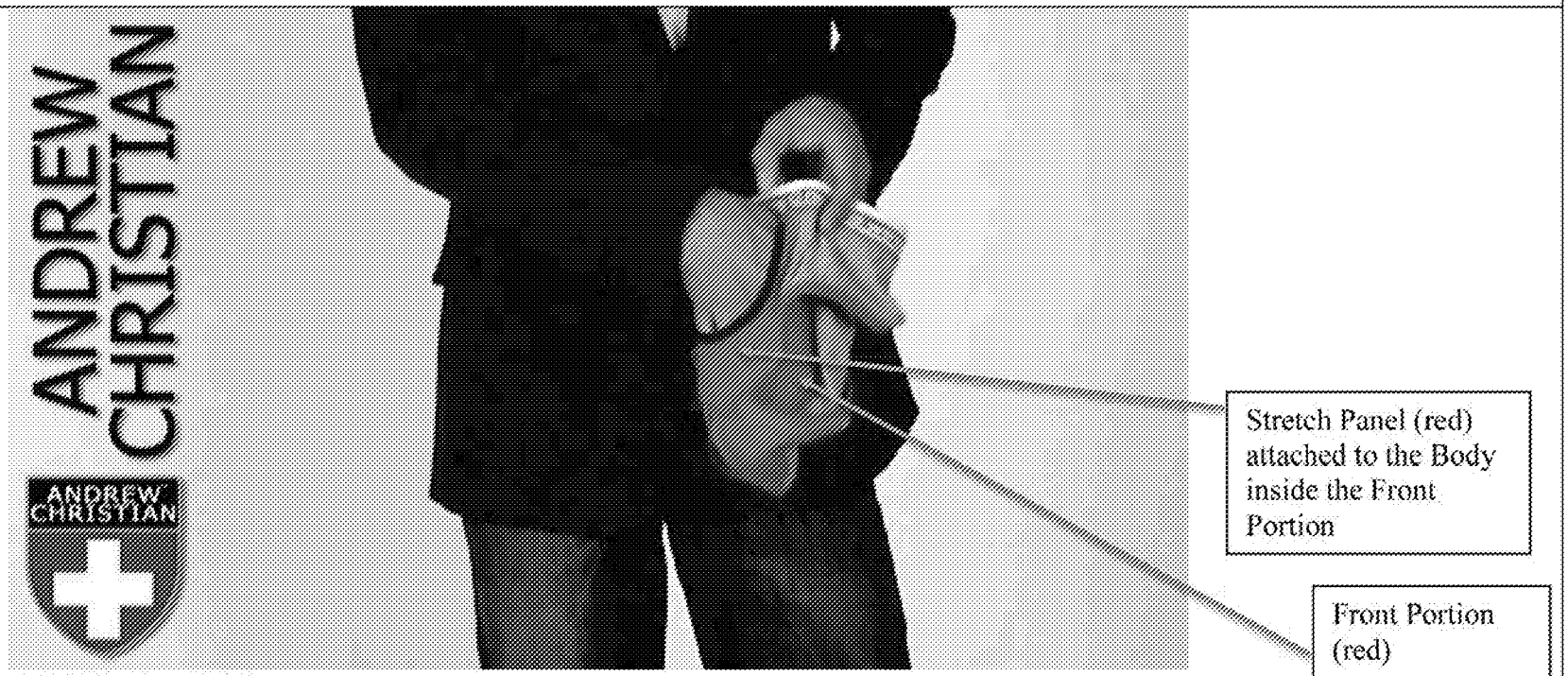
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

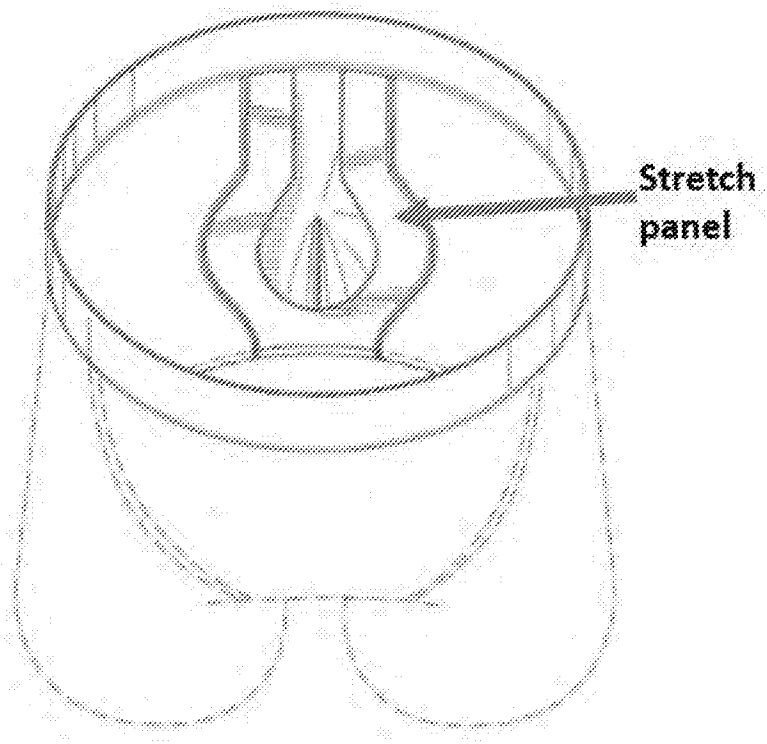
Claim 1	Exemplary Disclosure in Prior Art
	"Show-It Technology 2.0 features a hidden "comfy cup" [the Stretch Panel] that gently lifts and presents the package to the front. The horseshoe shaped inner cup [the Stretch Panel] is lined by soft elastic that gently aids in the lifting…" March 2009 Press Release. *See also* March 6, 2009 Blog Entry and March 11, 2009 Blog Entry for the same description. Stretch Panel (the red inner cup or comfy cup) attached to the Body inside the Front Portion ACI000040 at 00:14.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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).

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 '058 Design discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill in the art of the Asserted Patents as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure:

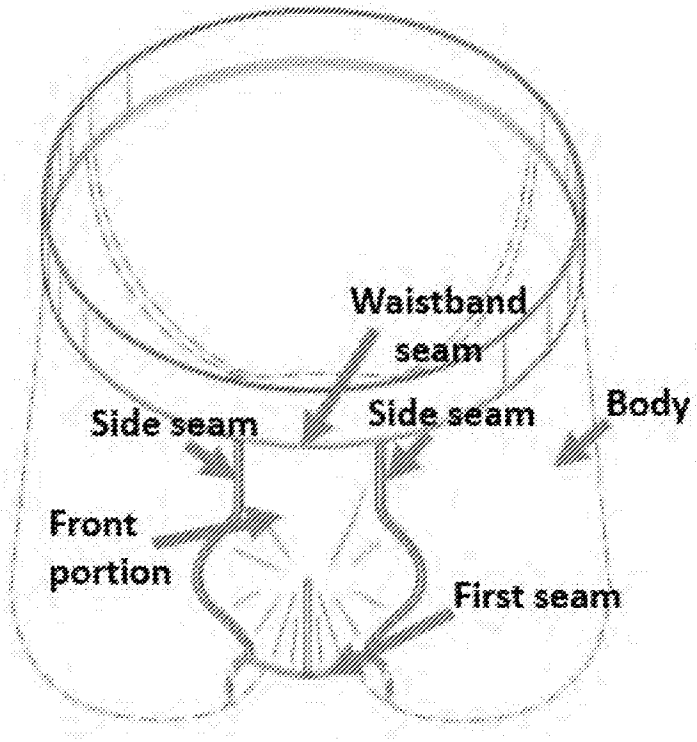
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel comprising a sheet of elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

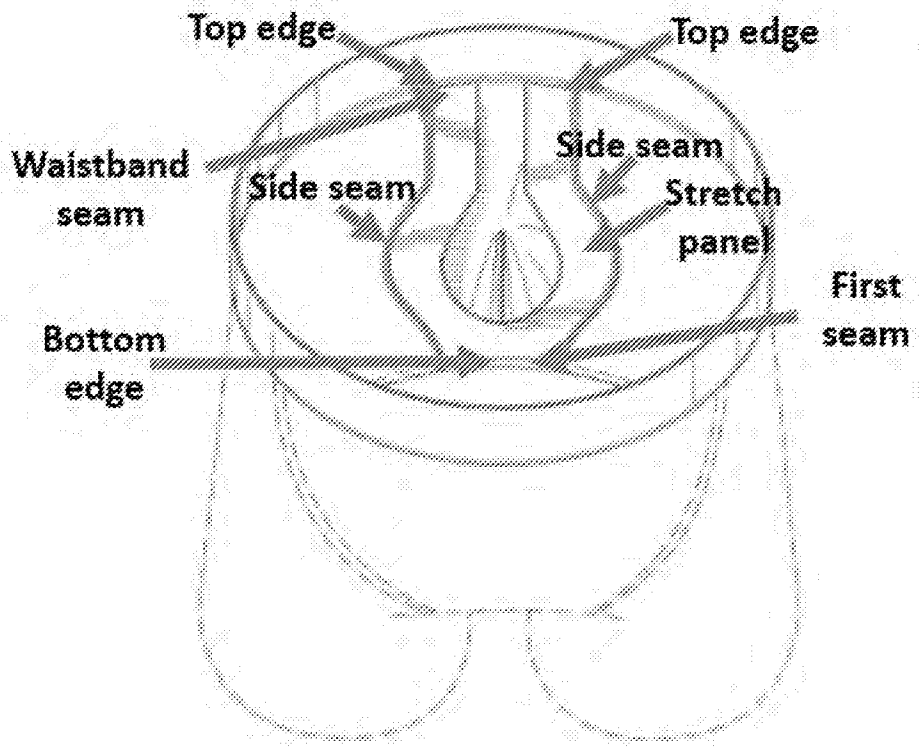
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	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).

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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 '058 Design discloses 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 first seam to the waistband seam.** ***See,***  FIG. 1

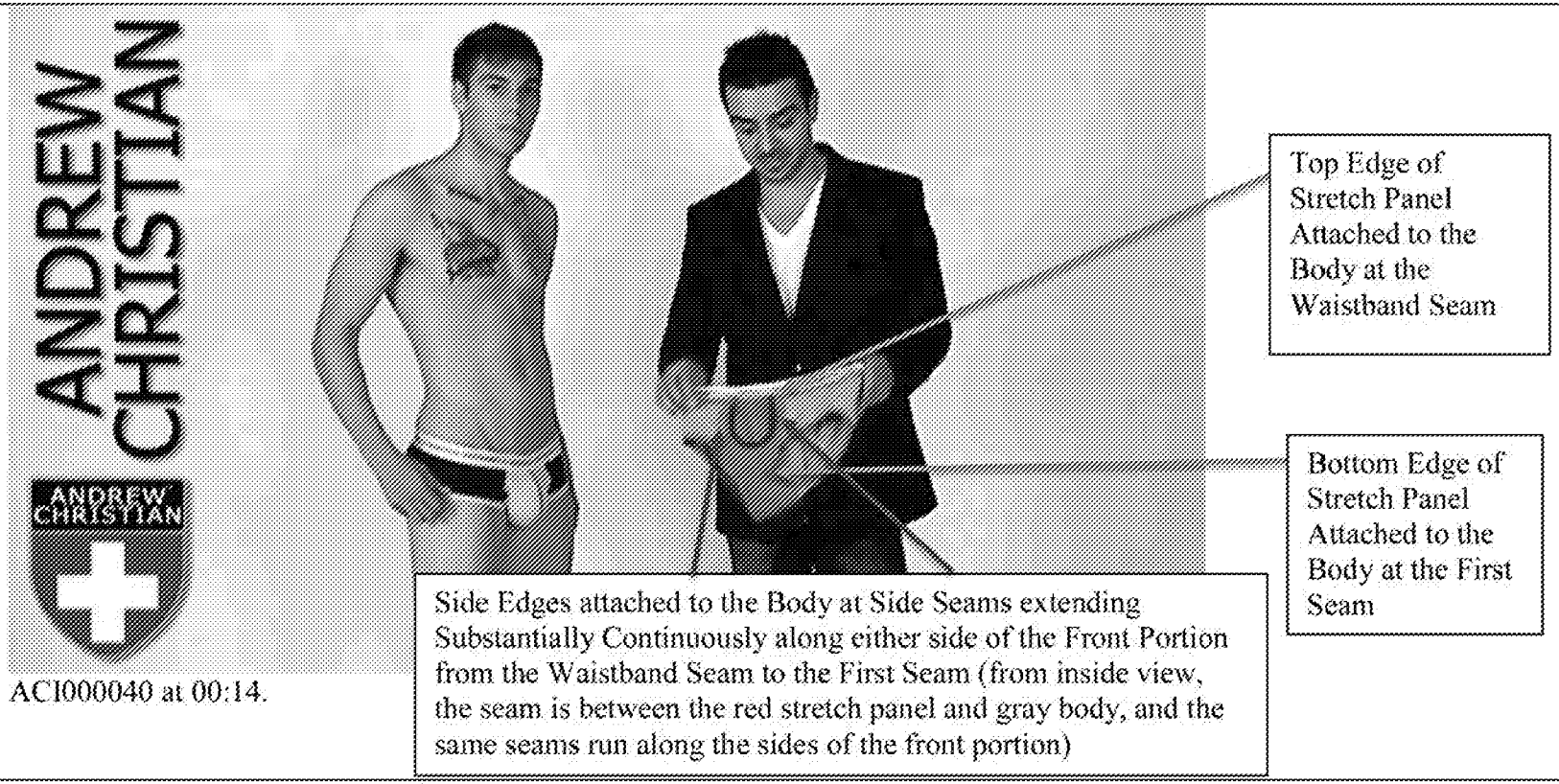
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose 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 first seam to the waistband seam, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

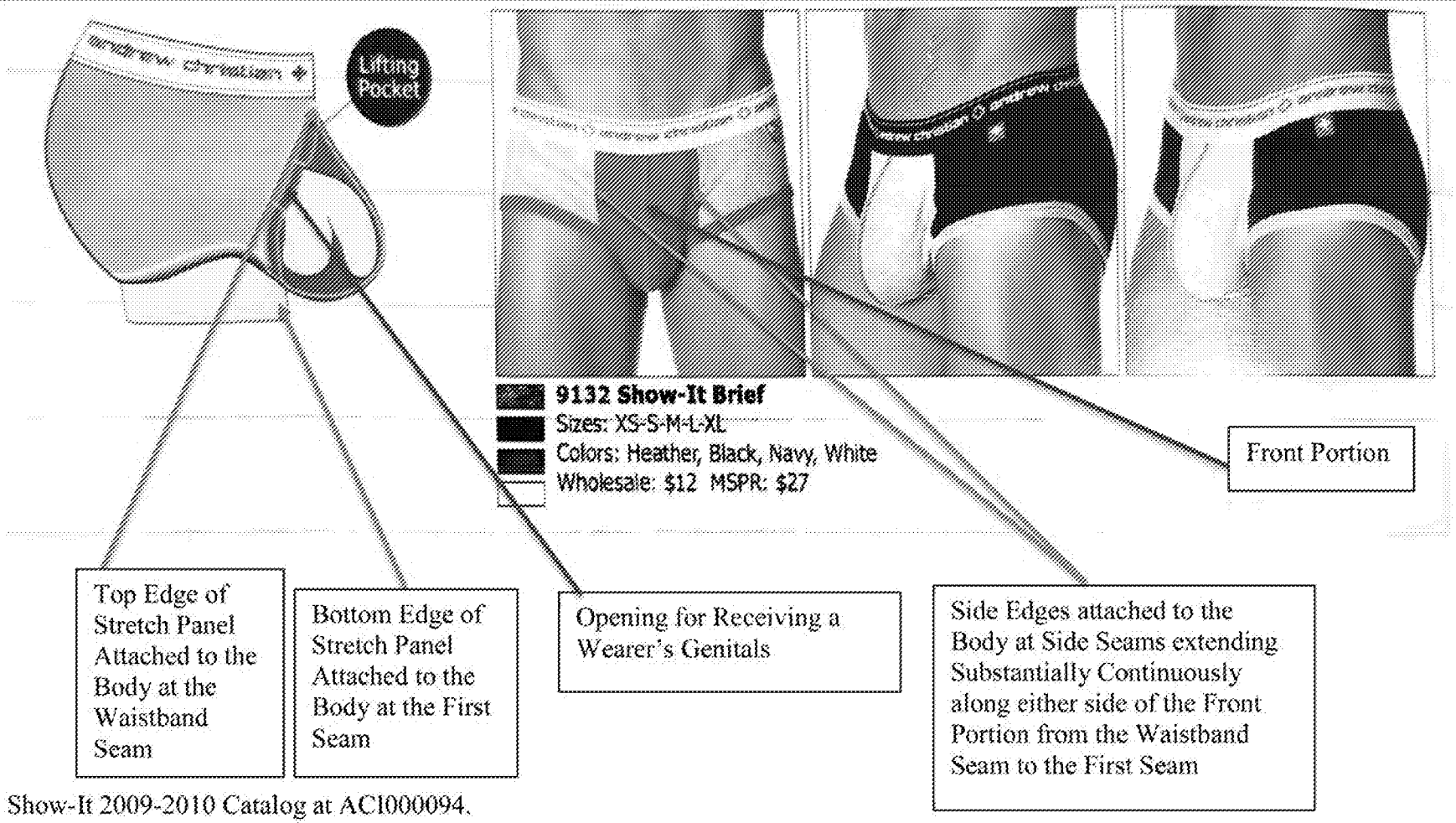
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **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.

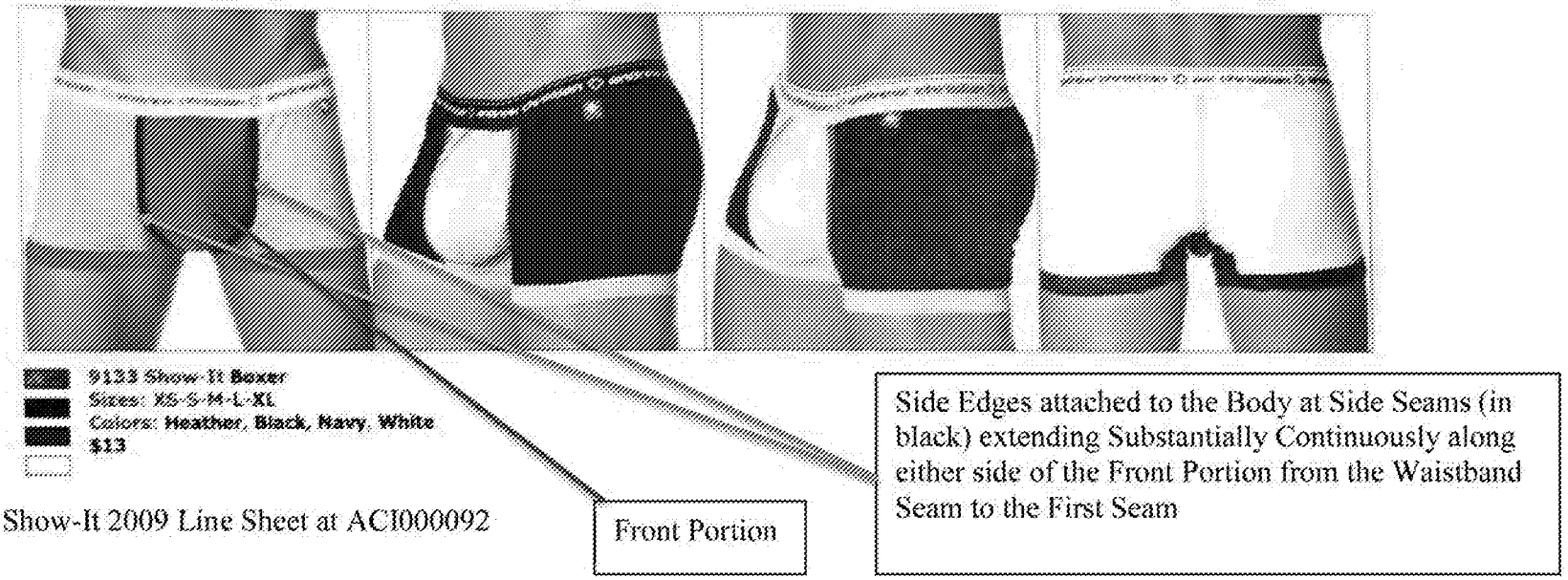
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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

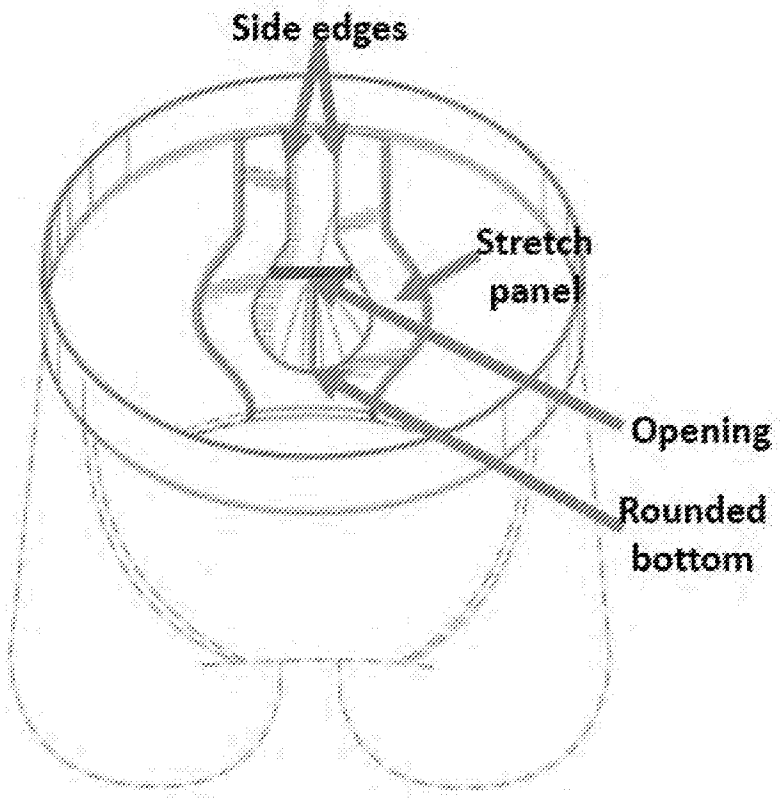
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACl000094.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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

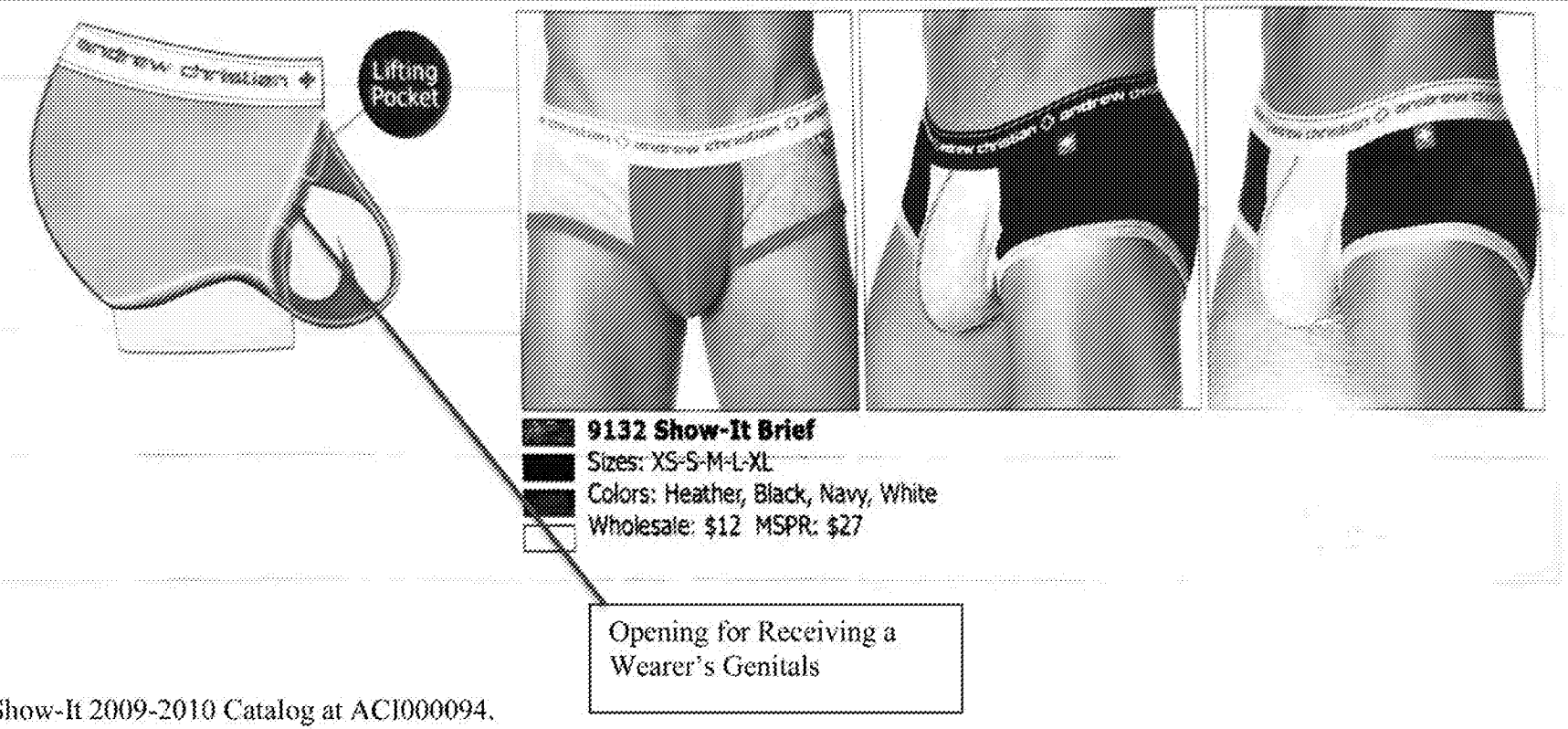
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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 '058 Design discloses an opening for receiving a wearer's genitals 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 (labeled "Opening" with an arrow in Figure 2, below) is further shown with a red line between the two side edges at one point.  FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose an opening for receiving a wearer's genitals having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **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,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094.

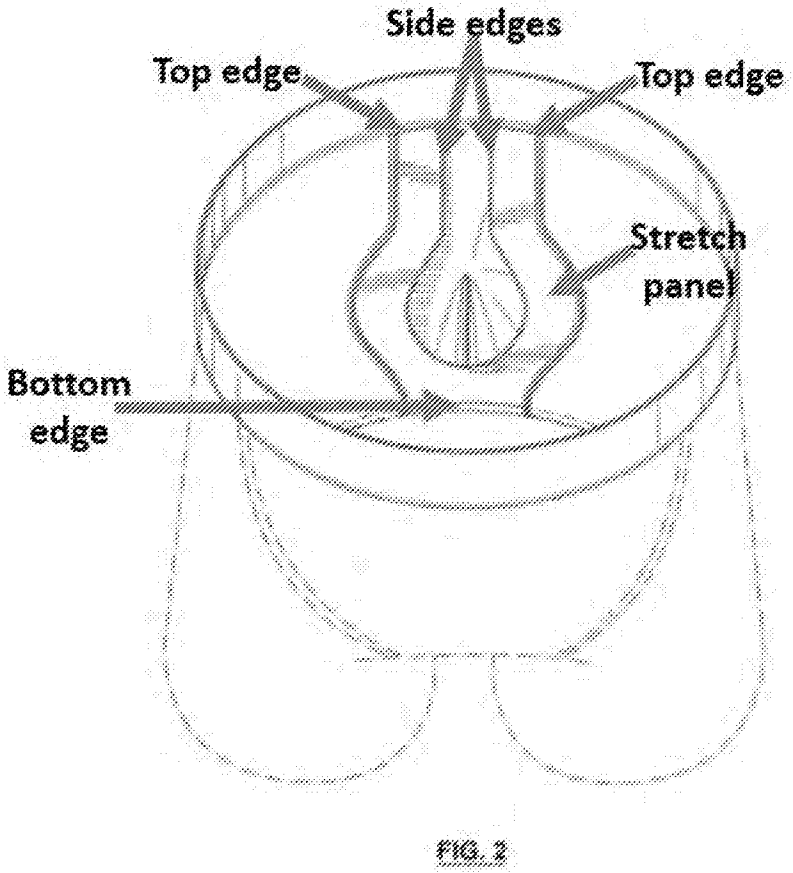
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

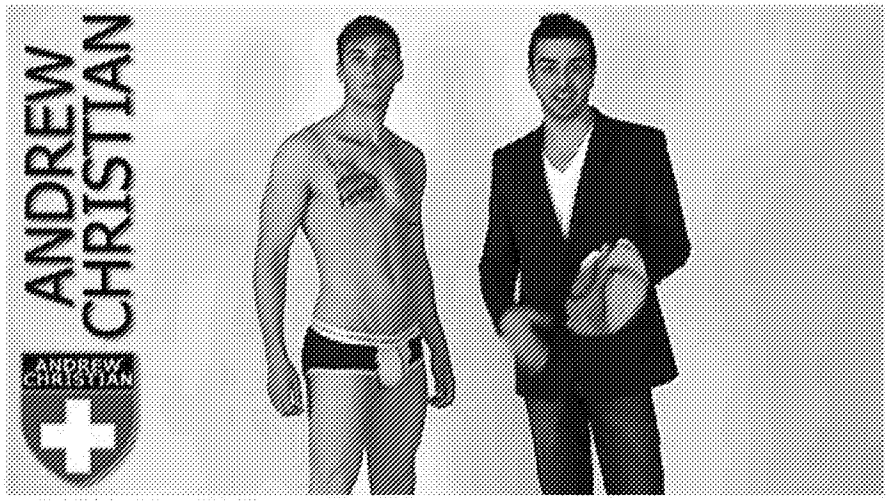
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:14. The opening of the "stretch panel" of the 9132 Show-It Brief is described as "horseshoe shaped," and the inside of a horseshoe has a rounded bottom edge and opposing side edges that are spaced apart from one another. In the above image, the horseshoe shaped edges of the opening of the 9132 Show-It Brief are outlined by the black elastic lining.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	"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. **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	**The '058 Design discloses 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being resiliently elastic (that is, with substantial elastic recovery towards its pre-stretching size and shape) in both a direction between the top and bottom edges and a direction between the side edges (each edge labeled as "Top edge," "Bottom edge," or "Side edges," respectively with an arrow in Figure 2, below) due to the stretch panel's depicted texturing and/or structure:

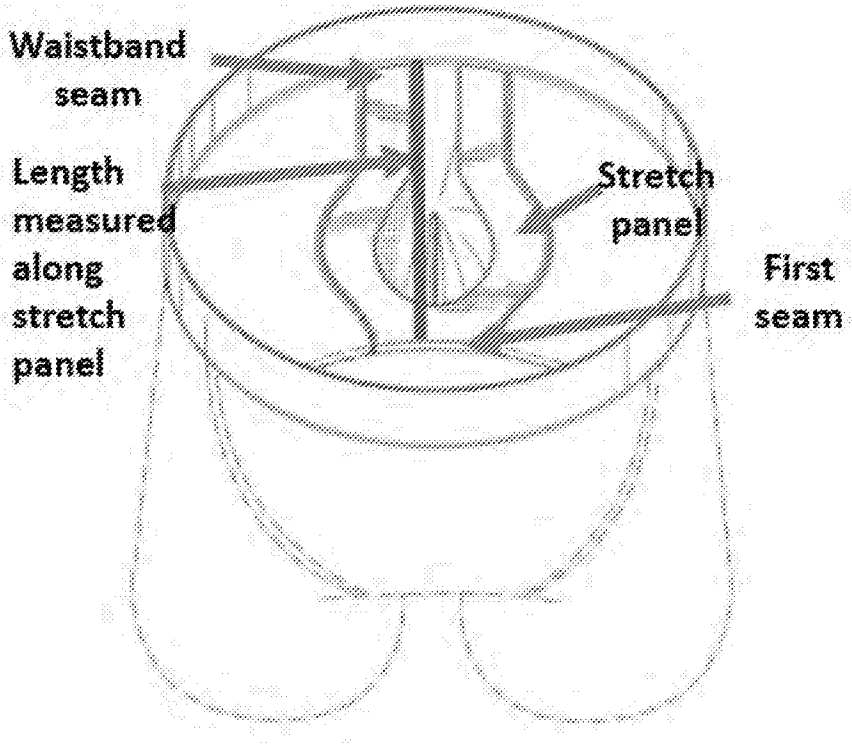
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
a direction between the side edges,	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

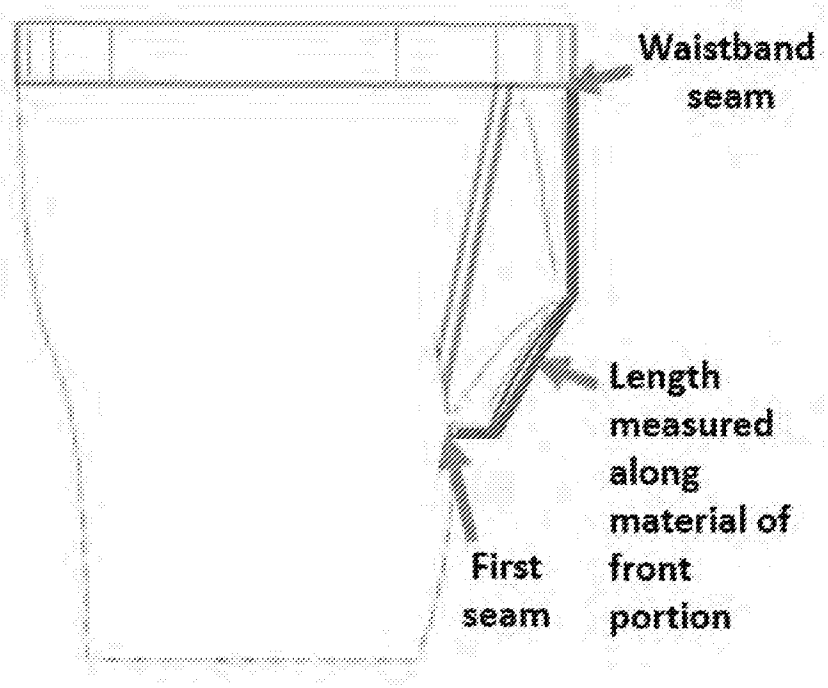
Claim 1	Exemplary Disclosure in Prior Art
	The "inner cup" (the Stretch Panel) returns to its original shape (that is, it has "substantial elastic recovery toward its pre-stretching size and shape" and is therefore elastically resilient), once Andrew Christian removes his hand:  ACI000040 at 00.23. "Show-It 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

Claim 1	Exemplary Disclosure in Prior Art
	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. 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.

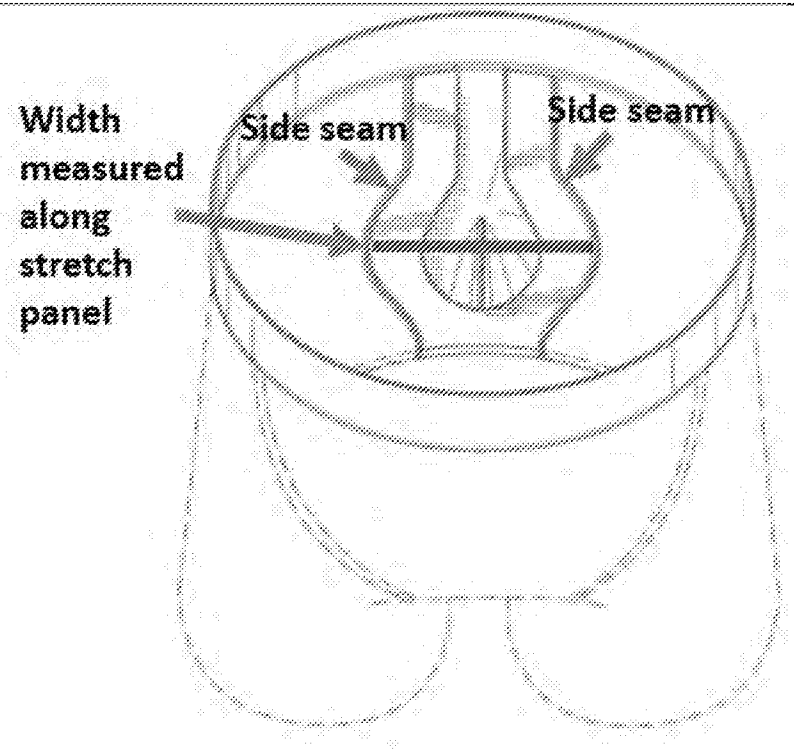
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
[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 '058 Design 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.** ***See,*** The length and width of the unstretched stretch panel and front portion, respectively, are labeled with arrows and further depicted with red lines below. In particular, the width measured along the front portion between the side seams is more fully seen by viewing Figures 1 and 3 collectively:  FIG. 2

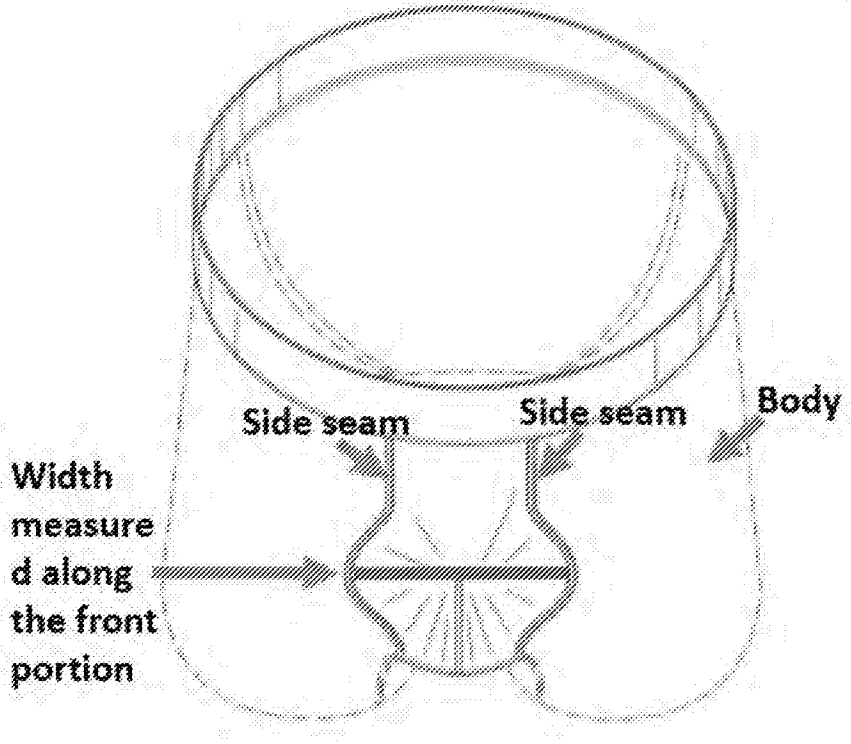
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

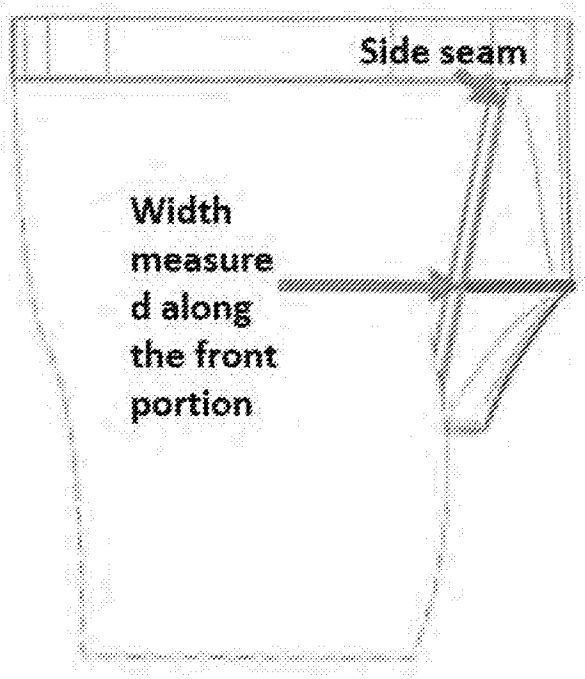
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1

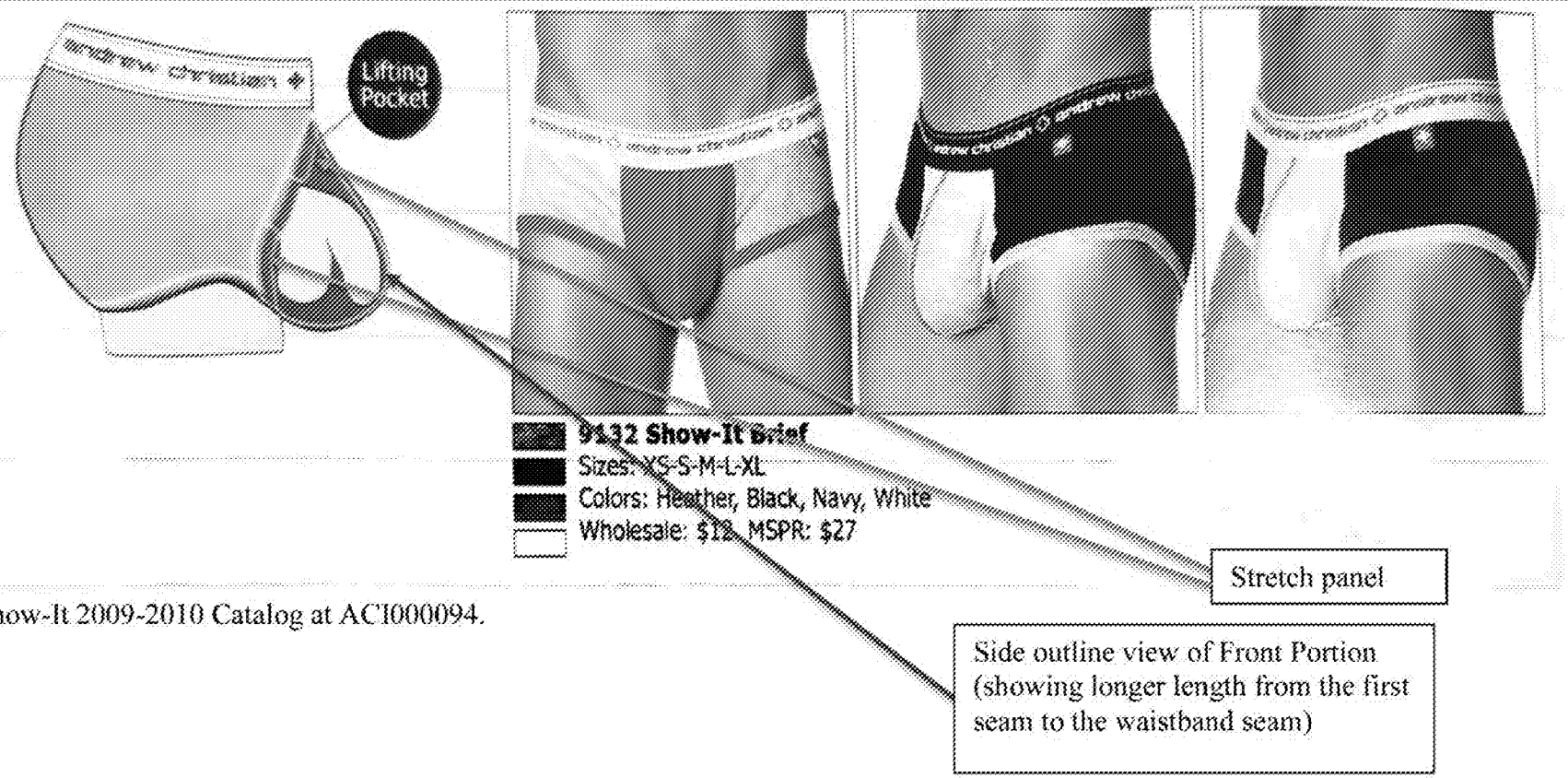
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

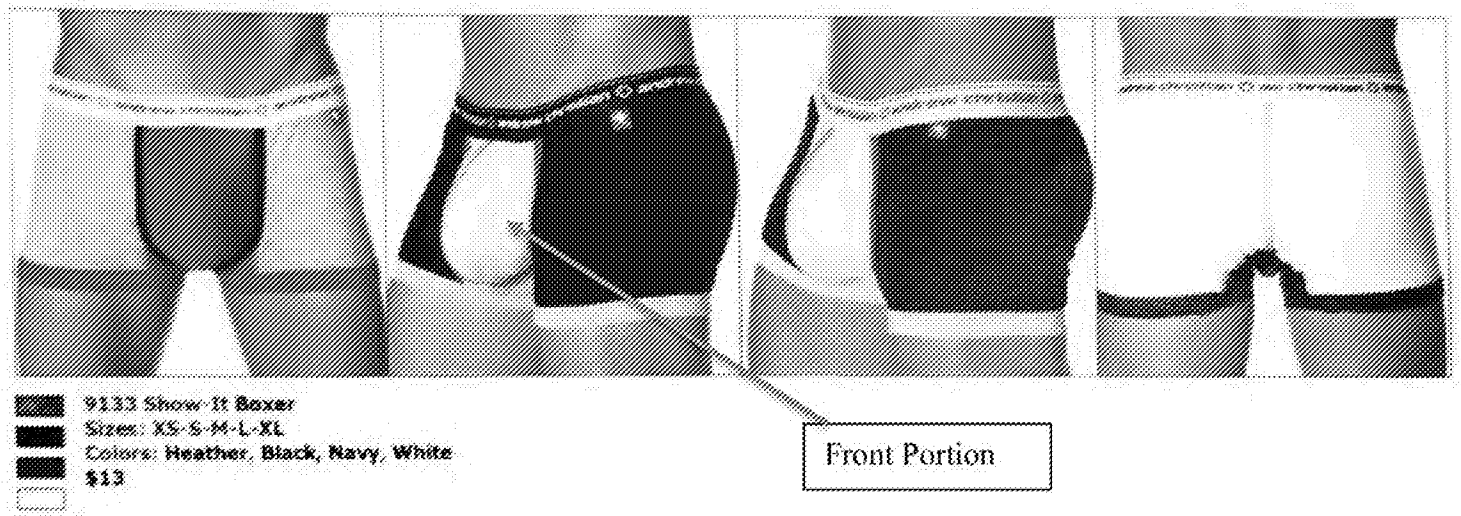
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	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. ACI000040 at 00:28.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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

Claim 1	Exemplary Disclosure in Prior Art
	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 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	**The front portion of the '058 Design defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.** ***See,*** One having ordinary skill in the art of the Asserted Patents would understand that the front portion is gathered side-to-side and top-to-bottom by the stretch panel by the texturing of the front portion in Figures 1-3 and the stretch panel in Figure 2. One having ordinary skill would understand that the three-dimensional pouch (a concave space) formed between stretch panel and front portion would be for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn because of the structure and positioning of the pouch:

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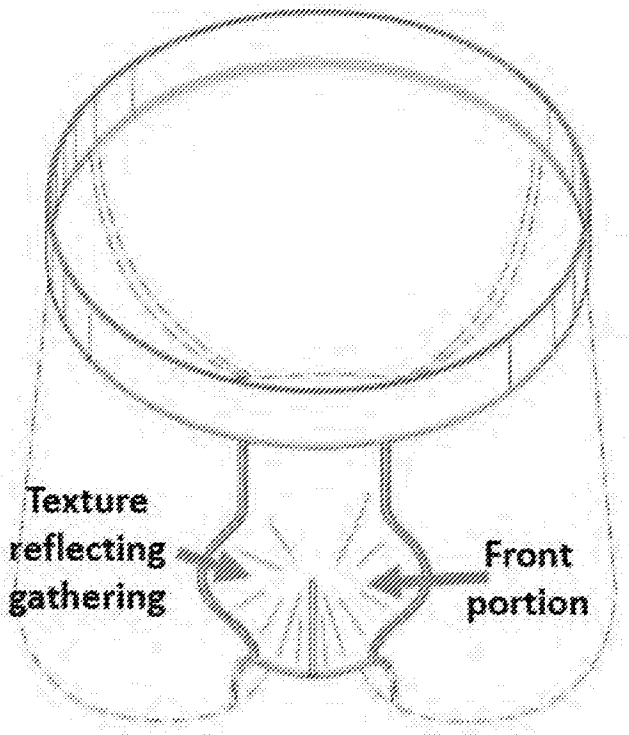
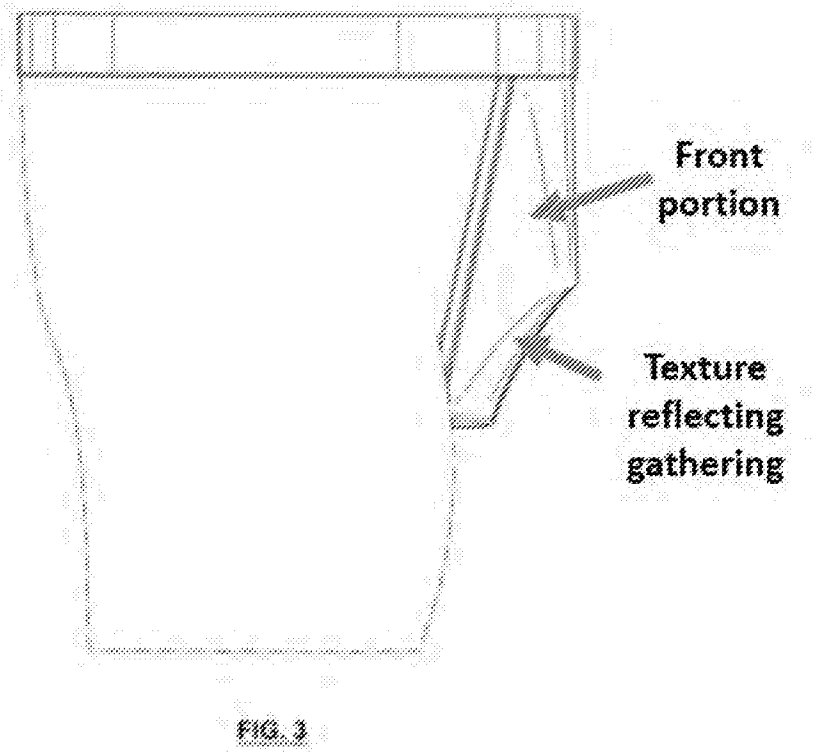
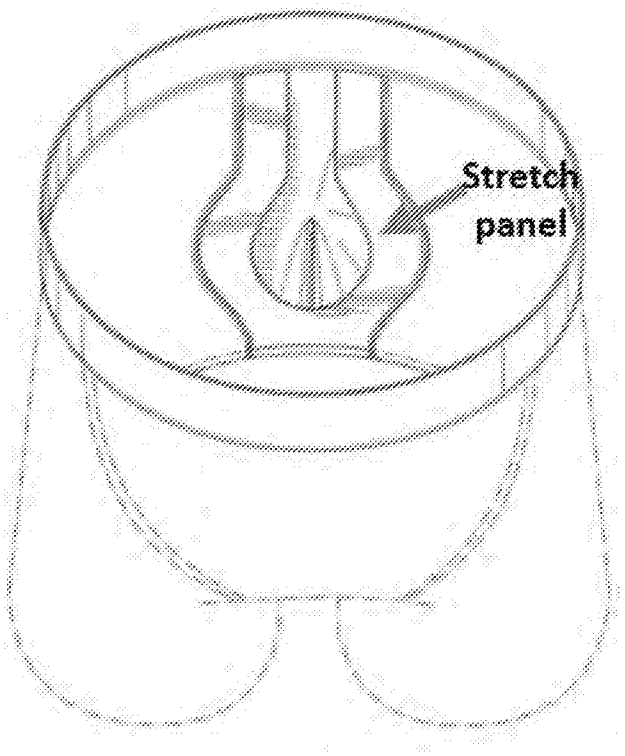
Claim 1	Exemplary Disclosure in Prior Art
genitals and holding the wearer's genitals while the garment is being worn.	 FIG. 1

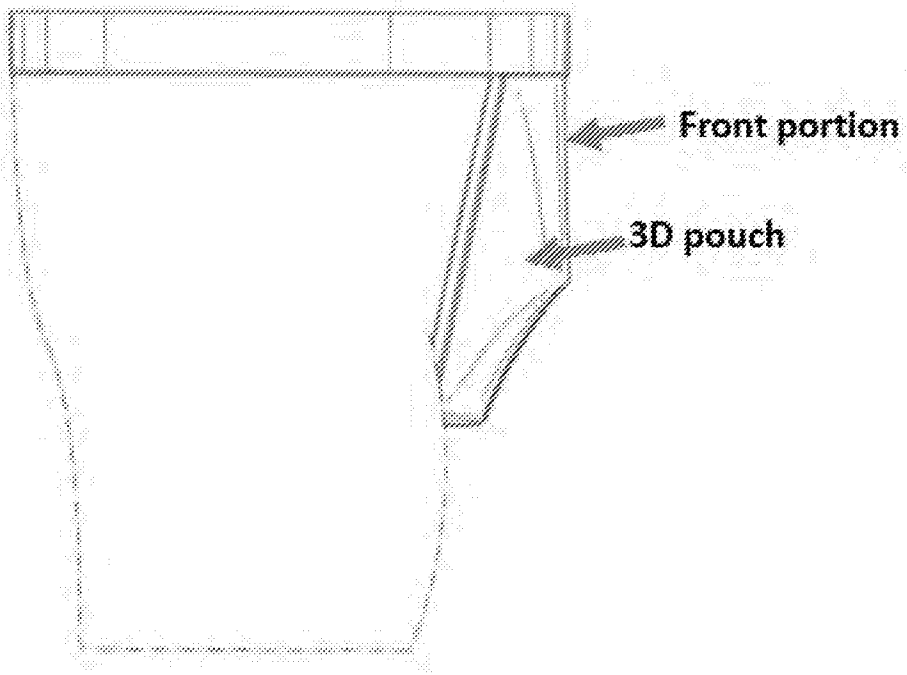
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	

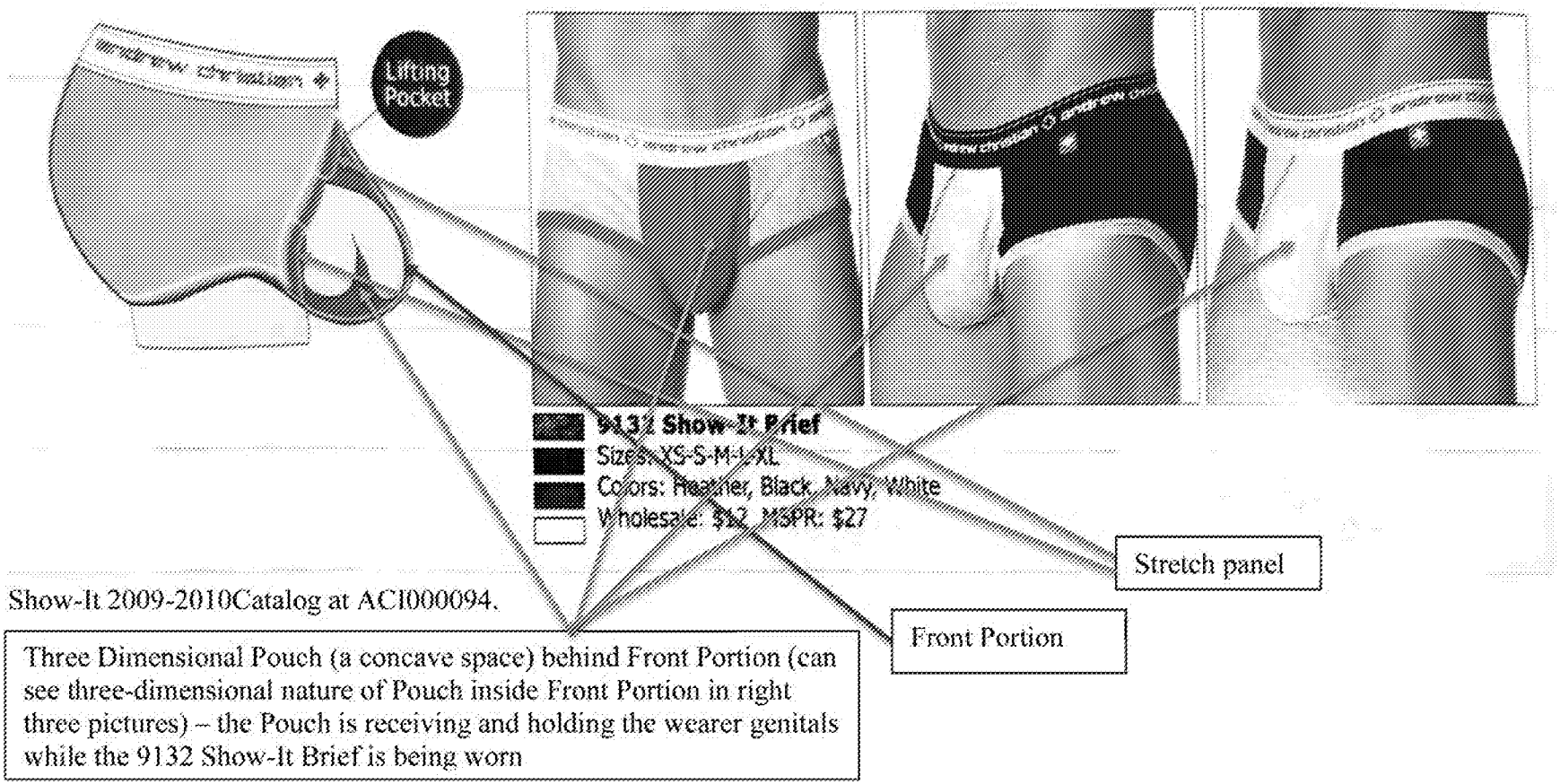
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

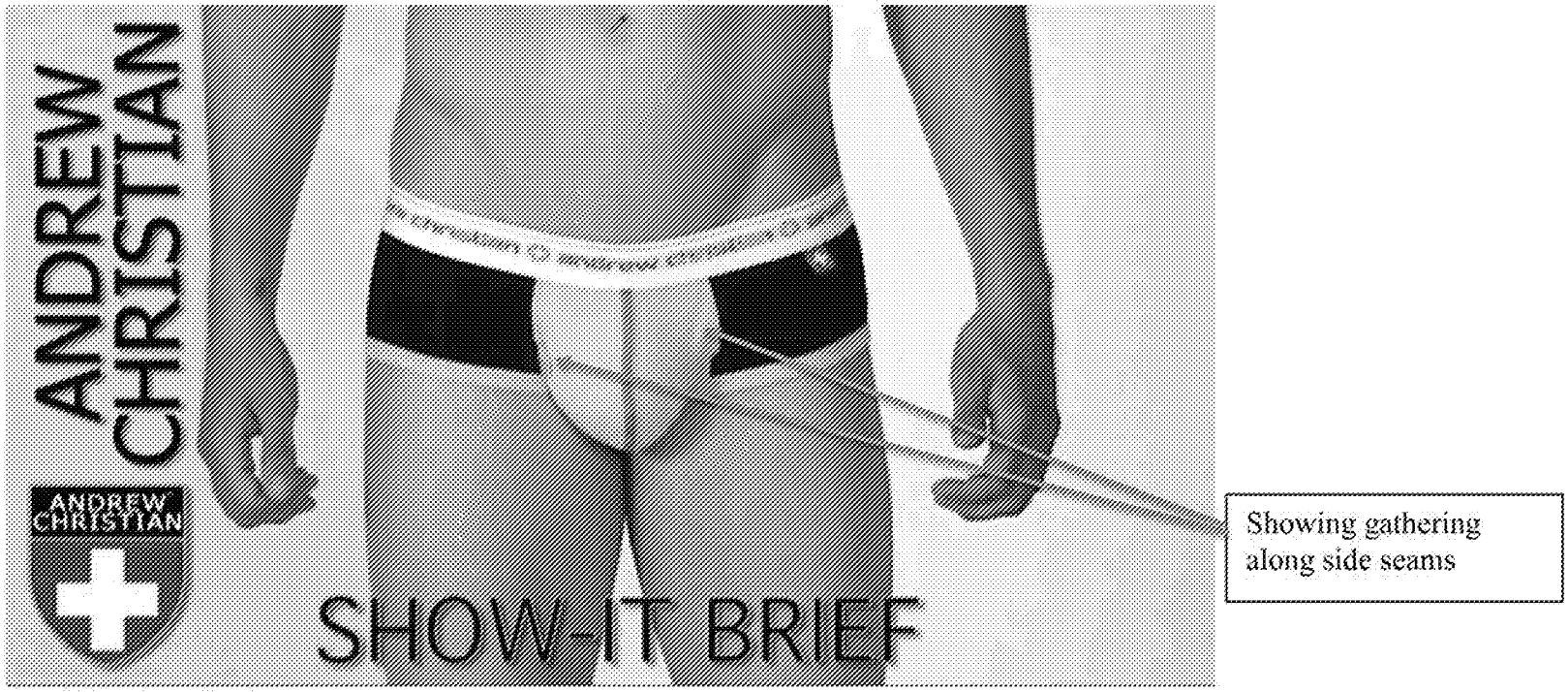
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

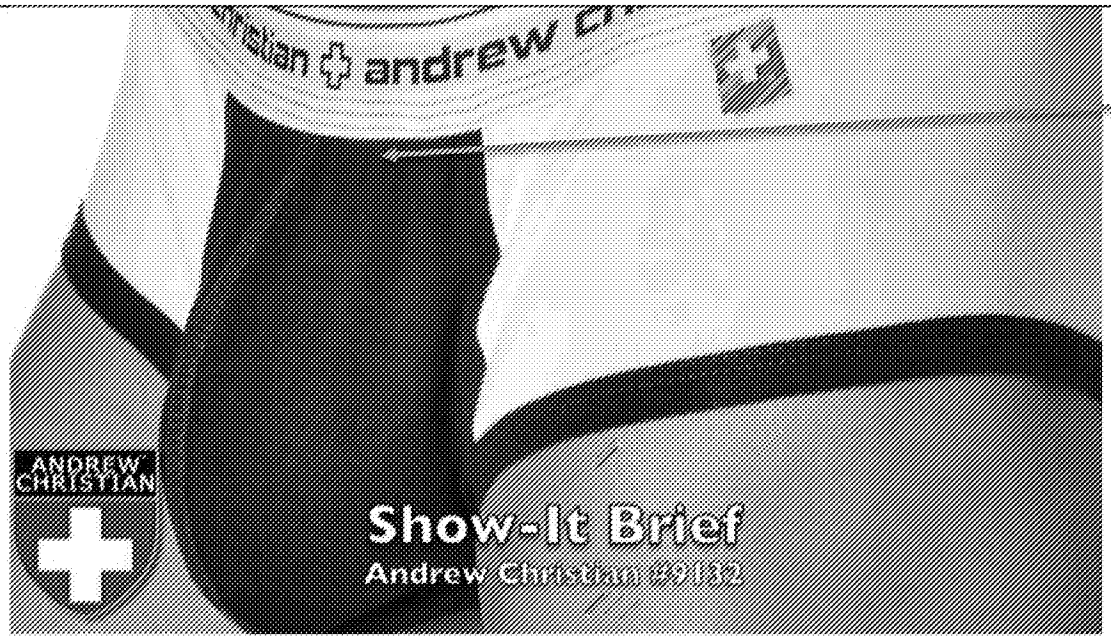
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	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,***  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

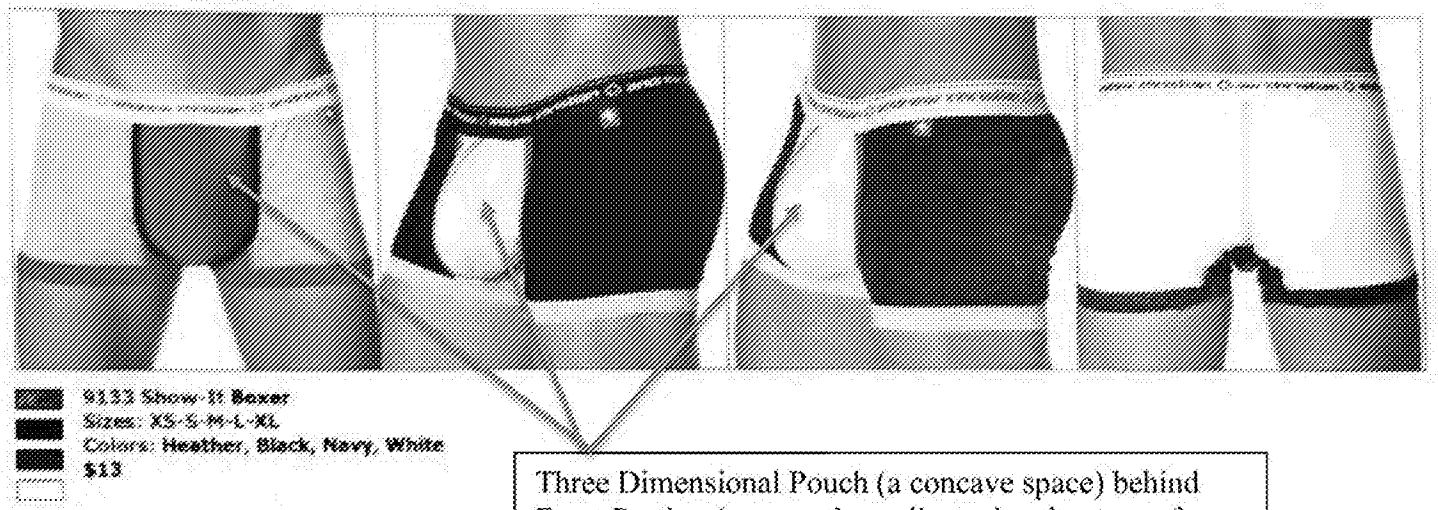
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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

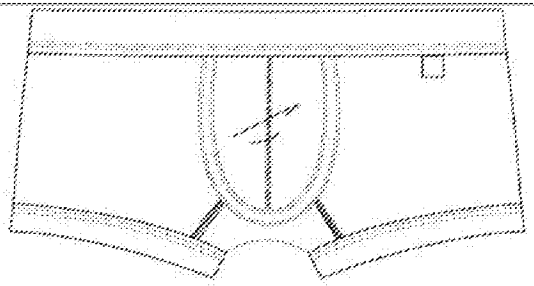
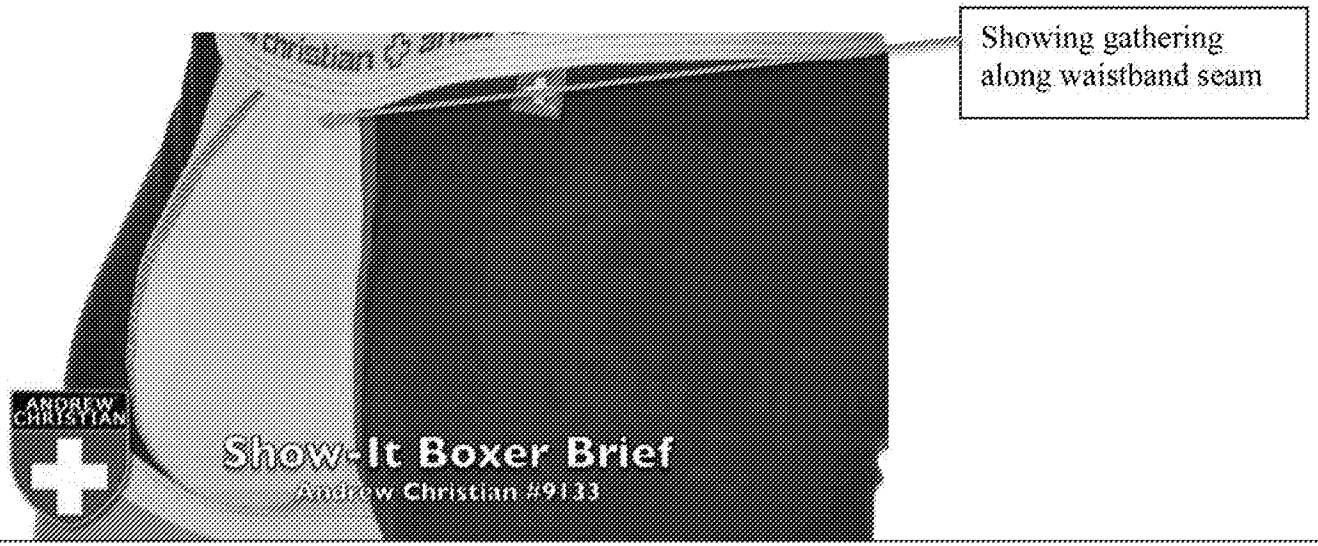
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 Showing gathering along waistband seam 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.** ***See,***

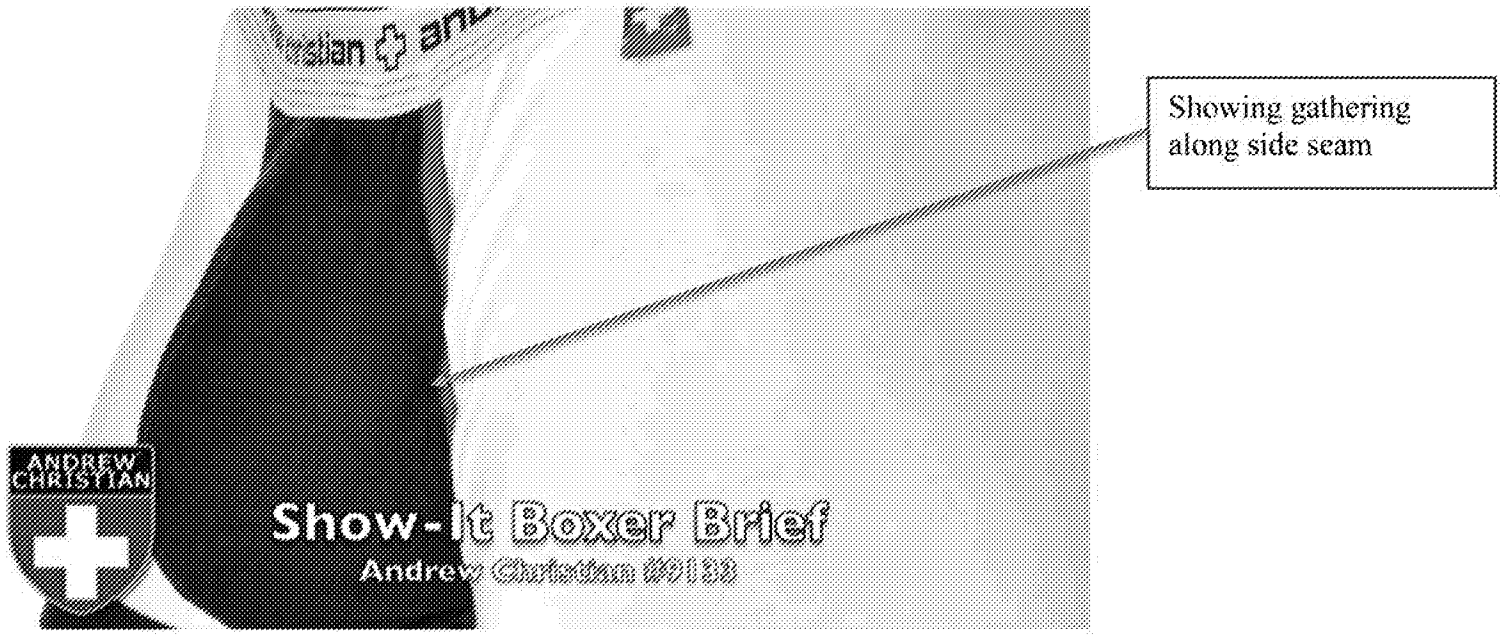
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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."  *Id.*

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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. 

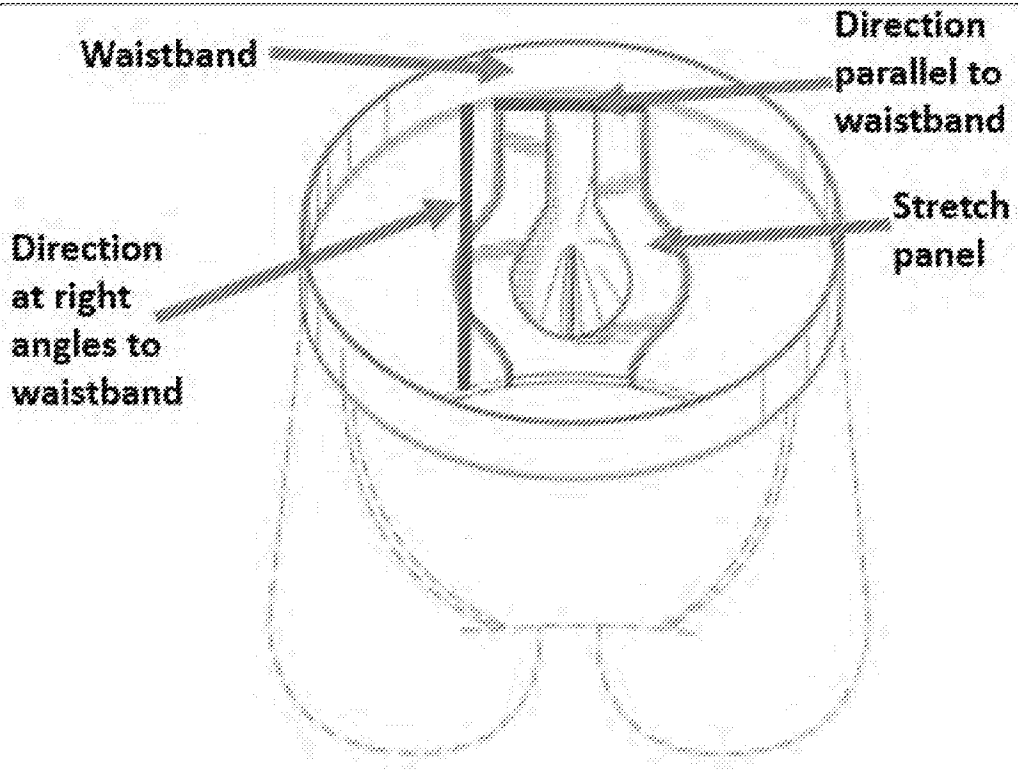
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer 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." **The '058 Design discloses a stretch panel that 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as having stretch characteristics due to the stretch panel's depicted texturing and/or structure, which could stretch more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 2	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 2	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer and/or the '369 Patent to meet this limitation. **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**

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 for "Performance Underwear" discloses a fabric with 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 it stretches more easily in one direction and less easily in a direction at right angles to the first direction.** ***See,*** In particular, the '369 Patent discloses a warp knit, which has asymmetrical stretch characteristics. *See,* "With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two

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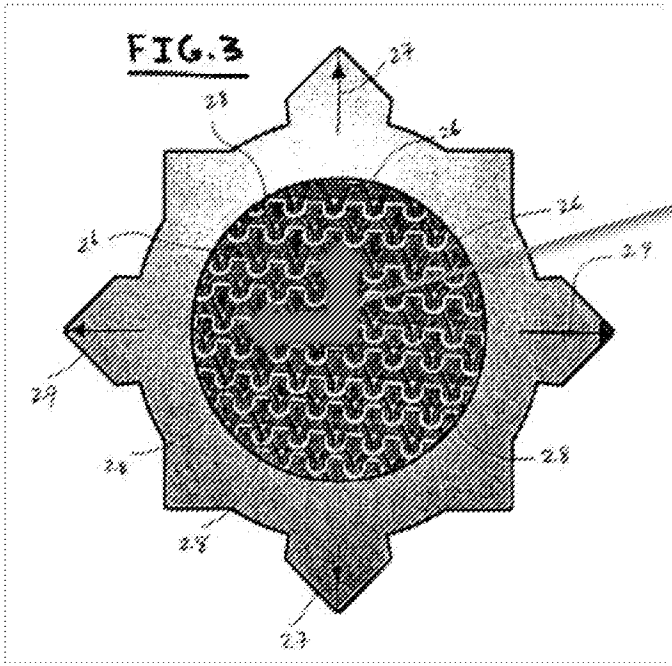
Claim 2	Exemplary Disclosure in Prior Art
	strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when 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)  Direction 27 is at a right angle to Direction 29 (and vice versa). The "warp knit" (the fabric) stretches more easily in the horizontal direction, that is, Direction 29 (roughly parallel to the waistband), than in the vertical direction, that is, Direction 27 (roughly at a right angle to the waistband)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a garment where 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 lengths measured along material of the front portion from the first seam to the waistband seam and measured along the fabric of the stretch panel, when unstretched, are depicted in red lines below:

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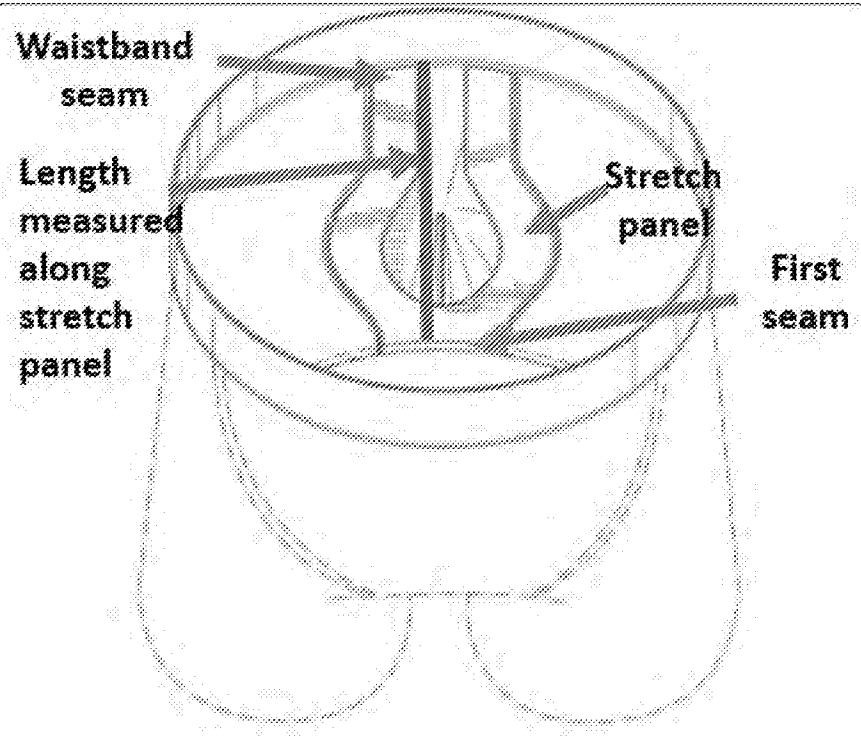
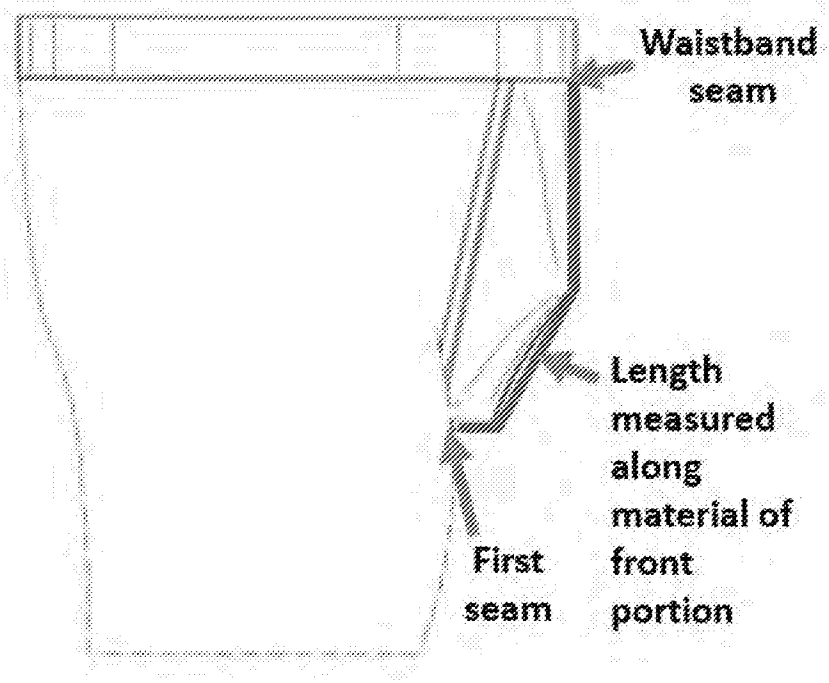
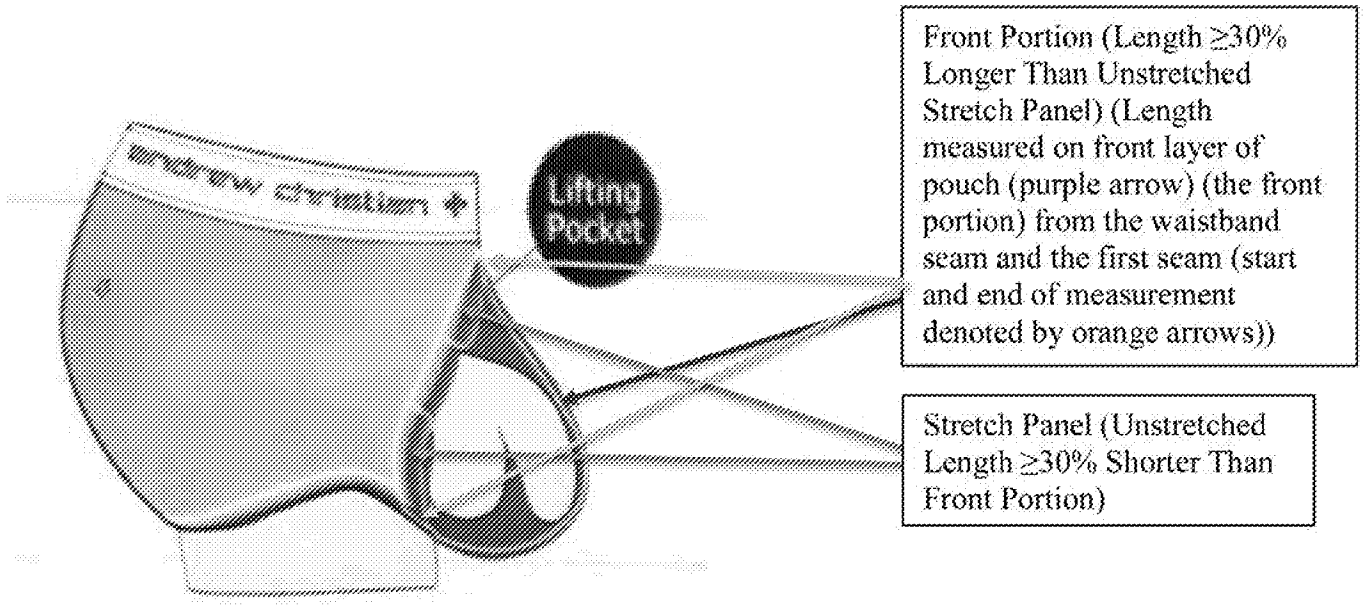
Claim 5	Exemplary Disclosure in Prior Art
	 FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment where 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

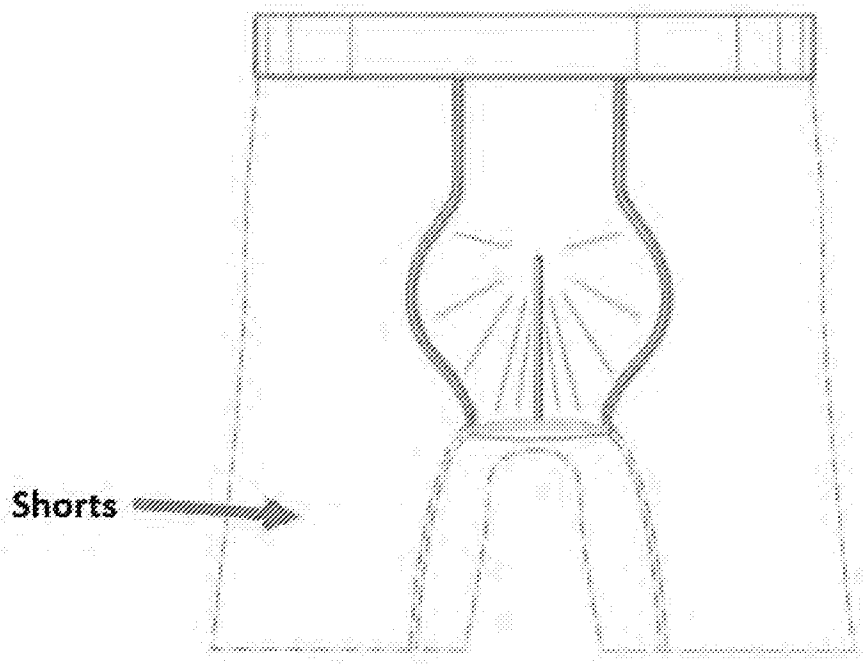
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	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.  Show-It 2009-2010 Catalog at ACI000094. Identical image in March 11, 2009 Blog Entry.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 5	Exemplary Disclosure in Prior Art
	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. 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a pair of undershorts. *See*,** "Men's Undergarment" (Title)  FIG. 4

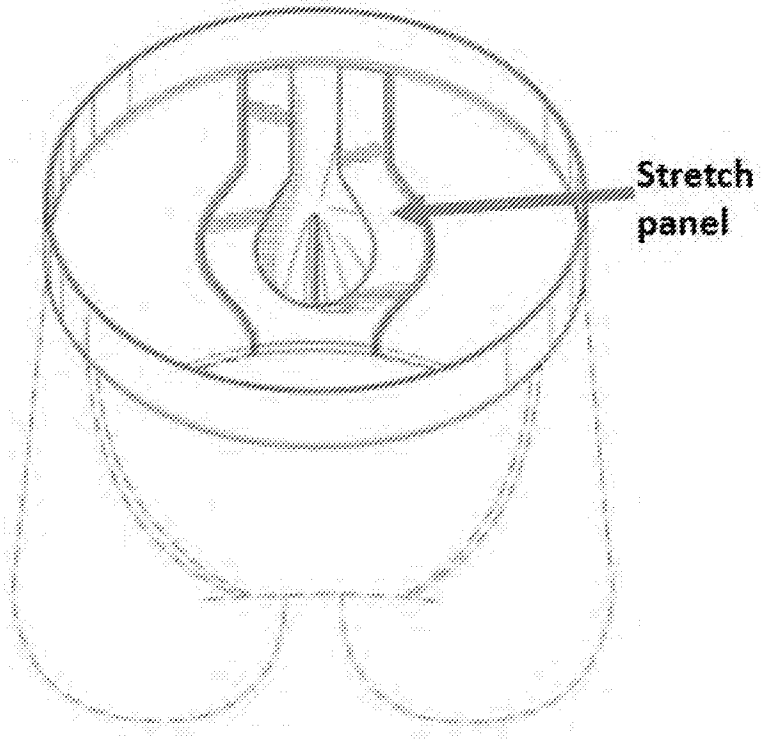
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a stretch panel comprising a fabric different from a fabric of the body.** ***See,***

Claim 7	Exemplary Disclosure in Prior Art
	One having ordinary skill would understand the stretch panel could be comprised of a fabric different from the fabric of the body due to the stretch panel's depicted texturing and/or structure:  FIG. 2 To the extent Plaintiffs contend the'058 Design 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 '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation.

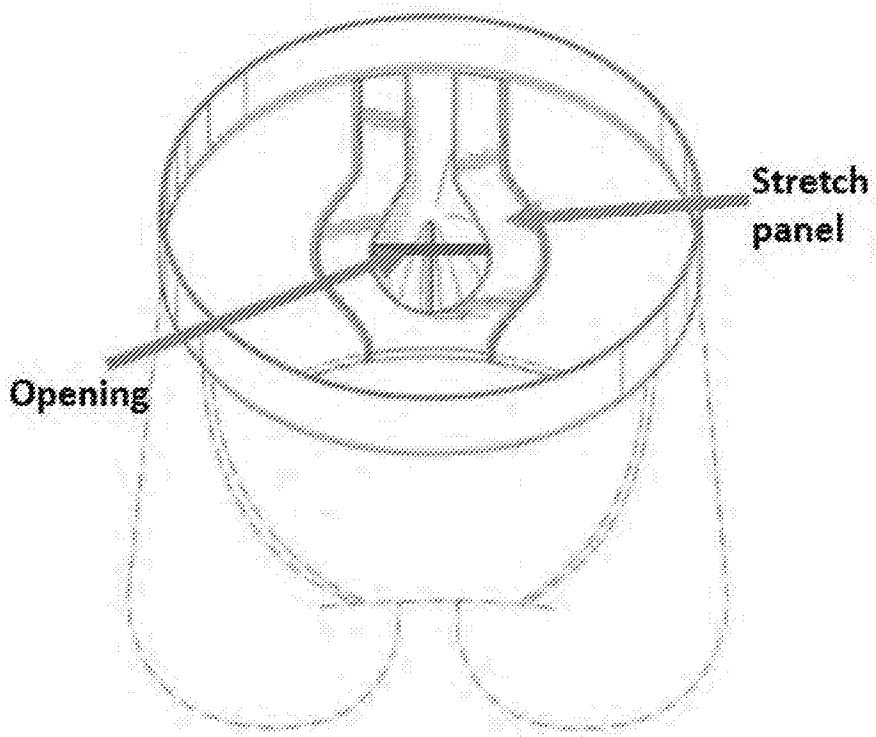
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 7	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify `058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **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 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

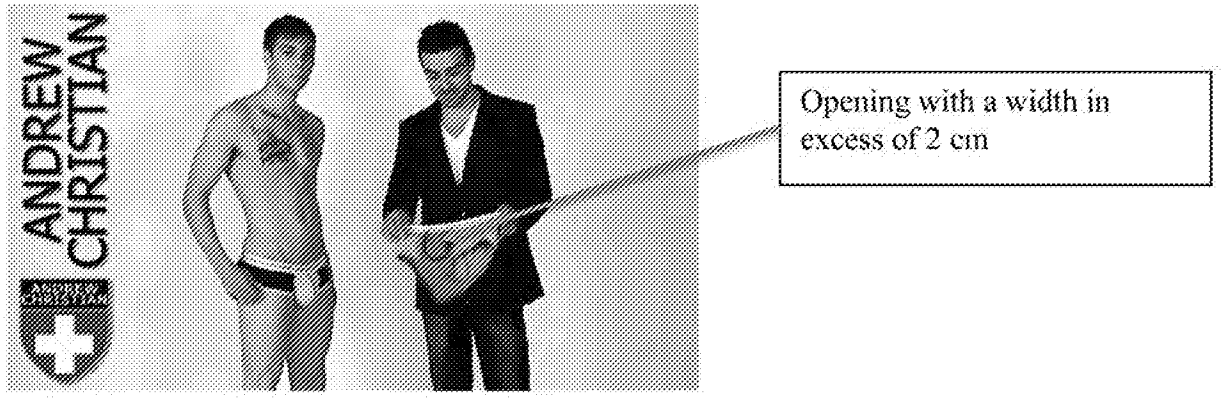
Claim 7	Exemplary Disclosure in Prior Art
	knowledge and the 9132 Show-It Brief, understand how to modify the disclosure of the 9132 Show-It Brief to meet this limitation. **The 9133 Show-It Boxer includes a stretch panel comprising a fabric different from a fabric of the body.** ***See,*** On information 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 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.

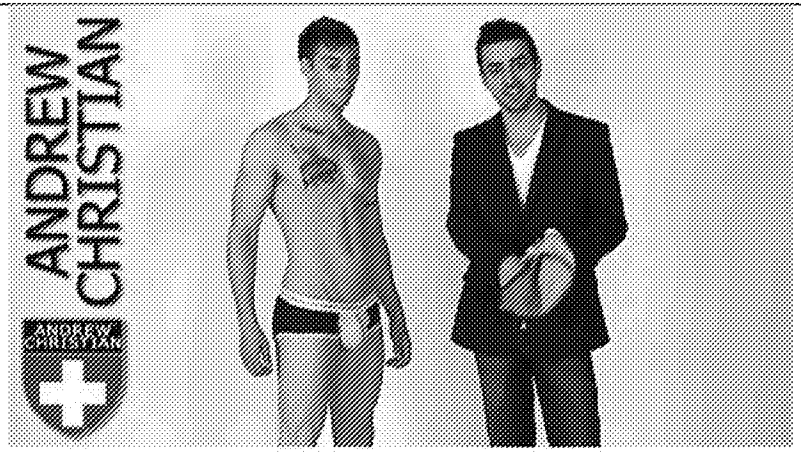
Claim 8	Exemplary Disclosure in Prior Art
[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 8	Exemplary Disclosure in Prior Art
	The '058 Design discloses an opening with a width in excess of 2 cm. ***See,*** The opening width is shown with a red line. One having ordinary skill would understand the opening to have a width in excess of 2 cm due to the nature of the garment – for male genitalia to fit through the opening:  FIG. 2

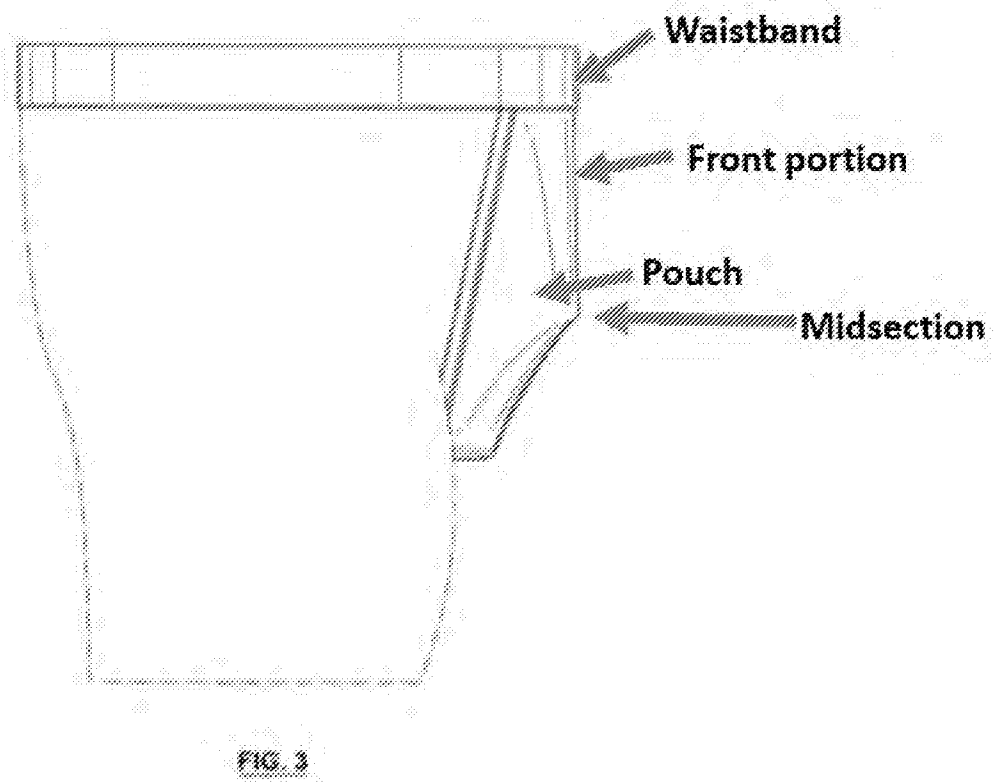
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 8	Exemplary Disclosure in Prior Art
	Further, 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. 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.  ACI000040 at 00:14.

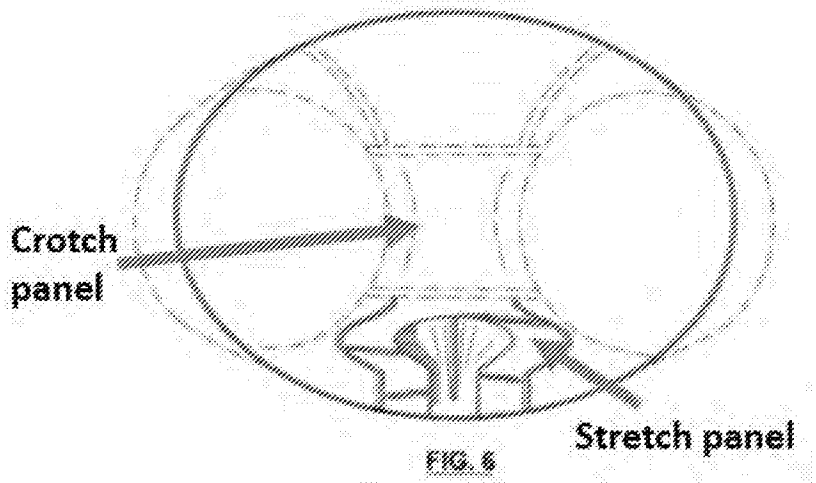
Claim 8	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:20 **The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "inner cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the 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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer

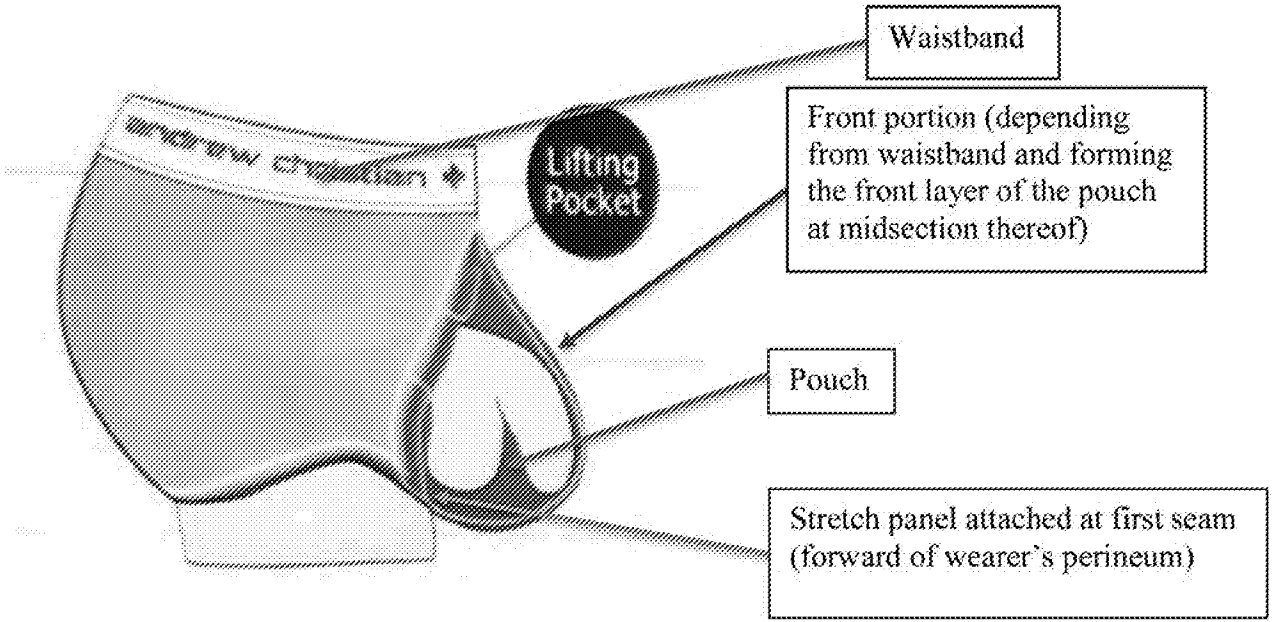
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

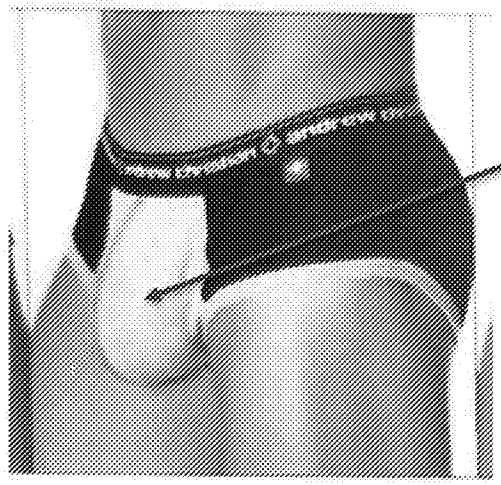
Claim 9	Exemplary Disclosure in Prior Art
the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.	See above regarding claim 1. **The '058 Design discloses a garment 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.** ***See,***  FIG. 3

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

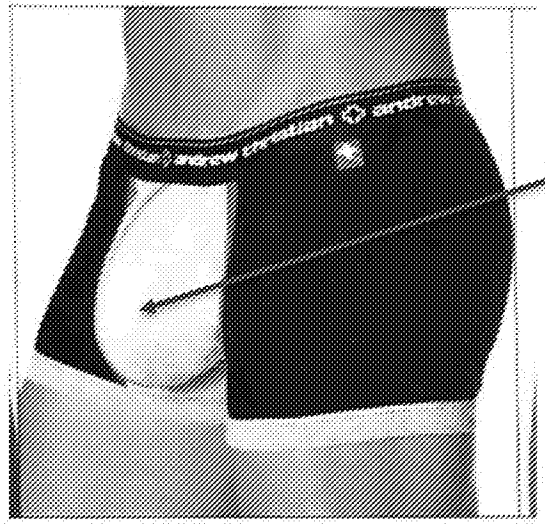
Claim 9	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **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**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	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.

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**

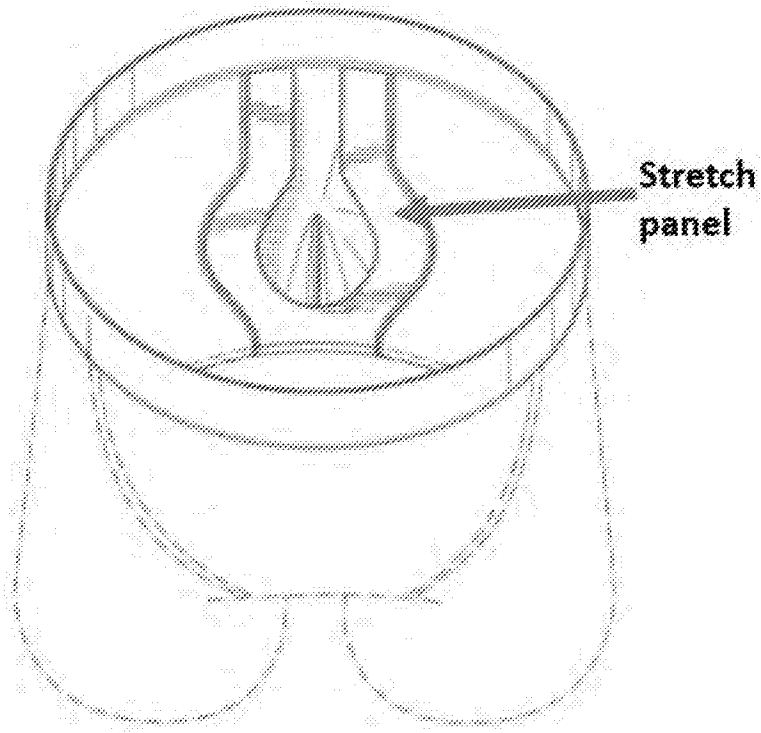
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. ***See,***  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.

Claim 9	Exemplary Disclosure in Prior Art
	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.

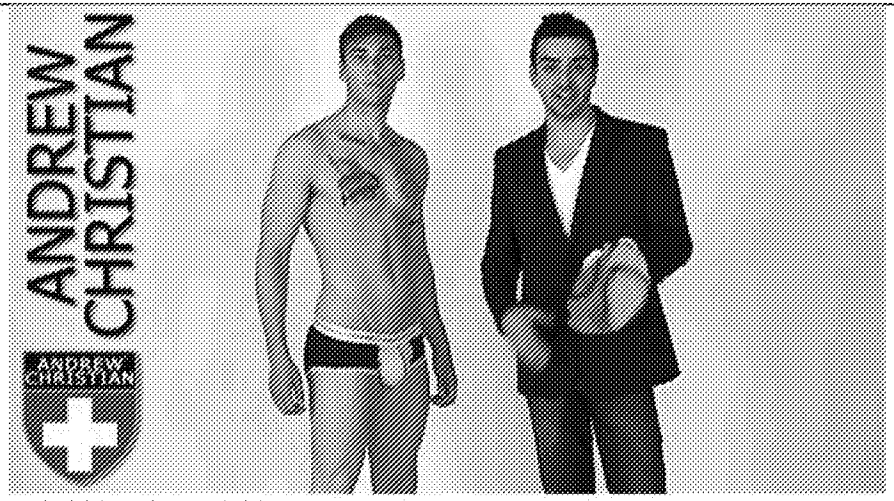
Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a garment wherein the elastically resilient four-way stretch material is comprised of a spandex blend.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure, which could be comprised of a spandex blend:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 10	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

Claim 10	Exemplary Disclosure in Prior Art
	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:

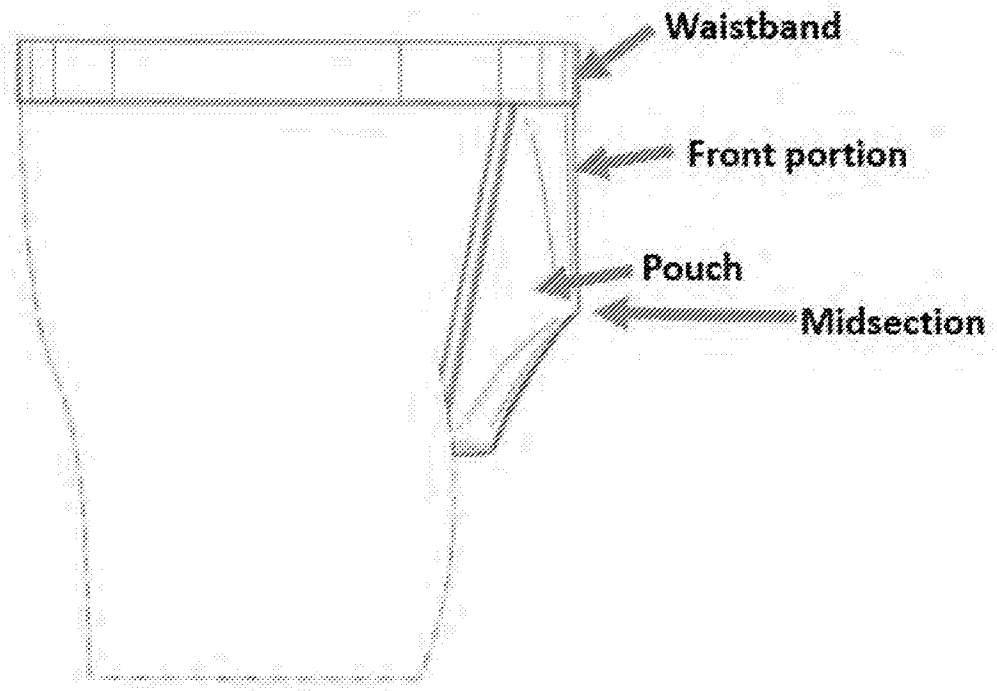
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

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)

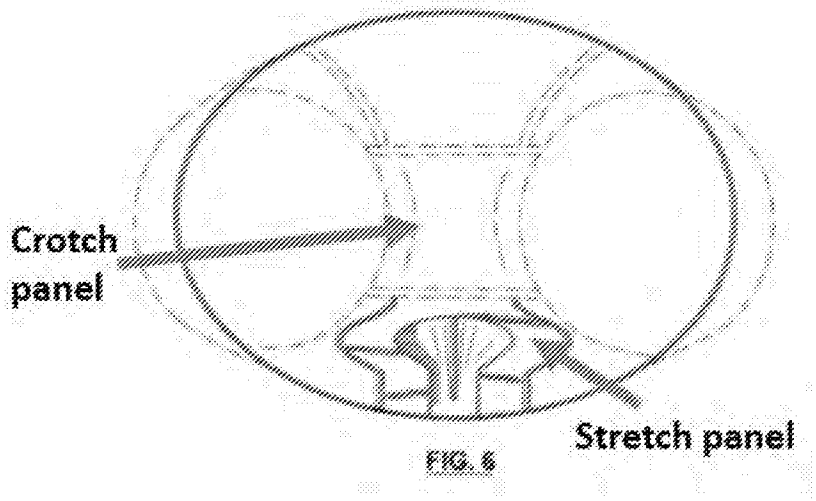
Claim 10	Exemplary Disclosure in Prior Art
	inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23. *See* Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." 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 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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a garment wherein the first seam is disposed forward of a perineum region of a user.** ***See, e.g.,***

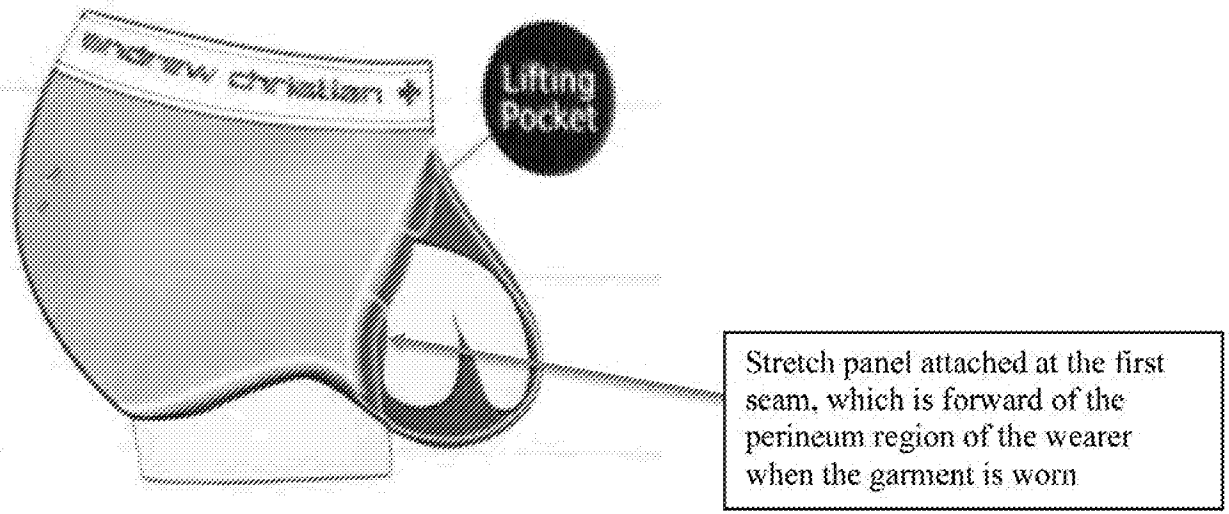
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 12	Exemplary Disclosure in Prior Art
	 FIG. 3

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 12	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the first seam is disposed forward of a perineum region of a user, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation.

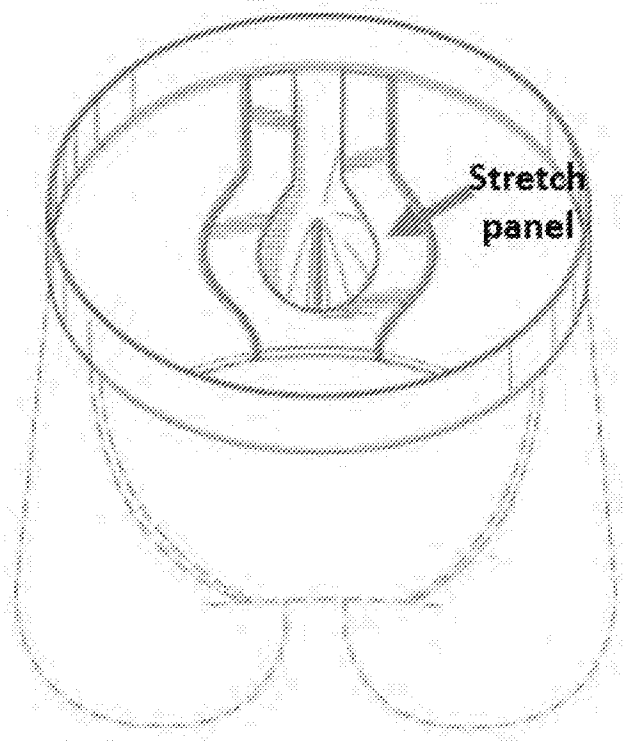
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 12	Exemplary Disclosure in Prior Art
	In the 9132 Show-It Brief, the first seam is disposed forward of a perineum region of a wearer. ***See,***  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.

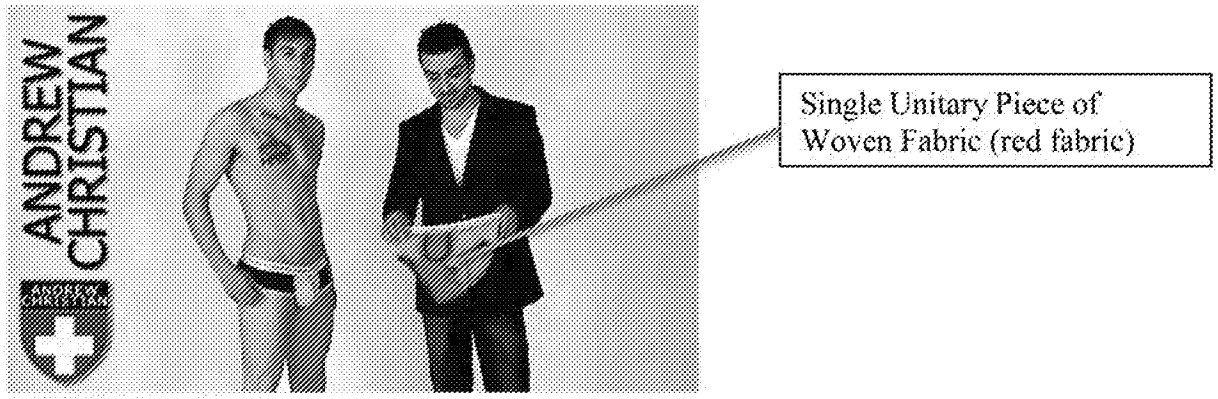
Claim 12	Exemplary Disclosure in Prior Art
	In the 9133 Show-It Boxer, the first seam is disposed forward of a perineum region of a wearer. ***See,*** "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. "Show-It Technology 2.0 features a hidden 'comfy cup' that gently lifts and 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. 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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer See above regarding claim 1. **The '058 Design discloses a stretch panel formed from a single unitary piece of fabric.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material due to the stretch panel's depicted texturing and/or structure, which could be formed from a single unitary piece of woven fabric:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 14	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

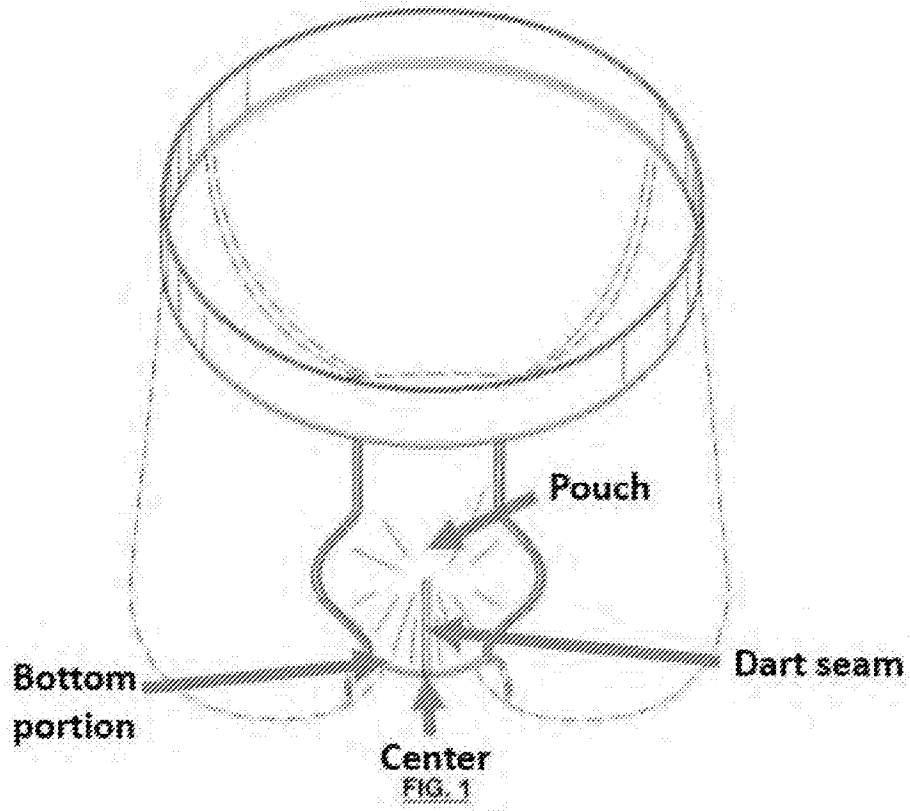
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 14	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. **The 9132 Show-It Brief's stretch panel is formed from a single unitary piece of woven fabric.** ***See,***  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.

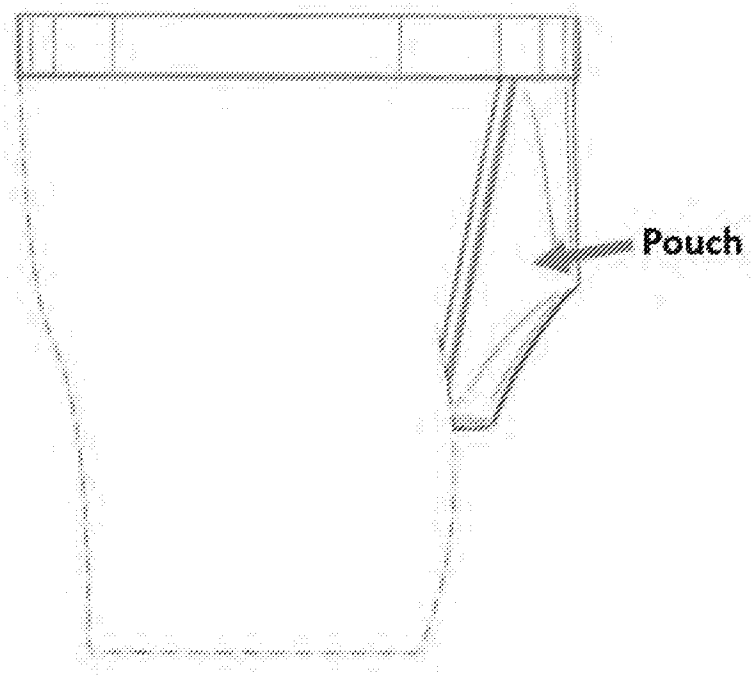
Claim 14	Exemplary Disclosure in Prior Art
	See Show-It 2009 Line Sheet at ACI000092, depicting both the 9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." To the extent Plaintiffs contend the 9133 Show-It Boxer does not expressly, 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.

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: • '058 Design in view of 9132 Show-It Brief/9133 Show-It Boxer 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 '058 Design discloses 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,***

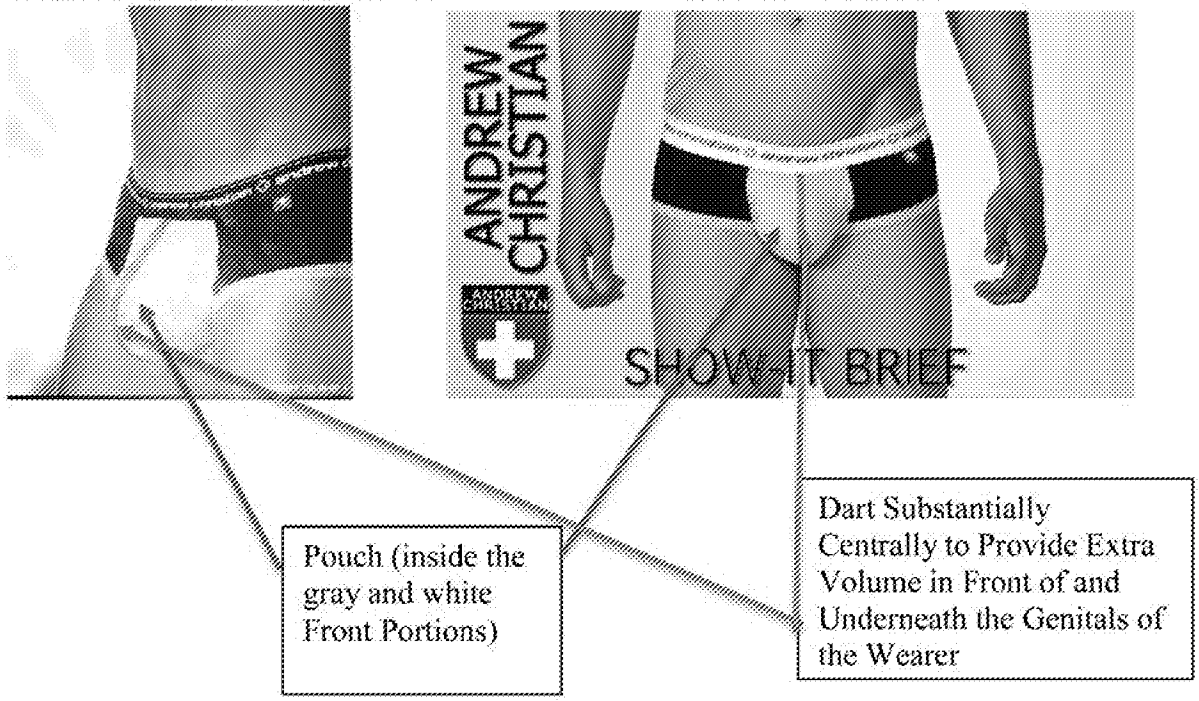
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	 FIG. 1

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the 9132 Show-It Brief/9133 Show-It Boxer to meet this limitation. *See, e.g.*,

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	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. 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

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Style No. 9132 (Show-It Brief) and 9133 (Show-It Boxer) and/or the '369 Patent

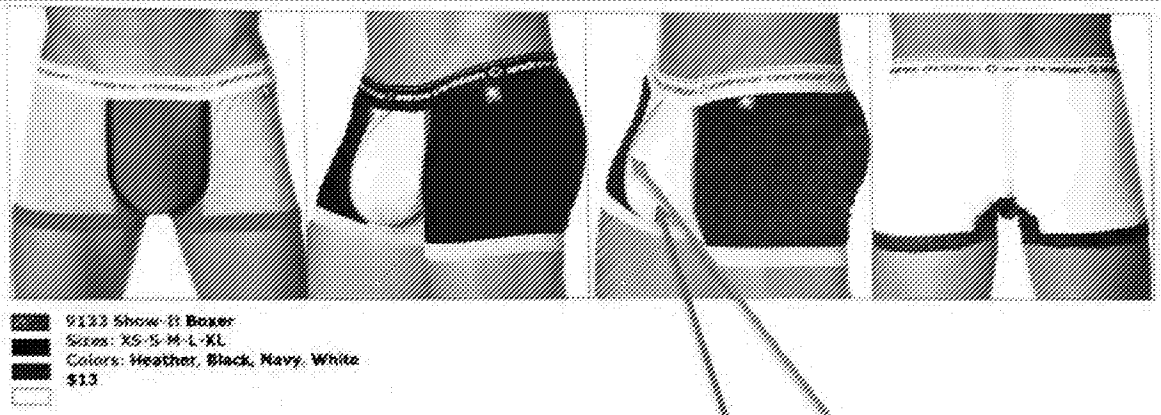
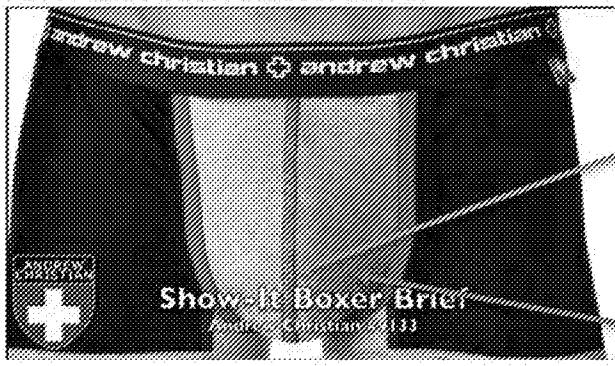
Claim 15	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092.  ACI000038 at 2:43. Dart Substantially Centrally to Provide Extra Volume in Front of and Underneath the Genitals of the Wearer Pouch (inside the gray and white Front Portions) To the extent Plaintiffs contend the 9133 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.

Exhibit 17

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

The disclosure of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (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 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," and/or U.S. Patent No. 7,631,369 (issued Dec. 15, 2009) (the "'369 Patent"), as set forth in the chart below.

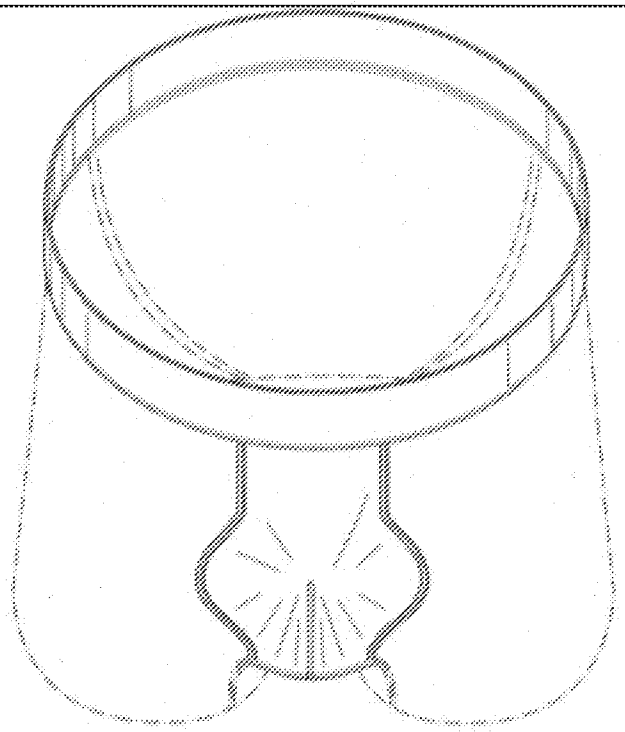
The Andrew Christian printed publications are: ACI000091-ACI000092 ("Show-It 2009 Line Sheet"); AC000093-AC000101 ("Show-It 2009-2010 Catalog"); ACI000038 (the "ACI000038 publication" or "ACI000038); ACI000040 (the "ACI000040 publication" or "ACI000040"). One of ordinary skill in the art of the Asserted 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 '058 Design also discloses a "men's undergarment" and the '369 Patent discloses "performance underwear" for men.

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

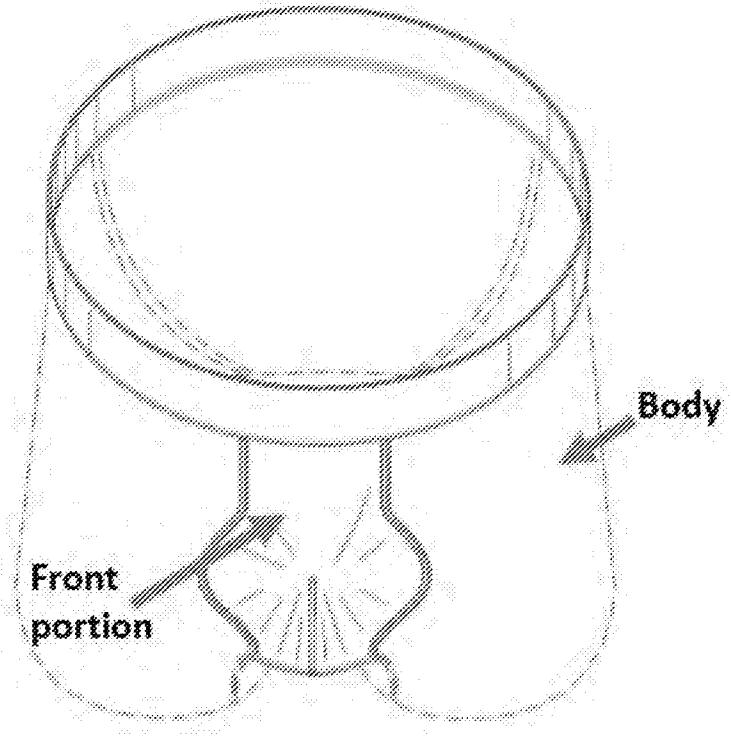
- '058 Design in view of Andrew Christian printed publications (all asserted claims)
- '058 Design in view of Andrew Christian printed publications in further view of '369 Patent (claim 2)

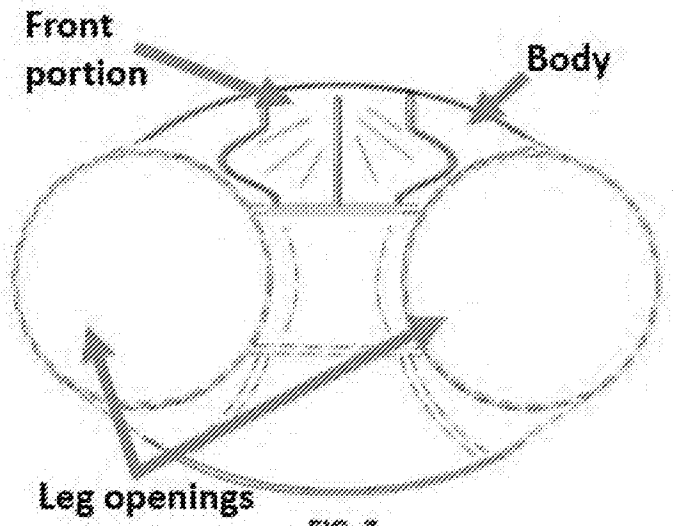
Claim 1	Exemplary Disclosure in Prior Art
[1.pre] 1. A male garment comprising:	**The '058 Design discloses a male garment.** *See,* "Men's Undergarment" (Title)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

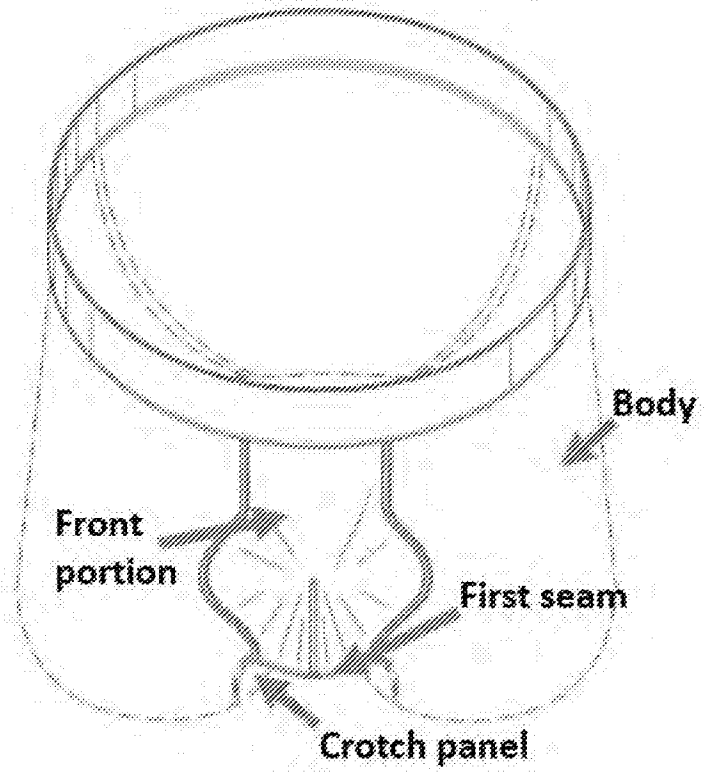
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.1a] a body including a front portion and having leg openings for a	**The '058 Design discloses a body including a front portion and having leg openings for a wearer's legs.** ***See,*** The "front portion" of the garment is the central part of the body situated in front of the wearer and labeled "front portion" with an arrow below.

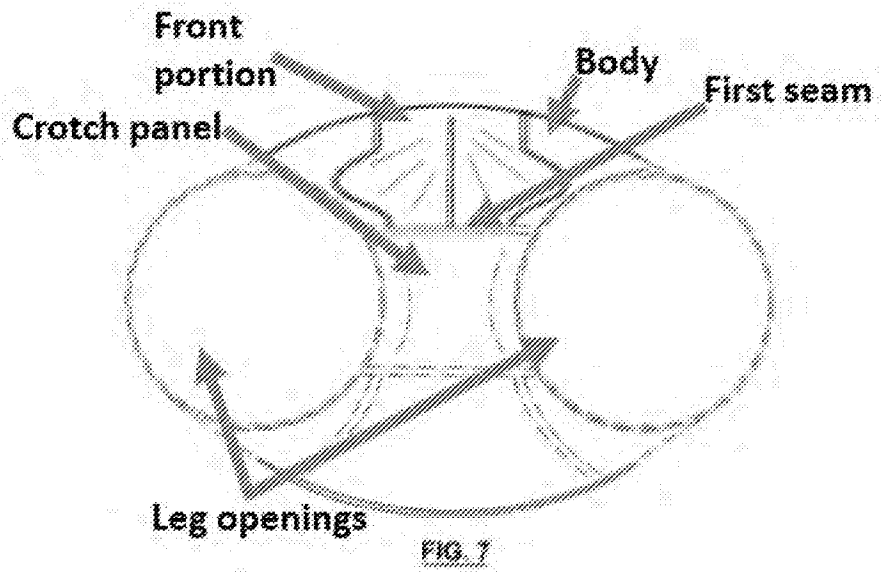
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

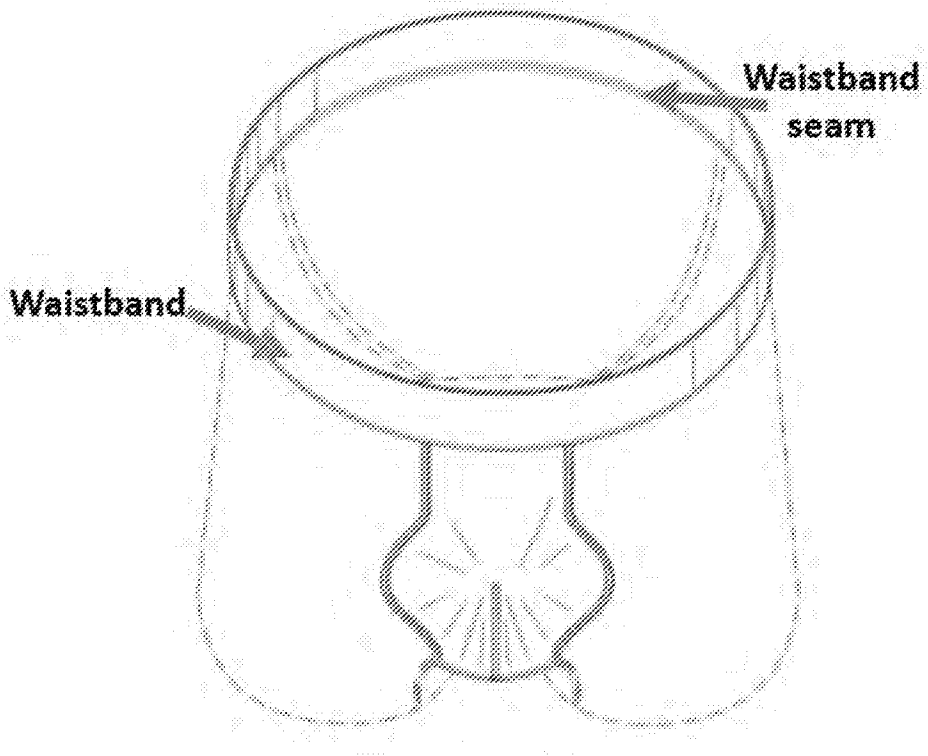
Claim 1	Exemplary Disclosure in Prior Art
wearer's legs,	 FIG. 1

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 7 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including a body including a front portion and having leg openings for a wearer's legs, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.1b] the body including a crotch panel extending between the leg openings and joined to the front portion	**The '058 Design discloses 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 (labeled as "crotch panel" with arrows in Figures 1 and 7, below) can be seen extending between the leg openings and joining to the front portion along a first seam in Figures 1 and 7.

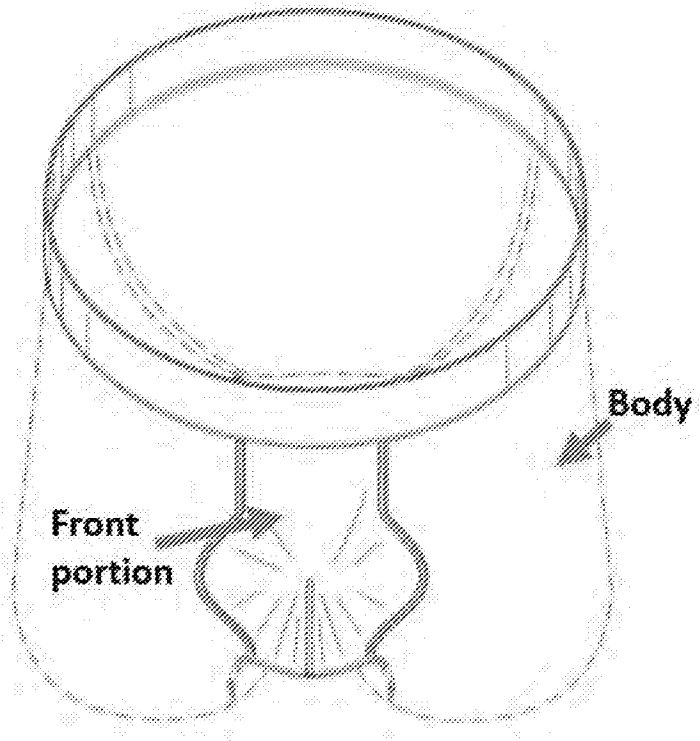
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
along a first seam;	 FIG. 1

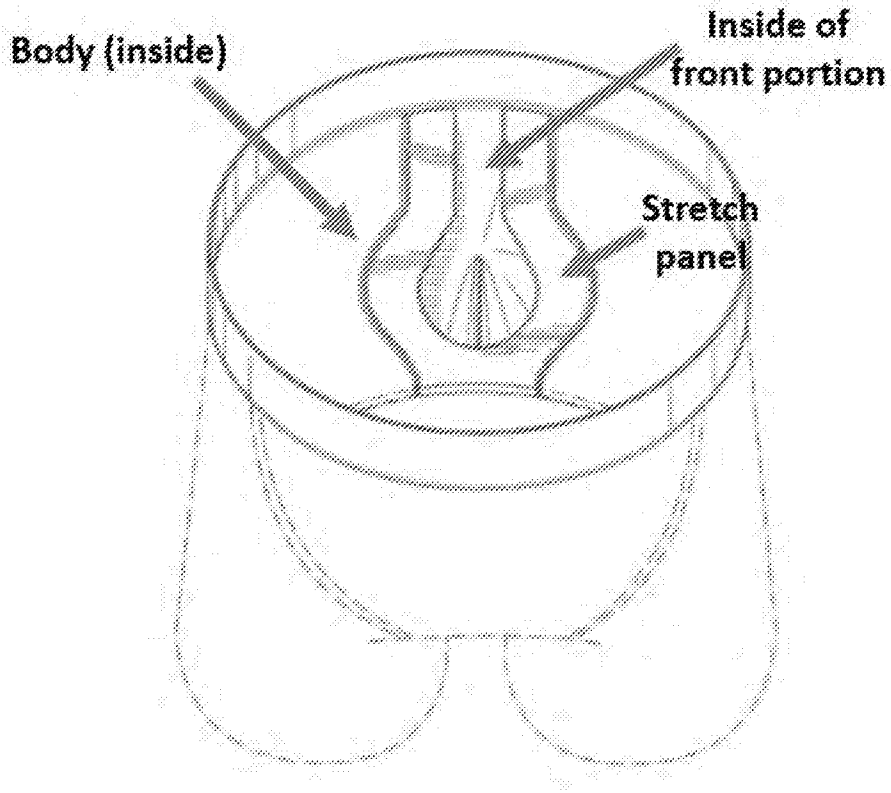
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058 Design to meet this limitation.
[1.2] a waistband attached by a waistband seam at an upper edge of the body;	**The '058 Design discloses a waistband attached by a waistband seam at an upper edge of the body.** ***See,***

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1
[1.3a] a stretch panel attached to the body inside the front portion,	**The '058 Design discloses a stretch panel attached to the body inside the front portion.** ***See,*** The stretch panel (labeled as "Stretch panel" with an arrow in Figure 2, below) is attached to the body inside the front portion (both features labeled respectively with arrows in Figure 1, below):

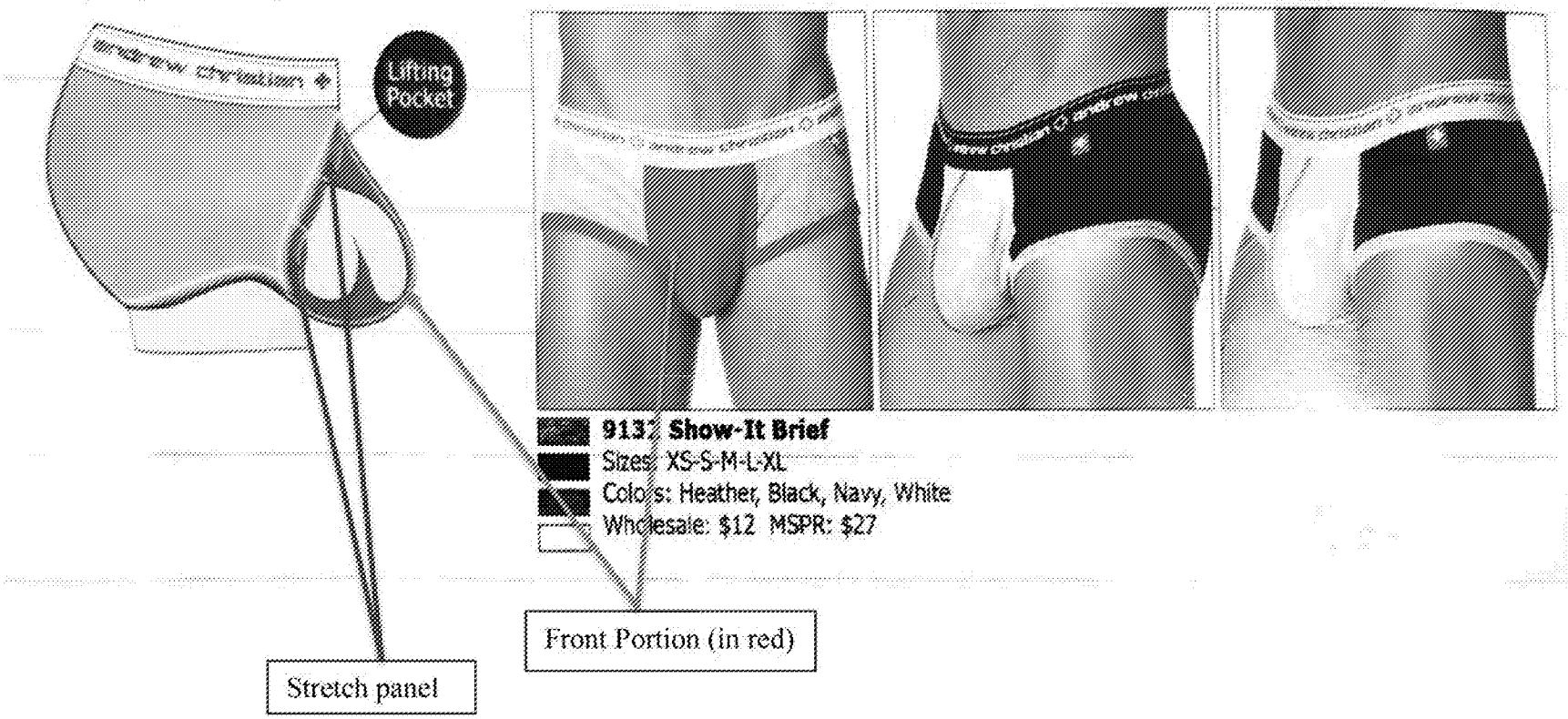
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1

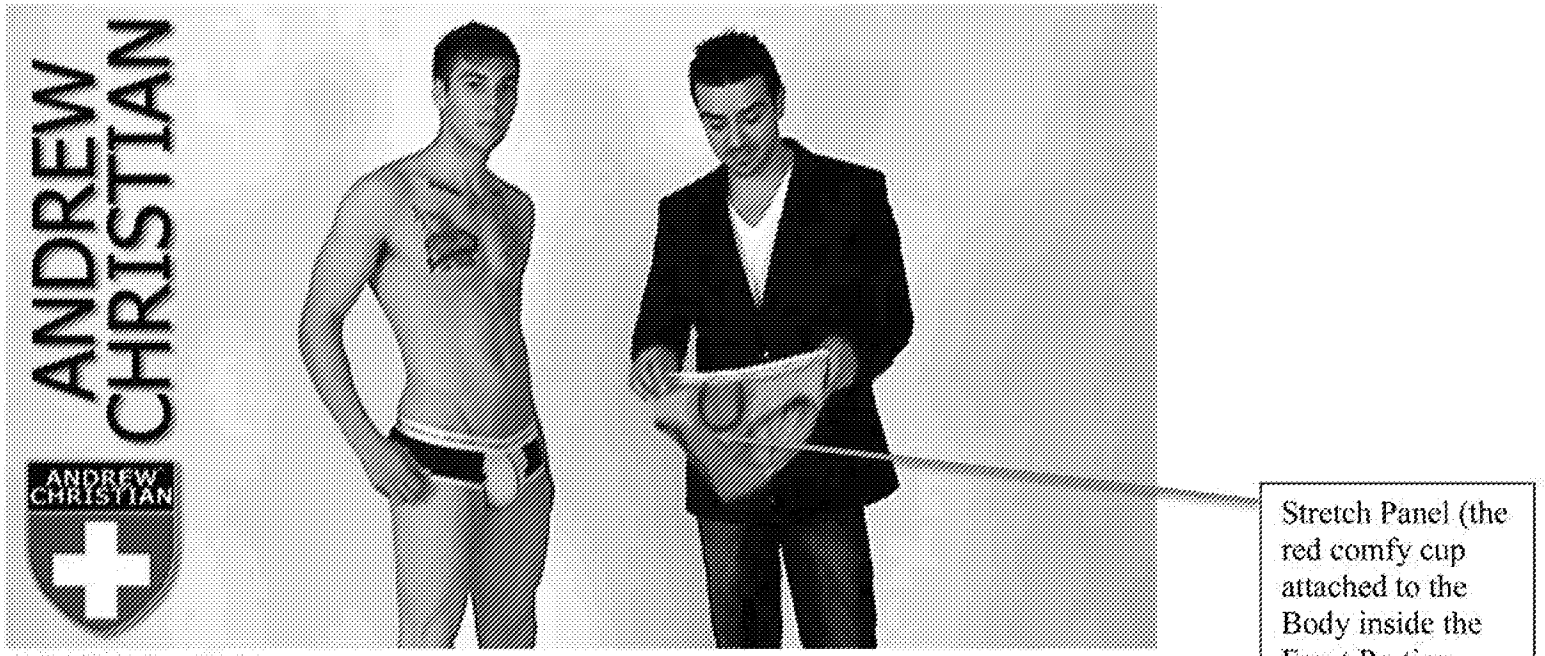
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

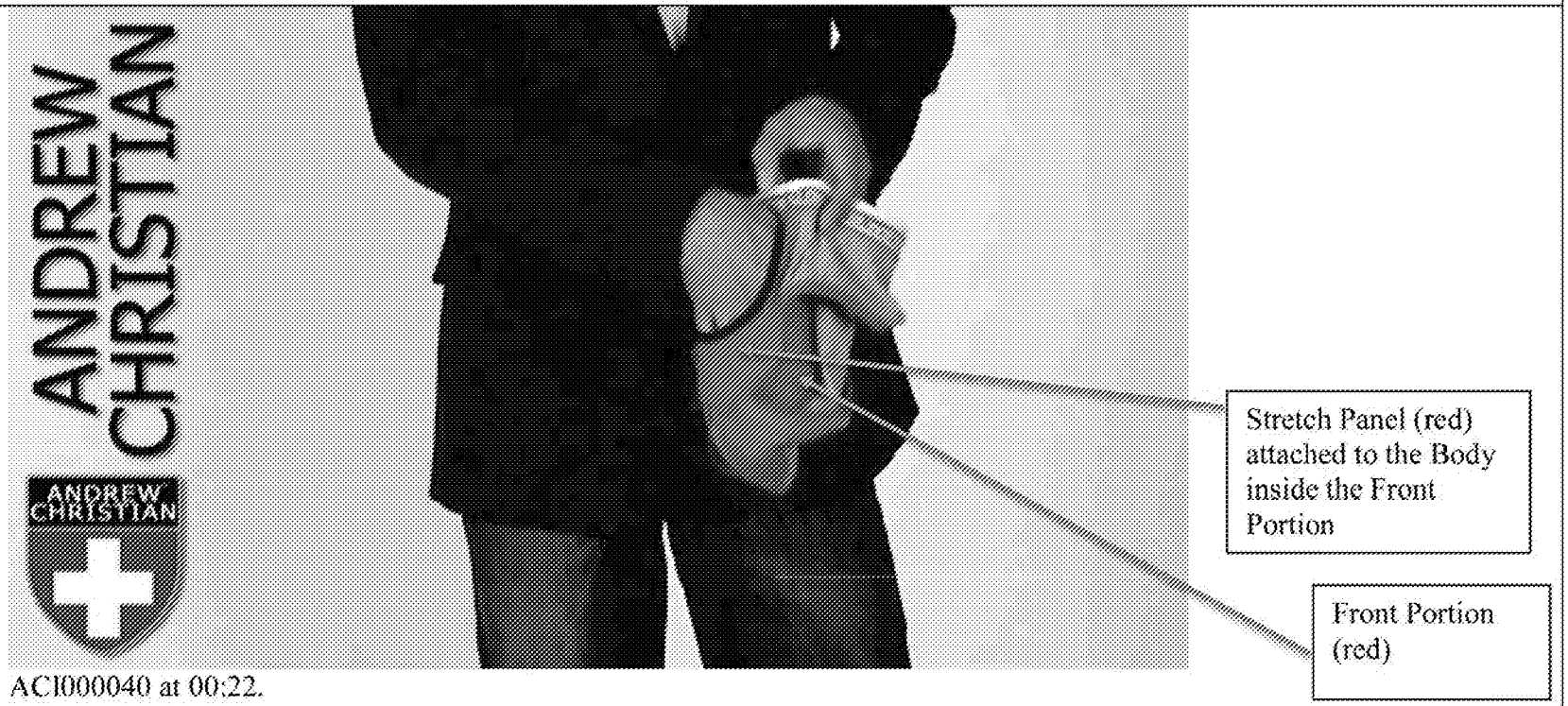
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the ACI000040 publication, and/or the Show-It 2009 Line Sheet to meet this limitation.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

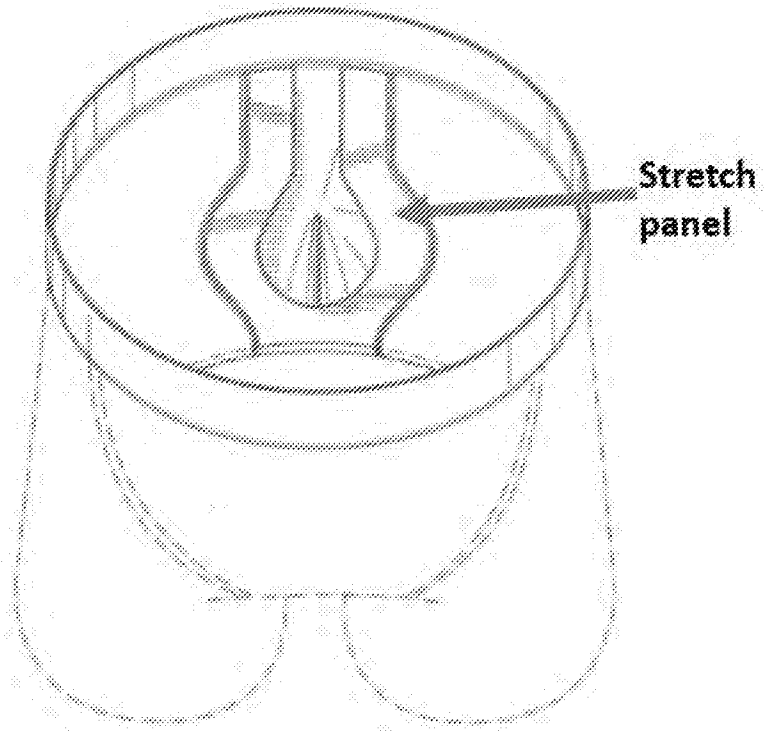
Claim 1	Exemplary Disclosure in Prior Art
	The 9132 Show-It Brief includes a stretch panel attached to the body inside the front portion. ***See,*** The Show-It 2009-2010 Catalog shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband 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.

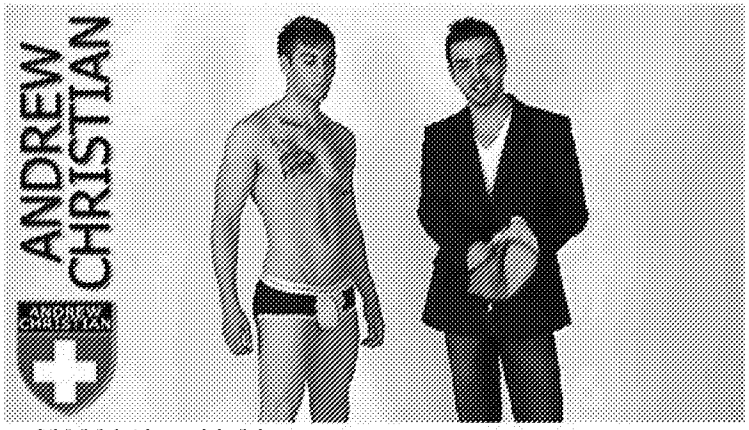
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

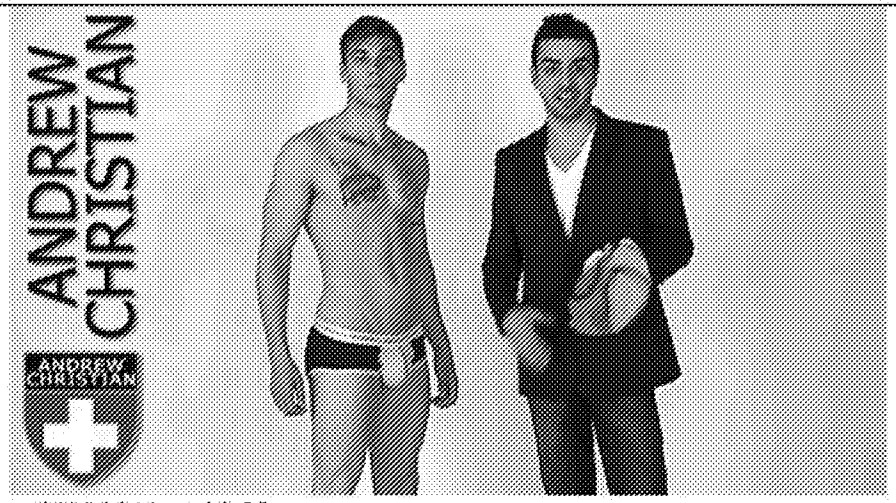
Claim 1	Exemplary Disclosure in Prior Art
	The ACI000040 publication shows an inside view of the 9132 Show-It Brief (as shown in the screenshots below), which shows that the 9132 Show-It Brief includes a "stretch panel" attached to the body inside the "front portion" along the waistband seam, first seam, and side seams.  ACI000040 at 00:14.

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

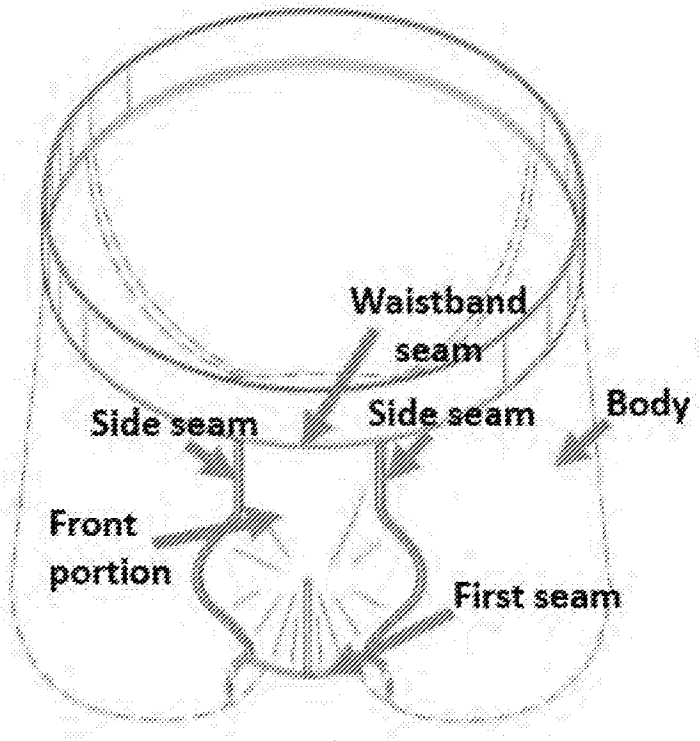
Claim 1	Exemplary Disclosure in Prior Art
[1.3b] the stretch panel comprising a sheet of elastically resilient four-way stretch material	**The '058 Design discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill in the art of the Asserted Patents as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure:  FIG. 2

Claim 1	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel comprising a sheet of elastically resilient four-way stretch material, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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:

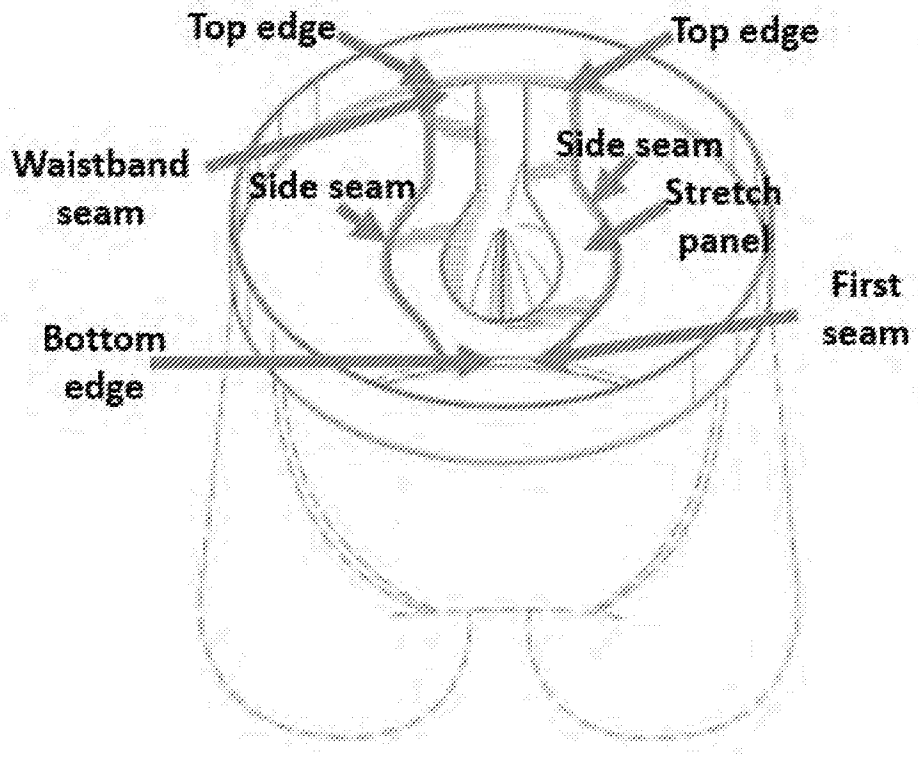
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00.23. The Show-It 2009 Line Sheet at ACI000092 discloses that the 9132 Show-It Brief's "Comfy Cup cradles and lifts." On information and belief, to cradle and provide lift, the "comfy cup" (Stretch Panel) must be comprised of an elastically resilient 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

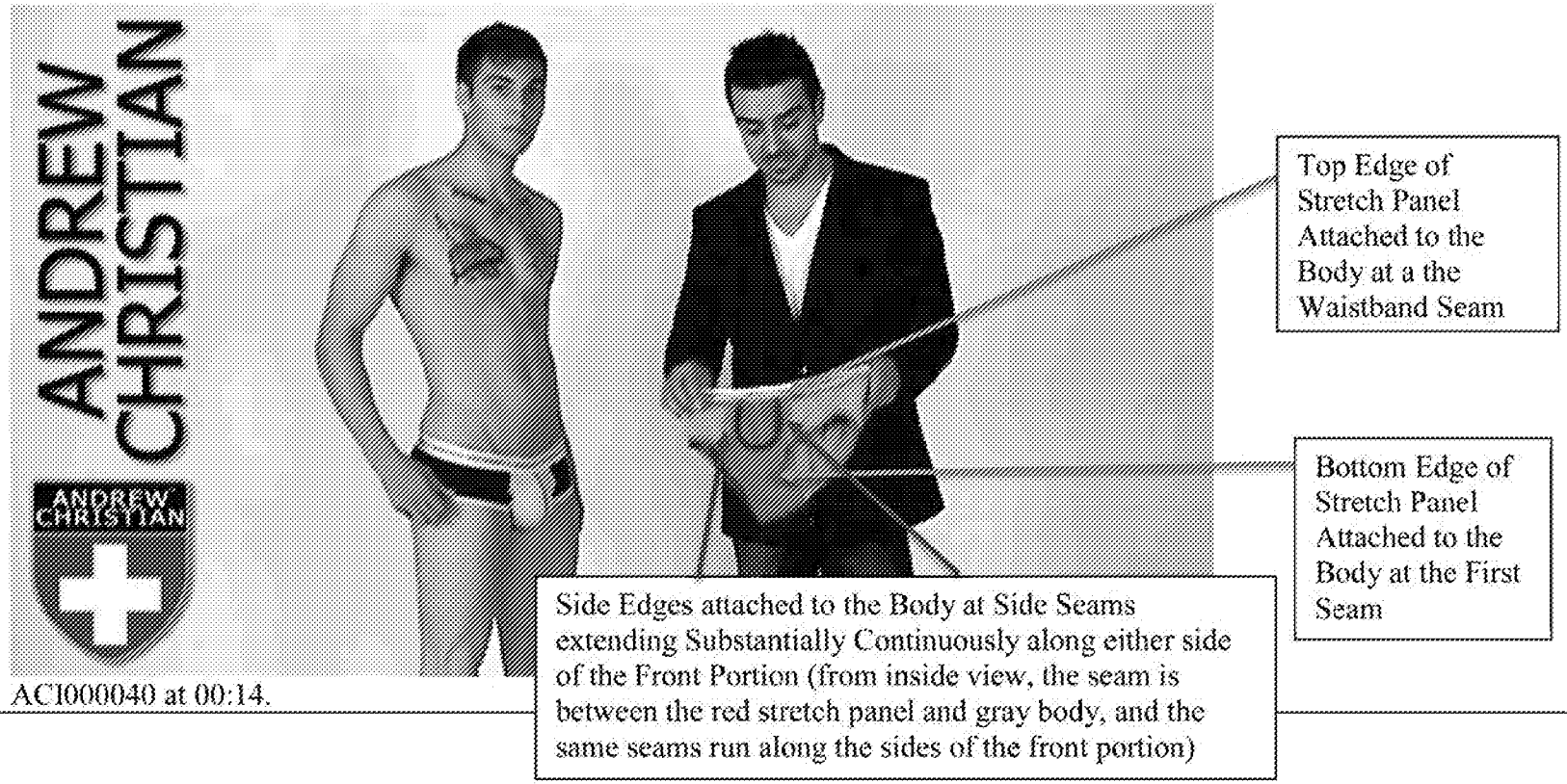
Claim 1	Exemplary Disclosure in Prior Art
	view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) inside the Front Portion as shown above in ACI000040 at 00:20 and 00:23 and the Stretch Panel would have the same elastically resilient four way stretch material. The Show-It 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 '058 Design discloses 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 first seam to the waistband seam.** ***See,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

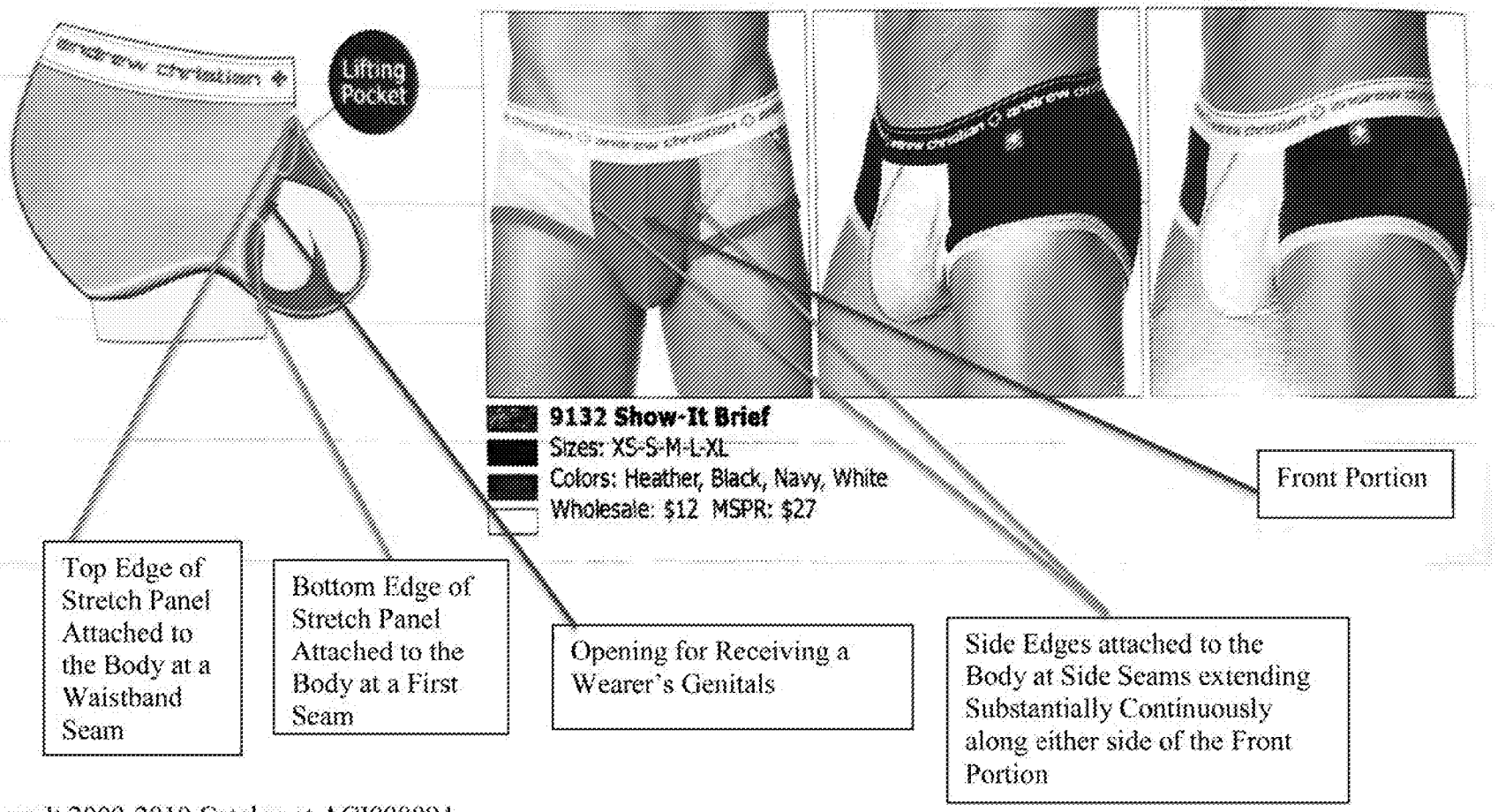
Claim 1	Exemplary Disclosure in Prior Art
along either side of the front portion from the first seam to the waistband seam and	 FIG. 1

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose 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 first seam to the waistband seam, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

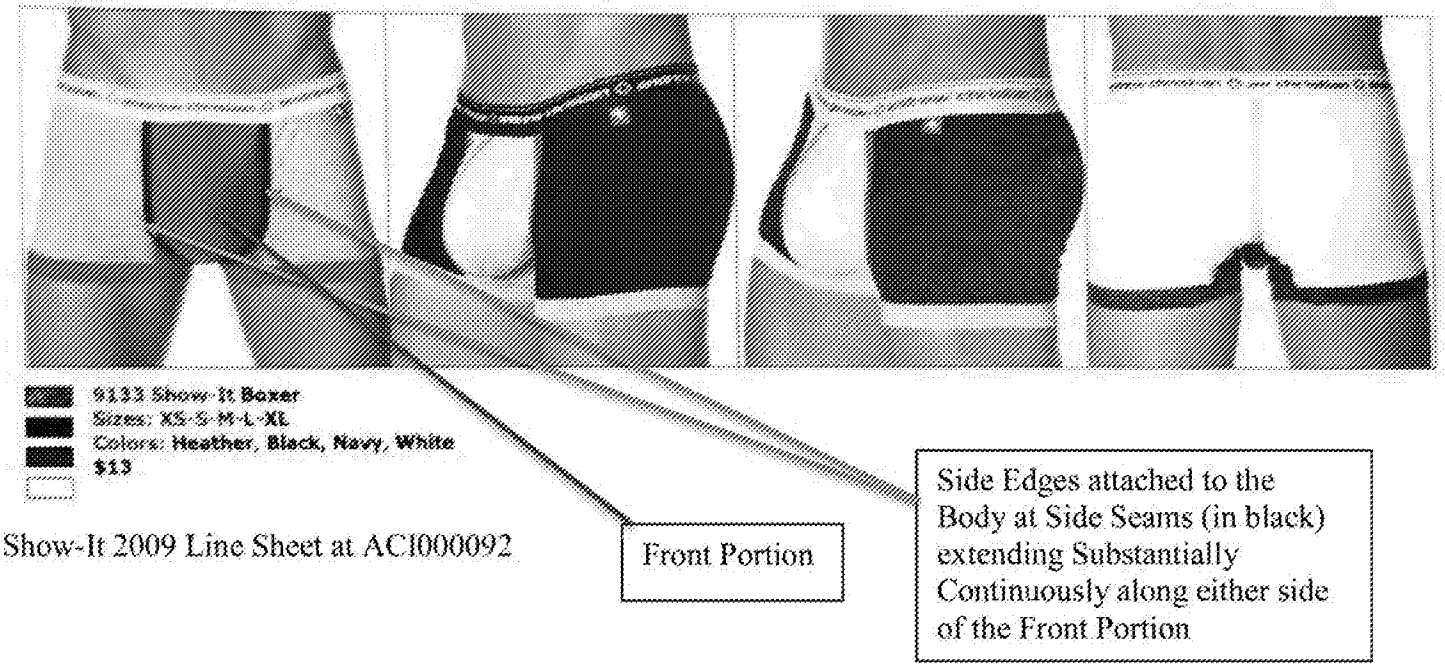
Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication, the Show-It 2009-2010 Catalog, and/or Show-It 2009 Line Sheet to meet this limitation. **The 9132 Show-It Brief includes a stretch panel having a top edge 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.  ACI000040 at 00:14.

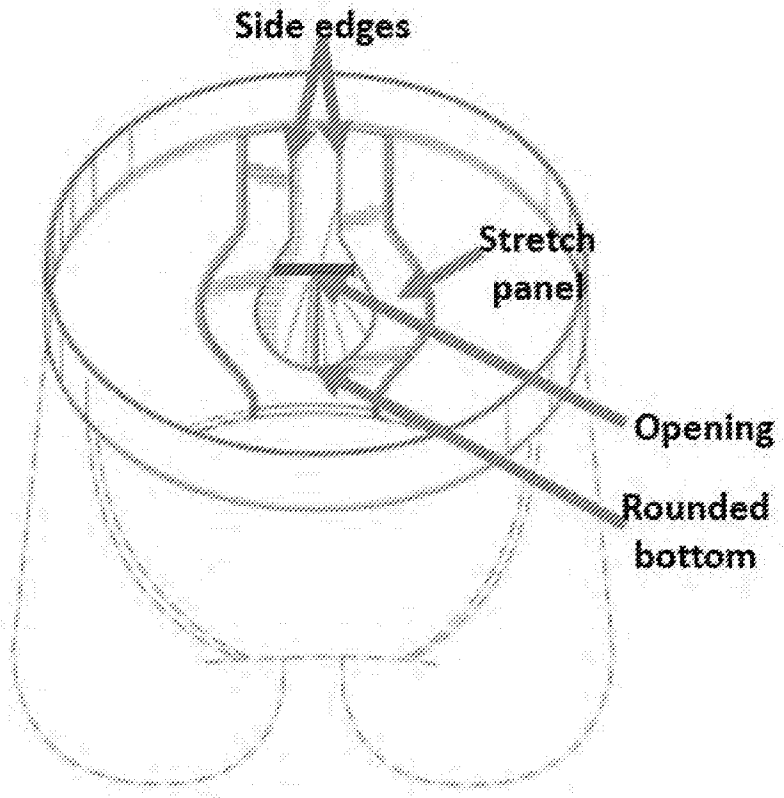
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

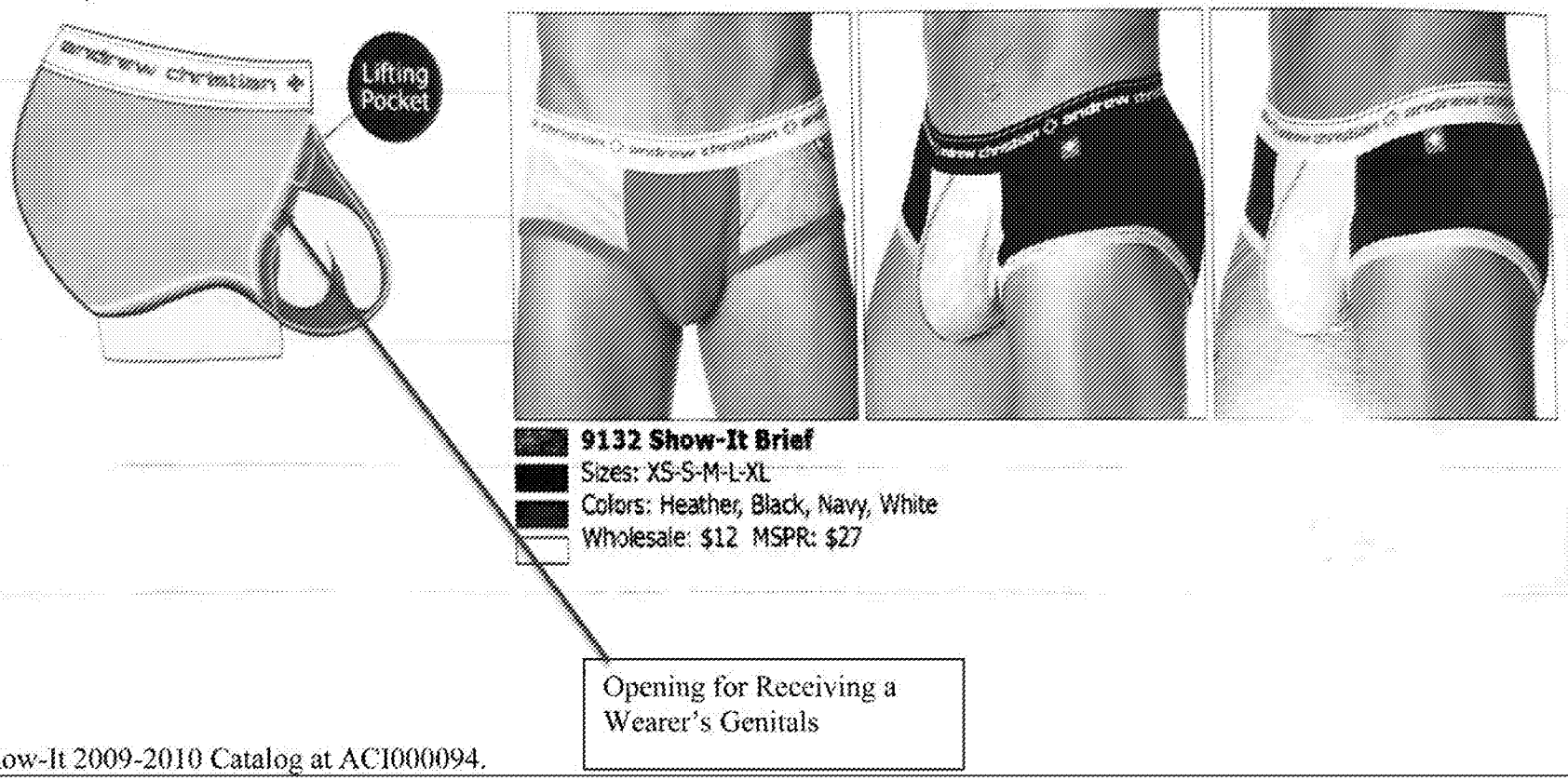
Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009-2010 Catalog also depicts the 9132 Show-It Brief's "stretch panel" (the comfy cup) with a top edge attached to the body at the waistband seam, a bottom edge attached to the body at the first seam, and side edges attached to the body at side seams extending continuously along either side of the "front portion."  Show-It 2009-2010 Catalog at ACI000094.

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,*** 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 Show-It 2009 Line Sheet at ACI000092
[1.3d] an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing	**The '058 Design discloses an opening for receiving a wearer's genitals 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 (labeled "Opening" with an arrow in Figure 2, below) is further shown with a red line between the two side edges at one point.

Claim 1	Exemplary Disclosure in Prior Art
side edges that are spaced apart from one another on either side of the opening;	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose an opening for receiving a wearer's genitals having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the ACI000040 publication, and/or the Show-It 2009 Line Sheet to meet this limitation. **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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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.

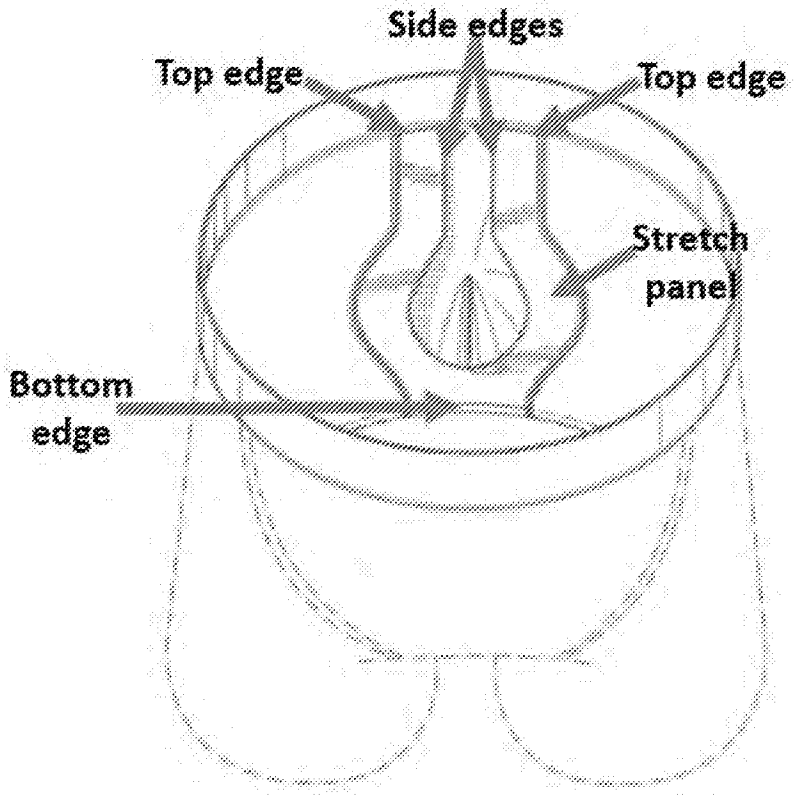
ACI000040 at 00:14.

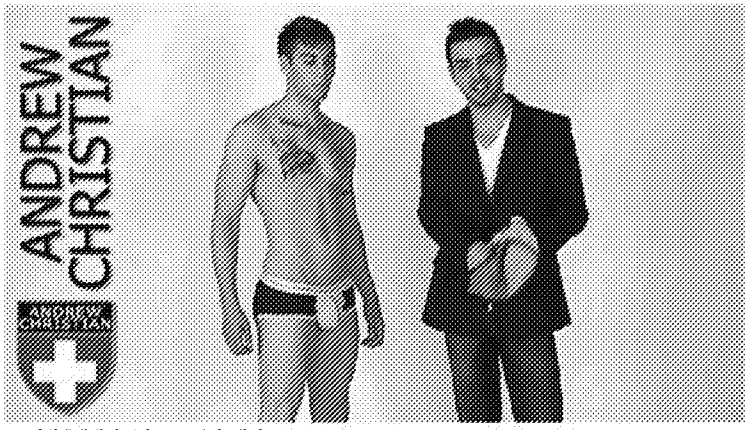
Opposing Side Edges of Opening spaced apart from each other on either side of the Opening

Opening having a Rounded Bottom Edge

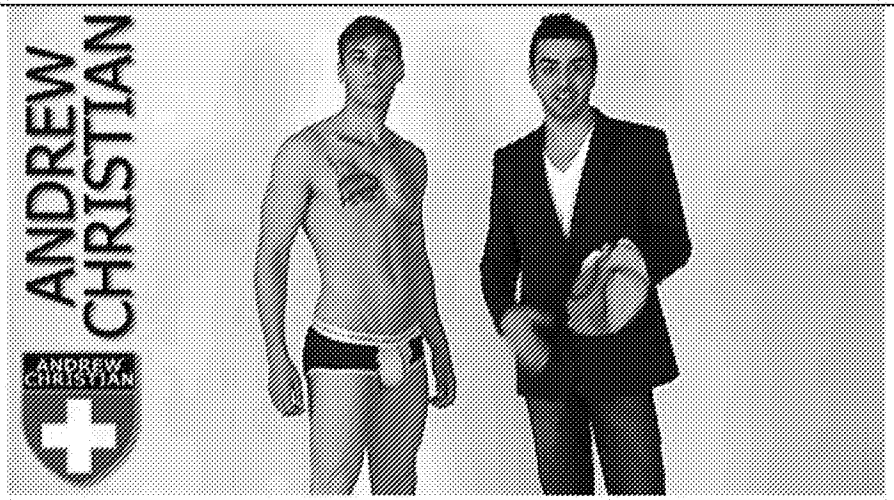
Claim 1	Exemplary Disclosure in Prior Art
	The "stretch panel" of the 9133 Show-It Boxer includes an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. ***See,*** The Show-It 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 '058 Design discloses 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being resiliently elastic (that is, with substantial elastic recovery towards its pre-stretching size and shape) in both a direction between the top and bottom edges and a direction between the side edges (each edge labeled as "Top edge," "Bottom edge," or "Side edges," respectively with an arrow in Figure 2, below) due to the stretch panel's depicted texturing and/or structure:

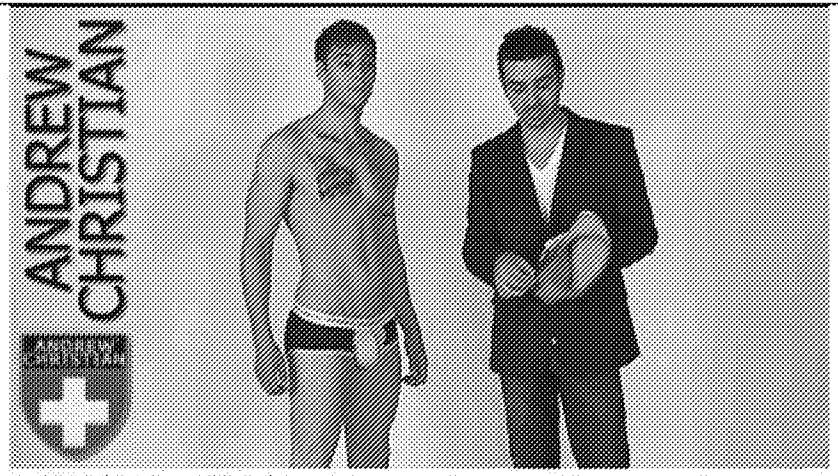
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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. 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:

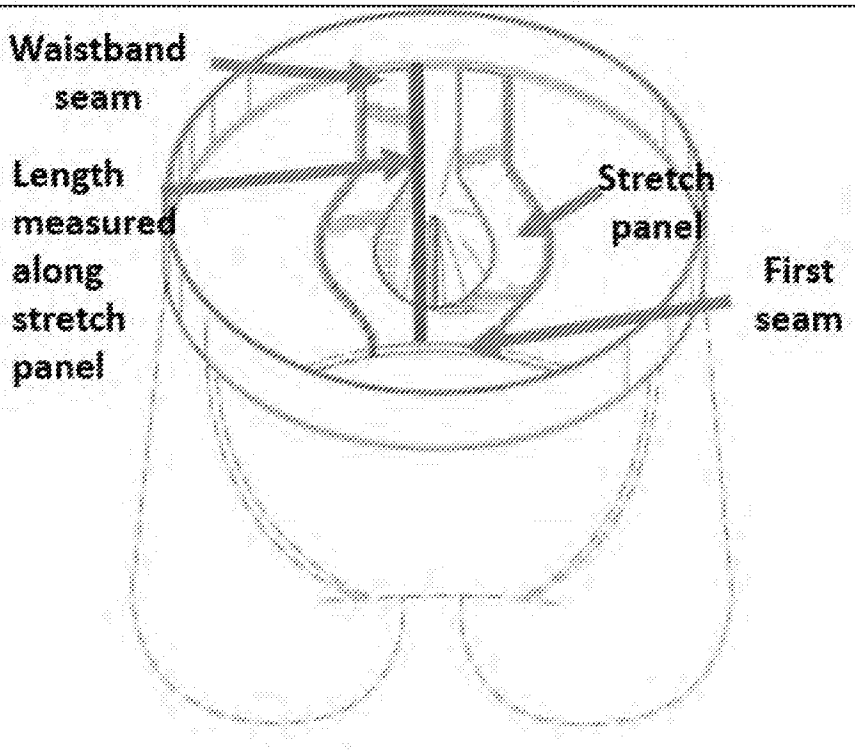
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 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").

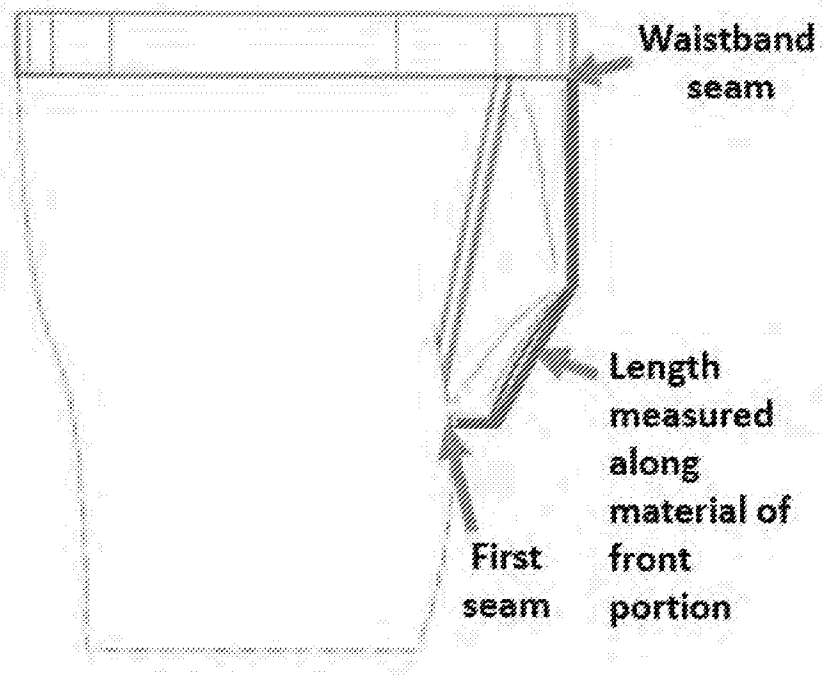
Claim 1	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the stretch panel (the "comfy cup") being resiliently elastic both in a direction between 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.

Claim 1	Exemplary Disclosure in Prior Art
	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 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 '058 Design 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.** ***See,*** The length and width of the unstretched stretch panel and front portion, respectively, are labeled with arrows and further depicted with red lines below. In particular, the width measured along the front portion between the side seams is more fully seen by viewing Figures 1 and 3 collectively:

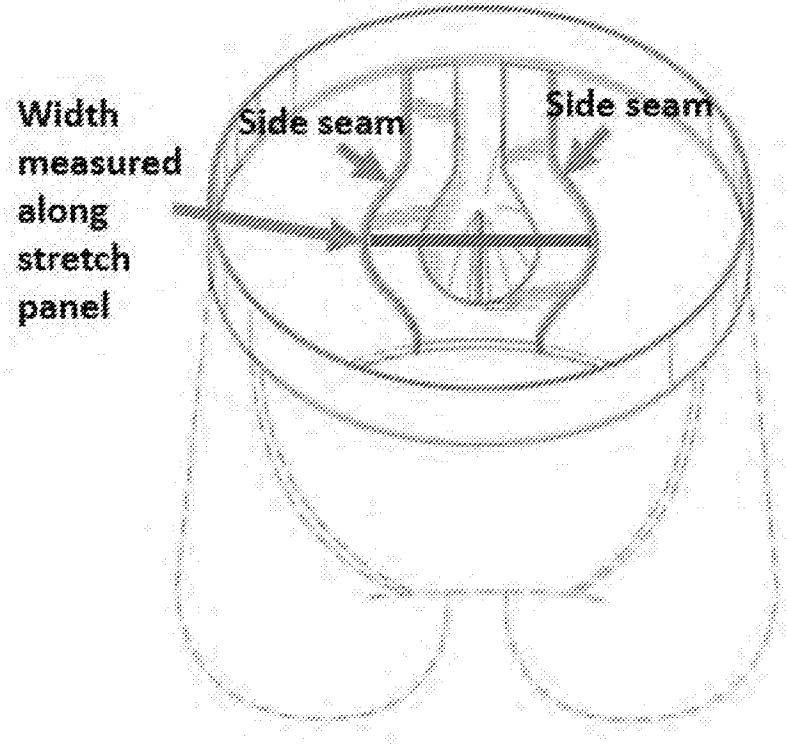
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

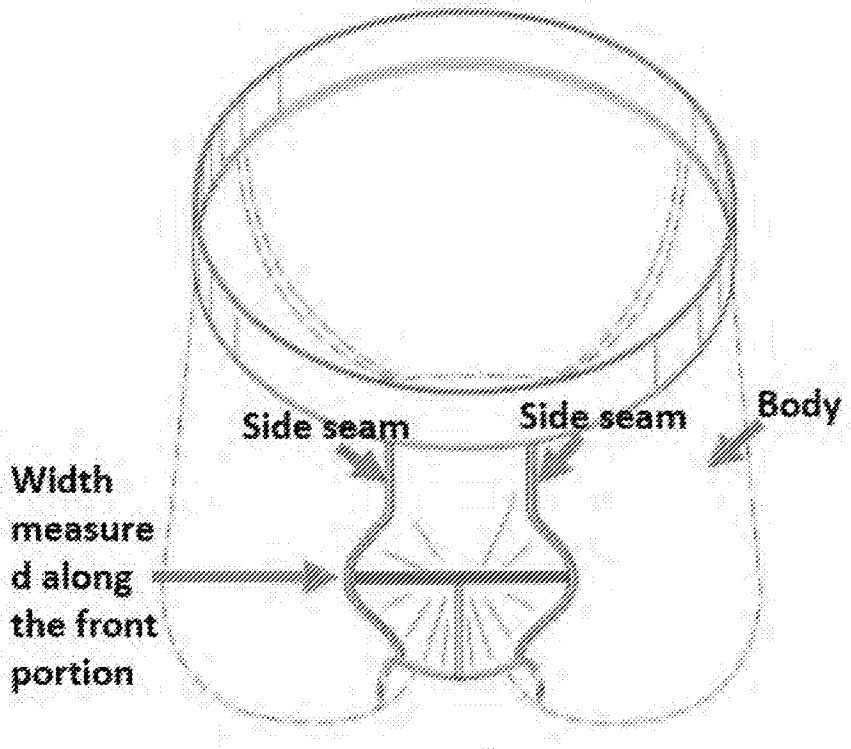
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

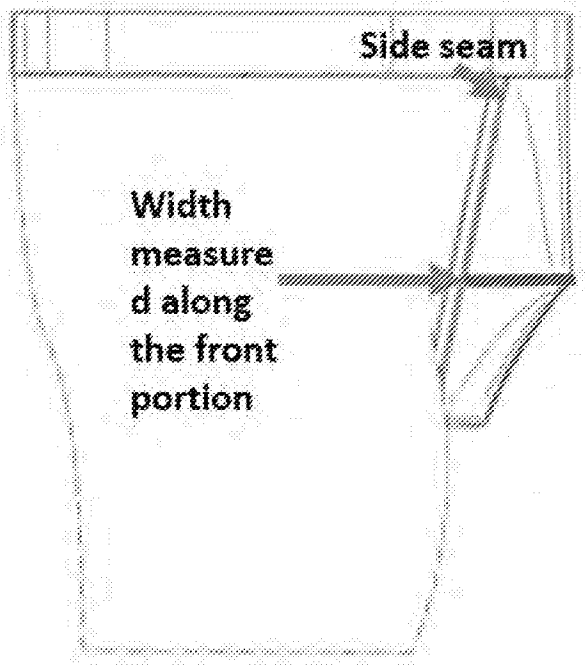
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

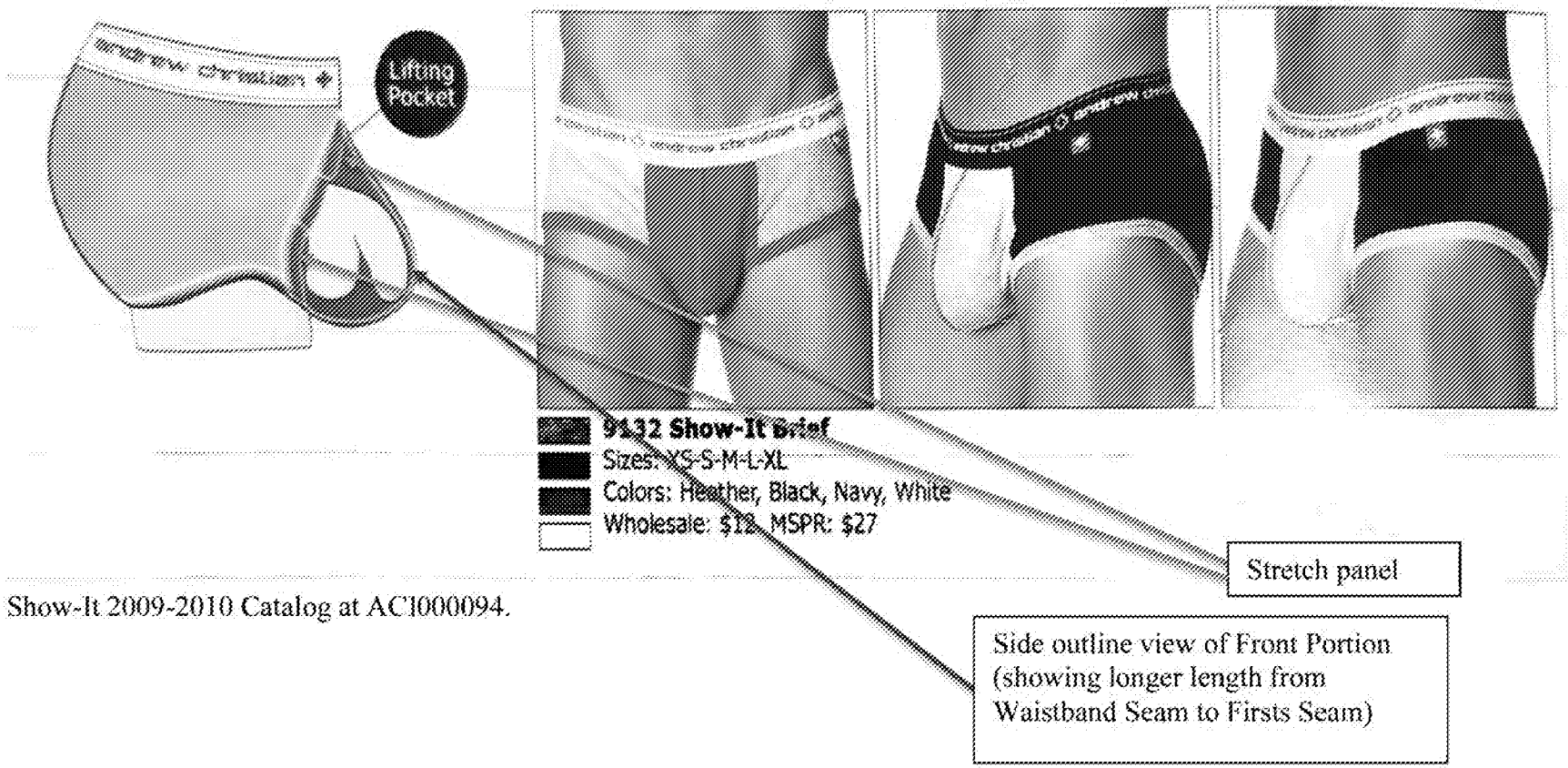
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

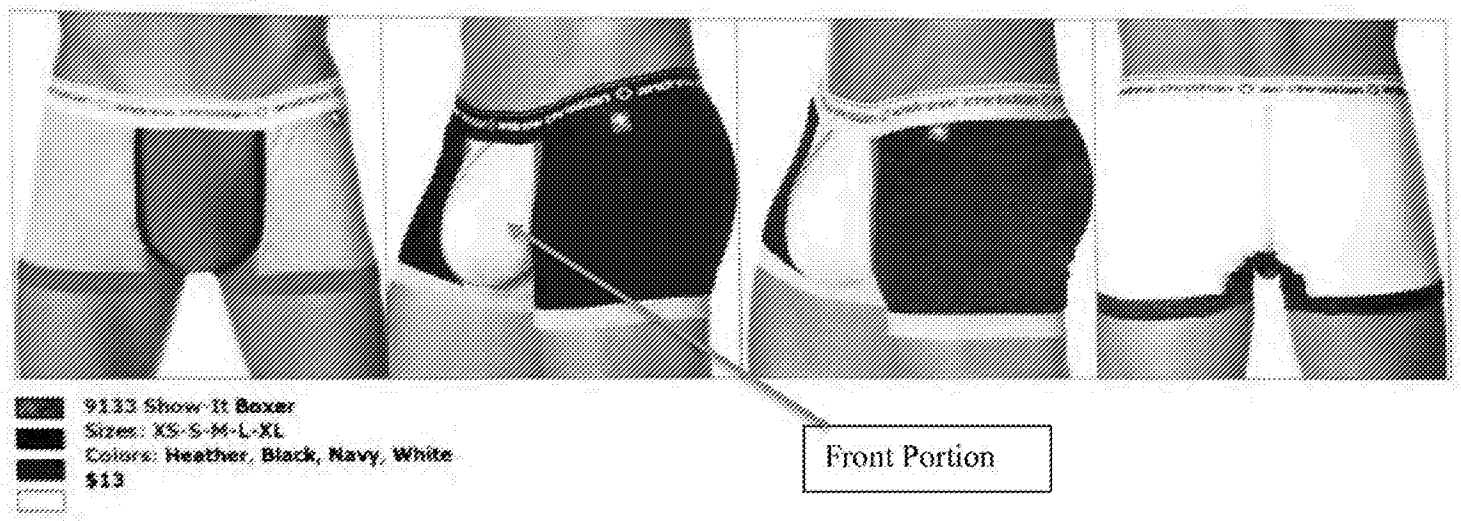
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 1

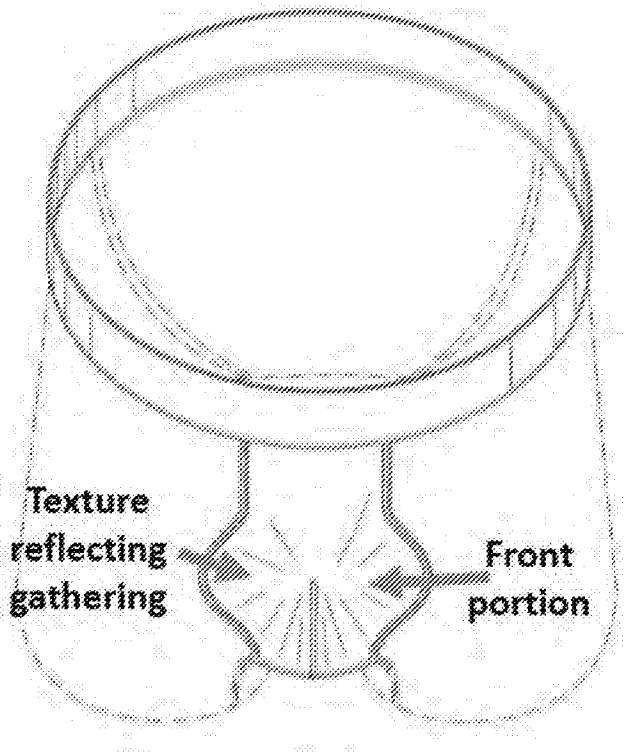
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication, the Show-It 2009-2010 Catalog, and/or Show-It 2009 Line Sheet to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	 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 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.

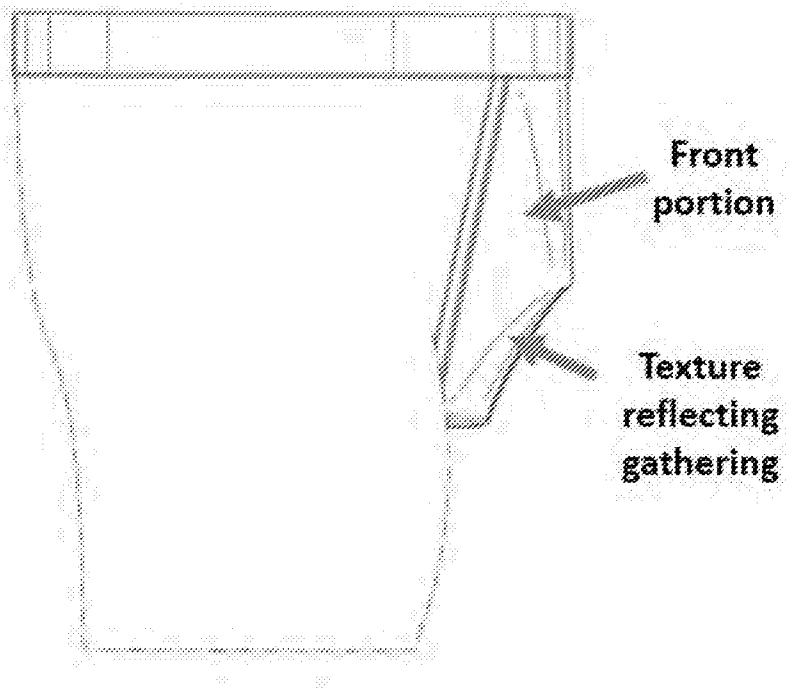
Claim 1	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion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

Claim 1	Exemplary Disclosure in Prior Art
	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.
[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	**The front portion of the '058 Design defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.** ***See,*** One having ordinary skill in the art of the Asserted Patents would understand that the front portion is gathered side-to-side and top-to-bottom by the stretch panel by the texturing of the front portion in Figures 1-3 and the stretch panel in Figure 2. One having ordinary skill would understand that the three-dimensional pouch (a concave space) formed between stretch panel and front portion would be for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn because of the structure and positioning of the pouch:

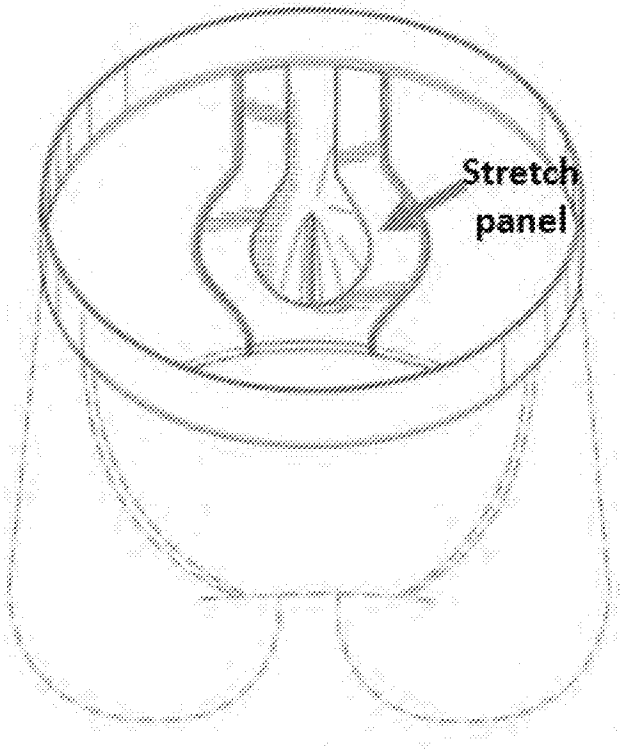
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

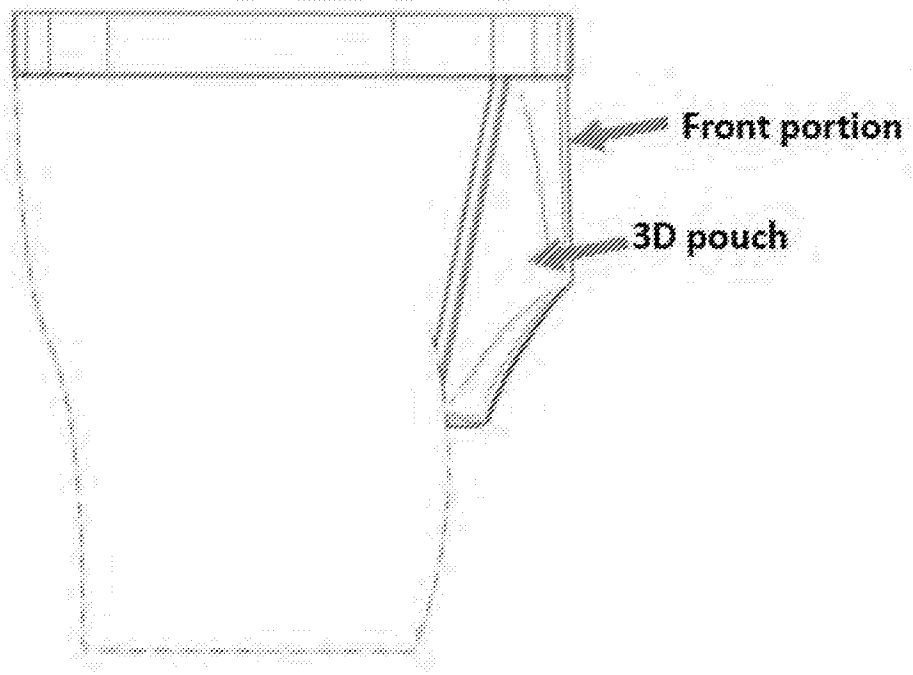
Claim 1	Exemplary Disclosure in Prior Art
holding the wearer's genitals while the garment is being worn.	 FIG. 1

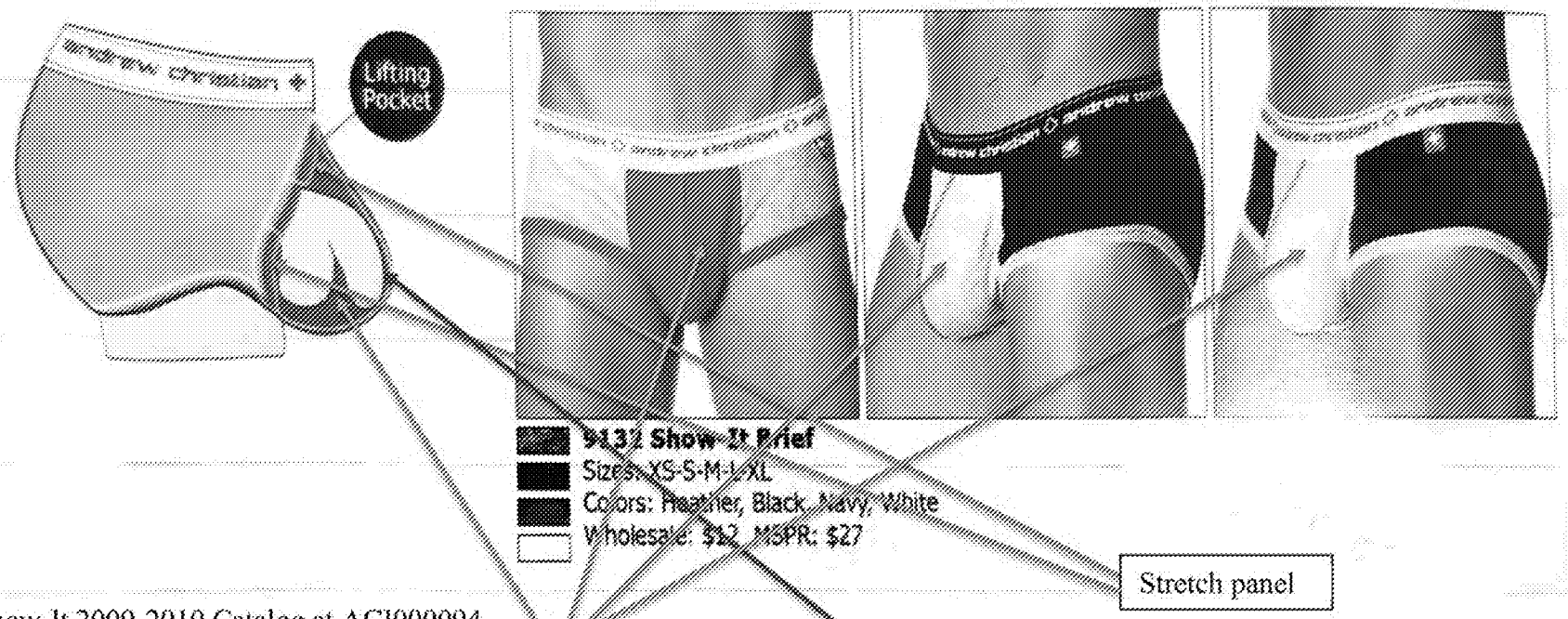
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

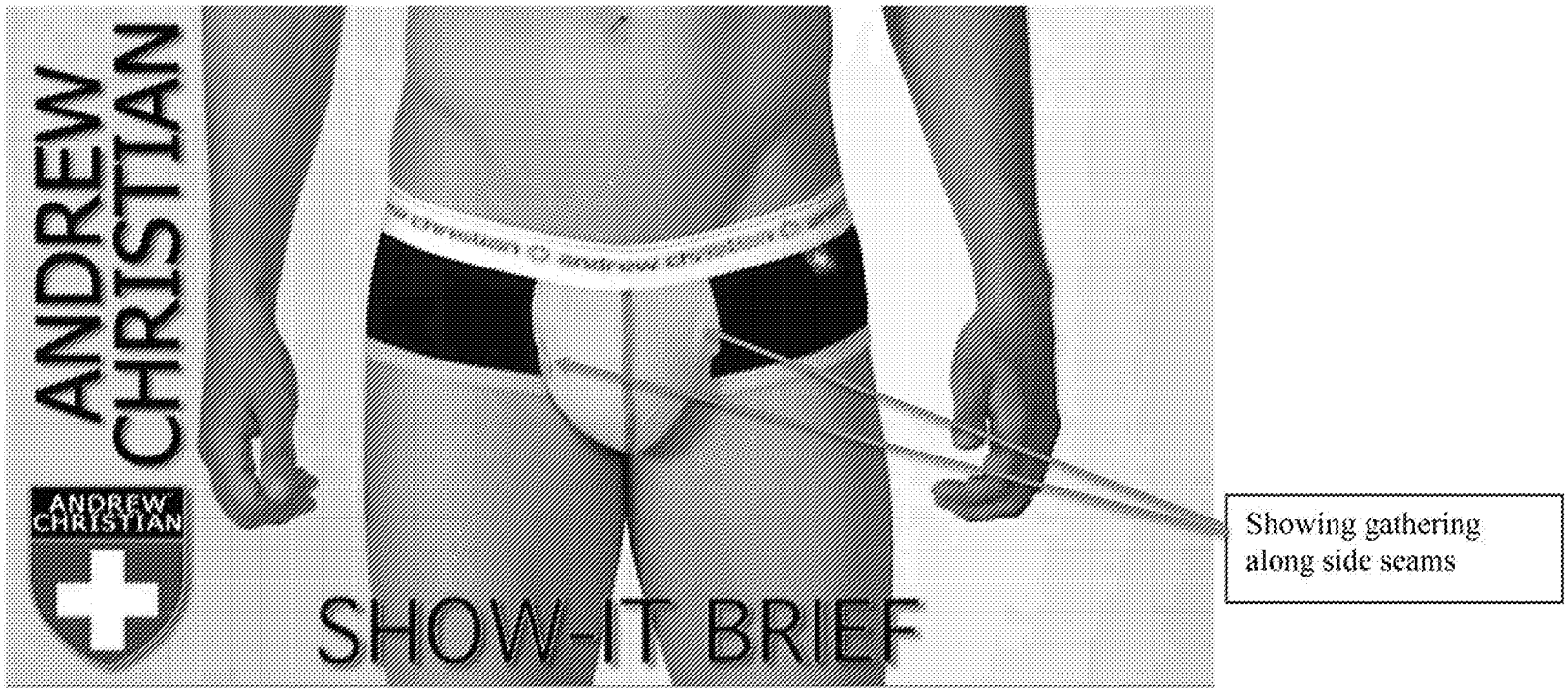
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 2

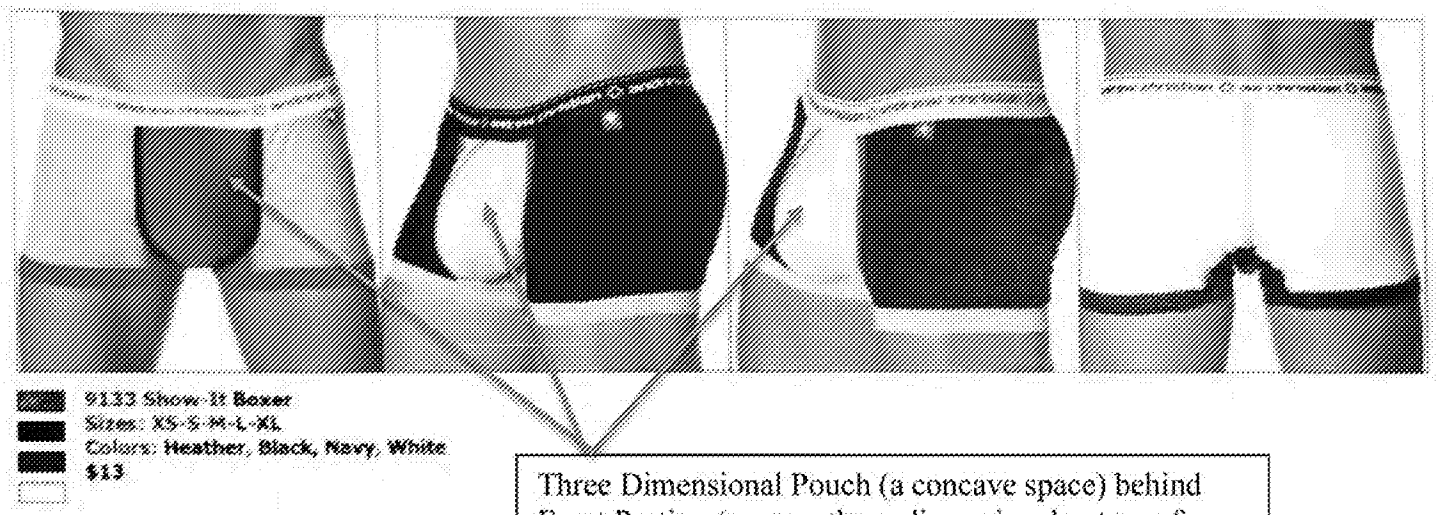
Claim 1	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog, the Show-It 2009 Line Sheet, the ACI000038 publication, and/or the ACI000040 publication to meet this limitation.

Claim 1	Exemplary Disclosure in Prior Art
	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 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

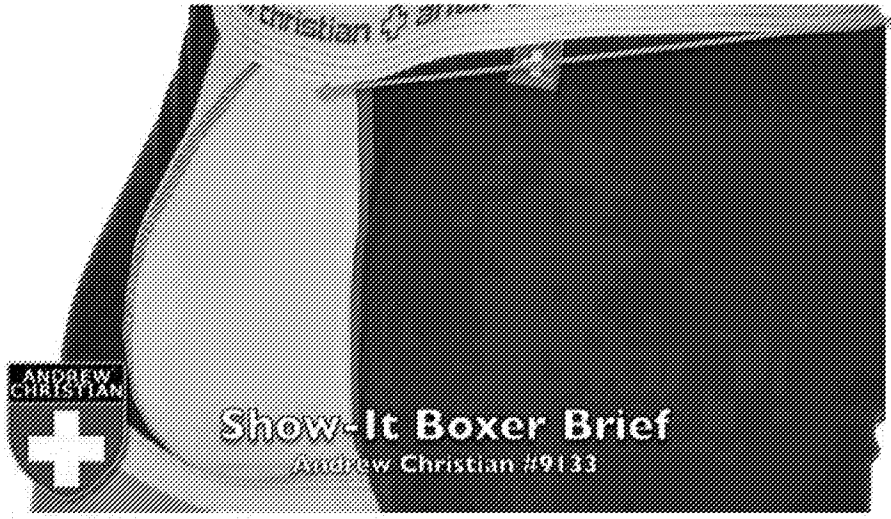
Claim 1	Exemplary Disclosure in Prior Art
	The Show-It 2009 Line Sheet at ACI000092 also teaches that the 9132 Show-It Brief has a three-dimensional pouch ("a concave space") ("Contrasting pouch accentuates front.") The following screenshots from the ACI000038 publication and the ACI000040 publication 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

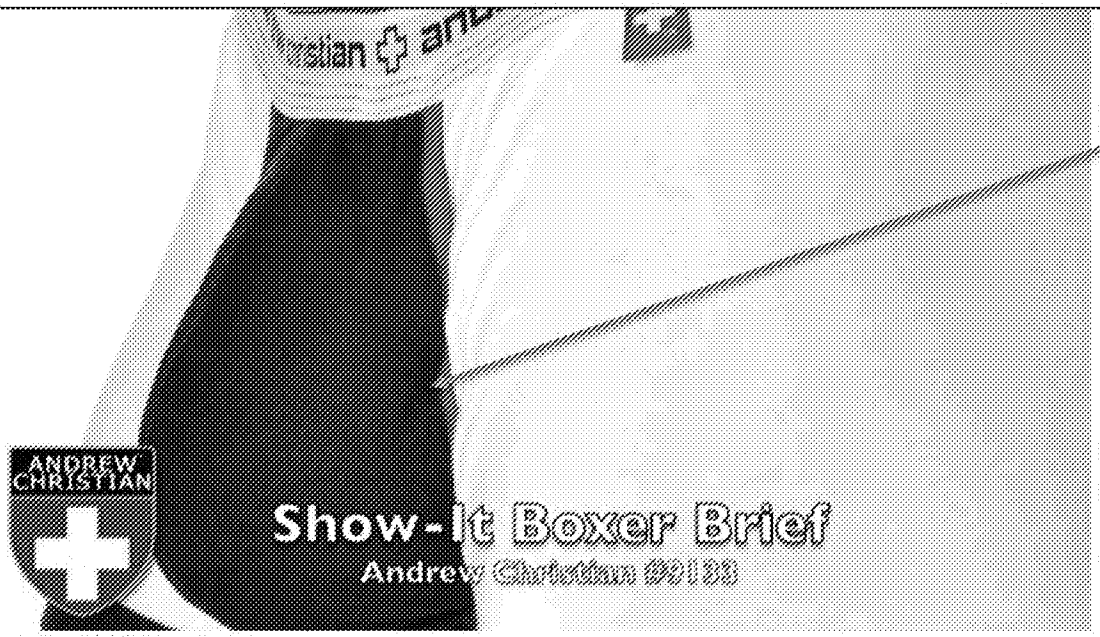
Claim 1	Exemplary Disclosure in Prior Art
	 AC000038 at 4:02. To the extent Plaintiffs contend the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, the ACI000038 publication, or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the front portion is gathered 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,***

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."  *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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

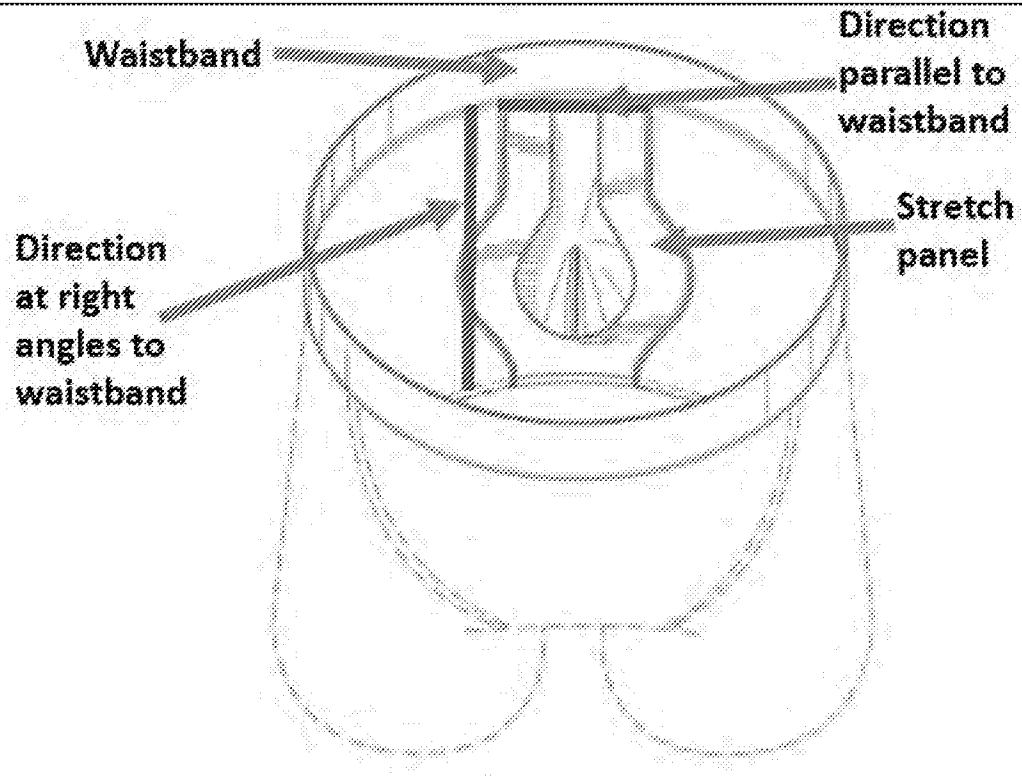
Claim 1	Exemplary Disclosure in Prior Art
	 Showing gathering along waistband seam ACI000038 at 2:52.

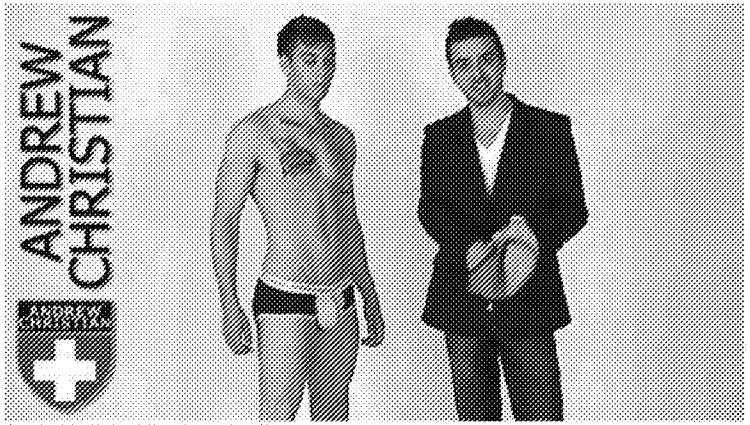
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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: • '058 Design in view of Andrew Christian printed publications • '058 Design in view of Andrew Christian printed publications 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." **The '058 Design discloses a stretch panel that 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 stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as having stretch characteristics due to the stretch panel's depicted texturing and/or structure, which could stretch more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband:

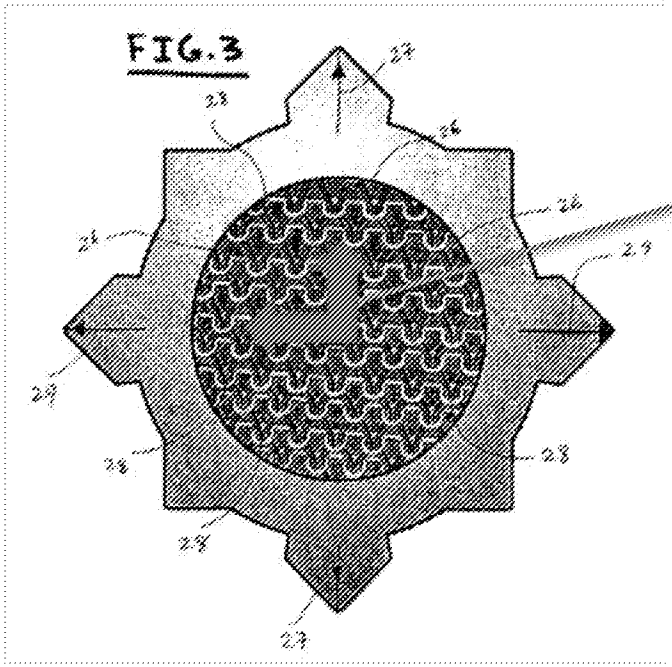
Claim 2	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 2	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication, the Show-It 2009 Line Sheet, and/or the '369 Patent to meet this limitation. **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

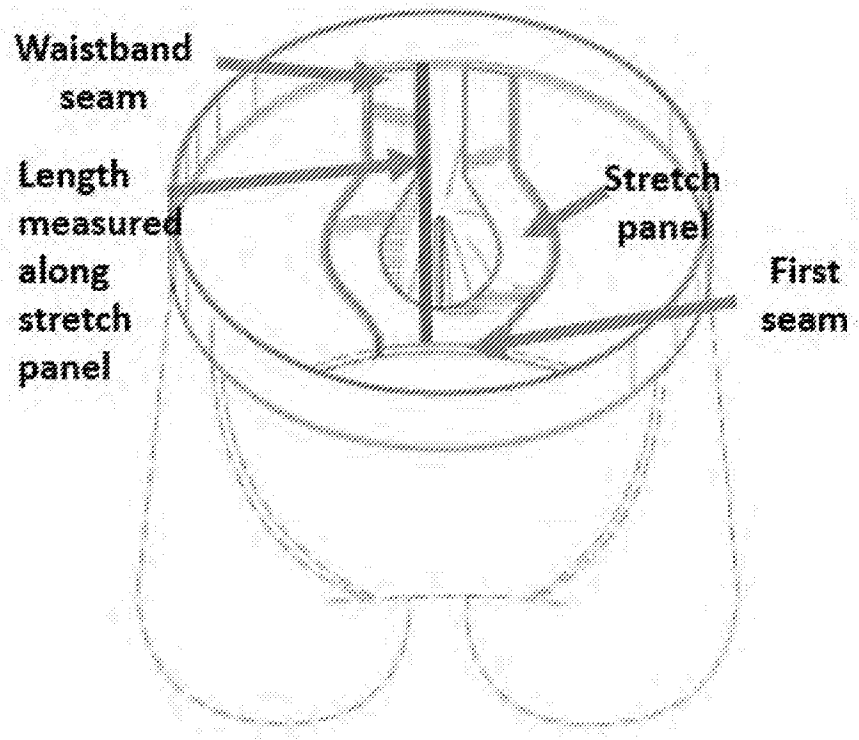
Claim 2	Exemplary Disclosure in Prior Art
	direction parallel to the waistband (to be able to accommodate the genitalia of the wearer) and must stretch less easily in a direction at right angles to the waist band (to be able to provide an upward force needed to "lift" the genitalia). To the extent Plaintiffs contend the 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

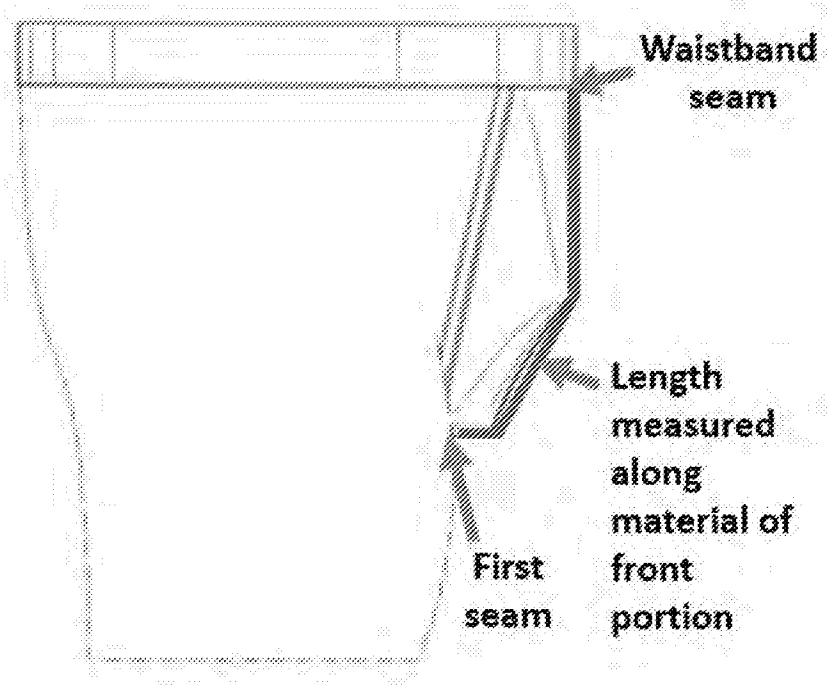
Claim 2	Exemplary Disclosure in Prior Art
	that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and disclosure of the Show-It 2009 Line Sheet or the ACI000040 publication, understand how to modify the 9133 Show-It Boxer to meet this limitation. **The '369 Patent discloses a fabric with 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 it stretches more easily in one direction and less easily in a direction at right angles to the first direction.** ***See,*** In particular, the '369 Patent discloses a warp knit, which has asymmetrical stretch characteristics. *See,* "With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. 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)

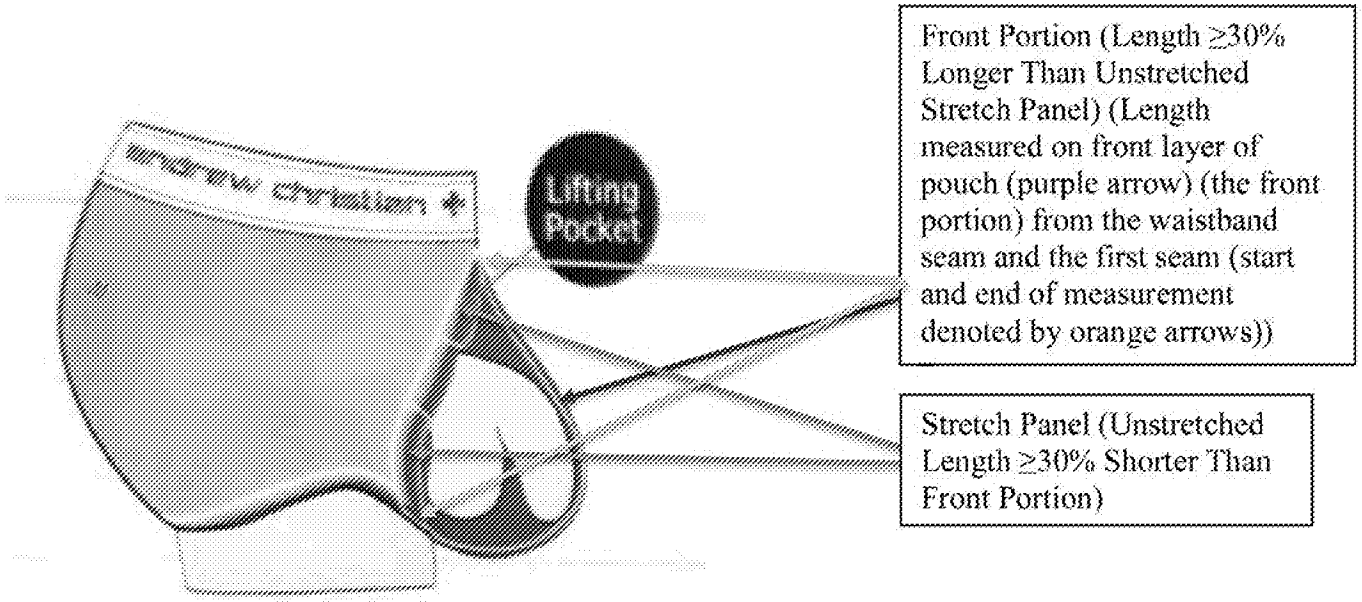
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 2	Exemplary Disclosure in Prior Art
	 Direction 27 is at a right angle to Direction 29 (and vice versa). The "warp knit" (the fabric) stretches more easily in the horizontal direction, that is, Direction 29 (roughly parallel to the waistband), than in the vertical direction, that is, Direction 27 (roughly at a right angle to the waistband)

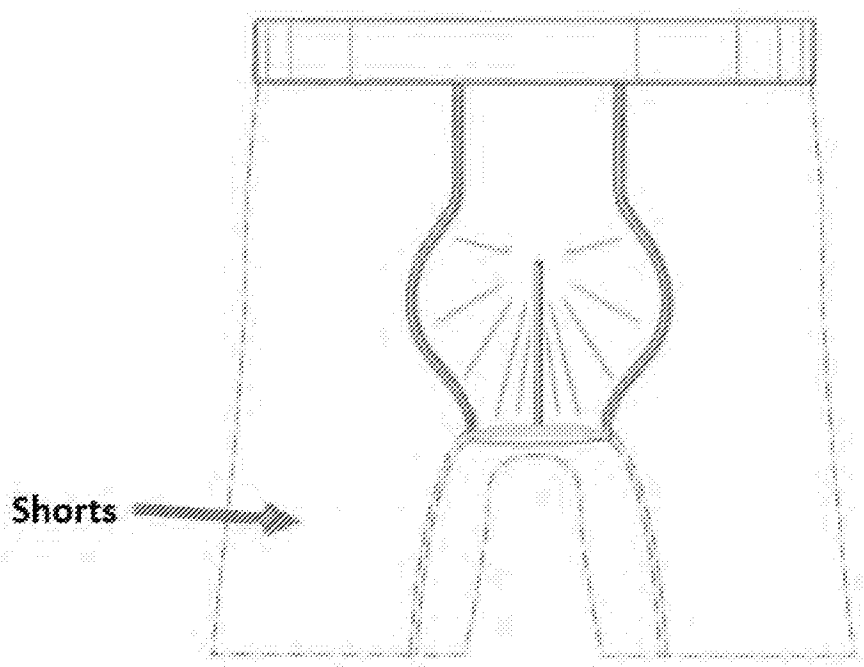
Claim 5	Exemplary Disclosure in Prior Art
[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.	The obviousness combinations asserted and disclosed in this chart for claim 5 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment where 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,***

Claim 5	Exemplary Disclosure in Prior Art
	The lengths measured along material of the front portion from the first seam to the waistband seam and measured along the fabric of the stretch panel, when unstretched, are depicted in red lines below:  FIG. 2

Claim 5	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment where 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009 Line Sheet, the Show-It 2009-2010 Catalog, and/or the ACI000040 publication to meet this limitation.

Claim 5	Exemplary Disclosure in Prior Art
	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.  Show-It 2009-2010 Catalog at ACI000094.

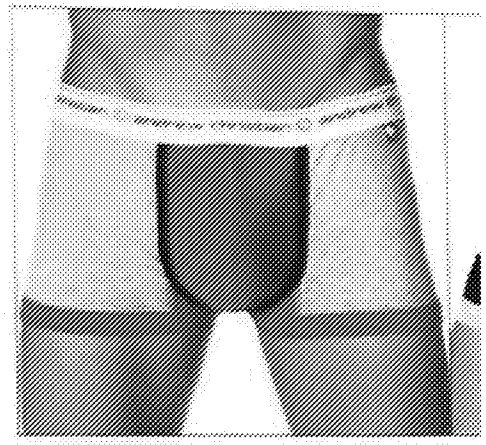
Claim 5	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-it 2009-2010 Catalog does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the length measured along material of the front portion from the first seam to the waistband seam exceeds 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,*** 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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a pair of undershorts. *See*,** "Men's Undergarment" (Title)  FIG. 4

Further, the 9132 Show-It Brief is a pair of undershorts. ***See,***

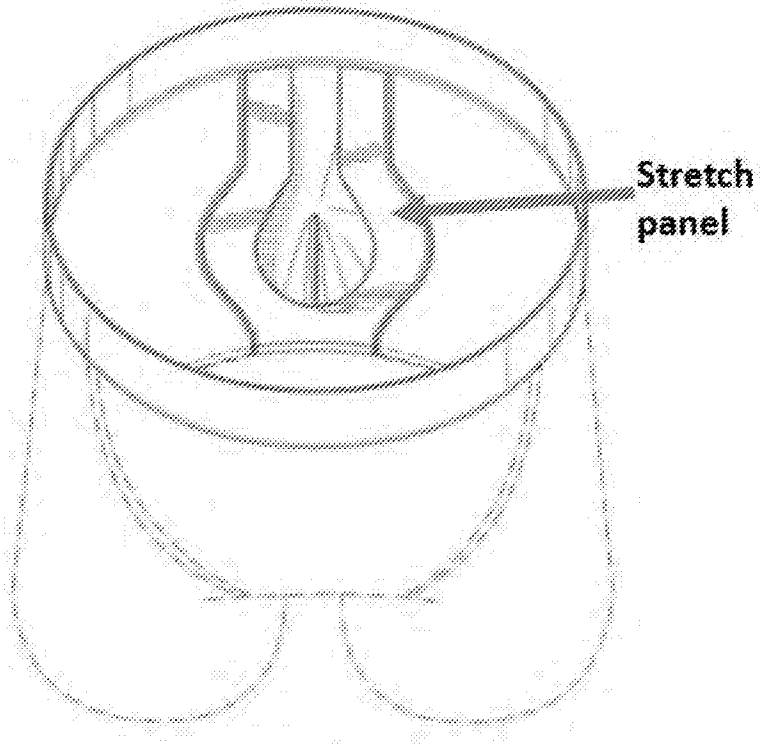
The Show-It 2009 Line Sheet shows that the 9132 Show-It Brief is a pair of undershorts (at ACI000092):

9132 Show-It Brief
Sizes: XS-S-M-L-XL
Colors: Heather, Black, Navy,
$12

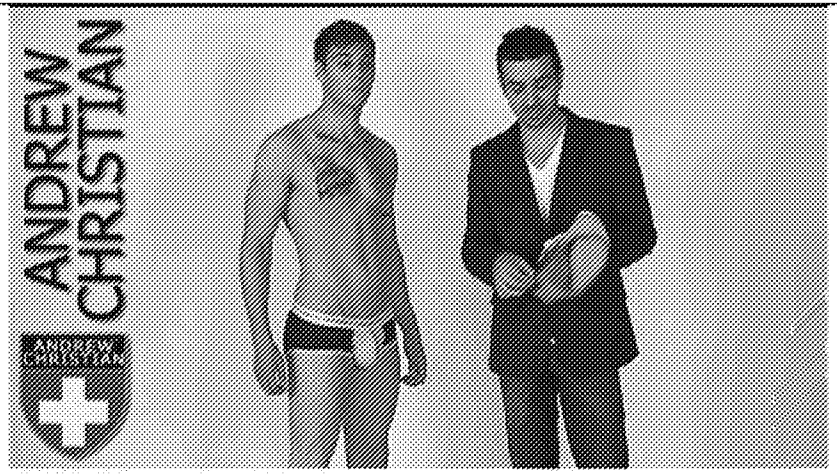
Claim 6	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer is a pair of undershorts. ***See,*** The Show-It 2009 Line Sheet shows that the 9133 Show-It Boxer is a pair of undershorts (at ACI000092): 

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 7	Exemplary Disclosure in Prior Art
	The '058 Design discloses a stretch panel comprising a fabric different from a fabric of the body. ***See,*** One having ordinary skill would understand the stretch panel could be comprised of a fabric different from the fabric of the body due to the stretch panel's depicted texturing and/or structure:  FIG. 2 To the extent Plaintiffs contend the`058 Design 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 '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation.

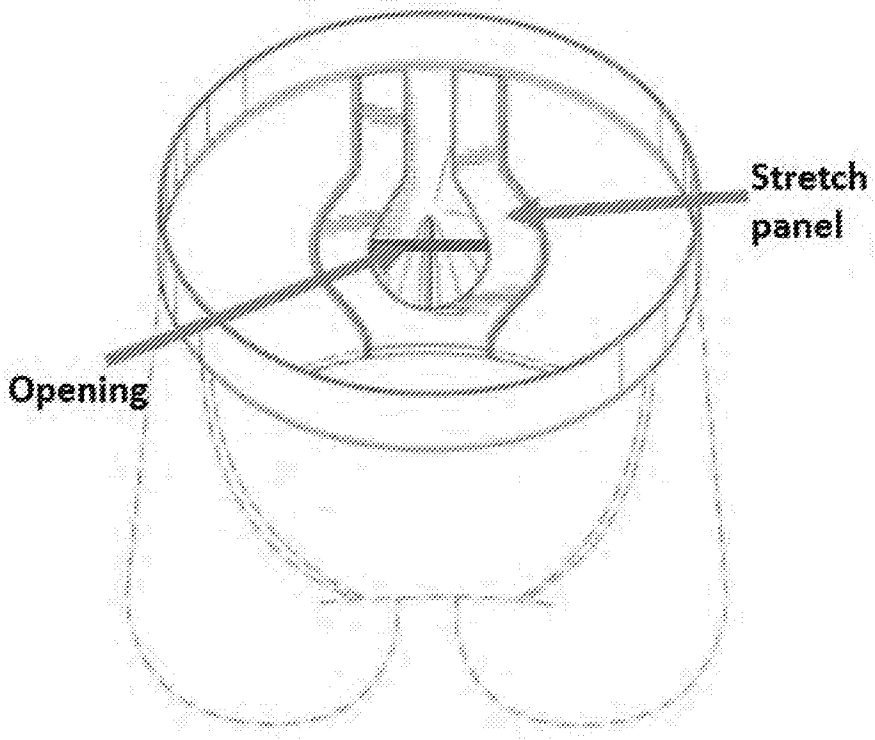
Claim 7	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **The 9132 Show-It Brief includes a stretch panel comprising a fabric different from a fabric of 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.

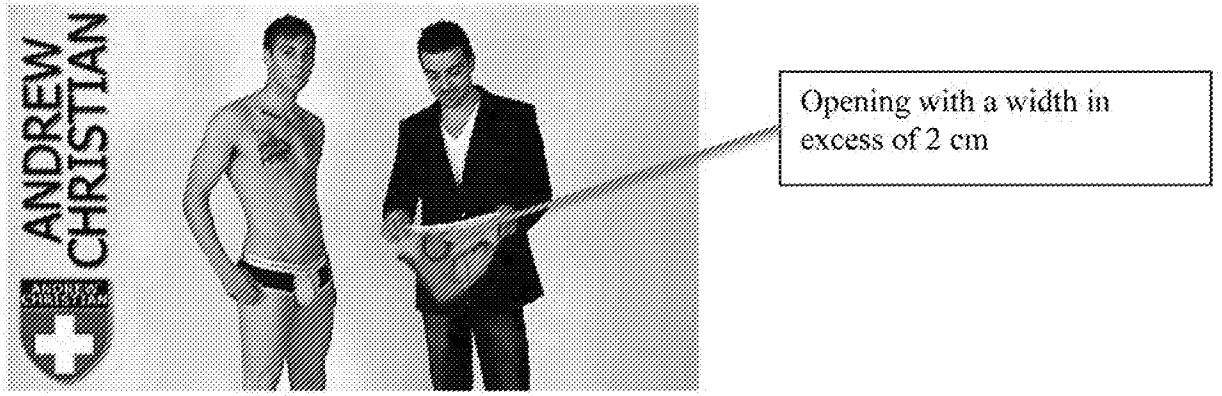
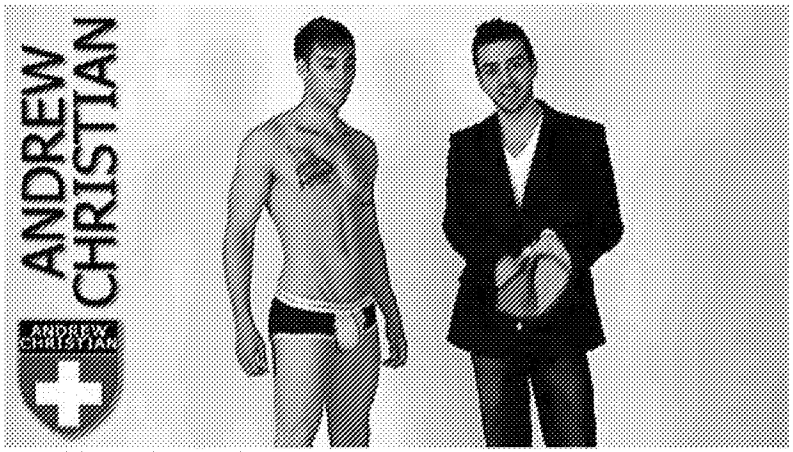
Claim 7	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a stretch panel comprises a fabric different from a fabric 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.

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses an opening with a width in excess of 2 cm.** ***See,*** The opening width is shown with a red line. One having ordinary skill would understand the opening to have a width in excess of 2 cm due to the nature of the garment – for male genitalia to fit through the opening:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

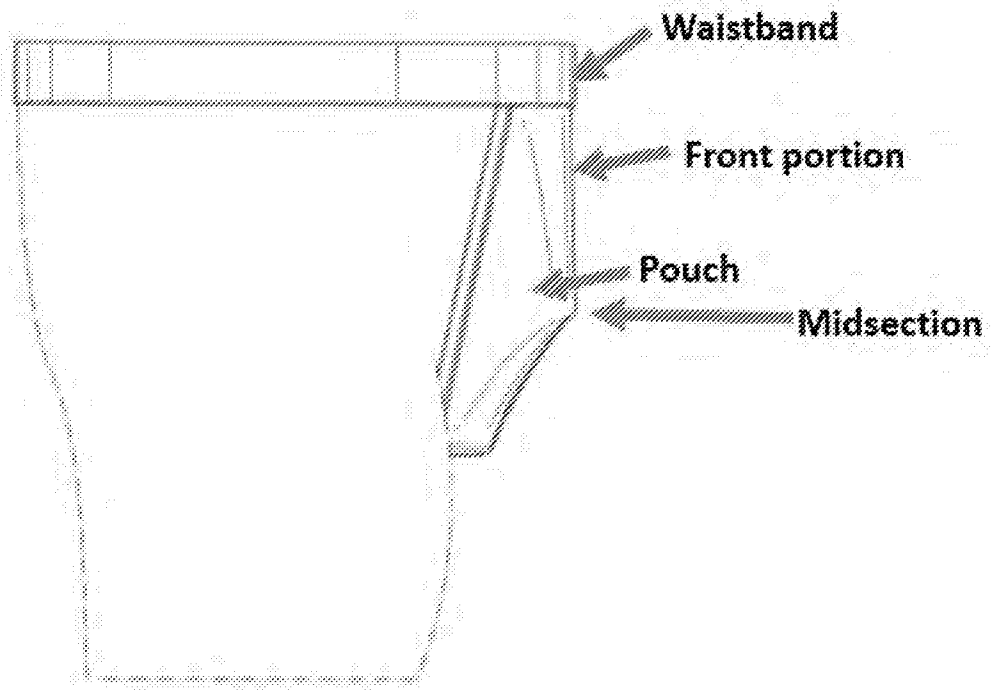
Claim 8	Exemplary Disclosure in Prior Art
	 FIG. 2 **Further, the 9132 Show-It Brief includes an opening with a width in excess of 2 cm.** ***See,*** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. 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

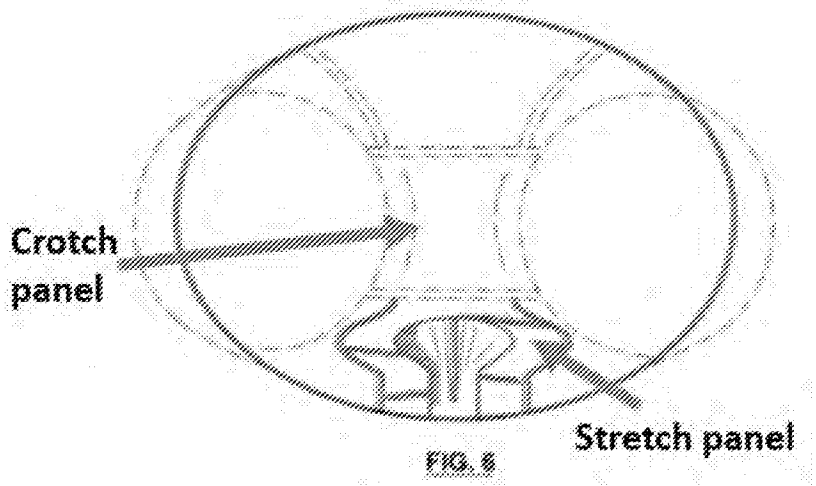
Claim 8	Exemplary Disclosure in Prior Art
	his hand through the opening of the Stretch Panel and into the pouch (ACI000040 at 00:20), the opening must necessarily have a width in excess of 2 cm for Andrew Christian to be able to place his hand through it.  ACI000040 at 00:14.  ACI000040 at 00:20

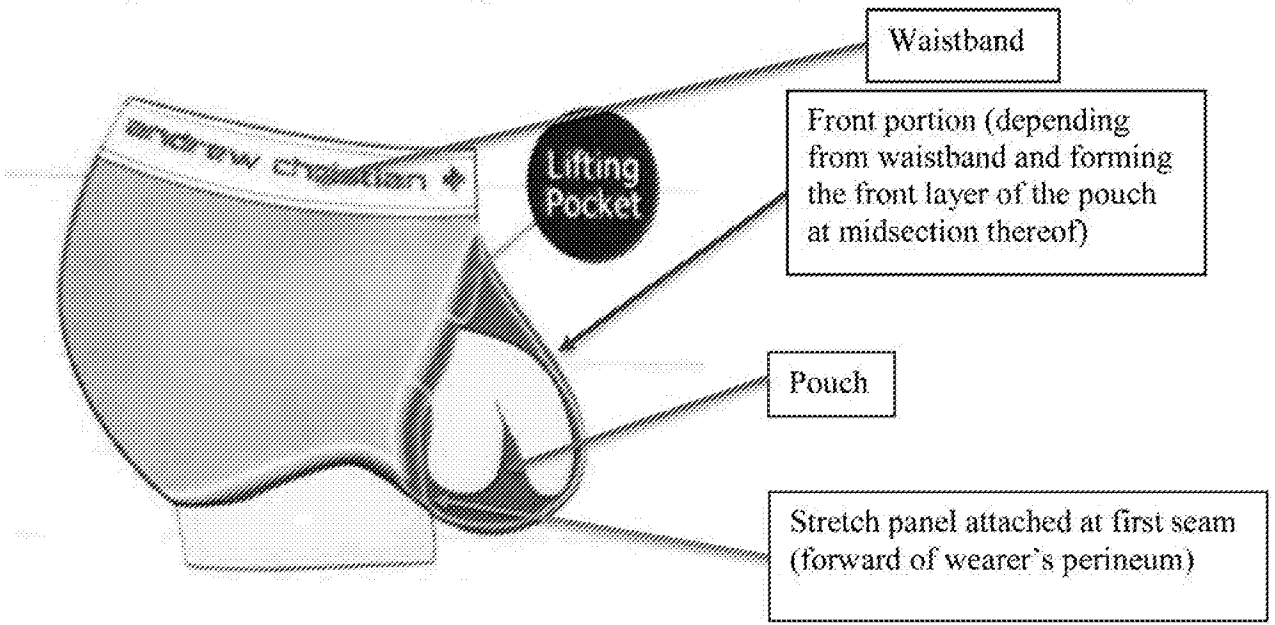
Claim 8	Exemplary Disclosure in Prior Art
	The 9133 Show-It Boxer includes an opening with a width in excess of 2 cm. ***See,*** The opening in the "comfy cup" (the Stretch Panel) must necessarily have a width in excess of 2 cm for the (adult) male genitalia to fit through the opening. The Show-It 2009 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 publication, 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	The obviousness combinations asserted and disclosed in this chart for claim 9 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment 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.** ***See,***

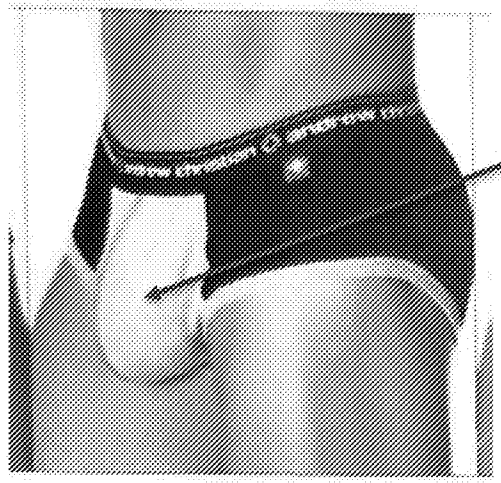
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
penis and scrotum in the pouch.	 FIG. 3

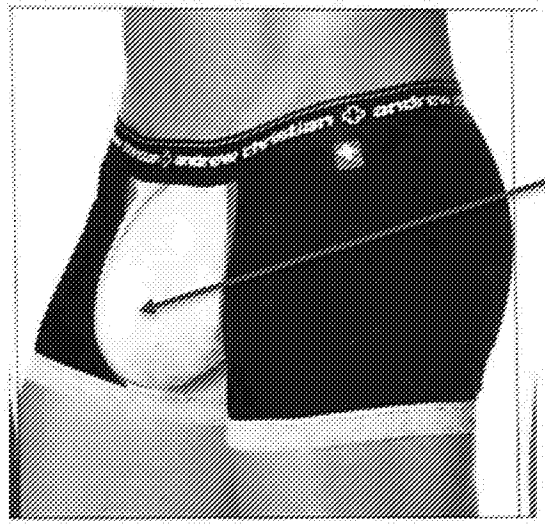
Claim 9	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; 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, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog and/or the Show-It 2009 Line Sheet to meet this limitation. **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,***

Claim 9	Exemplary Disclosure in Prior Art
	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:  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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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,***

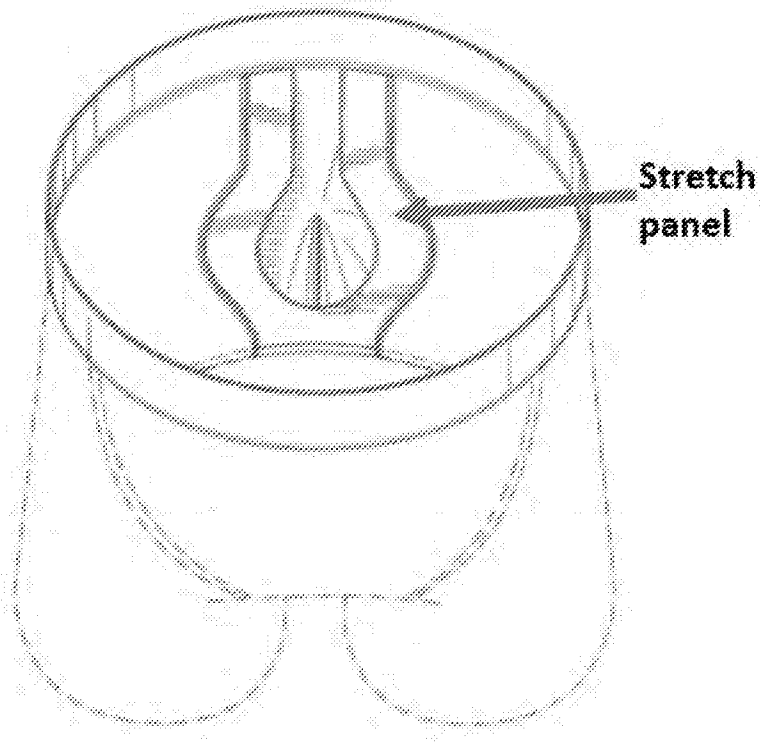
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 9	Exemplary Disclosure in Prior Art
	 Front portion (in gray) (depending from waistband and forming pouch at midsection thereof) 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.

Claim 9	Exemplary Disclosure in Prior Art
	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 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.

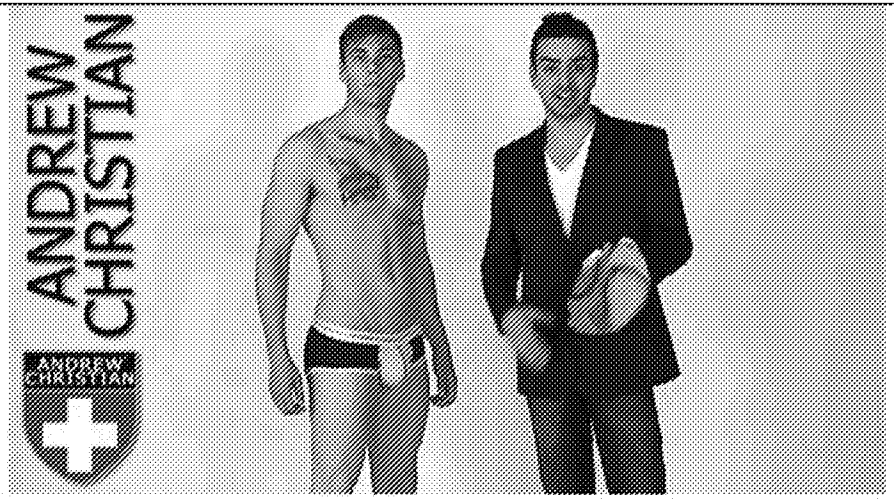
Claim 10	Exemplary Disclosure in Prior Art
[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.	The obviousness combinations asserted and disclosed in this chart for claim 10 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment wherein the elastically resilient four-way stretch material is comprised of a spandex blend.** ***See,*** The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material (that is, fabric capable of stretching in each of two directions with substantial elastic recovery towards its pre-stretching size and shape) due to the stretch panel's depicted texturing and/or structure, which could be comprised of a spandex blend:

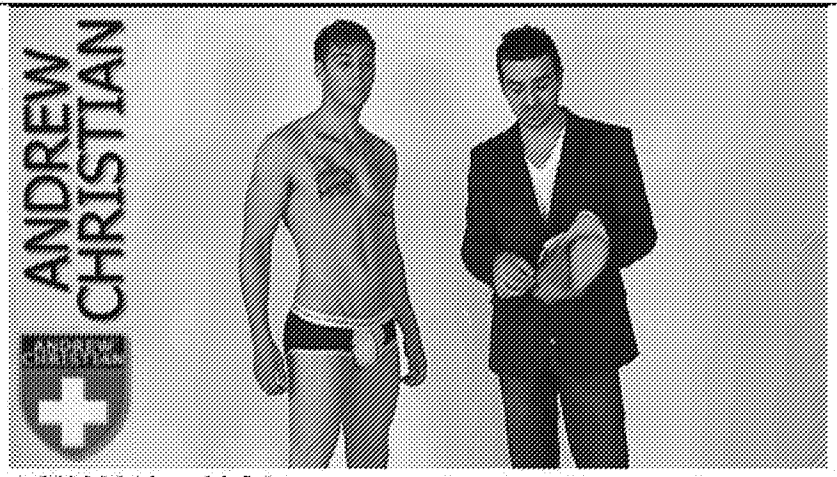
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 10	Exemplary Disclosure in Prior Art
	 FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or Show-It 2009 Line Sheet to meet this limitation.

Claim 10	Exemplary Disclosure in Prior Art
	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): 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:

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

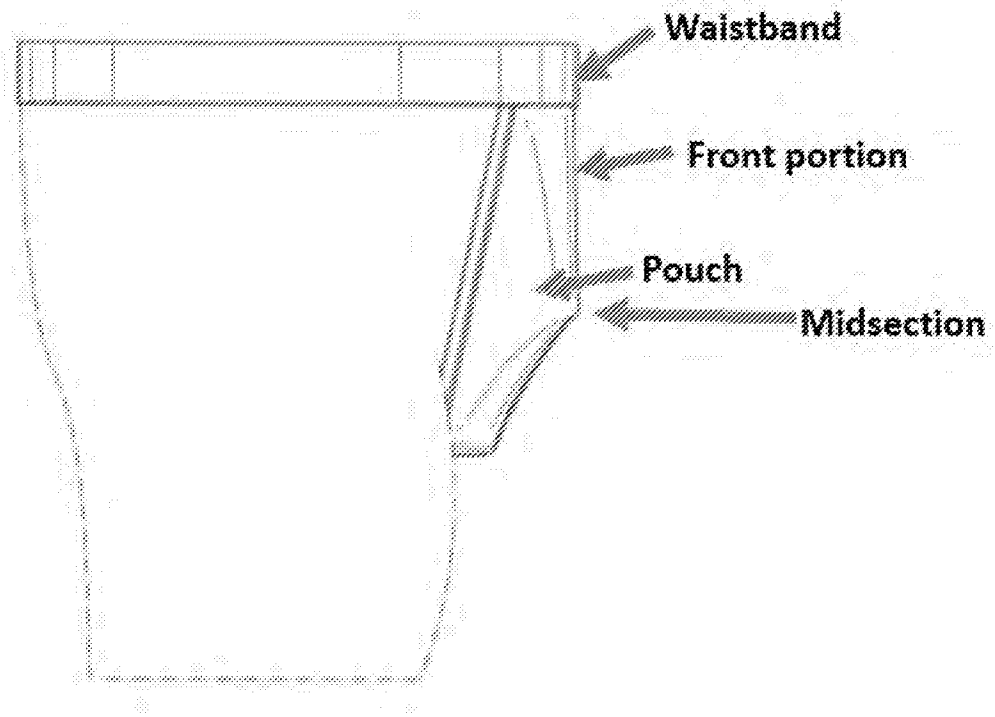
Claim 10	Exemplary Disclosure in Prior Art
	 ACI000040 at 00.23. The ACI000040 publication at 00:25-00:29 shows Andrew Christian pulling on the Stretch Panel ("comfy cup") to show its elasticity, as he says "the binding here is elastic and it moves and gives with your body." *See* ACI000040 at 00:26 (a screenshot of Andrew Christian pulling on the "comfy cup").

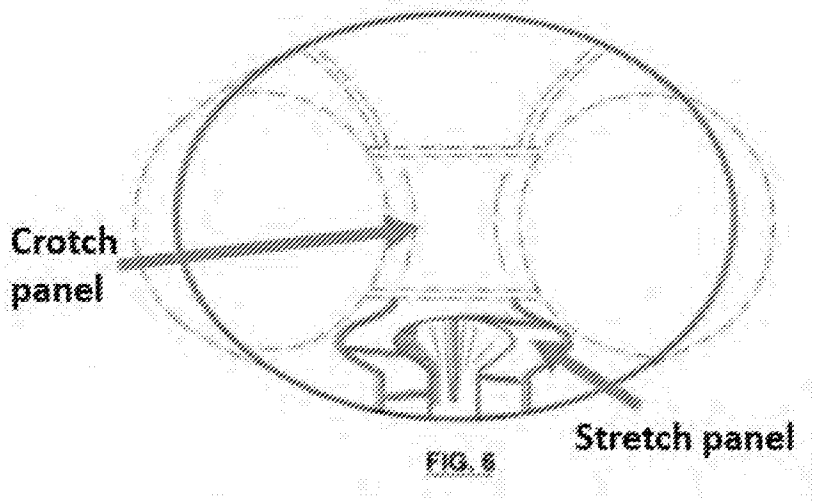
Claim 10	Exemplary Disclosure in Prior Art
	 ACI000040 at 00:26. To the extent Plaintiffs contend the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes the elastically resilient four-way stretch material comprised of a spandex blend, one 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 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.

Claim 10	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 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.

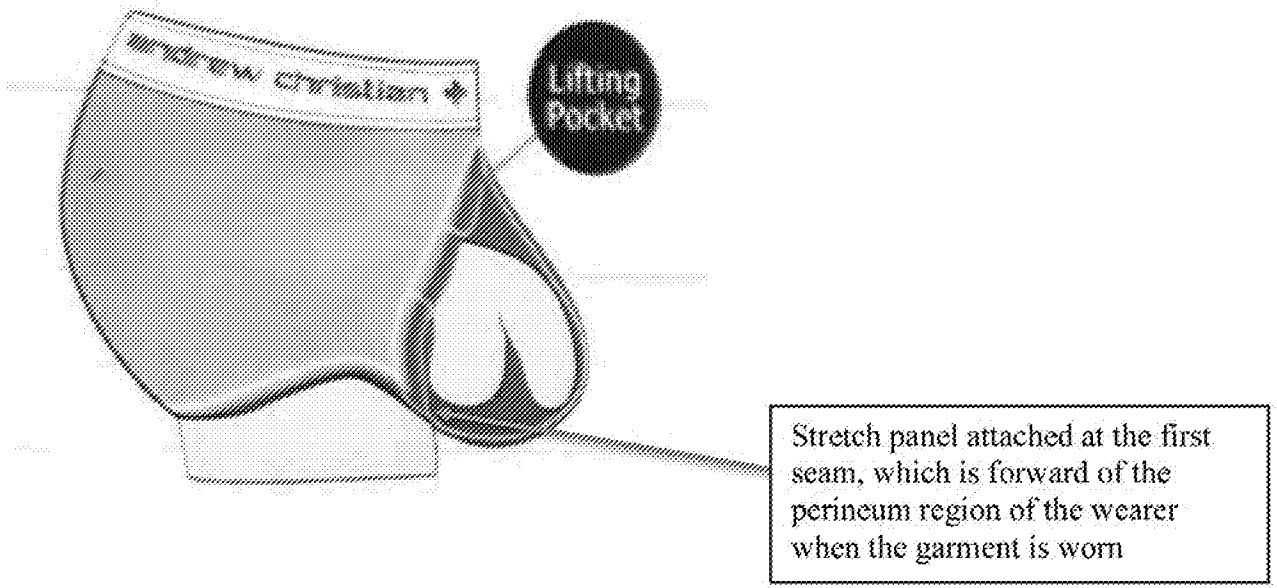
Claim 12	Exemplary Disclosure in Prior Art
[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.	The obviousness combinations asserted and disclosed in this chart for claim 12 are as follows: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a garment wherein the first seam is disposed forward of a perineum region of a user.** ***See, e.g.,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 12	Exemplary Disclosure in Prior Art
	 FIG. 3

Claim 12	Exemplary Disclosure in Prior Art
	 To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the first seam is disposed forward of a perineum region of a user, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009-2010 Catalog and/or the Show-It 2009 Line Sheet to meet this limitation. **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:

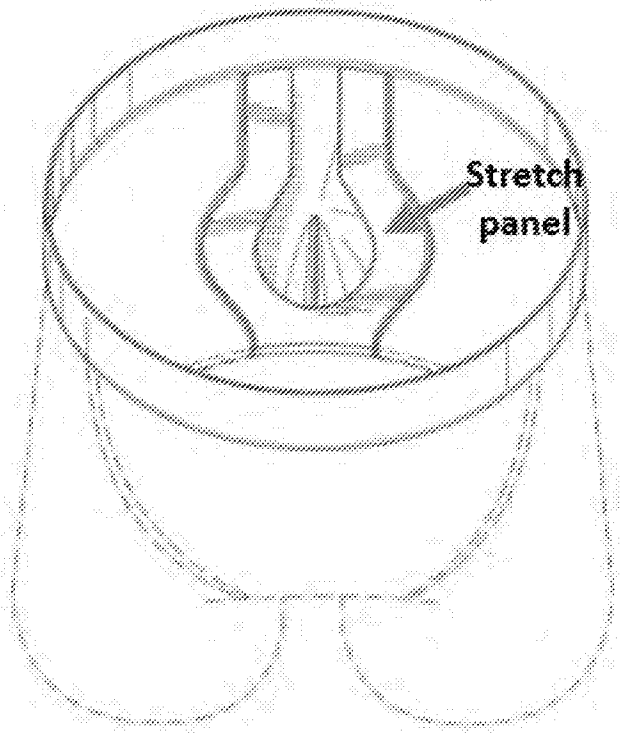
Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

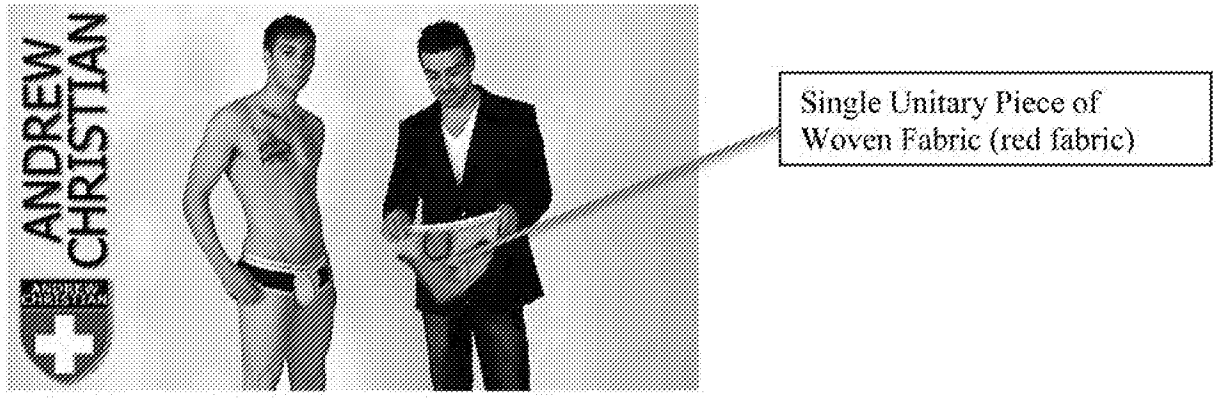
Claim 12	Exemplary Disclosure in Prior Art
	 Show-It 2009-2010 Catalog at ACI000094. The Show-It 2009 Line Sheet discloses that "Our Comfy Cup™ cradles and lifts…" Show-It 2009 Line Sheet at ACI000092. On information and belief, the firs seam of the 9132 Show-It Brief must be disposed forward of a wearer's 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.

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: • '058 Design in view of Andrew Christian printed publications See above regarding claim 1. **The '058 Design discloses a stretch panel formed from a single unitary piece of fabric.** ***See,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

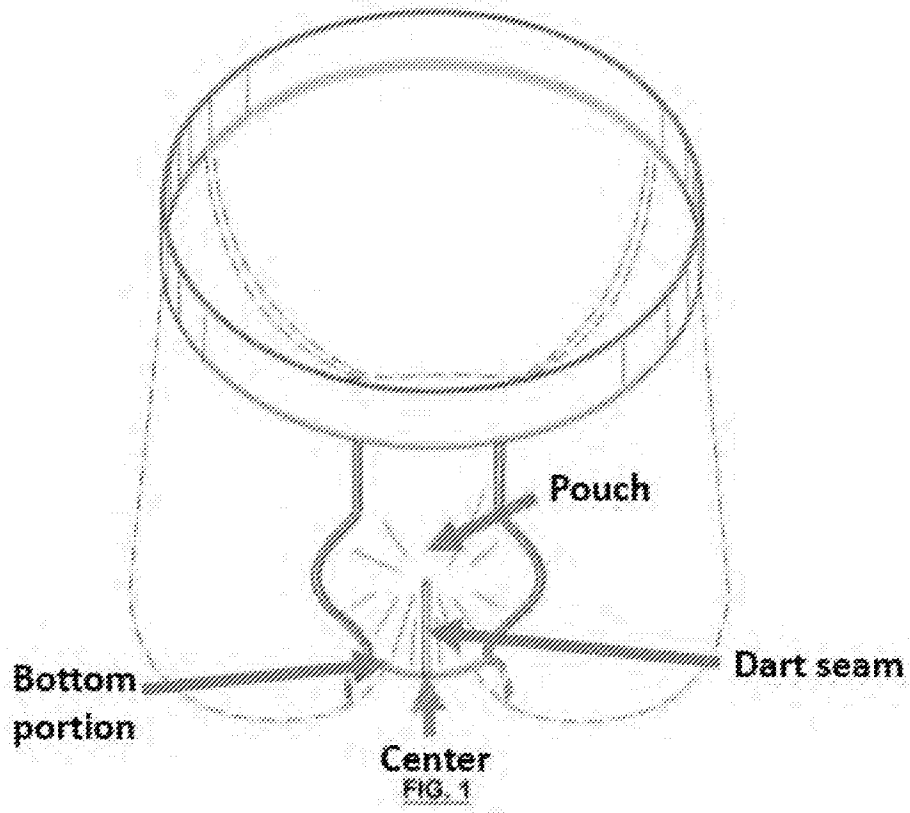
Claim 14	Exemplary Disclosure in Prior Art
	The stretch panel (labeled "Stretch panel" with an arrow in Figure 2, below) would be understood by one having ordinary skill as being comprised of a sheet of elastically resilient four-way stretch material due to the stretch panel's depicted texturing and/or structure, which could be formed from a single unitary piece of woven fabric:  FIG. 2 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation.

Claim 14	Exemplary Disclosure in Prior Art
	Alternatively, one of ordinary skill could modify the '058 Design in view of the ACI000040 publication and/or the Show-It 2009 Line Sheet to meet this limitation. **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

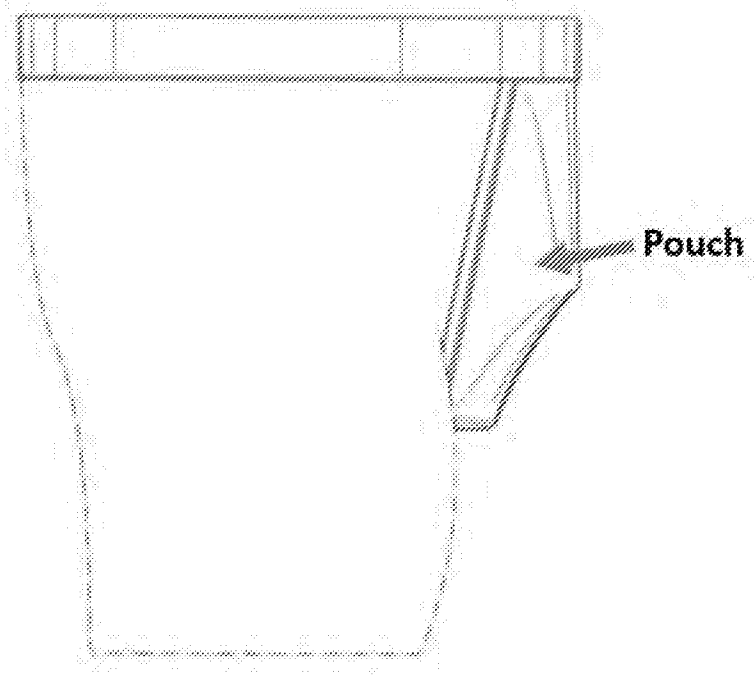
Claim 14	Exemplary Disclosure in Prior Art
	9132 Show-It Brief and the 9133 Show-It Boxer and describing "Show-It™ with Show-It Technology 2.0" with "our comfy cup." On information and belief, an inside view of the 9133 Show-It Boxer would show a "comfy cup" (that is, a Stretch Panel) formed from a single unitary piece of woven fabric inside the Front Portion as shown above in ACI000040 at 00:14. 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: • '058 Design in view of Andrew Christian printed publications 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 '058 Design discloses 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,***

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	 FIG. 3 To the extent Plaintiffs contend the '058 Design 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 '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of the Show-It 2009 Line Sheet and/or the ACI000038 publication to meet this limitation.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

Claim 15	Exemplary Disclosure in Prior Art
	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. 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

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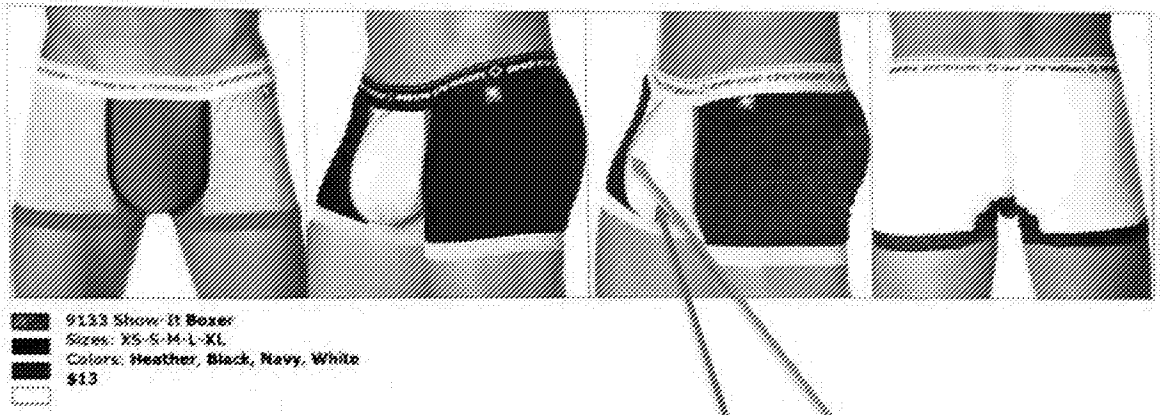
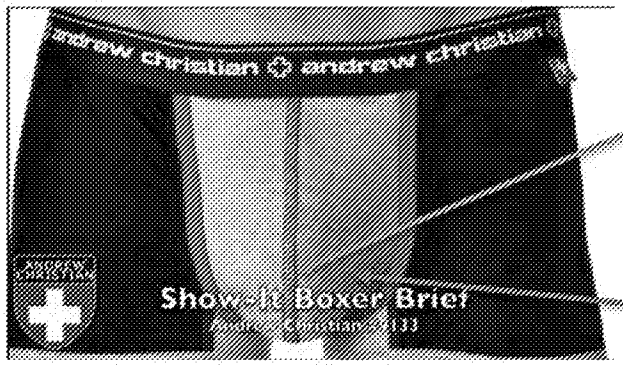
Claim 15	Exemplary Disclosure in Prior Art
	To the extent Plaintiffs contend the Show-It 2009 Line Sheet or the ACI000040 publication does not expressly, implicitly, or inherently disclose that the 9132 Show-It Brief includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially 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,*** 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.

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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)

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the "'058 Design") and/or Obviousness in View of Andrew Christian Printed Publications and/or the '369 Patent

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 9133 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 9133 Show-It Boxer to meet this limitation.