

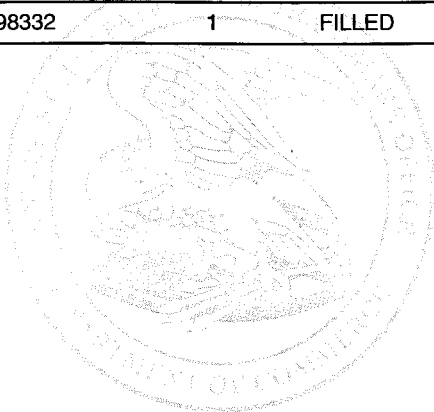
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	SMTT.358CON2
		Application Number	
Title of Invention	GARMENTS FOR MEN		
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IPR2024-01163

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	SMTT.358CON2
		Application Number	
Title of Invention	GARMENTS FOR MEN		

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Application Information:

Title of the Invention	GARMENTS FOR MEN		
Attorney Docket Number	SMTT.358CON2	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	

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☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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		Application Number	
Title of Invention	GARMENTS FOR MEN		

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Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13193584	2011-07-28
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13193584	Claims benefit of provisional	61429065	2010-12-31
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	SMTT.358CON2
		Application Number	
Title of Invention	GARMENTS FOR MEN		

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☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	SMTT.358CON2
		Application Number	
Title of Invention	GARMENTS FOR MEN		

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If the Applicant is an Organization check here. ☒					
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GARMENTS FOR MEN

Cross Reference to Related Applications

This application is a continuation of United States Patent Application Serial No. 13/193,584, filed on 28 July 2011, which claims the benefit under 35 U.S.C. § 119 of United States Patent Application No. 61/429,065, filed on 31 December 2010 and entitled MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP, each of which is incorporated hereby by reference.

Technical Field

The invention relates to next-to-skin garments. Example embodiments of the invention include briefs, underpants, swim suits, boarding shorts, cycling shorts, and the like.

Background

Next-to-skin clothing for men must comfortably accommodate the wearer's genitalia. Uncomfortable pressure and/or chafing of the genital area are common especially for wearers who are performing sports or other activities.

Some existing garments are described in: Angheluta et al., US patent 5029345; Cutlip, US patent 7676853; Shlush, US patent publication No. 2009/0106874; and Kitsch et al., US patent application 12/000,966.

There remains a need for garments for men and boys that are more comfortable to wear than many existing garments, especially having regard to the genital area.

Summary of the Invention

Aspects of the invention provide a range of garments for men and boys. The garments provide a stretch panel having an opening for receiving a wearer's genitals. A pouch is defined between the stretch panel and a front of the garment.

An example aspect of the invention provides a male garment comprising a body including a front portion and having leg openings for a wearer's legs. The body includes a crotch panel extending between the leg openings and joined to the front portion along

a first seam. The crotch panel is rectangular in some embodiments. A waistband is attached at an upper edge of the body. A stretch panel is attached to the body inside the front portion. The stretch panel comprises a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge
5 attached at the first seam, side edges attached to the body along either side of the front portion and an opening for receiving the wearer's genitals. The opening has a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. The front portion is gathered from side-to-side and top-to-bottom by the stretch panel. A three-dimensional pouch is defined between the stretch panel and
10 the front portion.

Further aspects of the invention and features of specific embodiments of the invention are described below.

Brief Description of the Drawings

15 The accompanying drawings illustrate non-limiting example embodiments of the invention.

Figure 1 is a front perspective view of a pair of undershorts according to an example embodiment.

Figure 2 is a front view of the undershorts of Figure 1.

20 Figure 3 is a top plan view of the undershorts of Figure 1.

Figure 4 is an enlarged view of the front portion of the undershorts of Figure 1 viewed from inside.

Figure 5 is a cut-away view of the undershorts of Figure 1 being worn.

Figure 6 is a cut-away view of the undershorts of Figure 1 being worn and
25 showing the wearer's genitalia being supported in a pouch.

Figure 7 is a cross-section through the undershorts of Figure 1 hanging from the waistband.

Figure 8 is a cross-section through the undershorts of Figure 1 being worn and showing the wearer's genitalia being supported in a pouch.

30 Figure 9 shows a stretch panel before and during being sewn into a garment.

Description

Throughout the following description, specific details are set forth in order to provide a more thorough understanding of the invention. However, the invention may be practiced without these particulars. In other instances, well known elements have not
5 been shown or described in detail to avoid unnecessarily obscuring the invention. Accordingly, the specification and drawings are to be regarded in an illustrative, rather than a restrictive, sense.

This invention relates to garments for men that include pouches to receive the wearer's genitalia. Such garments may provide enhanced comfort for the wearer.

10 Figure 1 shows undershorts **10** according to an example embodiment. Undershorts **10** have an elastic waist band **12** supporting a fabric body **14**. Body **14** extends to leg openings **15R** and **15L** (collectively openings **15**). A front portion **18** of body **14** is shaped to include extra fabric so that front portion **18** is not pulled tightly against a wearer's body. As described below, front portion **18** forms the front part of a
15 three-dimensional pouch **20** that receives and gently supports a wearer's genitalia. In the illustrated embodiment, front portion **18** includes a front seam or 'dart' **19** that extends part way along front portion **18** from the crotch of undershorts **10** toward waistband **12** thereby providing extra fabric in front portion **18**. This adds volume to pouch **20**. A tunnel opening or other suitable opening may optionally be provided in front
20 portion **18** to permit the wearer to urinate conveniently.

As shown in Figure 3, undershorts **10** include a stretch panel **22** that extends between waistband **12** and the crotch area **24** of undershorts **10**. In the illustrated embodiment, undershorts **10** have a construction that includes a crotch panel **25** joined by seams **26** and **27** to the front and back sides of body **14** respectively. Crotch panel
25 **25** is sometimes called an arc panel or moisture panel.

In this embodiment, a lower end of stretch panel **22** is attached at seam **26** and an upper end of stretch panel **22** is attached at the seam **28** joining waistband **12** to body **14**. Side edges of stretch panel **22** are joined to front portion **18** of body **14** along seams **29** on either side of front portion **18**.

30 When undershorts **10** are held open as shown for example in Figure 3 with waistband **12** under gentle tension and body **14** hanging freely, stretch panel **22** is

contracted and pulled away from front area **18** so as to provide a three-dimensional pouch **20** between stretch panel **22** and front portion **18**. The bias of stretch panel **22** to be contracted more than front portion **18** helps to cause opening **30** to be held open. Pouch **20** and opening **30** may be self-aligning with the penis and scrotum of a wearer as the wearer inserts his legs through leg openings **15**.

Stretch panel **22** includes an opening **30** to receive a wearer's genitalia. In the illustrated embodiment, opening **30** is U-shaped and has a softly-bound edge **31**. Alternatively, stretch panel **22** may be shaped such that the free inner edges **31A** and **31B** along the sides of opening **30** become closer together in their parts near waistband **11** such that opening **30** is more tear-drop shaped. In yet other embodiments, the upper parts of edges **31A** and **31B** may be adjacent each other, or joined together such that opening **30** has an oval or elliptical shape (not shown). Regardless of the particular shape of opening **30** stretch panel **22** is configured to define opening **30** and to provide support around and underneath the scrotum of the wearer in order to comfortably position the wearer's genitals forward into pouch **20**.

A soft thread is preferably used in any stitching to bind edge **31**.

As can be seen in Figure 3, holding the waistband of undershorts open as one would do to put undershorts **10** on naturally causes pouch **20** to be open to receive a wearer's genitalia which can drop into place in pouch **20** through opening **30** as undershorts **10** are put on. In other words, when undershorts **10** is held by a man so as to be in a ready-to-wear position (i.e. held in mid-air by the waistband), the weight of undershorts **10** holds stretch panel **22** so that opening **30** is open and clearly defined. The man's genitalia are thus naturally guided through opening **30** and positioned forward into pouch **20** as a result of this bias. As undershorts **10** are pulled on, stretch panel **22** stretches. This bias prevents the man's genitalia from falling out of pouch **20** in use, such as during physical activity and other movement.

Thus the illustrated undershorts are one example of a men's garment comprising: a waistband; a front wall depending downwardly from the waistband, a stretch panel attached behind the front wall so that the front wall and stretch panel provide a pouch formed at a level of a mid-section of the front wall, the pouch shaped to contain a wearer's penis and scrotum when the garment is worn. The stretch panel may have a

bottom portion connecting opposing side portions and may be positioned to be disposed forward of a wearer's perineum when the garment is worn. In use the wearer's scrotum may be supported underneath by the bottom portion of the stretch panel with the wearer's penis and scrotum contained in the pouch.

5 It can be seen that side portions **31L** and **31R** of edge **31** and bottom portion **31B** of edge **31** are all free edges that are spaced apart from the seams at which stretch panel **22** is attached to body **14** and that front portion **18** is spaced away from these edges in the forward direction. Bottom portion **31B** is preferably curved.

10 Side portions **31L** and **31R** of edge **31** are spaced apart from one another by a gap to receive the wearer's genitalia. In some embodiments the gap has a width of 2 cm or more at a location just above bottom portion **31B**. In the illustrated embodiment, side portions **31L** and **31R** of edge **31** are generally straight.

15 Stretch panel **22** may be made of a two-way stretch material such that when undershorts **10** are being worn, stretch panel **22** is under gentle tension. This causes stretch panel **22** to be held gently without sagging against the wearer's body in the perineal area and in the area adjacent the wearer's inner upper thighs. Stretch panel **22** is preferably made of or faced with a soft fabric that is comfortable against a wearer's skin. Stretch panel **22** is preferably made of a breathable fabric.

20 When undershorts **10** are being worn, stretch panel **22** may extend between the wearer's genitalia and the inner parts of the wearer's upper thighs thereby reducing or avoiding entirely chafing between the wearer's genitalia and thighs. Similarly, stretch panel **22** may extend upwardly from underneath between the wearer's genitalia and the wearer's perineal area, thereby reducing or avoiding entirely chafing between the wearer's genitalia and perineal area. Preferably, seam **26** is positioned forward of an arc
25 panel **25** such that the bottom portion of stretch panel **22** is located forward of the perineum of a wearer.

 Figures 7 and 8 illustrate the three-dimensional nature of pouch **20**. Even when undershorts **10** are being held with the waistband horizontal and body **14** hanging down from waistband **12** under its own weight, stretch panel **22** is held so that it extends away
30 from body **14** where it is attached along seam **26**. Opening **30** is naturally open to receive the wearer's genitals. The free edges **31** of opening **30** lie away from body **14**.

Along seam **26**, stretch panel **22** forms a generally upright wall between pouch **20** and the rest of the interior of undershorts **10**. The two-way elasticity of stretch panel **22** helps to gather the material of front portion **18** of body **14** to increase the volume of pouch **20**.

5 Figure 6 shows how, when undershorts **10** are being worn, a wearer's genitalia pass through opening **30** over the upright portion **22A** of stretch panel **22** that lies directly beneath the wearer's genitalia. Portion **22A** of stretch panel **22** protects the underside of the wearer's genitalia from chafing. The edge **31B** along the bottom of opening **30** is gently urged upward by the elastic nature of stretch panel **22** to gently
10 support the wearer's genitalia from below. Side portions **22B** and **22C** of stretch panel **22** help to suspend edge **31B**. If edge portion **31B** is pressed down then the elasticity of stretch panel **22**, particularly side portions **22B** and **22C** tend to pull edge portion **31B** upward toward its original position. In the illustrated embodiment, side portions **22B** and **22C** are generally rectangular.

15 Edge portions **31R** and **31L** gently urge against the sides of the wearer's genitalia and thereby help to counteract swinging from side-to-side during activity. In Figure 6 it can also be seen that stretch panel **22** provides a soft layer between the wearer's genitalia and upper thighs.

 In the illustrated embodiment, stretch panel **22** is generally rectangular. The
20 length of attachment of stretch panel **22** at seams **26** and **27** is equal to within $\pm 10\%$ or $\pm 15\%$ for example. With undershorts **10** lying flat, face up, seams **29** are generally straight and generally perpendicular to waistband **12**. The ratio of height to width of stretch panel **22** in some embodiments is approximately about 1½:1 to about 2:1. For example, in an example embodiment stretch panel **22** has an un-stretched height of
25 about 17 cm and an un-stretched width of about 10 cm.

 One advantage of embodiments in which stretch panel **22** is provided in a garment which includes a crotch panel **25** is that the seam **26** along the front side of such a crotch panel **25** provides an ideal place to attach the lower edge of stretch panel **22**. As seen for example in Figure 8, crotch panel **25** extends down the inside of a
30 wearer's legs and, when worn, has a highest point at the wearer's crotch. The front edge of crotch panel **25** tends to be just below and behind the base of the wearer's

external genitalia while being worn. Further, the front edge of crotch panel **25** tends to be located at a location which does not receive pressure when the wearer sits. Crotch panel **25** may comprise, for example, a generally rectangular panel that extends from side-to-side from one leg opening **15** to the other.

5 Garments in which the lower edge of stretch panel **22** are fastened at a seam along the front edge of a crotch panel **25** are an example of a construction in which a garment comprises a perineum wall fastened at a front seam to a bottom edge of stretch panel **22**, and fastened at a rear seam to a bottom edge of a rear wall part of body **14** that depends from a rear part of the waistband.

10 In some embodiments, the material of stretch panel **22** has asymmetrical stretch (i.e. the coefficient of elasticity of the material has a first value in a first direction in the plane of the material and a second value different from the first value in a second direction at right angles to the first direction in the plane of the material). The material may be oriented that it is easier to stretch the material of stretch panel **22** in a direction
15 parallel to waistband **12** than it is to stretch the material in a direction perpendicular to waistband **12**.

 Various materials may be used for stretch panel **22**. For example, stretch panel **22** may comprise an elasticized fabric. In one example embodiment the fabric comprises a cotton-Spandex™ blend. In one example embodiment the fabric comprises
20 a woven blend of Modal™ and Spandex™. In an example embodiment, the blend comprises approximately 90% to 95% Modal™ and approximately 5% to 10% Spandex™. In another example embodiment, the blend comprises 93% Modal™ and 7% Spandex™.

 The amount of stretch of a fabric may be measured in various ways. The fabric
25 stretch may be measured by taking a strip of material that is 30-40 cm long and 20 cm wide when taught but un-stretched, anchoring one end of the strip, pulling the other end of the strip so that the material stretches and becomes elongated and determining the maximum stretched length after which the strip will no longer return to its original length in the taught but unstretched condition. The ratio of the maximum stretched length
30 minus the taught but unstretched length to the taught but un-stretched length is the fabric stretch. For example, if the strip has a taught but un-stretched length of 25 cm

and a maximum stretched length of 50 cm then the fabric stretch is $(50-25)/25=100\%$. In some embodiments, the material of stretch panel **22** has a stretch of 30% or more. In some embodiments the material of stretch panel **22** has a stretch of at least 70% or at least 75%.

5 Stretch panel **22** may be pre-stretched relative to front portion **18** while it is being assembled to front portion **18** of body **14**. Thus, during assembly, stretch panel **22** is substantially stretched, while front portion **16** of body **14** is not stretched or is stretched less than stretch panel **22**. In some embodiments the material of stretch panel **22** is stretched by at least 50%, 55% or 60% while stretch panel **22** is being sewn in place. In
10 an example embodiment, stretch panel **22** has a stretch of 100% and is stretched by 60% while at least the final seams which hold it in place are being sewn.

 Figure 9 shows stretch panel **22** 'as cut' according to a pattern in solid outlines and 'as stretched' for assembly to front portion **18** in dashed outline. In this embodiment, top edges **23A** and **23B** of stretch panel **22** along which stretch panel **22** is attached at
15 a seam parallel to waistband **12** are angled. In the illustrated embodiment, bottom edge **23C** is also cut so that it is indented at the centerline. Thus, when unstretched, the cut-out material for stretch panel **22** is shorter in its vertical dimension along vertical lines extending along the edges of opening **30** than it is farther away from its centerline. As a result of the angling of edges **23A** and **23B**, and the indenting of bottom edge **23C**,
20 stretch panel **22** is stretched more for assembly in its portions along edge portions **31R** and **31L** than it is stretched in its portions closer to the sides where it is attached along seams **29**. This causes the tension in stretch panel **22** when undershorts **10** are being worn or suspended to be put on to be somewhat greater along edge portions **31R** and **31L** than in other parts of stretch panel **22**. This gradient in tension helps to better
25 support edge portion **31B** and to hold opening **30** open when undershorts **10** are being held to be put on.

 As shown in dotted outline in Figure 9, the material from stretch panel **22** may be stretched from an un-stretched length $L1$ to a stretched length $L2$ while top edges **23A** and **23B** and bottom edge **23C** are attached along parallel seams **26** and **28** and side
30 edges of the stretch panel **22** are attached along seams **29**, for example by sewing.

After assembly, stretch panel **22** can contract. This gathers the material of front portion **18** and helps to form pouch **20** to have a three-dimensional volume open to receive a wearer's genitalia even when undershorts **10** are being suspended from waist band **12** in preparation for being put on.

5 The configuration of stitching used to affix stretch panel **22** to body **14** preferably permits stretching along the length of the seams. For example, in the illustrated embodiment, seams **26**, **28** and **29** may be stitched using a combination of stitch pattern and/or thread that permits stretching along the lengths of seams **26**, **28** and **29**.

10 In some embodiments, stretch panel **22** is stretched in length only (i.e. in a direction perpendicular to waistband **12**) as it is being attached to front portion **18** during manufacture. In some embodiments, stretch panel **22** is stretched in both width and length (four-way stretch) relative to front portion **18** as it is being attached to front portion **18** during manufacture. Thus, in its relaxed, un-stretched, configuration stretch panel **22** both pulls side edges of front portion **18** toward one another at seams **29** and
15 pulls top and bottom edges of front portion **18** toward one another at seams **26** and **28**. This, builds volume in pouch **20** especially when taken in combination with the shaping of front portion **18** (e.g. by front seam **19**) which makes front portion **18** non-flat.

20 In some embodiments a length measured along material of the front portion **18** from seam **26** to waistband **12** exceeds a length measured along the fabric of stretch panel **22**, when un-stretched by at least 50%. In some embodiments a length measured along material of the front portion **18** side-to-side at the level of bottom portion **31B** from seam **28** to seam **29** exceeds a length measured along the fabric of stretch panel **22**, when un-stretched between the same seams by 10 to 15% or more.

25 In some embodiments, the shaping of front portion **18** is such that with stretch panel **22** held horizontally under just enough tension such that stretch panel **22** is generally planar with front portion **18** hanging below stretch panel **22**, the center part of front portion **18** hangs well below the plane of stretch panel **22**. In some embodiments, the center part of front portion **18** hangs below the plane of stretch panel **22** by a distance of 3 cm or more when undershorts **10** are held in this test configuration.

Like all clothing, undershorts **10** may be made to fit different sizes of men and boys and may be made from different fabrics to suit different personal preferences and price points. Thus, individual dimensions are not critical.

5 In some embodiments, the distance A along stretch panel **22** from the point at which it joins body **14** to the lowest point along the edge of opening **30** is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 3 cm. In some embodiments, the horizontal distance B between opposed edges of opening **30** when undershorts **10** or other garments according to some example embodiments are not being worn but are being suspended as shown for example in Figure 3, distance B
10 is in the range of about 3 cm to about 6 cm. In some embodiments, the horizontal distance C along stretch panel **22** from the point at which it joins body **14** (e.g. at seam **29**) to the edge **31R** or **31L** of opening **30** just above bottom portion **31B** is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 5 cm. In some embodiments, the distance D along the fabric in the center of front portion of body
15 **18** from the lower edge of waist band **12** to the point where stretch panel **22** attaches to body **14** (e.g. seam **26**) is at least 15 cm. In some embodiments, this distance is in the range of about 15 cm to about 25 cm.

It can be appreciated that garments which incorporate a stretch panel as shown in the accompanying drawings may be formed such that they are self-aligning with a
20 wearer's genitalia, allowing the garment to be put on by a wearer without the wearer having to manually hold or position the pouch to receive his genitals. A stretch panel structured and incorporated as illustrated in the accompanying drawings can support and position a wearer's the scrotum and penis away from both the wearer's thighs and perineum. The scrotum and penis may therefore be protected from pinching between
25 the thighs or being sat upon, thereby enhancing comfort of the wearer.

The invention may be applied to any next-to-skin below-the waist garments for men. For example, the principles discussed above may be applied to shorts, swim suits, boarding shorts, briefs, boxer shorts, surf shorts, cycling shorts, unitards, long underwear, sports uniforms, athletic supporters, fighting shorts, pyjamas, and other
30 next-to-skin garments for males.

Except where otherwise indicated or necessarily implied, the description herein uses relative directional terms such as front, back, above, below, top, bottom, upper, lower, right and left relative to a wearer wearing a garment as described and standing upright.

5 Where a component (e.g. a panel, seam, elastic, thread, opening, etc.) is referred to above, unless otherwise indicated, reference to that component (including a reference to a "means") should be interpreted as including as equivalents of that component any component which performs the function of the described component (i.e., that is functionally equivalent), including components which are not structurally
10 equivalent to the disclosed structure which performs the function in the illustrated exemplary embodiments of the invention.

As will be apparent to those skilled in the art in the light of the foregoing disclosure, many alterations and modifications are possible in the practice of this invention without departing from the spirit or scope thereof. For example:

- 15 • It is not mandatory that stretch panel **22** be free from openings. In some embodiments, stretch panel **22** comprises a continuous layer of material with no openings other than opening **30**. In other embodiments, stretch panel **22** may have one or more openings around the periphery of opening **30**.
- 20 • It is not mandatory that the material of stretch panel **22** be different from the material(s) of the rest of body **14**. In some embodiments different fabrics are used for stretch panel **22** and for the front portion **18** of body **14**.
- 25 • Stretch panel **22** may incorporate openings into pouch **20** that are of various shapes. Example openings are U-shaped (as described above), oval, elliptical, teardrop shaped or the like.
- 30 • Stretch panel **22** may optionally be formed from a plurality of pieces of fabric seamed together. For example, stretch panel **22** may be formed from three pieces of fabric, two of which extend vertically along sides of opening **30** and one of which extends transversely across the bottom of opening **30**.
- It is not mandatory that the garment include a body that covers a wearer's buttocks. In some embodiments, constructions as described herein are applied to athletic supporters (jock straps). In general, a pouch as described herein may be embodied

in various types of men's garments, particularly in a mid-section of a front wall of men's garments to be worn around a man's torso.

Accordingly, the scope of the invention is to be construed in accordance with the substance defined by the following claims.

5

WHAT IS CLAIMED IS:

1. A male garment comprising:

a body including a front portion and having leg openings for a wearer's legs, the
5 body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;

a waistband attached by a waistband seam at an upper edge of the body; a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to
10 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 wither side of the front portion from the first seam to the waistband seam and 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;

15 the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge in a direction between the side edges, 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 such that the
20 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.

25 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.

3. A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.

4. A garment according to claim 3 wherein the stretch panel comprises a fabric
5 having a stretch of at least 30%.

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%.

10

6. A garment according to claim 1 wherein the garment is a pair of undershorts.

7. A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.

15

8. A garment according to claim 1 wherein the opening has a width in excess of 2 cm.

9. A garment according to claim 1 wherein:

20 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.

10. A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.

11. A garment according to claim 1, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.

12. A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.

13. A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.

14. A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.

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.

Abstract of the Disclosure

Next-to-skin garments for men include an internal stretch panel. An opening in the stretch panel receives a wearer's external genitalia. A three-dimensional pouch is
5 defined between the stretch panel and a front portion of the body of the garment. Embodiments provide garments such as undershorts, boarding shorts, and athletic shorts.

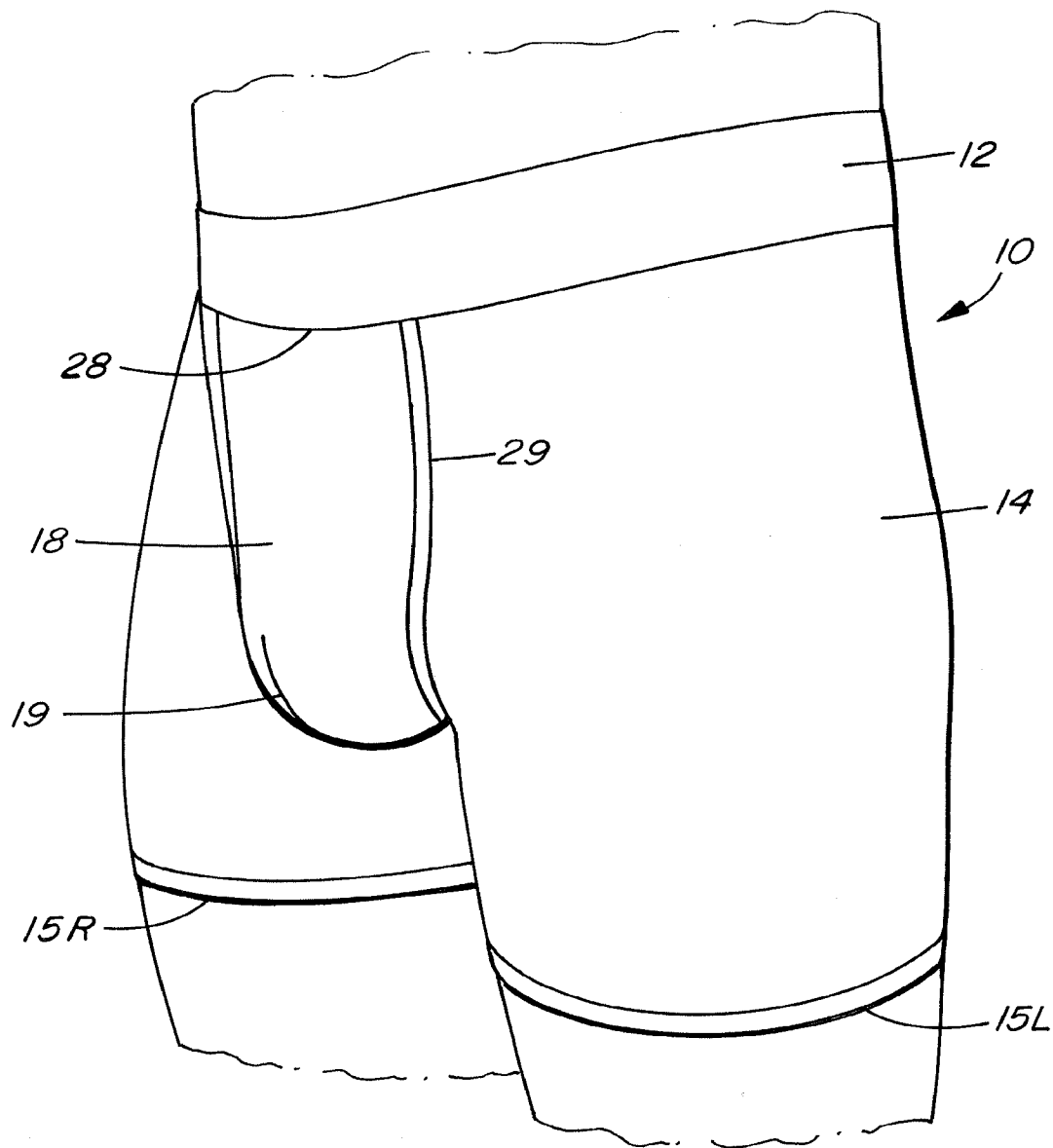


FIG. 1

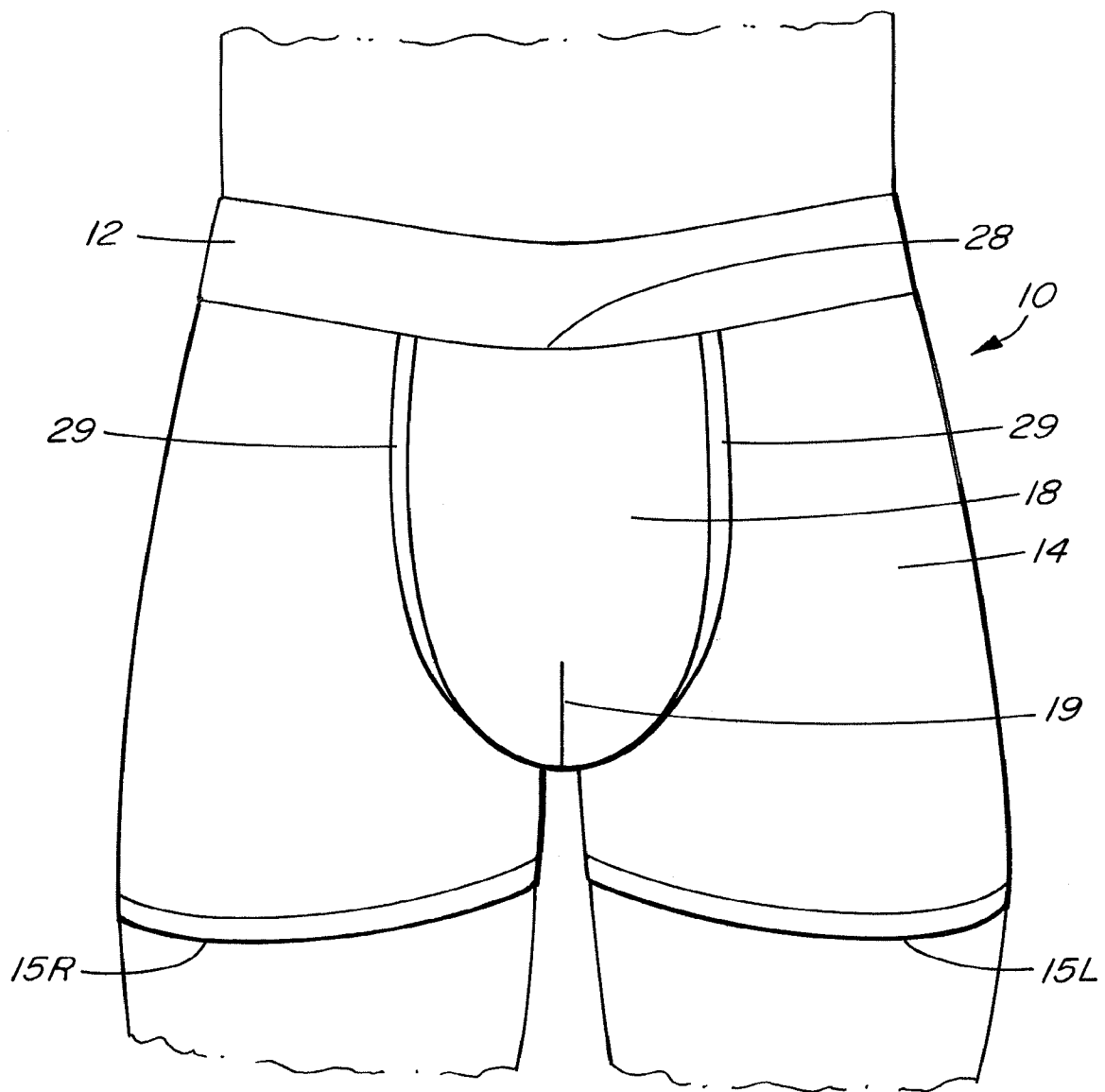


FIG. 2

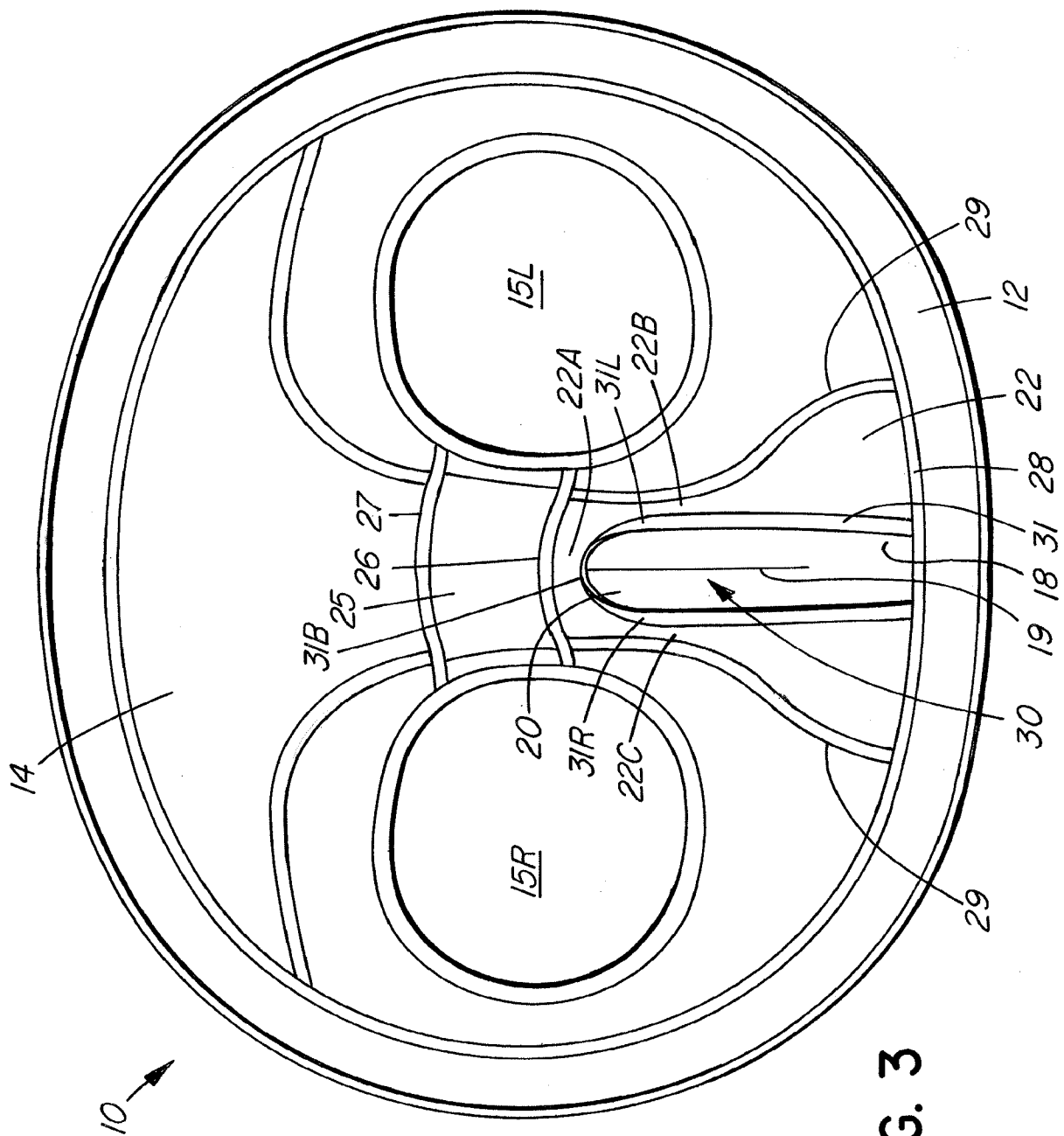


FIG. 3

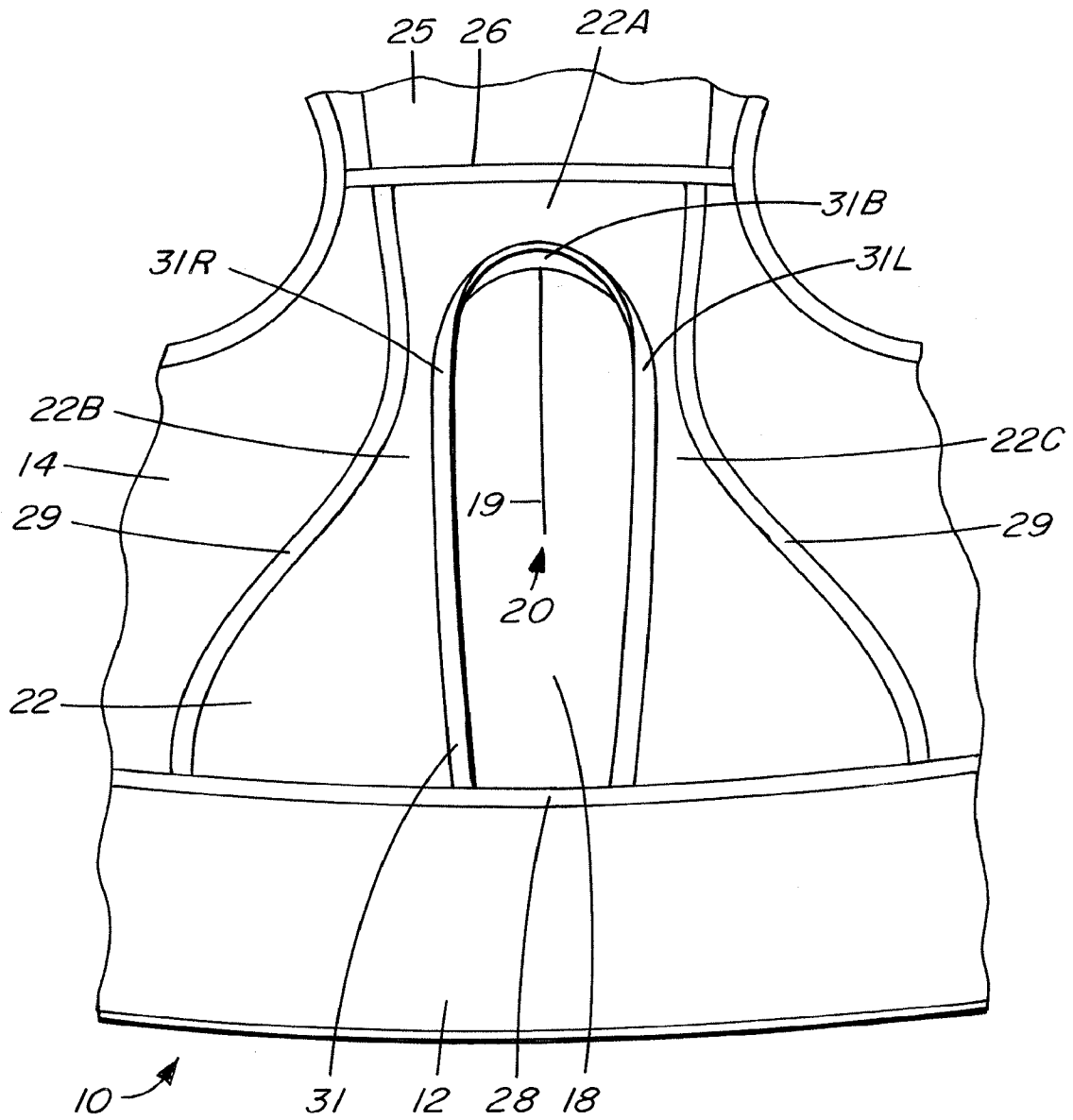


FIG. 4

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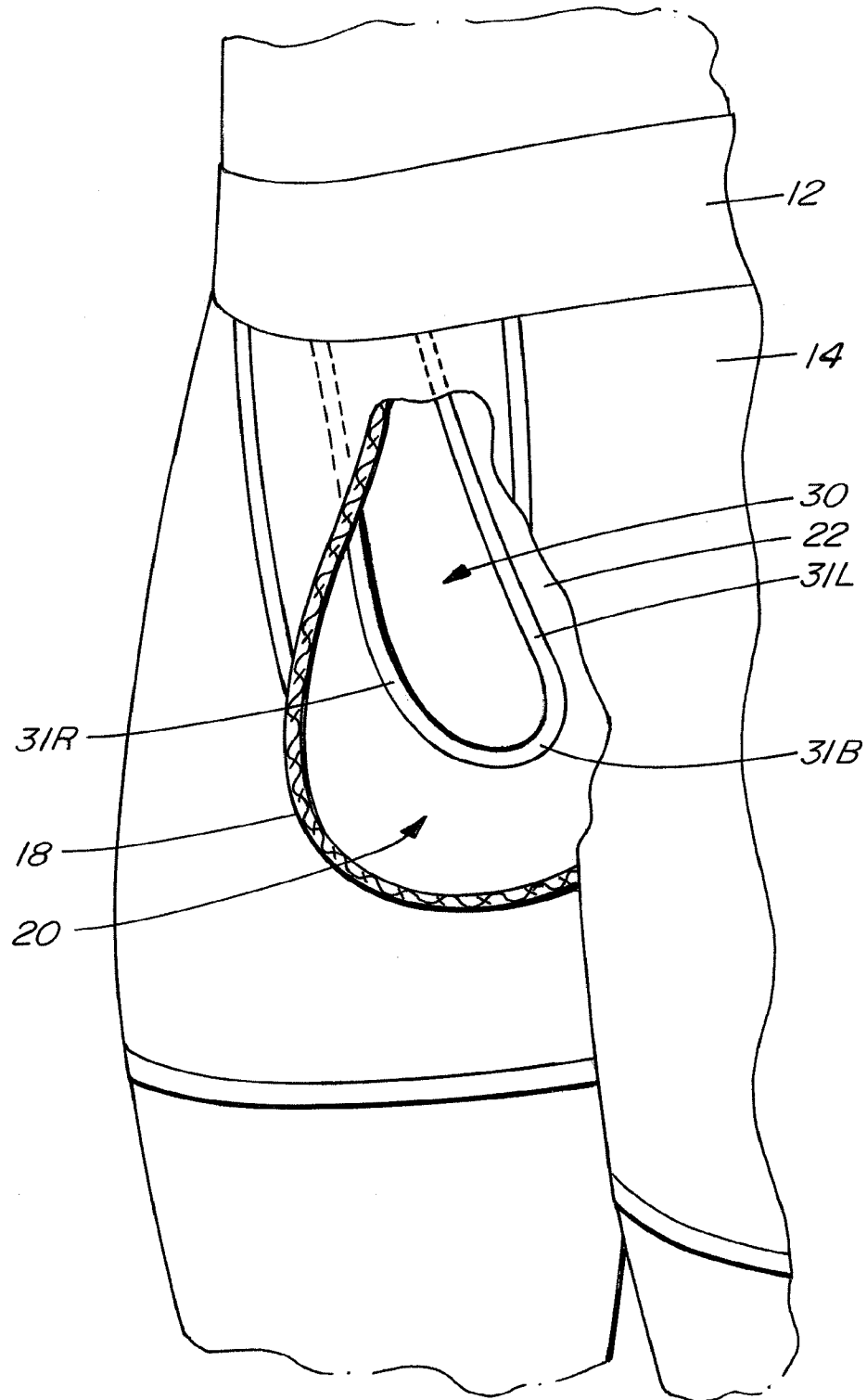


FIG. 5

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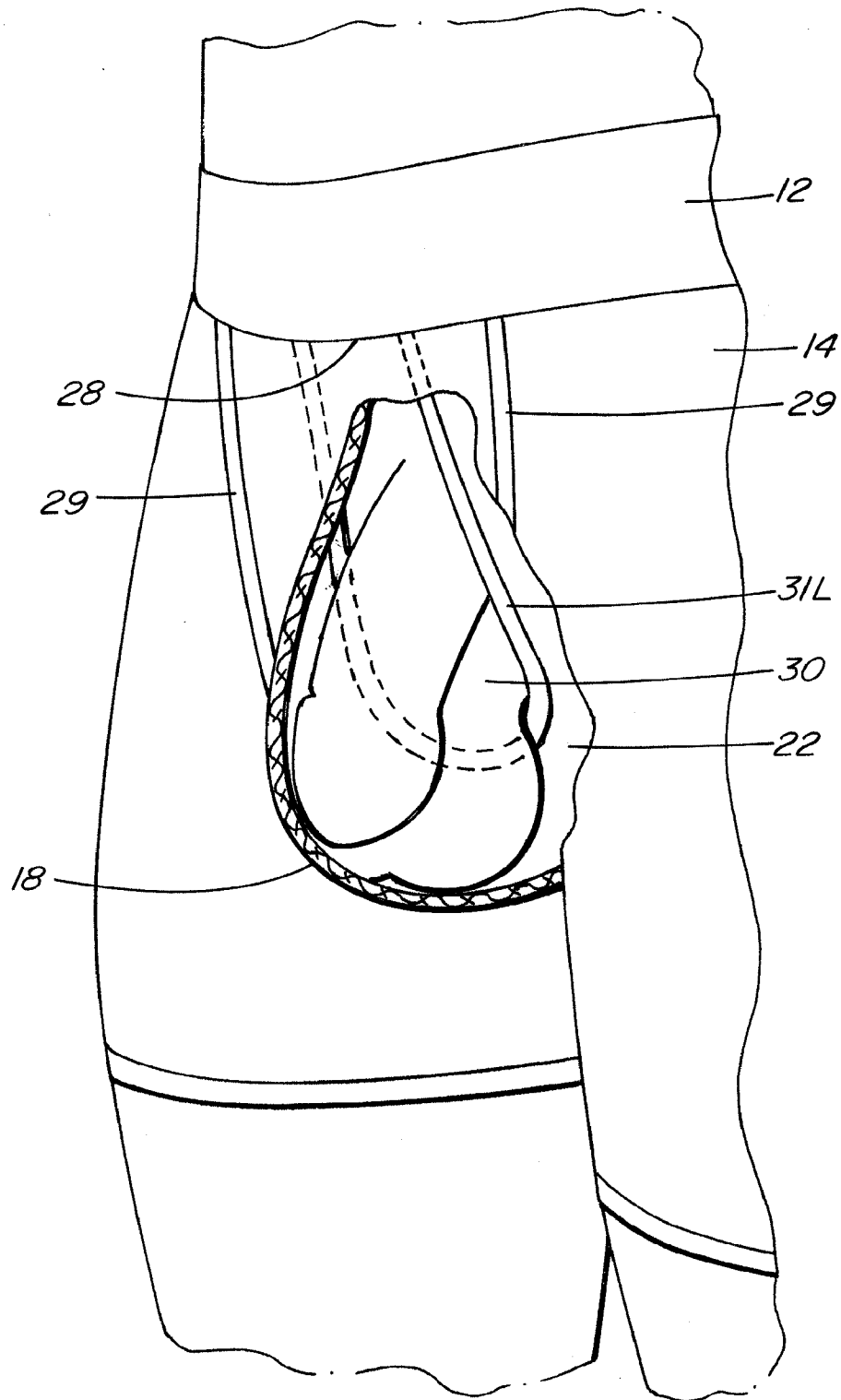


FIG. 6

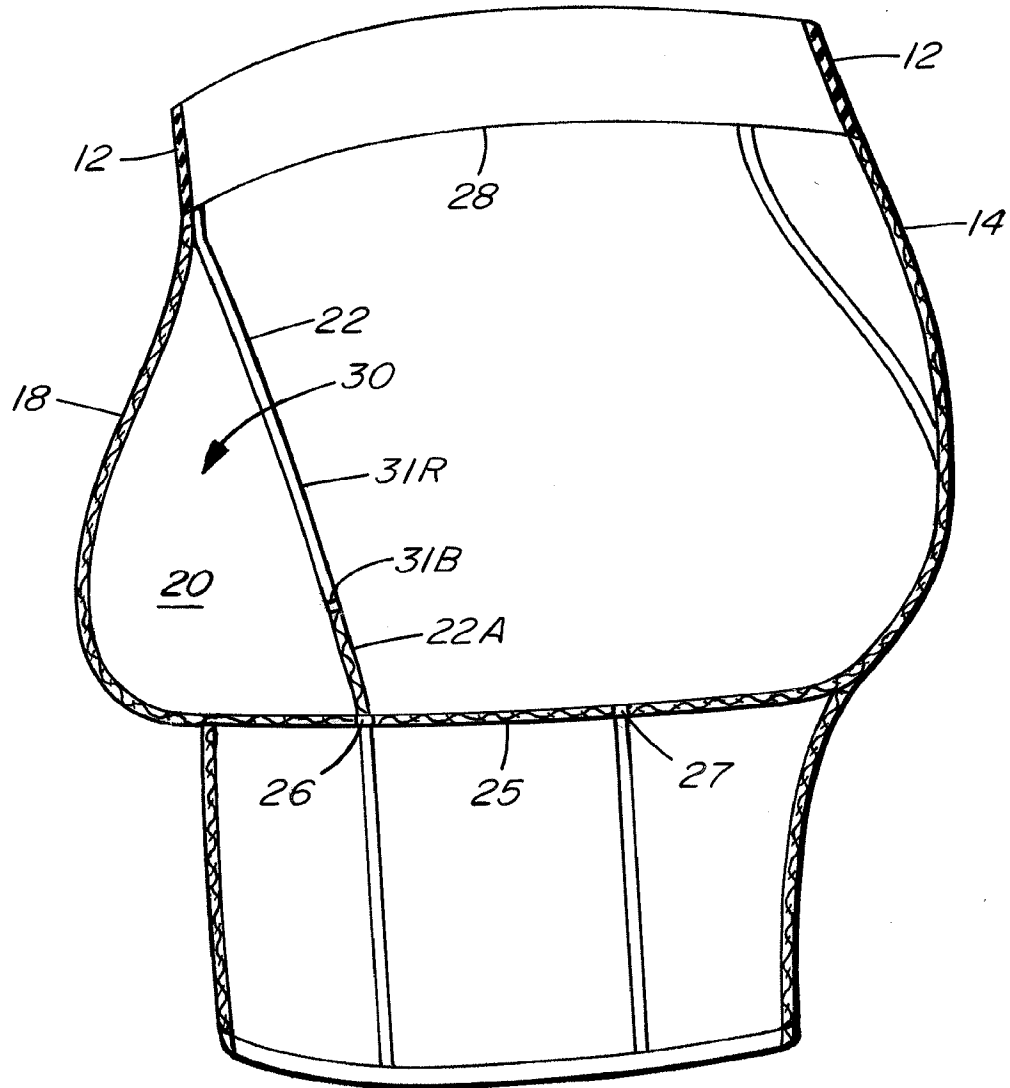


FIG. 7

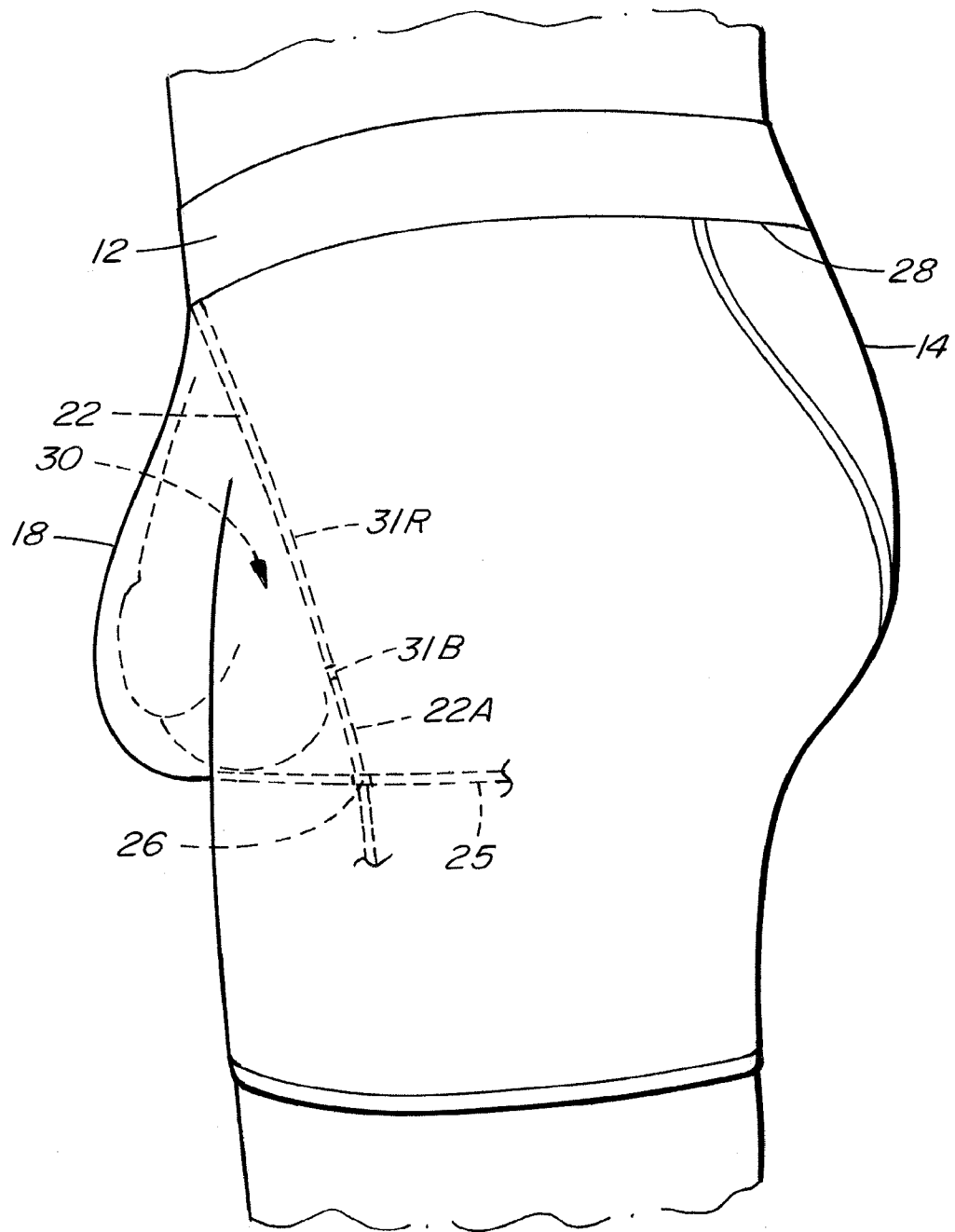
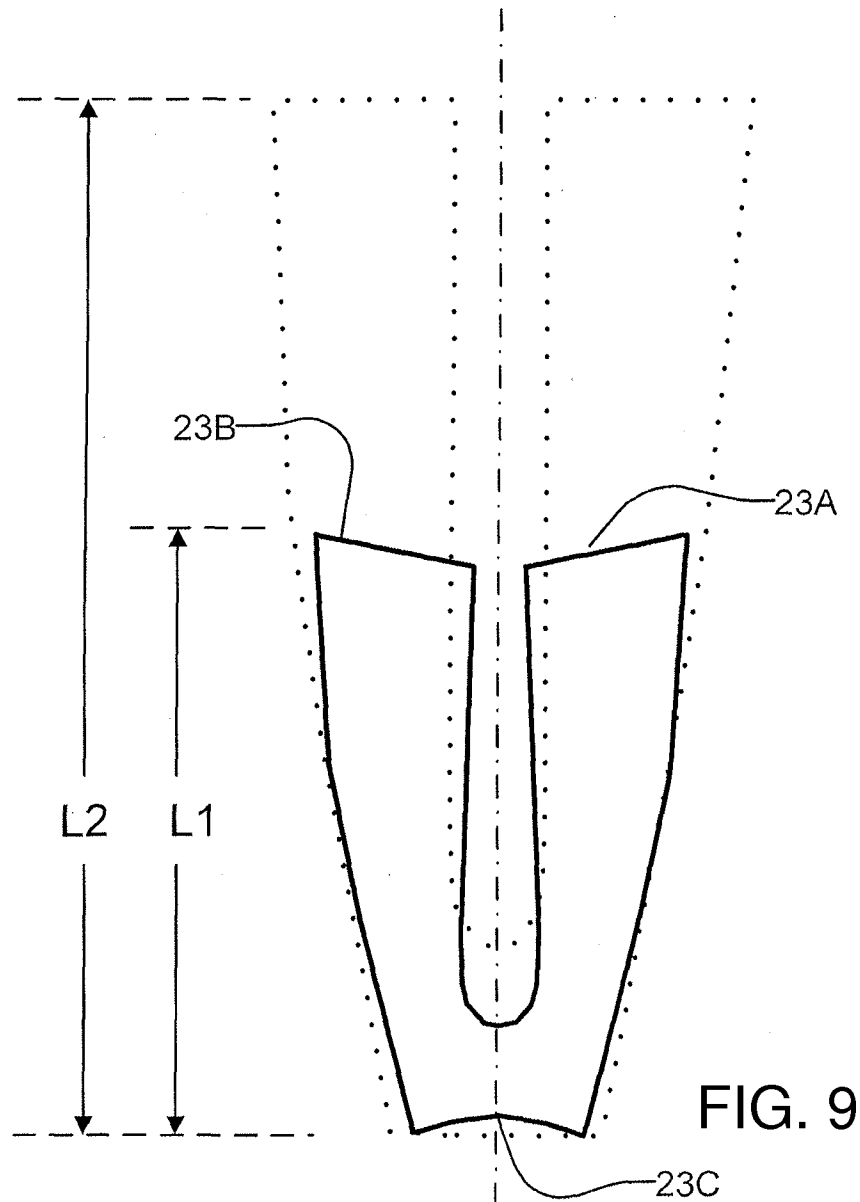


FIG. 8



Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		GARMENTS FOR MEN		
First Named Inventor/Applicant Name:		Dustin Douglas BIGNEY		
Filer:		Anton E. Skaugset/Amy Kuntz-Presting		
Attorney Docket Number:		SMTT.358CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360
Pages:				
Claims:				
Miscellaneous-Filing:				
Late Filing Fee for Oath or Declaration	2051	1	70	70
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				800

Electronic Acknowledgement Receipt

EFS ID:	22905293
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	23581
Filer:	Anton E. Skaugset/Amy Kuntz-Presting
Filer Authorized By:	Anton E. Skaugset
Attorney Docket Number:	SMTT.358CON2
Receipt Date:	13-JUL-2015
Filing Date:	
Time Stamp:	20:15:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$800
RAM confirmation Number	7356
Deposit Account	
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The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Pakage Apparel EX2004

Page 38 of 304

IPR2024-01163

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	20150713_ADS_SMTT358CON2.pdf	1819095	no	7
			25b35fed87c90dc8cccedbb66c5900435cd c0ce3		
Warnings:					
Information:					
2		20150713_Continuation_Patent_Application_SMTT358CON2.pdf	154702	yes	16
			e508f93ebcd67cbb14f805f0323af0057531 4ffa		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	12	
	Claims		13	15	
	Abstract		16	16	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	20150713_Drawings_SMTT358CON2.pdf	368667	no	9
			73eb5e8d0a2ab356d705b9d8a641499320 bc34cc		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	36976	no	2
			18d8496988593df26cdc7cb42ad0af7e3e8c 1b10		
Warnings:					
Information:					
Total Files Size (in bytes):			2379440		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/798,332	07/13/2015	Dustin Douglas BIGNEY	SMTT.358CON2

CONFIRMATION NO. 7771

INFORMAL NOTICE



23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 07/29/2015

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Dustin Douglas BIGNEY
Shawn Robert ELLIS

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/mgabre/

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 14/798,332				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A	70		N/A				
SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A	300		N/A				
EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A	360		N/A				
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	15	minus 20 = *	x 40 =	0.00	OR					
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	1	minus 3 = *	x 210 =	0.00						
APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				0.00						
				0.00						
MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>				0.00						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	730		TOTAL				
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=	OR	x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=	OR	x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
14/798,332	07/13/2015	3765	800	SMTT.358CON2	15	1

CONFIRMATION NO. 7771

FILING RECEIPT

23581
KOLISCH HARTWELL, P.C.
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520 SW YAMHILL STREET
PORTLAND, OR 97204



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Date Mailed: 07/29/2015

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Inventor(s)

Dustin Douglas BIGNEY, West Vancouver, CANADA;
Shawn Robert ELLIS, Kelowna, CANADA;

Applicant(s)

0912139 B.C. LTD., Kelowna, CANADA

Assignment For Published Patent Application

0912139 B.C. LTD., Kelowna, CANADA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 13/193,584 07/28/2011
which claims benefit of 61/429,065 12/31/2010

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/798,332**

Projected Publication Date: 11/05/2015

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

GARMENTS FOR MEN

Preliminary Class

002

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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	Filing Date		2015-07-13
	First Named Inventor	Dustin Douglas BIGNEY	
	Art Unit	3765	
	Examiner Name	Anna Kathryn KINSAUL	
	Attorney Docket Number	SMTT.358CON2	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	2033551	A	1936-03-10	M. RUMERY	
	2	2140459	A	1938-12-13	A. M. REIS	
	3	2235849	A	1941-03-25	A. M. REIS	
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	7	2601602	A	1952-06-24	J. A. FIRSCHING, SR.	
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Art Unit	3765	
Examiner Name	Anna Kathryn KINSAUL	
Attorney Docket Number	SMTT.358CON2	

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	20	3499443	A	1970-03-10	E. O. SCHEERER	
	21	3511234	A	1970-05-12	P. M. LARSON	
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	32	4702239	A	1987-10-27	Tadashi ICHIKAWA	
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	34	4870958	A	1989-10-03	Maynard A. WEBSTER	
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	40	5237706	A	1993-08-24	Robert M. NALBANDIAN	
	41	5283912	A	1994-02-08	Seun-Yung CHUNG	

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	44	5524298	A	1996-06-11	Robert L. PLUNKETT	
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	51	5870779	A	1999-02-16	Rodney HERON	
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	53	5978971	A	1999-11-09	Robert A. WALD	
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	62	6487728	B1	2002-12-03	Ronald Nelson COOK	
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	71	7178174	B2	2007-02-20	Peter SÖDERSTRÖM	
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	Attorney Docket Number	SMTT.358CON2		

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	1	20050229293	A1	2005-10-20	Regg MILLER	
	2	20050268380	A1	2005-12-08	Gregory E. SOVELL	
	3	20060000008	A1	2006-01-05	Su Han CHONG	
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	Attorney Docket Number	SMTT.358CON2		

	7	20070192941	A1	2007-08-23	Peter SODERSTROM	
	8	20070245463	A1	2007-10-25	Paul KANG	
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	11	20090106874	A1	2009-04-30	Jacob SHLUSH	

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	1	133058	CA		2010-06-17	KE IMPORTS LTD.		☐

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	1	April 25, 2013, Office action from the U.S. PATENT AND TRADEMARK OFFICE, in U.S. Patent Application Serial No. 13/193,584, which shares the same priority as this U.S. application.	☐	

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	Examiner Name	Anna Kathryn KINSAUL
	Attorney Docket Number	SMTT.358CON2

2	January 9, 2014, Office action from the U.S. PATENT AND TRADEMARK OFFICE, in U.S. Patent Application Serial No. 13/193,584, which shares the same priority as this U.S. application.	☐
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	Art Unit	3765	
	Examiner Name	Anna Kathryn KINSAUL	
	Attorney Docket Number	SMTT.358CON2	

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Signature	/ Thomas J. Romano /	Date (YYYY-MM-DD)	2015-08-27
Name/Print	Thomas J. ROMANO	Registration Number	61230

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Title: MEN'S UNDERGARMENT

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006-02-02-Panties, Brief and Bathing Suits

Other Classes Searched:

N/A

Description:

The design consists of the features of shape, configuration, ornamentation and pattern of the portion of the MEN'S UNDERGARMENT shown in solid lines in the drawings. The portions shown in stippled lines do not form part of the design. The broken lines formed of dashes of even length represent stitching and do not form part of the design. Figure 1 is a front perspective view of the MEN'S UNDERGARMENT; Figure 2 is a back perspective view of the MEN'S UNDERGARMENT; Figure 3 is a side view of the MEN'S UNDERGARMENT; Figure 4 is a front view of the MEN'S UNDERGARMENT; Figure 5 is a back view of the MEN'S UNDERGARMENT; Figure 6 is a top plan view of the MEN'S UNDERGARMENT; Figure 7 is a bottom plan view of the MEN'S UNDERGARMENT.

Interested Parties

Applicant(s) as Filed:

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1036 RICHTER STREET

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Term of Protection: 10 years, subject to payment of a maintenance fee.

Maintenance Fee Paid:

No

Filing Date:

2009-11-26

Corrections:

No

Related Assignment:

Canadian Industrial Designs Database

To access details on assignment, click on the number following the interested parties.

Assignment

23765

Assignment

23251

Assignment

24689

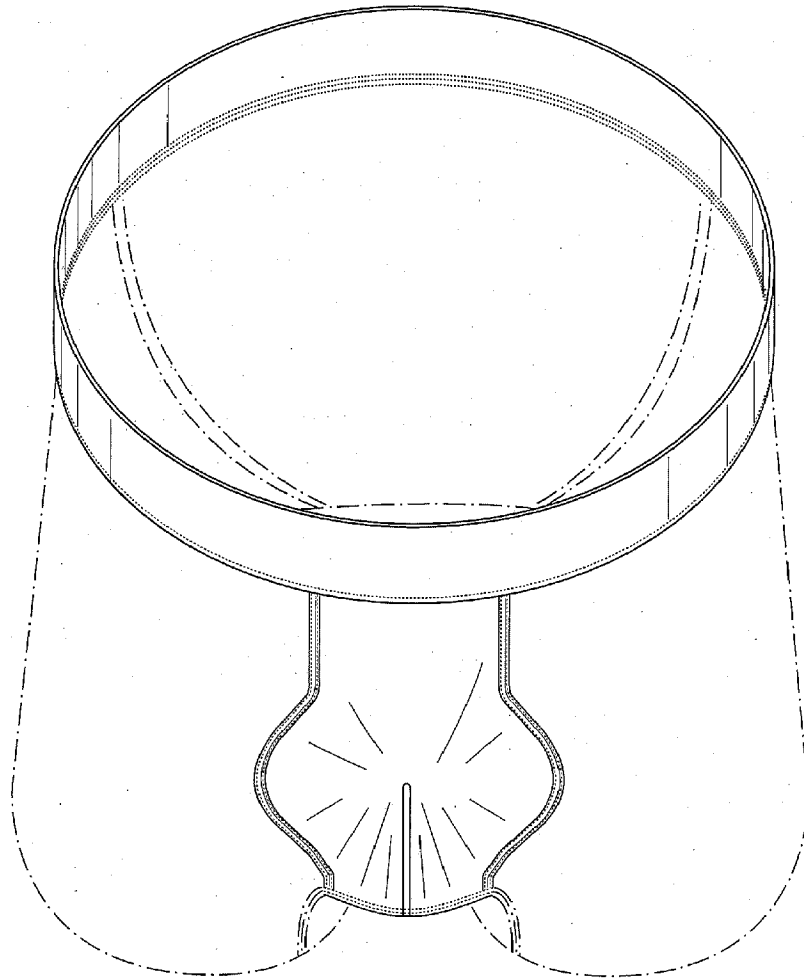


FIG. 1

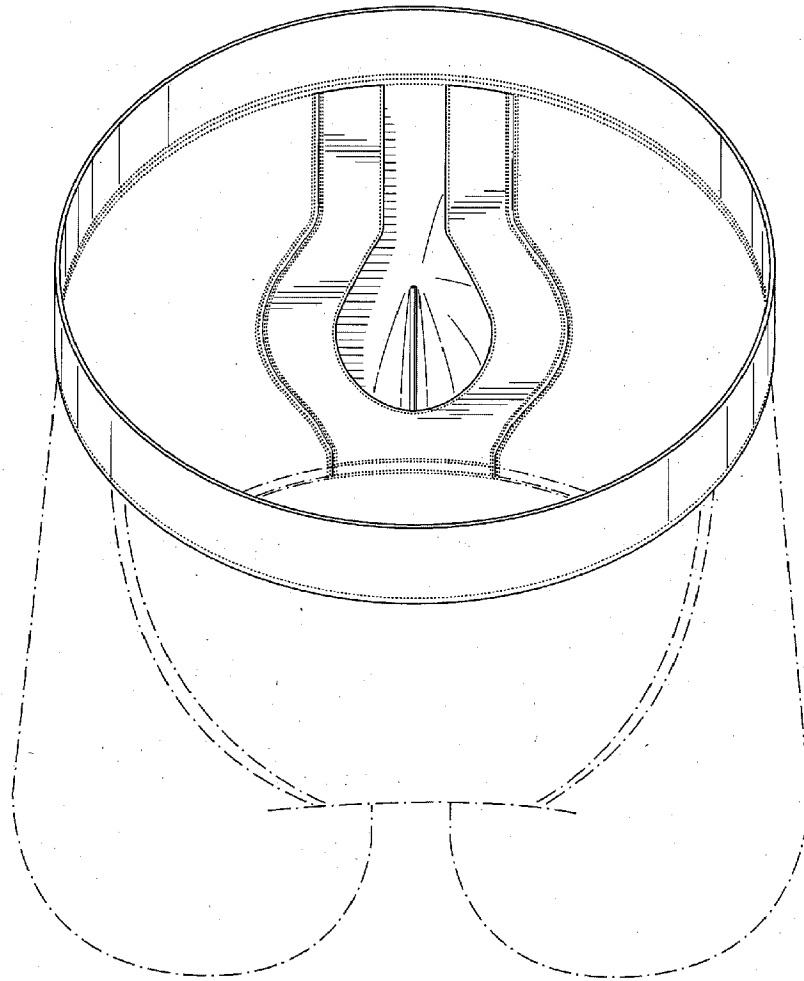


FIG. 2

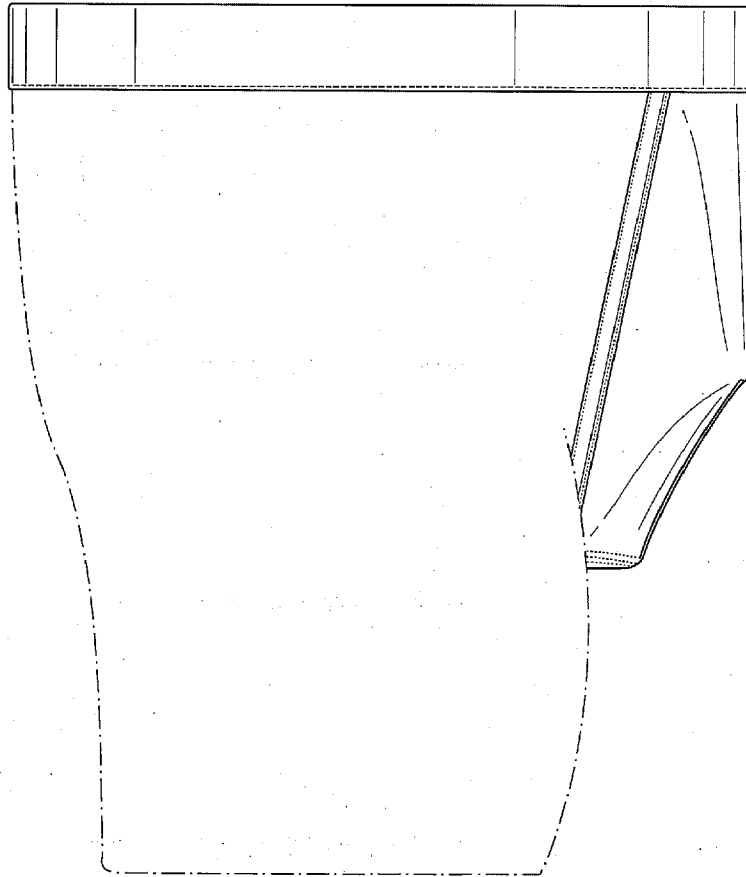


FIG. 3

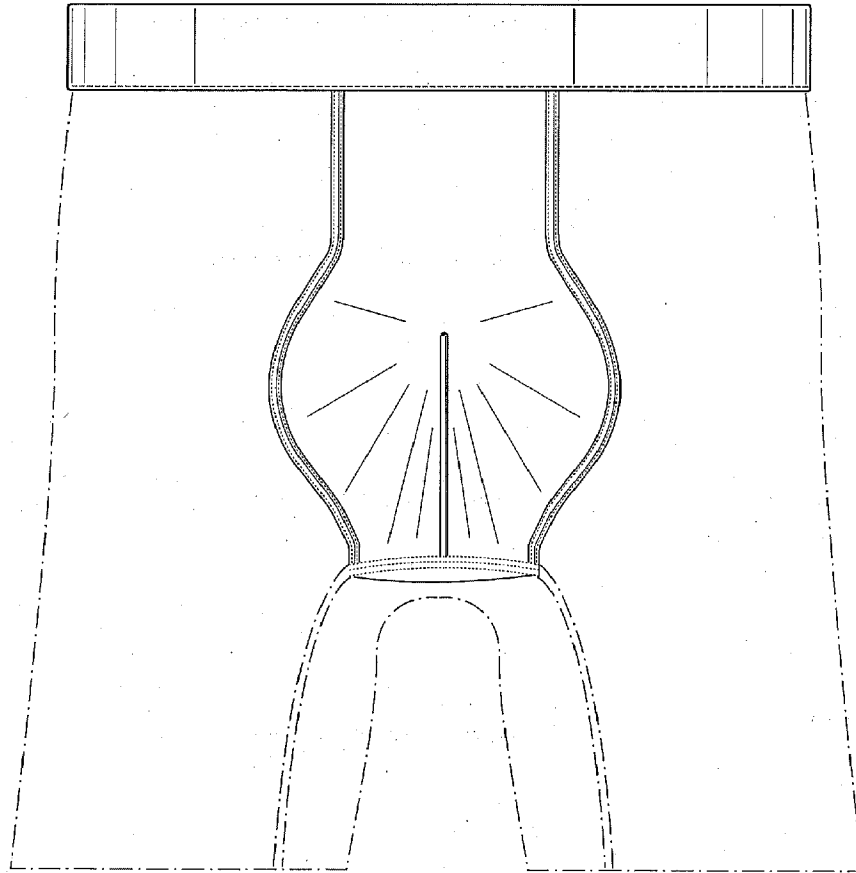


FIG. 4

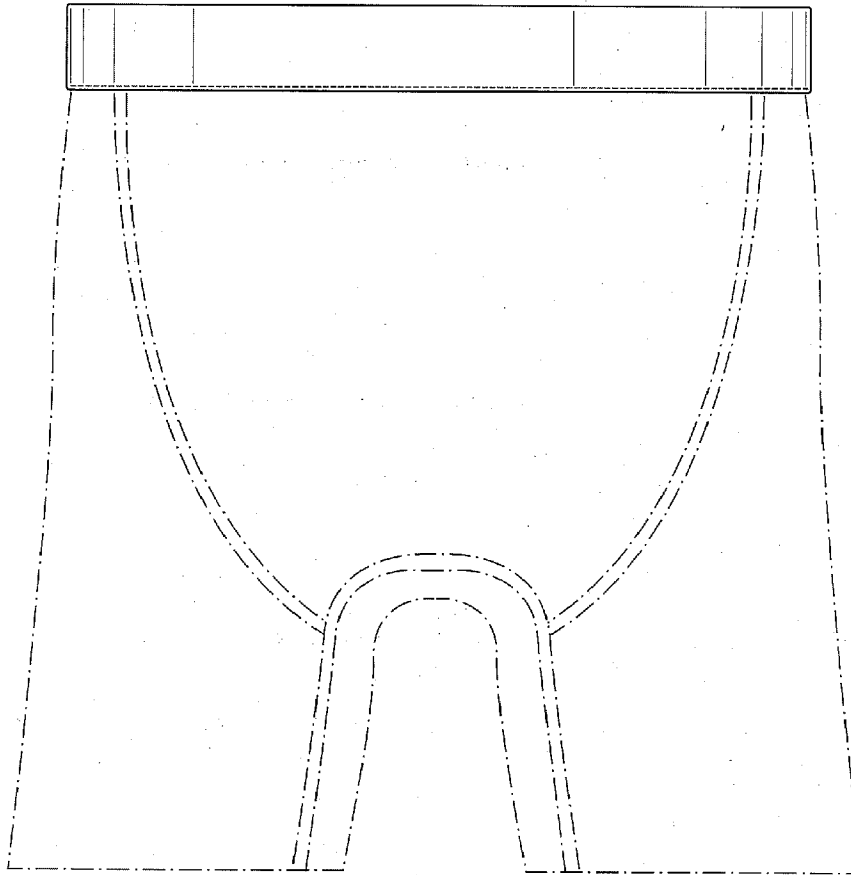


FIG. 5

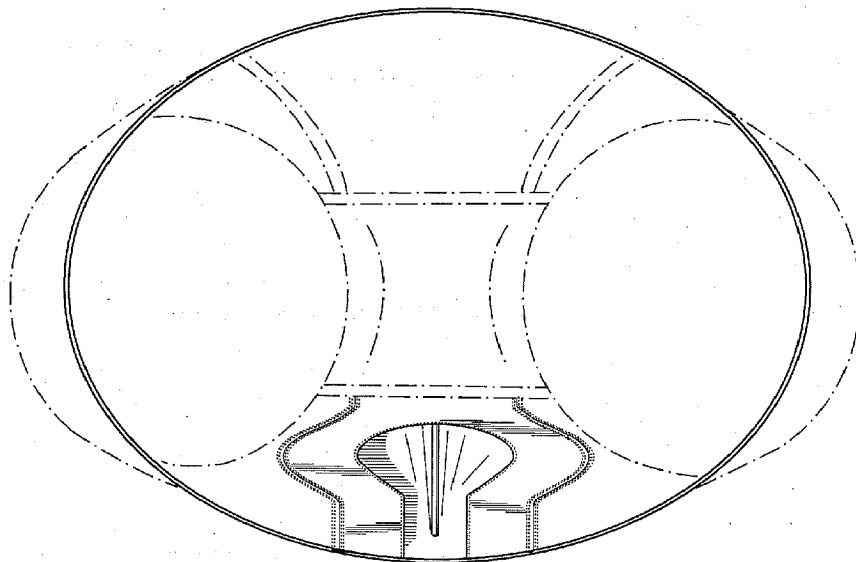


FIG. 6

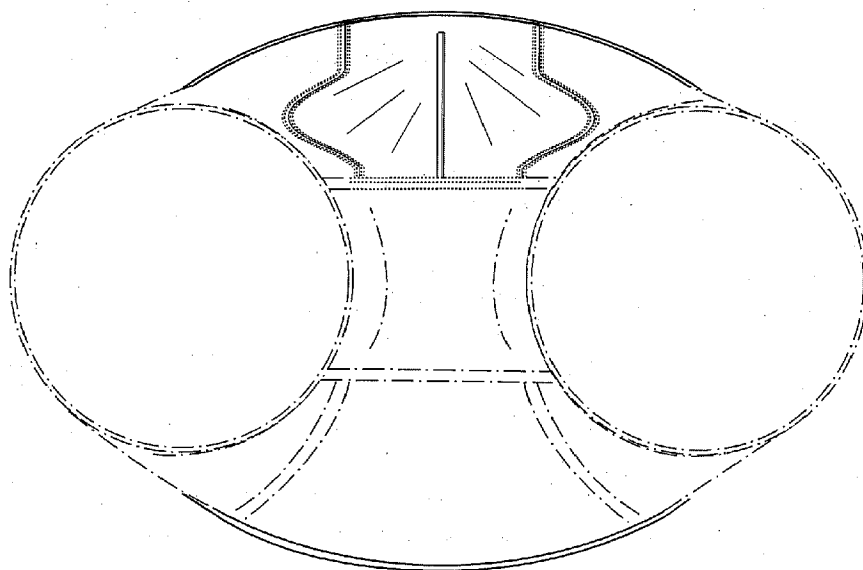


FIG. 7



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

720 7590 04/25/2013
OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, BC V6B 1G1
CANADA

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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04/25/2013

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@patentable.com

Office Action Summary	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2011.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-18 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-18 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 28 July 2011 and 22 September 2011 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Interim copies:

- a) ☐ All b) ☐ Some c) ☐ None of the: Interim copies of the priority documents have been received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20 September 2011 and 22 September 2011</u> . | 4) ☐ Other: _____ |

DETAILED ACTION

This is in response to Application filed on July 28, 2011 in which claims 1-18 are presented for examination.

Status of Claims

Claims 1-18 are pending of which Claims 1 and 9 are presented in independent form.

Claim Objections

1. Claim 10 is objected to because of the following informalities: claim 10 is dependent upon claim 1 but claim 1 already recites the limitation claimed in claim 10. For purposes of examination, the Examiner is treating claim 10 to depend from claim 9. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening shape of oval, obround, teardrop, or elliptical of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008).

Regarding Claim 1, Reis discloses a male garment (Figs. 1-3) comprising: a body including a front portion (23) and having leg openings for a wearer's legs (16, 17), the

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body including a crotch panel (p. 1, col. 2, lines 47-49) extending between the leg openings and joined to the front portion along a first seam (p. 1, col. 2, lines 47-52; (21)); a waistband (15) attached at an upper edge of the body (Figs. 1 and 2); a stretch portion (22) attached to the body inside the front portion (Fig. 2), the stretch portion comprising a sheet of elastically resilient two-way stretch material (p. 1, col. 2, lines 35-40) having a top edge attached to the body at the waistband (Fig. 2), a bottom edge attached at the first seam (Fig. 2; (21)), and an opening (28) for receiving the wearer's genitals, the opening having a rounded bottom edge (Fig. 2) and opposing side edges that are spaced apart from one another on either side of the opening (Fig. 2); the front portion being gathered from side-to-side and top-to-bottom by the stretch portion (p. 1, col. 2, line 47-p. 2, col. 1, line 5) whereby a three-dimensional pouch ((27) forms a dart which forms a pouch and any pouch is considered three-dimensional; p. 2, col. 1, lines 6-12) is defined between the stretch panel and the front portion. Reis does not disclose where the stretch portion is a panel having side edges attached to the body along either side of the front portion. However, Chong teaches a male garment having an inner (Fig. 6) and outer layer (Paras. [0019 and 0020]) where the inner panel includes a stretch panel having an opening and side edges attached to the body along either side of the front portion (Fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Reis and made the inner layer out of multiple connected panels as taught by Chong; because Chong teaches it is known in the art to construct undergarment layers from multiple panels and that multiple

panels may be connected to the body along either side of the front portion (Para. [0017] and Fig. 6). It would further be obvious to one of ordinary skill that multiple panel construction may benefit the wearer by providing comfort of design.

Regarding Claim 2, Reis further discloses wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band (p. 1, col. 2, lines 35-40).

Regarding Claim 3, Reis/Chong, as combined above, disclose wherein the stretch panel is rectangular (Chong Fig. 6; (250)) and the opening is U-shaped (Reis Fig. 2).

Regarding Claim 4, Reis/Chong disclose the invention as claimed above. Reis/Chong do not explicitly disclose wherein the stretch panel comprises a fabric having a stretch of at least 30%. However, Reis does set forth the critical nature that the stretch panel fabric contains a transverse resiliency of considerable degree.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the stretch panel fabric must comprise a "considerable degree" of stretch and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 6, Reis further discloses wherein the garment is a pair of undershorts (Figs. 1 and 2).

Regarding Claim 8, Reis/Chong discloses the invention as claimed above.

Reis/Chong do not explicitly disclose wherein the opening has a width in excess of 2 cm. However, Reis and Chong both disclose openings having a width and it would be obvious to one of ordinary skill that the garment would be manufactured in a variety of sizes including a size where the opening has a width in excess of 2 cm.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the garment of Reis/Chong in a variety of sizes including one where the opening has a width in excess of 2 cm; because it is known in the art to manufacture garments in a variety of sizes to fit a variety of wearers. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008) as combined above and further in view of Shlush (USPAP 2009/0106874).

Regarding Claim 5, Reis/Chong disclose the invention as claimed above. They do not disclose wherein a length measured along material of the front portion from the first seam to the waistband exceeds a length measured along the fabric of the stretch panel, when un-stretched by at least 30%. While Reis does disclose that the undergarment has two layers, an inner and outer layer and where the outer layer forms a pouch (p. 2, col. 1, lines 6-12), Reis does not show the structure of the pouch.

However, Shlush teaches an underwear garment having two layers (Figs. 1-2), an inner and outer layer, where the outer layer forms a pouch that has a length of material longer than the inner layer (Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the pouch of Reis/Chong and made the pouch have a length of material longer than the inner layer as taught by Shlush; because Shlush teaches that it is known in the art to construct pouches in this manner and it is beneficial because it provides additional space for the wearer's genitalia (Para. [0011]).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis (USPN 2,235,849) in view of Chong (USPAP 2006/000008) as combined above and further in view of Larson (USPN 3,511,234).

Regarding Claim 7, Reis/Chong disclose the invention as claimed above. They do not disclose wherein the stretch panel comprises a fabric different from a fabric of the body. However, Larson teaches an underwear garment having panels of different types of fabric (Fig. 1; col. 1, lines 50-64 and col. 2, line 48- col. 3, line 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Reis/Chong and made the stretch panel of a fabric different from the body as taught by Larson; because Larson teaches that it is known in the art to have an underwear garment with different types of fabric panels and it is beneficial because it provides different types of support to

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wearer's body when worn (col. 1, lines 50-64 and col. 2, line 48- col. 3, line 23) which may be beneficial depending on end use.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874).

Regarding Claim 9, Shlush discloses a men's garment (Figs. 1-3) comprising: a waistband (110); a front portion (104) depending downwardly from the waistband (Fig. 3), the front portion formed to provide a pouch at a mid-section thereof (Figs. 1 and 3), the pouch shaped to contain a wearer's penis and scrotum when the garment is worn (Paras. [0011, 0025, and 0037]); a stretch panel (114) attached behind the pouch (Para. 0024]) and defining an opening (116) into the pouch (Paras. 0025 and 0026]), the stretch panel having a bottom portion (Fig. 2) connecting opposing side portions (120) and whereby, in use, the 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 (Paras. [0010, 0011, and 0025]; the stretch panel's opening at least supports the scrotum by providing access to the pouch which holds the genitalia providing comfort). Shlush does not explicitly disclose that the bottom portion is positioned to be disposed forward of a wearer's perineum when the garment is worn, however, the garment of Shlush would be worn by a variety of wearers in a variety of sizes and at least one of the users would have a bottom portion that is positioned forward of a wearer's perineum. Additionally, the phrase "bottom portion" is broad and any part or the lower portion of the stretch panel may be considered the bottom portion, thus a bottom portion that is closer to the

opening where the wearer's genitalia passes may be selected on the panel and it would be obvious that in selecting a bottom portion at this location, any wearer's perineum would be in a position to meet the claim limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the location of the bottom portion in relation to the wearer's perineum is relative to the user wearing the undergarment or where the bottom portion is located on the stretch panel.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282).

Regarding Claim 10, Shlush discloses the invention as claimed above. Shlush does not disclose wherein the stretch panel comprises a two-way elasticized fabric. However, King teaches an undergarment which comprises two-way elasticized fabric (col. 1, lines 10-22).

Therefore, it would have been obvious to one of ordinary skill to have used a two-way elasticized fabric in the stretch panel of Shlush as taught by King; because King teaches that it is known in the art to use two-way elasticized fabric in undergarments and two-way elasticized fabric is beneficial because it permits the garment to provide firm support while also being comfortable to the wearer (col. 1, lines 10-22).

9. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282) as combined above and further in view of Thrower (USPN 5,785,495).

Regarding Claim 11, Shlush/King disclose the invention as claimed above. While Shlush does disclose that cotton or any suitable material may be used in the invention, Shlush nor King explicitly disclose wherein the elasticized fabric is comprised of a cotton spandex blend. However, Thrower teaches an underwear garment which utilizes a cotton spandex blend (col. 4, lines 17-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a cotton spandex blend in the invention of Shlush/King as taught by Thrower; because Thrower teaches it is known in the art to construct undergarments out of a cotton spandex blend and it is beneficial because different amounts of support may be provided to the wearer via the garment by blending cotton with spandex (col. 4, lines 17-34).

Regarding Claim 12, Shlush/King/Thrower disclose the invention as claimed above. While Thrower does not mention that the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, Thrower does teach where a stretch panel is biased to hold the opening open while the garment is held in position to be put on (Figs. 3 and 4 show the garment in a position to be put on and the opening is held open). Since identical structure has been taught by Thrower, it is understood, to one having ordinary skill, that this structure is produced by the arrangement described in Applicant's claim and thus the limitation has been met.

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established (*In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977)).

"When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not (MPEP 2112.01)."

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and modified the opening to hold the opening in an open position as taught by Thrower; because Thrower teaches that this type of opening is known in the art and it would further be obvious to one of ordinary skill that this type of opening may provide the benefit of greater comfort or ease of use to a wearer.

Regarding Claim 13, Shlush/King/Thrower disclose the invention as claimed above. King further teaches where the undergarment comprises a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel (Fig. 1; 22a, 22b; col. 2, lines 51-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and added a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel as taught by King; because King teaches that it is known in the art to construct undergarments with crotch panels and it

would further be obvious to one of ordinary skill that adding a crotch panel may provide greater comfort to a wearer.

Regarding Claim 14, Shlush/King/Thrower disclose the invention as claimed above. King further teaches wherein a front portion of an undergarment is attached to a rear portion of the body that depends from the waistband at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the stretch panel is fastened to the seam (Figs. 4 and 6; col. 2, lines 51-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and attached the front portion to the rear portion by a seam disposed forward of the perineum region of a wearer where the bottom edge of the stretch panel is also fastened to the seam as taught by King; because King teaches that this configuration is known in the art of undergarments and the rearrangement of parts provides the same predictable results of providing an undergarment. Additionally, it would be obvious to one of ordinary skill that this arrangement may beneficially provide more comfort to a wearer.

Regarding Claims 15 and 16, Shlush/King/Thrower disclose the invention as claimed above. Thrower further teaches wherein the opening has a U-shape, oval, obround, teardrop or elliptical shape when the stretch panel is in a relaxed state (Fig. 2; (24); at least the lower part of an oval is considered to be a "U" shape).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and

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made the opening of U or oval shape as taught by Thrower; because Thrower teaches that this shape is known in the art for openings in layers of undergarments and it would be further obvious to one of ordinary skill that this shape may provide a wearer beneficially with more support or added comfort.

Regarding Claim 17, Shlush discloses wherein the stretch panel is formed from a single unitary piece of fabric (Fig. 2; panel is only stitched to front panel and does not comprise additional pieces). Shlush does not disclose wherein the piece of fabric is woven. However, Thrower teaches that undergarment fabrics are known to be knitted or woven fabrics (col. 5, lines 8-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that undergarment fabric of Shlush/King/Thrower may be woven as taught by Thrower; because Thrower teaches that it is known in the art to construct undergarments from woven fabric.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shlush (USPAP 2009/0106874) in view of King (USPN 3,844,282) and Thrower (USPN 5,785,495) as combined above and further in view of Reis (USPN 2,140,459).

Regarding Claim 18, Shlush/King/Thrower disclose the invention as claimed above. They do not disclose 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. However, Reis teaches that dart seams

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may be provided in undergarments to form pouches (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Shlush/King/Thrower and added a dart to the bottom portion of the pouch as taught by Reis; because Reis teaches that it is old and well known in the art to provide undergarments with darts to form pouches and they are beneficial because they round the fabric portions to contour parts of the body (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

12. Claims 1-18 are rejected under the judicially created doctrine of double patenting as being directed to the same invention as that set forth in claim 1 (Figs. 1-7) of United States Patent No. D646,462. See *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969) and *In re Phelan*, 205 F.2d 183, 98 USPQ 156 (CCPA 1953). See MPEP § 804(II)(B)(3).

13. A design - utility "same invention" double patenting rejection is based on judicial doctrine as there is no statutory basis for this rejection because neither **35 U.S.C. 101** nor **35 U.S.C. 171** can be applied against both claims. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). The "same invention" type of double patenting rejection, whether statutory or nonstatutory, cannot be overcome by a terminal disclaimer. *In re Swett*, 145 F.2d 631, 172 USPQ 72 (CCPA 1971). 

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the related prior art listed on the 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Th 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anna Kinsaul/
Examiner, Art Unit 3765

/Khoa D. Huynh/
Supervisory Patent Examiner, Art Unit 3765

Notice of References Cited	Application/Control No. 13/193,584		Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL		Art Unit 3765	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,140,459 A	12-1938	REIS ARTHUR M	602/67
*	B	US-2,235,849 A	03-1941	REIS ARTHUR M	2/234
*	C	US-2,601,602 A	06-1952	FIRSCHING SR JOSEPH A	602/67
*	D	US-3,844,282 A	10-1974	King, Frederick E.	602/67
*	E	US-D646,462 S	10-2011	Ellis et al.	D2/712
*	F	US-D656,708 S	04-2012	Ellis, Shawn	D2/712
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	B769 0001/GNM	8229

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EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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01/09/2014

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@patentable.com

Office Action Summary	Application No. 13/193,584	Applicant(s) BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-9,11,12,14,15,17 and 18 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-9,11,12,14,15,17 and 18 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 22 September 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

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1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Applicant's remarks filed October 25, 2013 have been reviewed and considered. Claims 1-9, 11, 12, 14, 15, 17, and 18 are currently pending of which claims 1, 5, 9, 11, 12, 14, 15, 17, and 18 have been amended. All references relied up on and not cited in the current Form 892 may be found in previous 892's or IDS'.

Response to Arguments

Applicant's First Argument: Reis/Chong do not disclose claim 1 as currently amended.

Examiner's Response: Applicant's arguments with respect to claim 1 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's Second Argument: Shlush does not disclose the features of claims 5 and 9.

Examiner's Response: Applicant's arguments with respect to claims 5 and 9 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's Third Argument: Larson teaches away from the feature of claim 7.

Examiner's Response: Applicant's arguments with respect to claim 7 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Applicant's Fourth Argument: Thrower does not include a stretch panel.

Thrower's conscious omission teaches away from using stretchable materials. Thrower does not suggest that the panels must be stretched while being attached.

Examiner's Response: Applicant's arguments filed October 25, 2013 have been fully considered but they are not persuasive. The argument that Thrower does not include a stretch panel is moot. Applicant's amendment has resulted in an updated rejection and Thrower is not used to teach a stretch panel. The argument that Thrower teaches away from using stretchable materials is not found persuasive. Since Thrower does not describe the exact material used it is understood that suitable materials (such as the stretchable fabric disclosed in the combination in the additional references) known to one of ordinary skill may be used in the invention. The argument that Thrower does not suggest that the panels must be stretched by being attached is not found persuasive since this limitation invokes product-by-process. Since Thrower's shown structure provides the claimed structure of holding the opening open while the garment is held in a position to be put on, Thrower meets the claim limitations.

While the exact process is not disclosed, a comparison of the recited process with the prior art processes does not serve to resolve the issue concerning patentability of the product. In re Fessman, 489 F2d 742, 180 USPQ 324 (CCPA 1974). Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. In re Klug, 333 F2d 905, 142 USPQ 161 (CCPA 1964). In an ex parte case product-by-process claims

are not construed as being limited to the product formed by the specific process recited.

In re Hirac et al., 535 F2d 67, 190 USPQ 15, see footnote 3 (CCPA 1976).

Applicant's Fifth Argument: The double patenting rejection is overcome because the current application claims two-way stretch material being resilient in a top to bottom and a side to side direction which is not found in the design patent.

Examiner's Response: Applicant's arguments, see remarks, filed October 25, 2013, with respect to the double patenting rejection have been fully considered and are persuasive. The double patenting rejection of claims 1-18 has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9, 11, 12, 14, 15, 17, and 18 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process*

Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “two-way stretch material” in claim 1 is used by the claim to mean “four-way stretch material”, while the accepted meaning is “material that stretches in only two ways (such as left to right *or* top to bottom).” The term is indefinite because the specification does not clearly redefine the term. For purposes of examination, Examiner is treating “two-way stretch material” to be interpreted as “four-way stretch material”. Claim 11 also refers to “two-way stretch material” and is being interpreted accordingly. Claims 2-9, 12, 14, 15, 17, and 18 are rejected for depending on a rejected claim and are accordingly rejected under 112, 2nd.

5. Claims 1-9, 11, 12, 14, 15, 17, and 18 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. Claim 1 recites that the stretch panel has an unstretched length smaller than the length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams, however, the claim then recites that the front portion is gathered by the stretch panel. This is contradicting because the recitation that the front panel “is gathered” suggests that the stretch panel is in a contracted or unstretched state whereas the immediately preceding language suggests that the stretch panel is held in a stretched state. It is not understood how the stretch panel can be both in a stretched and an unstretched condition at seemingly the same time. The claim language should be clarified. Claims 2-9, 11, 12, 14, 15, 17, and

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18 are rejected for depending on a rejected claim and are accordingly rejected under 112, 2nd.

Claim Rejections - 35 USC § 103

6. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-9, 11, 14, 15, and 17 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293).

Regarding Claim 1, Gravette discloses a male garment (Figs. 7-11) comprising: a body including a front portion (Fig. 7) and having leg openings (78a, 78b) for a wearer's legs, the body including a crotch panel (73) extending between the leg openings and joined to the front portion along a first seam (77); a waistband attached at an upper edge of the body (79); a stretch panel (Fig. 8) attached to the body inside the front portion, the stretch panel comprising a sheet of material (Para. [0035]) having a top edge attached to the body at the waistband (82), a bottom edge attached at the first seam (83), side edges attached to the body at side seams (Fig. 8) extending substantially continuously along either side of the front portion from the first seam to the waistband (Fig. 8) and an opening (81) for receiving the wearer's genitals, the opening

having a rounded bottom edge (Figs. 8-10) and opposing side edges that are spaced apart from one another on either side of the opening (Figs. 8-10); such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel (Figs. 8 and 10) whereby a three-dimensional pouch (Fig. 11) for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn is defined between the stretch panel and the front portion (Fig. 11). Gravette does not disclose where the stretch panel is a four-way stretch material (stretchable top to bottom and left to right). However, Miller teaches an underwear garment utilizing four-way stretch material (Para. [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used four-way stretch material in the underwear garment of Gravette as taught by Miller; because Miller teaches that it is known in the art to use four-way stretch material in undergarments and it is beneficial because it provides support and retains its original shape after being stretched, worn, or repeatedly washed (Para. [0020]). Furthermore, it has been held that it to be within the skill of one of ordinary skill to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Gravette/Miller disclose the invention as claimed above. They do not disclose where the stretch panel has an unstretched length smaller than a length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams. However, since the previous structure of the claim has been met by the prior art, the

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structure must also have the same characteristics of the stretch panel having an unstretched length smaller than a length measured along the front panel between the first seam and the waistband and an unstretched width smaller than a length measured along the front panel between the side seams.

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977)). "When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not (MPEP 2112.01)."

Regarding Claim 3, Gravette/Miller disclose the invention as claimed above.

Gravette further discloses where the stretch panel is rectangular and the opening is U-shaped (Fig. 10).

Regarding Claim 4, Gravette/Miller disclose the invention as claimed above.

They do not disclose where the stretch panel comprises a fabric having a stretch of at least 30%. However, Miller teaches in Para. [0020] that the four-way stretch fabric does impart stretchable characteristics. It would further be obvious that the materials which comprise the four-way stretch fabric (spandex and nylon) are both known to one of ordinary skill to include a considerable degree of stretch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known the four-way stretch fabric would have a percentage of stretch and it has been held that where the general conditions of a claims are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 5, Gravette/Miller disclose the invention as claimed above. As previously discussed in claim 1, since the prior art has disclosed the claimed structure the limitations regarding the unstretched/stretched lengths have also been met. Gravette/Miller do not disclose where the length of the front portion exceeds length of the stretch panel unstretched by at least 30%. However, it would be obvious to one of ordinary skill that the lengths would have a difference of a percentage and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the difference in lengths between the front portion and stretch panel would be a percentage. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 6, Gravette/Miller disclose the invention as claimed above. Gravette further discloses wherein the garment is a pair of undershorts (Figs. 7-11).

Regarding Claim 7, Gravette/Miller disclose the invention as claimed above. Miller further teaches an undergarment where there are at least two different fabrics used in an undergarment construction Paras. [0020, 0022, 0023].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and used more than one fabric in the invention of Gravette/Miller as taught by Miller; because Miller teaches that it is known in the art to construct an undergarment of more than one

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type of fabric and it would further be obvious to one of ordinary skill that using different types of fabrics in different parts of garment would impart different characteristics into the garment.

Regarding Claim 8, Gravette/Miller disclose the invention as claimed above.

While Gravette does disclose an opening (81), Gravette nor Miller disclose where the opening has a width in excess of 2 cm. However, it would be obvious to one of ordinary skill that the undergarment would be manufactured in a variety of sizes including a size where the opening has a width in excess of 2 cm.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the garment of Reis/Chong in a variety of sizes including one where the opening has a width in excess of 2 cm; because it is known in the art to manufacture garments in a variety of sizes to fit a variety of wearers. Additionally, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claims 9 and 14, Gravette/Miller disclose the invention as claimed above. Gravette further discloses where the front portion depends downwardly from the waist band (Fig. 7), and the front portion is formed to provide the pouch at a mid-section thereof (Figs. 7-10); whereby, in use, the 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 (Para. [0019]). Gravette/Miller do not explicitly disclose that the stretch panel and the first seam are positioned to be disposed forward of a wearer's perineum when

the garment is worn. However, the garment of Gravette/Miller would be worn by a variety of wearers in a variety of sizes and at least one of the wearers would have a garment where the stretch panel and first seam are positioned forward of a wearer's perineum.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the location of the stretch panel and first seam in relation to the wearer's perineum is relative to the size of the garment/user and that at least one undergarment being worn by a wearer would have a stretch panel and first seam that is positioned to be disposed forward of a wearer's perineum when the garment is worn.

Regarding Claim 11, Gravette/Miller disclose the invention as claimed above. As combined above, Miller further teaches where the stretch material is a spandex blend (Para. [0020]).

Regarding Claim 15, Gravette/Miller disclose the invention as claimed above. Gravette further discloses wherein the opening has a U-shape when the stretch panel is in a relaxed state (Figs. 8 and 10; the stretch panel's opening would not change; no matter what state the opening is in it would still have a rounded "U-shape").

Regarding Claim 17, Gravette/Miller disclose the invention as claimed above. Gravette further discloses where the stretch panel is formed from a single unitary piece of fabric (Fig. 8). While Gravette/Miller does not explicitly state that the piece of fabric is woven. Gravette further discloses at Paras. [0002 and 0003] that it is old and well-known to use woven fabric in undergarments.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that the single piece of fabric used in the undergarment of Gravette may be woven as disclosed by Gravette; because Gravette discloses that it is old and well-known to use woven fabric in undergarments.

8. Claim 2 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Reis (USPN 2,235,849).

Regarding Claim 2, Gravette/Miller disclose the invention as claimed above. They do not disclose wherein the stretch panel has asymmetrical stretch characteristics such that the panel stretches more easily in a direction parallel to the waist band and less easily in a direction at right angles to the waist band. However, Reis teaches an undergarment having a transverse resiliency of considerable degree and vertical resiliency of a lesser degree due to the knitting arrangement (p. 1, col. 2, lines 35-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention and known that stretch characteristics may be varied by knitting arrangement (thus imparting an asymmetrical characteristic if desired) as taught by Reis; because Reis teaches that imparting asymmetrical stretch characteristics are known in the art and it would further be obvious to one of ordinary skill that this arrangement may provide greater comfort or support to a wearer.

9. **Claim 12 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Thrower (USPN 5,875,495).**

Regarding Claim 12, Gravette/Miller disclose the invention as claimed above. They do not disclose whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on. However, Thrower teaches an undergarment having a panel that is biased to hold the opening open while the garment is held in position to be put on (Figs. 3 and 4). While the process steps are not explicitly disclosed by the prior art of Gravette/Miller/Thrower, as combined they provide the structure of a garment having a stretch panel being biased to hold open an opening and a 3-D pouch for receiving a penis and scrotum. See response to arguments above regarding product-by-process claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and biased the opening to be held open while the garment is being put on as taught by Thrower (Figs. 3 and 4); because Thrower teaches that this configuration is known in the art and it would further be obvious that this arrangement maybe add comfort or ease of use to a wearer.

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10. **Claim 18 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gravette et al. (hereinafter Gravette) (USPAP 2007/0277285) in view of Miller (USPAP 2005/0229293) as combined above and further in view of Reis (USPN 2,140,459).**

Regarding Claim 18, Gravette/Miller disclose the invention as claimed above. They do not disclose 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. However, Reis teaches that dart seams may be provided in undergarments to form pouches (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Gravette/Miller and added a dart to the bottom portion of the pouch as taught by Reis; because Reis teaches that it is old and well known in the art to provide undergarments with darts to form pouches and they are beneficial because they round the fabric portions to contour parts of the body (p. 1, col. 2, line 49-p.2, col. 1, line 5).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Th 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/ANNA KINSAUL/
Examiner, Art Unit 3765

/Khoa Huynh/
Supervisory Patent Examiner, Art Unit 3765

Notice of References Cited	Application/Control No. 13/193,584	Applicant(s)/Patent Under Reexamination BIGNEY, DUSTIN	
	Examiner ANNA KINSAUL	Art Unit 3765	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,662,378 B2	12-2003	Vartanyan, Philip A.	2/403
*	B	US-2005/0229293 A1	10-2005	Miller, Regg	002/403
*	C	US-2007/0277285 A1	12-2007	Gravette et al.	2/78.1
*	D	US-2012/0167280 A1	07-2012	Adams et al.	2/403
*	E	US-2013/0219591 A1	08-2013	Gu, Hai	2/405
*	F	US-8,555,422 B2	10-2013	Steele, Tyrone	2/403
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Electronic Acknowledgement Receipt	
EFS ID:	23334331
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	23581
Filer:	Thomas James Romano/Melissa Canich
Filer Authorized By:	Thomas James Romano
Attorney Docket Number:	SMTT.358CON2
Receipt Date:	27-AUG-2015
Filing Date:	13-JUL-2015
Time Stamp:	17:14:03
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	20150827_IDS_SMTT358CON2.pdf	615284 03a3c0bd5479a8bca837c71dfa81fad7c4eb4c4d	no	12
Warnings:					
Information: Package Apparel EX2004 Page 105 of 304 IPR2024-01163					

2	Foreign Reference	FP1_20100617_CA133058_SMT T358CON2.pdf	259028 930250340009729e31ae48fc850eb06b2564088f	no	9
Warnings:					
Information:					
3	Non Patent Literature	NPL1_20130425_OA_from_SM TT358_SMTT358CON2.pdf	1142941 3fd3999f47ff5b0036970694a6cefc9a58b7be8d	no	18
Warnings:					
Information:					
4	Non Patent Literature	NPL2_20140109_OA_from_SM TT358_SMTT358CON2.pdf	1159586 4e388c02e9a982a95510bbd9cb94c7cfdafdd9953	no	19
Warnings:					
Information:					
Total Files Size (in bytes):			3176839		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

☒ Practitioners associated with Customer Number:

20350

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

☒ The address associated with Customer Number:

20350

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

Assignee Name and Address:

0912139 B.C. Ltd.
272 Bernard Avenue
Kelowna, B.C., Canada V1Y 6N4

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature

Date

Name

Telephone

Title

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

67683476V.1

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: 0912139 B.C. LTD.Application No./Patent No.: 14/798,332Filed/Issue Date: July 13, 2015Titled: GARMENTS FOR MEN0912139 B.C. LTD.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose one of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest; or
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g. bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose one of options A or B below):

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy therefore is attached.

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Dustin Bigney To: 0912139 B.C. LTD.
The document was recorded in the United States Patent and Trademark Office at Reel 026791, Frame 0044, or for which a copy thereof is attached.

2. From: Shawn Robert Ellis To: KE Imports, LTD.
The document was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

STATEMENT UNDER 37 CFR 3.73(c)3. From: KE Imports, LTD.To: 0912139 B.C. LTD.

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE]: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Sean F. Parmenter,

2015-09-08

Reg. No. 53,437/SignatureDateSean F. Parmenter53,437Printed or Typed NameTitle or Registration Number

[Page 2 of 2]

This collection of information is required by 37 CFR 3.73(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT ASSIGNMENT

WHEREAS, **Shawn Robert ELLIS** and **Glen Allan KIRK**, whose full post office addresses are **c/o KE Imports Ltd, 1036 Richter St, Kelowna, BC, Canada V1Y 2K5**, (hereinafter "Assignors"), are the inventors of an invention, which is the subject of U.S. Provisional Application entitled **MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP**, filed under Serial No. 61/429,065 filed on December 31, 2010, and for which a regular U.S. Application is being filed on January 5, 2011;

WHEREAS, **KE Imports Ltd**, a corporation incorporated provincially under the laws of the Province of British Columbia, whose full post office address is **1036 Richter St, Kelowna, BC, Canada V1Y 2K5**, (hereinafter "Assignee"), has acquired from the Assignors the entire right, title and interest in and to the said invention, in all countries of the world, including the rights to the said applications and any Letters Patent that may be obtained therefor;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Assignors, by these presents confirm that they have sold, assigned and transferred, and do hereby sell, assign and transfer to said Assignee, the entire right, title and interest in the aforesaid invention, in all countries of the world, including the rights to the said applications, and all related applications thereon, including any and all counterpart applications in other countries, and any and all substitutes, divisionals, continuations, and continuations-in-part, as well as any issued Letters Patent resulting from these applications, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent to the full end of the term or terms for which such Letters Patent issue.

The Assignors shall without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and

modifications thereto in any and all countries, and to vest title thereto in said assignee, its successors, assigns and legal representatives or nominees.

SIGNED this 4 day of JANUARY 2011, at KELOWNA,
B.C., Canada.

Witness

Shawn Robert ELLIS

SIGNED this 04 day of JAN, 2011, at 1036 Richter St
Kelowna B.C., Canada.

Witness

Glen Allan KIRK

PATENT ASSIGNMENT

The undersigned

KE IMPORTS LTD. ("Assignor") of 1036 Richter Street, Kelowna
British Columbia, Canada, V1Y 2K5

for good and valuable consideration, the receipt and sufficiency of which is acknowledged, has
done and, for greater certainty, does hereby: sell, assign, transfer and set over to

0912139 B.C. Ltd. ("Assignee") of 272 Bernard Avenue, Kelowna, British Columbia,
Canada V1Y 6N4

absolutely the entire right, title and interest worldwide of the undersigned, in and to the invention
(the "Invention") which is the subject of the patent applications listed in the attached Schedule
(the "Applications"), including improvements thereto, for all jurisdictions of the world, and to all
corresponding right and title to and interest in the Applications, including without limitation all
continuations, divisions, renewals of or substitutes for the Applications, the right to file
counterparts to the Applications in all countries and regions, and the right to claim priority from
the Applications in all countries and regions, and any patents which have been or may be granted
therefor, the same to be held and enjoyed by the Assignee, its successors and assigns, as it would
have been held and enjoyed by the Assignor had this sale, assignment, transfer and conveyance
not been made, for the full term or terms for which such patents have been granted or may be
granted or extended and the full term or terms for which rights may exist in the Invention.

The Assignor hereby further agrees, undertakes and covenants that it will promptly sign or
execute and it will assert any rights that it may have to require the inventors of the Invention to
promptly sign or execute all such further documents, assurances, applications, instruments or any
other writing that may be requested by the Assignee or its legal representatives for the purpose of
obtaining any patents, or any re-issue or extensions thereof, or any improvements therein, in
order that all of its right, title and interest in the same may be vested in the Assignee, its
successors and assigns.

Executed at Kelowna, BC, this 24th day of June, 2011.

KE IMPORTS LTD.

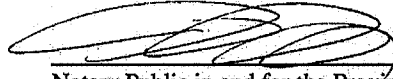
By:

Name:

Title:

NOTARIAL CERTIFICATE

Before me this 24th day of Dec 2011, personally appeared the above-signed
Shawn R. Ellis, known to me to be the Director of the
Assignor, KE IMPORTS LTD., who acknowledged to me that he/she executed the foregoing
instrument of his/her own free will and for the purpose therein set forth.



Notary Public in and for the Province of
British Columbia, Canada.
My Commission is for life.

ROGER M. MACE
BARRISTER & SOLICITOR
2ND FLOOR - 1674 BERTRAM ST.
KELOWNA, BC V1Y 9G4
(250) 763-3343 FAX: (250) 763-9524

SCHEDULE

Application No.	Title	Filing Date
US 61/429,065	Men's Undergarment	31 Dec 2010
US 12/984,833	Men's Undergarment	5 Jan 2011

Electronic Acknowledgement Receipt	
EFS ID:	23431865
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	23581
Filer:	Sean Franklin Parmenter
Filer Authorized By:	
Attorney Docket Number:	SMTT.358CON2
Receipt Date:	08-SEP-2015
Filing Date:	13-JUL-2015
Time Stamp:	18:02:01
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Oath or Declaration filed	20150908_098622_0957842_D EC_BIGNEY.pdf	84404	no	1
			185c055cad0f926ab509580b31b23f1c9aa6cf35		
Warnings:					
Information:			Package Apparel EX2004		

2	Oath or Declaration filed	20150908_098622_0957842_S STATEMENT.pdf	239660 e1391c72f33a876590737d27b93de9b055f58752	no	3
Warnings:					
Information:					
3	Power of Attorney	20150908_098622_0957842_P OA.pdf	79890 74ca7f84fa6f9e6b6f704a162b3f1e234fea1d24	no	1
Warnings:					
Information:					
4	Assignee showing of ownership per 37 CFR 3.73	20150908_098622_0957842_3 73.pdf	485675 aa8905e80ecedf1aff3cada5ee191a8b420d0275	no	7
Warnings:					
Information:					
Total Files Size (in bytes):			889629		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**Title of
Invention****GARMENTS FOR MEN**

As the below named inventor, I hereby declare that:

This declaration
is directed to:☐

The attached application, or

☒United States application or PCT international application number 14/798,332
filed on July 13, 2015

The above-identified application was made or authorized to be made by me.

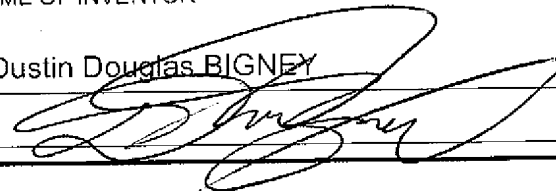
I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than **five (5)** years, or both.**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTORInventor: Dustin Douglas BIGNEY

Date (Optional): _____

Signature: 

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**SUBSTITUTE STATEMENT IN LIEU OF AN OATH OR DECLARATION FOR UTILITY
OR DESIGN PATENT APPLICATION (35 U.S.C. 115(d) AND 37 CFR 1.64)**

Title of Invention	GARMENTS FOR MEN						
This statement is directed to: ☐ The attached application, OR ☒ United States application or PCT international application number <u>14/798,332</u> filed on <u>July 13 2015</u>							
LEGAL NAME of inventor to whom this substitute statement applies: (E.g., Given Name (first and middle (if any)) and Family Name or Surname) Shawn Robert Ellis							
Residence (except for a deceased or legally incapacitated inventor): <table border="1"><tr><td>City Kelowna</td><td>State BC</td><td>Country Canada</td></tr></table>				City Kelowna	State BC	Country Canada	
City Kelowna	State BC	Country Canada					
Mailing Address (except for a deceased or legally incapacitated inventor): 2784 Bath Street							
<table border="1"><tr><td>City Kelowna</td><td>State BC</td><td>Zip V1Y 1M5</td><td>Country CA</td></tr></table>				City Kelowna	State BC	Zip V1Y 1M5	Country CA
City Kelowna	State BC	Zip V1Y 1M5	Country CA				
I believe the above-named inventor or joint inventor to be the original inventor or an original joint inventor of a claimed invention in the application. The above-identified application was made or authorized to be made by me. I hereby acknowledge that any willful false statement made in this statement is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.							
Relationship to the inventor to whom this substitute statement applies: ☐ Legal Representative (for deceased or legally incapacitated inventor only). ☒ Assignee. ☐ Person to whom the inventor is under an obligation to assign. ☐ Person who otherwise shows a sufficient proprietary interest in the matter (petition under 37 CFR 1.46 is required), or ☐ Joint Inventor.							

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SUBSTITUTE STATEMENT

Circumstances permitting execution of this substitute statement:

- ☐ Inventor is deceased,
☐ Inventor is under legal incapacity,
☐ Inventor cannot be found or reached after diligent effort, or
☒ Inventor has refused to execute the oath or declaration under 37 CFR 1.63.

If there are joint inventors, please check the appropriate box below:

- ☒ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) naming the entire inventive entity has been or is currently submitted.

OR

- ☐ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) has not been submitted. Thus, a Substitute Statement Supplemental Sheet (PTO/AIA/11 or equivalent) naming the entire inventive entity and providing inventor information is attached. See 37 CFR 1.64(b).

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

Name: **Dustin Bigney**

Date (Optional):

Signature: 

APPLICANT NAME AND TITLE OF PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

If the applicant is a juristic entity, list the applicant name and the title of the signer:

0912139 B.C. Ltd.

Applicant Name:

Title of Person Executing
This Substitute Statement: **President**

The signer, whose title is supplied above, is authorized to act on behalf of the applicant.

Residence of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent):

City

State

Country

Mailing Address of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent)

City

State

Zip

Country

Note: Use an additional PTO/AIA/02 form for each inventor who is deceased, legally incapacitated, cannot be found or reached after diligent effort, or has refused to execute the oath or declaration under 37 CFR 1.63.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/798,332	07/13/2015	Dustin Douglas BIGNEY	SMTT.358CON2

CONFIRMATION NO. 7771

POA ACCEPTANCE LETTER



OC000000077462592

23581
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Date Mailed: 09/17/2015

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2015.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/atesfai/

To: ipefiling@kilpatricktownsend.com,jlhice@kilpatrick.foundationip.com,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 20350

Sep 17, 2015 05:31:59 AM

Dear PAIR Customer:

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 20350 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
14798332	N570	09/17/2015	SMTT.358CON2

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If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on 10/30/15.

PATENT
Attorney Docket No.: 098622-000110US-0957842
Client Ref. No.: 16656-23

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Linda Shaffer/
Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Douglas Bigney

Application No.: 14/798,332

Filed: Jul 13, 2015

For: GARMENTS FOR MEN

Customer No.: 23581

Confirmation No.: 7771

Examiner:

Technology Center/Art Unit: 3765

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

A Notice of Acceptance of Power of Attorney was mailed on September 17, 2015, indicating that correspondence in this application would be mailed to Kolisch Hartwell. However, a Power of Attorney to Customer No. 20350 and Statement Under 37 CFR 3.73(c) were filed on September 8, 2015.

In view of the above, it is requested that a new Notice of Acceptance of Power of Attorney be mailed to the undersigned.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/
Sean F. Parmenter
Registration No. 53,437

KILPATRICK TOWNSEND & STOCKTON LLP
SFP:lls
67858713V.1

Electronic Acknowledgement Receipt

EFS ID:	23941818
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Sean Franklin Parmenter/Linda Shaffer
Filer Authorized By:	Sean Franklin Parmenter
Attorney Docket Number:	SMTT.358CON2
Receipt Date:	30-OCT-2015
Filing Date:	13-JUL-2015
Time Stamp:	12:24:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	957482_comm.pdf	63320 735e47dea601731f81332db81576d4ae20cfd449	no	1

Warnings:

Information:

Package Apparel EX2004

Page 124 of 304

IPR2024-01163

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/798,332	07/13/2015	Dustin Douglas BIGNEY	098622-000110US-0957842

CONFIRMATION NO. 7771

PUBLICATION NOTICE



OC000000078495204

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Title:GARMENTS FOR MEN

Publication No.US-2015-0313290-A1

Publication Date:11/05/2015

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Subject: Private PAIR Correspondence Notification for Customer Number 20350

Nov 06, 2015 05:37:51 AM

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UNITED STATES

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Application	Document	Mailroom Date	Attorney Docket No.
14798332	NTC.PUB	11/05/2015	098622-000110US-0957842

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PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14/798,332
	Filing Date		July 13, 2015
	First Named Inventor	Dustin Douglas Bigney	
	Art Unit	3765	
	Examiner Name	KINSAUL, ANNA KATHRYN	
	Attorney Docket Number	098622-000110US-0957842	

U.S. PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code 1	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	2033551		1936-03-10	RUMERY	
	2.	2140459	A	1938-12	REIS	
	3.	2235849	A	1941-03	REIS	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14/798,332
	Filing Date		July 13, 2015
	First Named Inventor	Dustin Douglas Bigney	
	Art Unit	3765	
	Examiner Name	KINSAUL, ANNA KATHRYN	
	Attorney Docket Number	098622-000110US-0957842	

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	78.	D656708	S	2012-04	ELLIS, Shawn	
	79.	8555422	B2	2013-10	STEELE, Tyrone	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14/798,332	
	Filing Date		July 13, 2015	
	First Named Inventor		Dustin Douglas Bigney	
	Art Unit		3765	
	Examiner Name		KINSAUL, ANNA KATHRYN	
	Attorney Docket Number		098622-000110US-0957842	

U.S. PATENT APPLICATION PUBLICATIONS						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	80.	20050229293	A1	2005-10	MILLER, Regg	
	81.	20050268380	A1	2005-12-08	SOVELL	
	82.	20060000008	A1	2006-01-05	CHONG	
	83.	20060005301	A1	2006-01-12	TAYLOR	
	84.	20060162052	A1	2006-07-27	STANKOWSKI et al.	
	85.	20070180600	A1	2007-08-09	ALLEMANN et al.	
	86.	20070192941	A1	2007-08-23	SODERSTROM	
	87.	20070245463	A1	2007-10-25	KANG	
	88.	20070277285	A1	2007-12	GRAVETTE et al.	
	89.	20080178368	A1	2008-07-31	CLARK	
	90.	20090106874	A1	2009-04-30	SHLUSH	
	91.	20120167280	A1	2012-07	ADAMS et al.	
	92.	20130219591	A1	2013-08	GU, Hai	

FOREIGN PATENT DOCUMENTS								
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	93.	133058	CA		2010-06-17	0912139 B.C. LTD		

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>			
<p>¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.</p>			

Electronic Acknowledgement Receipt

EFS ID:	24233469
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Sean Franklin Parmenter/Sharleen Lane
Filer Authorized By:	Sean Franklin Parmenter
Attorney Docket Number:	098622-000110US-0957842
Receipt Date:	01-DEC-2015
Filing Date:	13-JUL-2015
Time Stamp:	19:00:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		IDS_098622-000110US-095784 2.pdf	379184 99847174b10474a108abd874535bdcffddc b14e6	yes	5

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Transmittal Letter	1	2
	Information Disclosure Statement (IDS) Form (SB08)	3	5
Warnings:			
Information:			
Total Files Size (in bytes):		379184	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>			

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on December 1, 2015.

PATENT
Attorney Docket No.: 098622-000110US-0957842
Client Ref. No.: 16656-5CC

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Sharleen Lane/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Douglas Bigney *et al.*

Application No.: 14/798,332

Filed: July 13, 2015

For: GARMENTS FOR MEN

Customer No.: 23581

Confirmation No.: 7771

Examiner: KINSAUL, ANNA KATHRYN

Technology Center/Art Unit: 3765

INFORMATION DISCLOSURE
STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

The references cited on attached form PTO/SB/08A are being called to the attention of the Examiner. Copies of the references are not enclosed. In accordance with 37 CFR §1.98(d), copies of the references can be found in U.S. Application No. 13/193,584, filed July 28, 2011.

It is noted that the present application is a Continuation of U.S. Patent Application No. 13/193,584 (pending). Copies of any Office Actions in U.S. Patent Application No. 13/193,584 are available via the USPTO's PAIR or electronic file wrapper system and are believed to be readily accessible to the Examiner.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR § 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if any fees are due for the submission of this Information Disclosure Statement, please deduct those fees from Deposit Account No. 20-1430.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/

Sean F. Parmenter
Registration No. 53,437

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
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Fax: 415-576-0300
Attachments
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798,332	07/13/2015	Dustin Douglas BIGNEY	098622-000110US-0957842	7771

20350 7590 11/09/2017
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

NOTIFICATION DATE	DELIVERY MODE
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11/09/2017

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com
KTSDocketing2@kilpatrick.foundationip.com

Office Action Summary	Application No. 14/798,332	Applicant(s) BIGNEY ET AL.	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-15 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-15 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 13 July 2015 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

This is in response to Application filed on July 13, 2015 in which claims 1-15 are presented for examination.

Status of Claims

Claims 1-15 are pending of which Claim 1 is presented in independent form.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 11 recites "wither" at the end of the line. It appears it should read "either". Appropriate correction is required.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*,

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422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

4. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claims 1-15 is/are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-15 of prior U.S. Patent No. 9,687,030. This is a statutory double patenting rejection. **Though claim 1 is not exactly the same wording due to the typographical error as noted above in the Claim Objections section, it is understood that upon correction of the claim, according to Examiner's interpretation, that the claims would in fact be the same.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Fri 9am-5:30pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANNA KINSAUL/

Primary Examiner, Art Unit 3765

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14/798,332
	Filing Date		July 13, 2015
	First Named Inventor	Dustin Douglas Bigney	
	Art Unit	3765	
	Examiner Name	KINSAUL, ANNA KATHRYN	
	Attorney Docket Number	098622-000110US-0957842	

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	14.	3207155		1965-09-21	CASEY	
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	16.	3283545		1966-11-08	SIMON	
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	18.	3459181		1969-08-05	MANN	
	19.	3496576		1970-02-24	ARTZT	
	20.	3499442		1970-03-10	STEINMETZ	
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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	93.	133058	CA		2010-06-17	0912139 B.C. LTD		

EXAMINER SIGNATURE			
Examiner Signature	/ANNA K KINSAUL/	Date Considered	11/03/2017
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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70	7065797	B1	2006-06-27	Shyan-Wei CHEN	
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	3	20060000008	A1	2006-01-05	Su Han CHONG	
	4	20060005301	A1	2006-01-12	Richard Anthony TAYLOR	
	5	20060162052	A1	2006-07-27	STANKOWSKI et al.	
	6	20070180600	A1	2007-08-09	ALLEMANN et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Dustin Douglas BIGNEY
Art Unit	3765
Examiner Name	Anna Kathryn KINSAUL
Attorney Docket Number	SMTT.358CON2

7	20070192941	A1	2007-08-23	Peter SODERSTROM	
8	20070245463	A1	2007-10-25	Paul KANG	
9	20070277285	A1	2007-12-06	GRAVETTE et al.	
10	20080178368	A1	2008-07-31	Robert CLARK	
11	20090106874	A1	2009-04-30	Jacob SHLUSH	

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	133058	CA		2010-06-17	KE IMPORTS LTD.		☐

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	1	April 25, 2013, Office action from the U.S. PATENT AND TRADEMARK OFFICE, in U.S. Patent Application Serial No. 13/193,584, which shares the same priority as this U.S. application.	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14798332
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Examiner Name	Anna Kathryn KINSAUL
Attorney Docket Number	SMTT.358CON2

2	January 9, 2014, Office action from the U.S. PATENT AND TRADEMARK OFFICE, in U.S. Patent Application Serial No. 13/193,584, which shares the same priority as this U.S. application.	☐
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EXAMINER SIGNATURE

Examiner Signature	/ANNA K KINSAUL/	Date Considered	11/03/2017
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Dustin Douglas BIGNEY
Art Unit	3765
Examiner Name	Anna Kathryn KINSAUL
Attorney Docket Number	SMTT.358CON2

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/ Thomas J. Romano /	Date (YYYY-MM-DD)	2015-08-27
Name/Print	Thomas J. ROMANO	Registration Number	61230

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Search Notes 	Application/Control No. 14798332	Applicant(s)/Patent Under Reexamination BIGNEY ET AL.
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
A41B9/02, 023	11/3/2017	AKK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor search in PALM and EAST	11/3/2017	AKK
EAST search- forward/backward of relevant art; keywords see attached EAST search	11/3/2017	AKK

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S17	28	("0642227" "0650954" "0847779" "1020588" "1592732" "1688910" "1973849" "20040154079" "20070277285" "2138481" "2235849" "2416857" "2457260" "2529115" "2639708" "3207155" "3517666" "4173976" "4870958" "5647065" "5651144" "5754982" "7017193" "7895676" "D353933" "D445239" "D482123" "D548928").PN. OR ("D646462" "D656708").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:14
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S22	3	((("2255931") or ("2872685") or ("3441022"))).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 19:41
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S38	75	scrotum and (support or suspensory) and ((man or men or boys) near2 (under\$1wear or under\$1garment or boxers))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:58
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S46	18	("2601602").URPN.	USPAT	OR	ON	2013/12/30 15:43
S47	1	("20080178369").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:45
S48	99	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342" "6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "D509945").PN. OR ("7958571").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:48
S50	106	A41B9/023.CPC.	US-PGPUB; USPAT	OR	ON	2013/12/30 15:48
S51	15	("2058970" "3459181" "4554685" "5070869" "5524298" "5718003" "6820284" "6901607" "7065797" "7178174").PN. OR ("7676853").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:52
S52	31	("4195630" "4660551" "5070869"	US-PGPUB;	OR	ON	2013/12/30

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S53	115	("20070283484" "20080189833" "20110307996" "20120151662" "2058970" "2328953" "2641257" "3499442" "4644945" "4961419" "5029345" "5819323" "6038703" "6487728" "6799334" "7065797" "7178174" "7578009" "D509945" "D566926" "4195630" "20100005561" "20120144563" "20120167280" "3499443" "3511234" "4173976" "4377008" "4414971" "5618279" "6243880" "7198688" "7749214" "7762262" "20110258756" "2254863" "3683909" "4526167" "5070869" "5283912" "5547466" "6295651" "7895676" "7958571" "20090106874" "2601602" "3294086" "3621846" "4870958" "4955088" "5226179" "5716350" "5807299" "5870779" "5978971" "6308342" "6353940" "7100213" "7631369" "7721355" "7788739" "8128675" "D382386" "7024703" "8555422" "20080052807" "2033551" "2623210" "2624336" "2652053" "2872685" "3283545" "3517666" "4660551" "5379462" "6105174" "7676853" "7810173" "7958571" "2684673" "3207155" "3220410" "3295520" "3459181" "5157793" "5461729" "5598587" "5718003" "6047408" "6289520" "6425140" "7024703" "D571532" "20090158505" "20100275349" "4554685" "4702239" "5237706" "5524298" "5920914" "6820284" "6862746" "7017193" "D408964" "20120017356" "2354971" "2438310" "4195630" "4759355" "5052058" "5647065" "5875495" "6026517" "6041441" "6061840" "6245036" "6901607" "7669253").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 16:30
S54	11	("4870858" "6245036" "6289520" "D382386" "D408964").PN. OR ("D509945").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:49
S55	116	("0038930" "0602188" "0833849" "1052765" "1083712" "1265089" "1404855" "1512171" "1861383" "20040025218" "20060277649" "20070277285" "20080114327" "20090106874" "20110023216" "2012879" "2033266" "2033551"	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:52

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S56	31	("1781271" "2983924" "4195630" "4345337" "4526167" "4637078" "4961419" "5283912" "5598587" "5647065" "5716350" "5870779" "5875495" "5978971" "6038703" "6061840" "6108823" "6243880" "6287169" "6289520" "6308342" "6425140").PN. OR ("6662378").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 13:11
S57	44	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US- 20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$).did. or (US- 7578009-\$ or US-5875495-\$ or US- 4759355-\$ or US-4870958-\$ or US- 5157793-\$ or US-D509945-\$ or US- 7024703-\$ or US-2624336-\$ or US- 2033551-\$ or US-3511234-\$ or US- 3844282-\$ or US-2138481-\$ or US- 2114268-\$ or US-3517666-\$ or US- 7017193-\$ or US-D646462-\$ or US- D656708-\$ or US-4173976-\$ or US- 2457260-\$ or US-1020588-\$ or US- 2235849-\$ or US-5647065-\$ or US- 2601602-\$ or US-5029345-\$ or US- 2140459-\$ or US-6243880-\$).did. or (US- 7788739-\$ or US-5379462-\$ or US- 6289520-\$ or US-8555422-\$ or US- 6662378-\$ or US-2254863-\$).did.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:26
S58	550	(A41B9/02 OR A41B9/026 OR A61F5/40).CPC.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:27
S59	0	S57 and ((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) near2 stretch\$3	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28

S60	4	S57 and (stretch\$3 near4 direction)	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S61	47	((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) and (under\$1wear or (under near2 wear)) and (men or male)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 13:32
S62	1	("20050229293").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/31 14:17
S63	1	((DUSTIN) near2 (BIGNEY)).INV.	US-PGPUB; USPAT	OR	ON	2013/12/31 15:03
S64	195	(biased or (stretched and unstretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S65	201	(biased or (stretched and un\$1stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S66	6	S65 not S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S67	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S68	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S69	2	(pouch with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:13
S70	15	((sewn or sewing or stitch or stitched or stitching) near3 stretched) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2014/01/02 12:14

			DERWENT; IBM_TDB			
S71	2	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) near6 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S72	4	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S73	8	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:50
S74	54	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and (shorts or bloomers)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:51
S75	14	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with tension\$3)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:59
S76	14	((panel or pouch) with tension\$3) with (sewn or sewing or stitch or stitched or stitching)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 13:01
S77	7	(bias\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:41
S78	53	(stretch\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:42
S79	1	("D646462").PN.	US-PGPUB; USPAT	OR	OFF	2014/01/03 12:47

S80	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$).did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$).did. or (US-3459181-\$).did.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16
S81	18	S80 and stretch\$3	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16
S82	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$).did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$).did. or (US-3459181-\$).did.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S83	18	S82 and (stretch\$3 or tension\$3 or bias\$3)	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S84	19	("2664889" "2695610" "3283545" "3322120" "3499442" "Re21999").PN. OR ("5461729").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/29 13:10
S85	1152	((fabric or material) near2 (stretch\$3 or	US-PGPUB;	OR	ON	2014/07/29

		tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			13:18
S86	9	S85 and (under\$1wear or underwear or brief or boxer or undergarment or under\$1garment) and (genital or penis or scrotum)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/29 13:19
S87	1498	((fabric or material or elastic or stretch or panel) near2 (stretch\$3 or tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:15
S88	238	S87 and "2"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:16
S89	40	S88 and (shirred or gathered)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
S90	10	S89 and (pouch or pocket)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
S91	198	S88 not S89	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:20
S92	34	("2310839" "2328953" "3599241" "3768471").PN. OR ("4173976").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 13:26
S93	10	("2328953").URPN.	USPAT	OR	ON	2014/07/30 13:33
S94	0	(body and (front adj portion) and (leg adj openings) and (crotch adj panel) and (first adj seam) and waistband and (stretch adj panel) and (four\$1way adj stretch)).clm.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 17:17
S96	42	((SHAWN) near2 (ELLI S)).INV.	US-PGPUB; USPAT	OR	ON	2017/11/02 16:27
S97	3	(("BIGNEY") near3 ("Dustin")).INV.	US-PGPUB;	OR	ON	2017/11/02

			USPAT; USOCR			16:27
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11 / 3 / 2017 2:55:06 PM
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CONFIRMATION NO. 7771

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
14/798,332	07/13/2015	002	3765	098622-000110US-0957842	
RULE					
APPLICANTS 0912139 B.C. LTD., Kelowna, CANADA INVENTORS Dustin Douglas BIGNEY, West Vancouver, CANADA; Shawn Robert ELLIS, Kelowna, CANADA; ** CONTINUING DATA ***** This application is a CON of 13/193,584 07/28/2011 PAT 9687030 which claims benefit of 61/429,065 12/31/2010 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 07/27/2015					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☐ No Verified and /ANNA KATHRYN KINSAUL/ Acknowledged Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY CANADA	SHEETS DRAWINGS 9	TOTAL CLAIMS 15	INDEPENDENT CLAIMS 1
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14798332	CTNF	11/09/2017	098622-000110US-0957842
	1449	11/09/2017	098622-000110US-0957842
	1449	11/09/2017	098622-000110US-0957842

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Application Number		14798332	
Filing Date		13-Jul-2015	
First Named Inventor		Dustin BIGNEY	
Attorney Docket Number		098622-000110US-0957842	
Title of Invention		GARMENTS FOR MEN	
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Applicant claims the following fee status: ☒ Small Entity ☐ Micro Entity ☐ Regular Undiscounted	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ☒ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u>70442</u> ☐ A sole inventor ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ☐ A joint inventor; all of whom are signing this request	
Signature	/Kyle B. Morse/
Name	Kyle B. Morse

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	14798332			
Filing Date:	13-Jul-2015			
Title of Invention:	GARMENTS FOR MEN			
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY			
Filer:	Kyle B. Morse/Marcos Vera			
Attorney Docket Number:	098622-000110US-0957842			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	2814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				160

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 14798332

Filing Date: 13-Jul-2015

Applicant/Patent under Reexamination: BIGNEY

Electronic Terminal Disclaimer filed on February 6, 2018

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	31718264
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Kyle B. Morse/Marcos Vera
Filer Authorized By:	Kyle B. Morse
Attorney Docket Number:	098622-000110US-0957842
Receipt Date:	06-FEB-2018
Filing Date:	13-JUL-2015
Time Stamp:	19:11:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 160
RAM confirmation Number	020718INTEFSW19114500
Deposit Account	201430
Authorized User	IP eFiling

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37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

Pakage Apparel EX2004

Page 176 of 304

IPR2024-01163

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33378	no	2
			b4ad49e28aaae72fa9839dbc8a8cc0e91d270b85		

Warnings:**Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	30476	no	2
			7b52651ab433b8e608edf63d6162d39dd2ddd8fe		

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If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on February 6, 2018

PATENT
Attorney Docket No.: 098622-0957842-000110US
Client Ref. No.: V812072USCON

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Marcos Vera/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dustin Douglas Bigney et al.

Application No.: 14/798,332

Filed: July 13, 2015

For: GARMENTS FOR MEN

Customer No.: 20350

Confirmation No.: 7771

Examiner: Anna Kathryn Kinsaul

Technology Center/Art Unit: 3765

AMENDMENT/RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In response to the Office Action mailed November 9, 2017, please enter the
following:

Amendments to the Claims are reflected in the listing of claims which begins on
page 2 of this paper.

Applicant Summary of Interview with the Examiner begins on page 5 of this
paper.

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A male garment comprising:
a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;
a waistband attached by a waistband seam at an upper edge of the body;
a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at ~~the waistband seam~~ a top location, a bottom edge attached ~~to the first seam~~ body at a bottom location, side edges attached to the body at side seams extending substantially continuously along ~~with either~~ either side of the front portion ~~from the first seam to the waistband seam~~ and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;
the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the ~~first seam top and the waistband seam~~ bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.
2. (Original) 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.

3. (Original) A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.

4. (Original) A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.

5. (Currently Amended) 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%.

6. (Original) A garment according to claim 1 wherein the garment is a pair of undershorts.

7. (Original) A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.

8. (Original) A garment according to claim 1 wherein the opening has a width in excess of 2 cm.

9. (Original) A garment according to claim 1 wherein:
the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.

10. (Original) A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.

11. (Original) A garment according to claim 1, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less

stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.

12. (Currently Amended) A garment according to claim ~~[[1]]~~ 11, wherein the ~~first~~ front portion is attached to a rear portion of the body that depends from the waistband at a seam ~~[[is]]~~ disposed forward of ~~[[a]]~~ the perineum region of a wearer, and wherein a bottom edge of the stretch panel is fastened to the seam.

13. (Original) A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.

14. (Original) A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.

15. (Original) 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.

APPLICANT SUMMARY OF INTERVIEW WITH THE EXAMINER

Applicant would like to thank Examiner Keaton for the courtesy of the interview conducted with Applicant's representative Matthew Leaper via teleconference on December 20, 2017. The time spent with Applicant's representative was greatly appreciated. During the interview, Applicant's representative and the Examiner discussed potential claim amendments. Applicant thanks the Examiner for her helpful suggestions for advancing the prosecution of this case.

REMARKS

Upon entry of the present amendment, claims 1-15 will be pending in this application. Claims 1, 5, and 12 have been amended, no claims have been canceled, and no new claims have been added. No new matter is added. Based on the following remarks, Applicant respectfully requests reconsideration and allowance of the pending claims.

Claim Objection

Claim 1 is objected to because of a minor informality. Accordingly, Applicant has amended claim 1 to fix the minor informality.

Double Patenting

Claims 1-15 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-15 of prior U.S. Patent No. 9,687,030. Accordingly, Applicant has amended claim 1 to overcome the double patenting rejection. In addition, Applicant is filing an electronic terminal disclaimer herewith for U.S. Patent No. 9,687,030.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Except for the issue fees payable under 37 C.F.R. § 1.18, the Director is authorized to charge any additional fees during pendency of this application, including any required extension of time fees, or credit any overpayment to Deposit Account Number 20-1430. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. § 1.136(a)(3).

If the Examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned at 415-273-4343 or kbmorse@kilpatricktownsend.com.

Respectfully submitted,

/Kyle B. Morse/

Kyle B. Morse

Registration No. 70,442

KILPATRICK TOWNSEND & STOCKTON LLP
KBM/mav

Electronic Acknowledgement Receipt	
EFS ID:	31718387
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Kyle B. Morse/Marcos Vera
Filer Authorized By:	Kyle B. Morse
Attorney Docket Number:	098622-000110US-0957842
Receipt Date:	06-FEB-2018
Filing Date:	13-JUL-2015
Time Stamp:	19:12:15
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		098622-0957842_Amendment _.pdf	113164	yes	7
			9af55e0b41cf6d26144dea650e173f090258fa32		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	4
	Applicant summary of interview with examiner	5	5
	Applicant Arguments/Remarks Made in an Amendment	6	7

Warnings:

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New International Application Filed with the USPTO as a Receiving Office

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14798332
	Filing Date	2015-07-13
	First Named Inventor	Bigney
	Art Unit	3765
	Examiner Name	Anna Kathryn Kinsaul
	Attorney Docket Number	098622-0957842-000110US

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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	1	2747893	CA	A	2013-01-29	0912139 B.C. LTD.		
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Notice of Allowance for U.S. Application No. 13/193,584, dated March 1, 2017, 8 pages.	
	2	Office Action for CA Application No. 2,729,368, dated September 21, 2017, 3 pages.	

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Kyle B. Morse/	Date (YYYY-MM-DD)	2018-02-08
Name/Print	Kyle B. Morse	Registration Number	70,442

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



(22) Date de dépôt/Filing Date: 2011/07/29

(41) Mise à la disp. pub./Open to Public Insp.: 2013/01/29

(51) Cl.Int./Int.Cl. *A41B 9/02* (2006.01),
A41B 9/14 (2006.01)

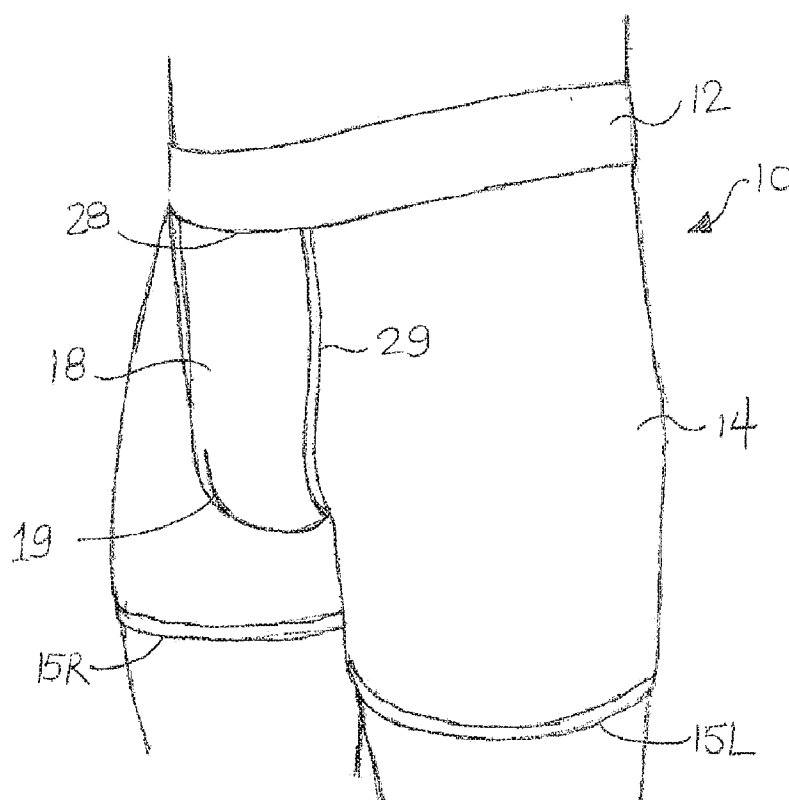
(71) Demandeur/Applicant:
0912139 B.C. LTD., CA

(72) Inventeur/Inventor:
BIGNEY, DUSTIN, CA

(74) Agent: OYEN WIGGS GREEN & MUTALA LLP

(54) Titre : VETEMENTS POUR HOMME

(54) Title: GARMENTS FOR MEN



FRONT PERSP.

(57) Abrégé/Abstract:

Next-to-skin garments for men include an internal stretch panel. An opening in the stretch panel receives a wearer's external genitalia. A three-dimensional pouch is defined between the stretch panel and a front portion of the body of the garment. Embodiments provide garments such as undershorts, boarding shorts, and athletic shorts.

- 17 -

Abstract of the Disclosure

5 Next-to-skin garments for men include an internal stretch panel. An opening in the stretch panel receives a wearer's external genitalia. A three-dimensional pouch is defined between the stretch panel and a front portion of the body of the garment. Embodiments provide garments such as undershorts, boarding shorts, and athletic shorts.

GARMENTS FOR MEN

Technical Field

[0001] The invention relates to next-to-skin garments. Example embodiments of the invention include briefs, underpants, swim suits, boarding shorts, cycling shorts, and
5 the like.

Background

[0002] Next-to-skin clothing for men must comfortably accommodate the wearer's genitalia. Uncomfortable pressure and/or chafing of the genital area are common
10 especially for wearers who are performing sports or other activities.

[0003] Some existing garments are described in: Angheluta et al., US patent 5029345; Cutlip, US patent 7676853; Shlush, US patent publication No. 2009/0106874; and Kitsch et al., US patent application 12/000,966.
15

[0004] There remains a need for garments for men and boys that are more comfortable to wear than many existing garments, especially having regard to the genital area.

20 Summary of the Invention

[0005] Aspects of the invention provide a range of garments for men and boys. The garments provide a stretch panel having an opening for receiving a wearer's genitals. A pouch is defined between the stretch panel and a front of the garment.

25 [0006] An example aspect of the invention provides a male garment comprising a body including a front portion and having leg openings for a wearer's legs. The body includes a crotch panel extending between the leg openings and joined to the front portion along a first seam. The crotch panel is rectangular in some embodiments. A waistband is attached at an upper edge of the body. A stretch panel is attached to the
30 body inside the front portion. The stretch panel comprises a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body along either side of the front portion and an opening for receiving the wearer's

- 2 -

genitals. The opening has a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. The front portion is gathered from side-to-side and top-to-bottom by the stretch panel. A three-dimensional pouch is defined between the stretch panel and the front portion.

5

[0007] Further aspects of the invention and features of specific embodiments of the invention are described below.

Brief Description of the Drawings

10 [0008] The accompanying drawings illustrate non-limiting example embodiments of the invention.

[0009] Figure 1 is a front perspective view of a pair of undershorts according to an example embodiment.

15

[0010] Figure 2 is a front view of the undershorts of Figure 1.

[0011] Figure 3 is a top plan view of the undershorts of Figure 1.

20 [0012] Figure 4 is an enlarged view of the front portion of the undershorts of Figure 1 viewed from inside.

[0013] Figure 5 is a cut-away view of the undershorts of Figure 1 being worn.

25 [0014] Figure 6 is a cut-away view of the undershorts of Figure 1 being worn and showing the wearer's genitalia being supported in a pouch.

[0015] Figure 7 is a cross-section through the undershorts of Figure 1 hanging from the waistband.

30

- 3 -

[0016] Figure 8 is a cross-section through the undershorts of Figure 1 being worn and showing the wearer's genitalia being supported in a pouch.

[0017] Figures 9 to 15 show a mens' garment according to another example
5 embodiment.

[0018] Figure 16 shows a stretch panel before and during being sewn into a garment.

Description

10 [0019] Throughout the following description, specific details are set forth in order to provide a more thorough understanding of the invention. However, the invention may be practiced without these particulars. In other instances, well known elements have not been shown or described in detail to avoid unnecessarily obscuring the invention. Accordingly, the specification and drawings are to be regarded in an illustrative, rather
15 than a restrictive, sense.

[0020] This invention relates to garments for men that include pouches to receive the wearer's genitalia. Such garments may provide enhanced comfort for the wearer.

20 [0021] Figure 1 shows undershorts 10 according to an example embodiment. Undershorts 10 have an elastic waist band 12 supporting a fabric body 14. Body 14 extends to leg openings 15R and 15L (collectively openings 15). A front portion 18 of body 14 is shaped to include extra fabric so that front portion 18 is not pulled tightly against a wearer's body. As described below, front portion 18 forms the front part of a
25 three-dimensional pouch 20 that receives and gently supports a wearer's genitalia. In the illustrated embodiment, front portion 18 includes a front seam or 'dart' 19 that extends part way along front portion 18 from the crotch of undershorts 10 toward waistband 12 thereby providing extra fabric in front portion 18. This adds volume to pouch 20. A tunnel opening or other suitable opening may optionally be provided in
30 front portion 18 to permit the wearer to urinate conveniently.

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[0022] As shown in Figure 3, undershorts 10 include a stretch panel 22 that extends between waistband 12 and the crotch area 24 of undershorts 10. In the illustrated embodiment, undershorts 10 have a construction that includes a crotch panel 25 joined by seams 26 and 27 to the front and back sides of body 14 respectively. Crotch panel 25 is sometimes called an arc panel or moisture panel.

[0023] In this embodiment, a lower end of stretch panel 22 is attached at seam 26 and an upper end of stretch panel 22 is attached at the seam 28 joining waistband 12 to body 14. Side edges of stretch panel 22 are joined to front portion 18 of body 14 along seams 29 on either side of front portion 18.

[0024] When undershorts 10 are held open as shown for example in Figure 3 with waistband 12 under gentle tension and body 14 hanging freely, stretch panel 22 is contracted and pulled away from front area 18 so as to provide a three-dimensional pouch 20 between stretch panel 22 and front portion 18. The bias of stretch panel 22 to be contracted more than front portion 18 helps to cause opening 30 to be held open. Pouch 20 and opening 30 may be self-aligning with the penis and scrotum of a wearer as the wearer inserts his legs through leg openings 15.

[0025] Stretch panel 22 includes an opening 30 to receive a wearer's genitalia. In the illustrated embodiment, opening 30 is U-shaped and has a softly-bound edge 31. Alternatively, stretch panel 22 may be shaped such that the free inner edges 31A and 31B along the sides of opening 30 become closer together in their parts near waistband 11 such that opening 30 is more tear-drop shaped. In yet other embodiments, the upper parts of edges 31A and 31B may be adjacent each other, or joined together such that opening 30 has an oval or elliptical shape (not shown). Regardless of the particular shape of opening 30 stretch panel 22 is configured to define opening 30 and to provide support around and underneath the scrotum of the wearer in order to comfortably position the wearer's genitals forward into pouch 20.

30

[0026] A soft thread is preferably used in any stitching to bind edge 31.

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[0027] As can be seen in Figure 3, holding the waistband of undershorts open as one would do to put undershorts 10 on naturally causes pouch 20 to be open to receive a wearer's genitals which can drop into place in pouch 20 through opening 30 as
5 undershorts 10 are put on. In other words, when undershorts 10 is held by a man so as to be in a ready-to-wear position (i.e. held in mid-air by the waistband), the weight of undershorts 10 holds stretch panel 22 so that opening 30 is open and clearly defined. The man's genitals are thus naturally guided through opening 30 and positioned forward into pouch 20 as a result of this bias. As undershorts 10 are pulled on, stretch
10 panel stretches. This bias prevents the man's genitals from falling out of pouch 20 in use, such as during physical activity and other movement.

[0028] Thus the illustrated undershorts are one example of a men's garment comprising: a waistband; a front wall depending downwardly from the waistband, a
15 stretch panel attached behind the front wall so that the front wall and stretch panel provide a pouch formed at a level of a mid-section of the front wall, the pouch shaped to contain a wearer's penis and scrotum when the garment is worn. The stretch panel may have a bottom portion connecting opposing side portions and may be positioned to be disposed forward of a wearer's perineum when the garment is worn. In use the
20 wearer's scrotum may be supported underneath by the bottom portion of the stretch panel with the wearer's penis and scrotum contained in the pouch.

[0029] It can be seen that side portions 31L and 31R of edge 31 and bottom portion 31B of edge 31 are all free edges that are spaced apart from the seams at which stretch
25 panel 22 is attached to body 14 and that front portion 18 is spaced away from these edges in the forward direction. Bottom portion 31B is preferably curved.

[0030] Side portions 31L and 31R of edge 31 are spaced apart from one another by a gap to receive the wearer's genitalia. In some embodiments the gap has a width of 2
30 cm or more at a location just above bottom portion 31B. In the illustrated embodiment, side portions 31L and 31R of edge 31 are generally straight.

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[0031] Stretch panel 22 may be made of a two-way stretch material such that when undershorts 10 are being worn, stretch panel 22 is under gentle tension. This causes stretch panel 22 to be held gently without sagging against the wearer's body in the perineal area and in the area adjacent the wearer's inner upper thighs. Stretch panel 22 is preferably made of or faced with a soft fabric that is comfortable against a wearer's skin. Stretch panel 22 is preferably made of a breathable fabric.

[0032] When undershorts 10 are being worn, stretch panel 22 may extend between the wearer's genitalia and the inner parts of the wearer's upper thighs thereby reducing or avoiding entirely chafing between the wearer's genitalia and thighs. Similarly, stretch panel 22 may extend upwardly from underneath between the wearer's genitalia and the wearer's perineal area, thereby reducing or avoiding entirely chafing between the wearer's genitalia and perineal area. Preferably, seam 26 is positioned forward of an arc panel 25 such that the bottom portion of stretch panel 22 is located forward of the perineum of a wearer.

[0033] Figures 7 and 8 illustrate the three-dimensional nature of pouch 20. Even when undershorts 10 are being held with the waistband horizontal and body 14 hanging down from waistband 12 under its own weight, stretch panel 22 is held so that it extends away from body 14 where it is attached along seam 26. Opening 30 is naturally open to receive the wearer's genitals. The free edges 31 of opening 30 lie away from body 14. Along seam 26, stretch panel 22 forms a generally upright wall between pouch 20 and the rest of the interior of undershorts 10. The two-way elasticity of stretch panel 22 helps to gather the material of front portion 18 of body 14 to increase the volume of pouch 20.

[0034] Figure 6 shows how, when undershorts 10 are being worn, a wearer's genitalia pass through opening 30 over the upright portion 22A of stretch panel 22 that lies directly beneath the wearer's genitalia. Portion 22A of stretch panel 22 protects the underside of the wearer's genitalia from chafing. The edge 31B along the bottom of

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opening 30 is gently urged upward by the elastic nature of stretch panel 22 to gently support the wearer's genitalia from below. Side portions 22B and 22C of stretch panel 22 help to suspend edge 31B. If edge portion 31B is pressed down then the elasticity of stretch panel 22, particularly side portions 22B and 22C tend to pull edge portion 5 31B upward toward its original position. In the illustrated embodiment, side portions 22B and 22C are generally rectangular.

[0035] Edge portions 31R and 31L gently urge against the sides of the wearer's genitalia and thereby help to counteract swinging from side-to-side during activity. In 10 Figure 6 it can also be seen that stretch panel 22 provides a soft layer between the wearer's genitalia and upper thighs.

[0036] In the illustrated embodiment, stretch panel 22 is generally rectangular. The length of attachment of stretch panel 22 at seams 26 and 27 is equal to within $\pm 10\%$ or 15 $\pm 15\%$ for example. With undershorts 10 lying flat, face up, seams 29 are generally straight and generally perpendicular to waistband 12. The ratio of height to width of stretch panel 22 in some embodiments is approximately about $1\frac{1}{2}:1$ to about $2:1$. For example, in an example embodiment stretch panel 22 has an un-stretched height of about 17 cm and an un-stretched width of about 10 cm.

20 [0037] One advantage of embodiments in which stretch panel 22 is provided in a garment which includes a crotch panel 25 is that the seam 26 along the front side of such a crotch panel 25 provides an ideal place to attach the lower edge of stretch panel 22. As seen for example in Figure 8, crotch panel 25 extends down the inside of a 25 wearer's legs and, when worn, has a highest point at the wearer's crotch. The front edge of crotch panel 25 tends to be just below and behind the base of the wearer's external genitalia while being worn. Further, the front edge of crotch panel 25 tends to be located at a location which does not receive pressure when the wearer sits. Crotch panel 25 may comprise, for example, a generally rectangular panel that extends from 30 side-to-side from one leg opening 15 to the other.

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[0038] Garments in which the lower edge of stretch panel 22 are fastened at a seam along the front edge of a crotch panel 25 are an example of a construction in which a garment comprises a perineum wall fastened at a front seam to a bottom edge of stretch panel 22, and fastened at a rear seam to a bottom edge of a rear wall part of body 14 that depends from a rear part of the waistband.

[0039] In some embodiments, the material of stretch panel 22 has asymmetrical stretch (i.e. the coefficient of elasticity of the material has a first value in a first direction in the plane of the material and a second value different from the first value in a second direction at right angles to the first direction in the plane of the material). The material may be oriented that it is easier to stretch the material of stretch panel 22 in a direction parallel to waistband 12 than it is to stretch the material in a direction perpendicular to waistband 12.

[0040] Various materials may be used for stretch panel 22. For example, stretch panel 22 may comprise an elasticized fabric. In one example embodiment the fabric comprises a cotton-Spandex™ blend. In one example embodiment the fabric comprises a woven blend of Modal™ and Spandex™. In an example embodiment, the blend comprises approximately 90% to 95% Modal™ and approximately 5% to 10% Spandex™. In another example embodiment, the blend comprises 93% Modal™ and 7% Spandex™.

[0041] The amount of stretch of a fabric may be measured in various ways. The fabric stretch may be measured by taking a strip of material that is 30-40 cm long and 20 cm wide when taught but un-stretched, anchoring one end of the strip, pulling the other end of the strip so that the material stretches and becomes elongated and determining the maximum stretched length after which the strip will no longer return to its original length in the taught but unstretched condition. The ratio of the maximum stretched length minus the taught but unstretched length to the taught but un-stretched length is the fabric stretch. For example, if the strip has a taught but un-stretched length of 25 cm and a maximum stretched length of 50 cm then the fabric stretch is (50-

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25)/25=100%. In some embodiments, the material of stretch panel 22 has a stretch of 30% or more. In some embodiments the material of stretch panel 22 has a stretch of at least 70% or at least 75%.

5 [0042] Stretch panel 22 may be pre-stretched relative to front portion 18 while it is being assembled to front portion 18 of body 14. Thus, during assembly, stretch panel 22 is substantially stretched, while front portion 16 of body 14 is not stretched or is stretched less than stretch panel 22. In some embodiments the material of stretch panel 22 is stretched by at least 50%, 55% or 60% while stretch panel 22 is being
10 sewn in place. In an example embodiment, stretch panel 22 has a stretch of 100% and is stretched by 60% while at least the final seams which hold it in place are being sewn.

[0043] Figure 16 shows stretch panel 22 'as cut' according to a pattern in solid
15 outlines and 'as stretched' for assembly to front portion 18 in dashed outline. In this embodiment, top edges 23A and 23B of stretch panel 22 along which stretch panel 22 is attached at a seam parallel to waistband 12 are angled. In the illustrated embodiment, bottom edge 23C is also cut so that it is indented at the centerline. Thus,
20 dimension along vertical lines extending along the edges of opening 30 than it is farther away from its centerline. As a result of the angling of edges 23A and 23B, and the indenting of bottom edge 23C, stretch panel 22 is stretched more for assembly in its portions along edge portions 31R and 31L than it is stretched in its portions closer to the sides where it is attached along seams 29. This causes the tension in stretch
25 panel 22 when undershorts 10 are being worn or suspended to be put on to be somewhat greater along edge portions 31R and 31L than in other parts of stretch panel 22. This gradient in tension helps to better support edge portion 31B and to hold opening 30 open when undershorts 10 are being held to be put on.

30 [0044] As shown in dotted outline in Figure 16, the material from stretch panel 22 may be stretched from an un-stretched length L1 to a stretched length L2 while top

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edges 23A and 23B and bottom edge 23C are attached along parallel seams 26 and 28 and side edges of the stretch panel 22 are attached along seams 29, for example by sewing.

5 [0045] After assembly, stretch panel 22 can contract. This gathers the material of front portion 18 and helps to form pouch 20 to have a three-dimensional volume open to receive a wearer's genitalia even when undershorts 10 are being suspended from waist band 12 in preparation for being put on.

10 [0046] The configuration of stitching used to affix stretch panel 22 to body 14 preferably permits stretching along the length of the seams. for example, in the illustrated embodiment, seams 26, 28 and 29 may be stitched using a combination of stitch pattern and/or thread that permits stretching along the lengths of seams 26, 28 and 29.

15 [0047] In some embodiments, stretch panel 22 is stretched in length only (i.e. in a direction perpendicular to waistband 12) as it is being attached to front portion 18 during manufacture. In some embodiments, stretch panel 22 is stretched in both width and length relative to front portion 18 as it is being attached to front portion 18 during
20 manufacture. Thus, in its relaxed, un-stretched, configuration stretch panel 22 both pulls side edges of front portion 18 toward one another at seams 29 and pulls top and bottom edges of front portion 18 toward one another at seams 26 and 28. This, builds volume in pouch 20 especially when taken in combination with the shaping of front portion 18 (e.g. by front seam 19) which makes front portion 18 non-flat.

25 [0048] In some embodiments a length measured along material of the front portion 18 from seam 26 to waistband 12 exceeds a length measured along the fabric of stretch panel 22, when un-stretched by at least 50%. In some embodiments a length measured along material of the front portion 18 side-to-side at the level of bottom portion 31B
30 from seam 28 to seam 29 exceeds a length measured along the fabric of stretch panel 22, when un-stretched between the same seams by 10 to 15% or more.

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[0049] In some embodiments, the shaping of front portion 18 is such that with stretch panel 22 held horizontally under just enough tension such that stretch panel 22 is generally planar with front portion 18 hanging below stretch panel 22, the center part of front portion 18 hangs well below the plane of stretch panel 22. In some embodiments, the center part of front portion 18 hangs below the plane of stretch panel 22 by a distance of 3 cm or more when undershorts 10 are held in this test configuration.

10 [0050] Like all clothing, undershorts 10 may be made to fit different sizes of men and boys and may be made from different fabrics to suit different personal preferences and price points. Thus, individual dimensions are not critical.

[0051] In some embodiments, the distance A along stretch panel 22 from the point at which it joins body 14 to the lowest point along the edge of opening 30 is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 3 cm. In some embodiments, the horizontal distance B between opposed edges of opening 30 when undershorts 10 or other garments according to some example embodiments are not being worn but are being suspended as shown for example in Figure 3, distance B is in the range of about 3 cm to about 6 cm. In some embodiments, the horizontal distance C along stretch panel 22 from the point at which it joins body 14 (e.g. at seam 29) to the edge 31R or 31L of opening 30 just above bottom portion 31B is at least 2 cm. In some embodiments, this distance is in the range of about 2 cm to about 5 cm. In some embodiments, the distance D along the fabric in the center of front portion of body 18 from the lower edge of waist band 12 to the point where stretch panel 22 attaches to body 14 (e.g. seam 26) is at least 15 cm. In some embodiments, this distance is in the range of about 15 cm to about 25 cm.

[0052] It can be appreciated that garments which incorporate a stretch panel as shown in the accompanying drawings may be formed such that they are self-aligning with a wearer's genitalia, allowing the garment to be put on by a wearer without the wearer

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having to manually hold or position the pouch to receive his genitals. A stretch panel structured and incorporated as illustrated in the accompanying drawings can support and position a wearer's the scrotum and penis away from both the wearer's thighs and perineum. The scrotum and penis may therefore be protected from pinching between the thighs or being sat upon, thereby enhancing comfort of the wearer.

[0053] The invention may be applied to any next-to-skin below-the waist garments for men. For example, the principles discussed above may be applied to shorts, swim suits, boarding shorts, briefs, boxer shorts, surf shorts, cycling shorts, unitards, long underwear, sports uniforms, athletic supporters, fighting shorts, pyjamas, and other next-to-skin garments for males.

[0054] Except where otherwise indicated or necessarily implied, the description herein uses relative directional terms such as front, back, above, below, top, bottom, upper, lower, right and left relative to a wearer wearing a garment as described and standing upright.

[0055] Where a component (e.g. a panel, seam, elastic, thread, opening, etc.) is referred to above, unless otherwise indicated, reference to that component (including a reference to a "means") should be interpreted as including as equivalents of that component any component which performs the function of the described component (i.e., that is functionally equivalent), including components which are not structurally equivalent to the disclosed structure which performs the function in the illustrated exemplary embodiments of the invention.

[0056] As will be apparent to those skilled in the art in the light of the foregoing disclosure, many alterations and modifications are possible in the practice of this invention without departing from the spirit or scope thereof. For example:

- It is not mandatory that stretch panel 22 be free from openings. In some embodiments, stretch panel 22 comprises a continuous layer of material with no openings other than opening 30. In other embodiments, stretch panel 22 may have one or more openings around the periphery of opening 30.

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- It is not mandatory that the material of stretch panel 22 be different from the material(s) of the rest of body 14. In some embodiments different fabrics are used for stretch panel 22 and for the front portion 18 of body 14.
- Stretch panel 22 may incorporate openings into pouch 20 that are of various shapes. Example openings are U-shaped (as described above), oval, elliptical, teardrop shaped or the like.
- Stretch panel 22 may optionally be formed from a plurality of pieces of fabric seamed together. For example, stretch panel 22 may be formed from three pieces of fabric, two of which extend vertically along sides of opening 30 and one of which extends transversely across the bottom of opening 30.
- It is not mandatory that the garment include a body that covers a wearer's buttocks. In some embodiments, constructions as described herein are applied to athletic supporters (jock straps). In general, a pouch as described herein may be embodied in various types of men's garments, particularly in a mid-section of a front wall of men's garments to be worn around a man's torso.

Accordingly, the scope of the invention is to be construed in accordance with the substance defined by the following claims.

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WHAT IS CLAIMED IS:

1. A male garment comprising:
 - a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;
 - a waistband attached at an upper edge of the body;
 - a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient two-way stretch material having a top edge attached to the body at the waistband, a bottom edge attached at the first seam, side edges attached to the body along either side of the front portion and an opening for receiving the 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 front portion being gathered from side-to-side and top-to-bottom by the stretch panel whereby a three-dimensional pouch is defined between the stretch panel and the front portion.
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 waist band and less easily in a direction at right angles to the waist band.
3. A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.
4. A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.
5. A garment according to claim 1 wherein a length measured along material of the front portion from the first seam to the waistband exceeds a length

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measured along the fabric of the stretch panel, when un-stretched by at least 30%.

- 5 6. A garment according to claim 1 wherein the garment is a pair of undershorts.
7. A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.
- 10 8. A garment according to claim 1 wherein the opening has a width in excess of 2 cm.
- 15 9. A men's garment comprising:
 - a waistband;
 - a front portion depending downwardly from the waistband, the front portion formed to provide a pouch at a mid-section thereof, the pouch shaped to contain a wearer's penis and scrotum when the garment is worn;
 - a stretch panel attached behind the pouch and defining an opening into the pouch, the stretch panel having a bottom portion connecting opposing side portions and positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, the 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.
- 25 10. A men's garment according to claim 1, wherein the stretch panel comprises a two-way elasticized fabric.
11. A men's garment according to claim 10, wherein the elasticized fabric is comprised of a cotton spandex blend.
- 30 12. A men's garment according to claim 11, wherein the stretch panel is fastened to the front portion while in a pre-stretched condition while the front portion is less stretched, whereby the stretch panel is biased to hold the opening open while the garment is held in position to be put on.

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13. A men's garment according to claim 12, further comprising a crotch panel extending between leg openings of the garment and fastened at a front seam to a bottom edge of the stretch panel.
- 5 14. A men's garment according to claim 12, wherein the front portion is attached to a rear portion of the body that depends from the waistband at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the stretch panel is fastened to the seam.
- 10 15. A men's garment according to claim 13 wherein the opening has a U-shape when the stretch panel is in a relaxed state.
- 15 16. A men's garment according to claim 13 wherein the opening has an oval, obround, teardrop or elliptical shape when the stretch panel is in a relaxed state.
17. A men's garment according to claim 15 wherein the stretch panel is formed from a single unitary piece of woven fabric.
- 20 18. A men's garment according to claim 17 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.

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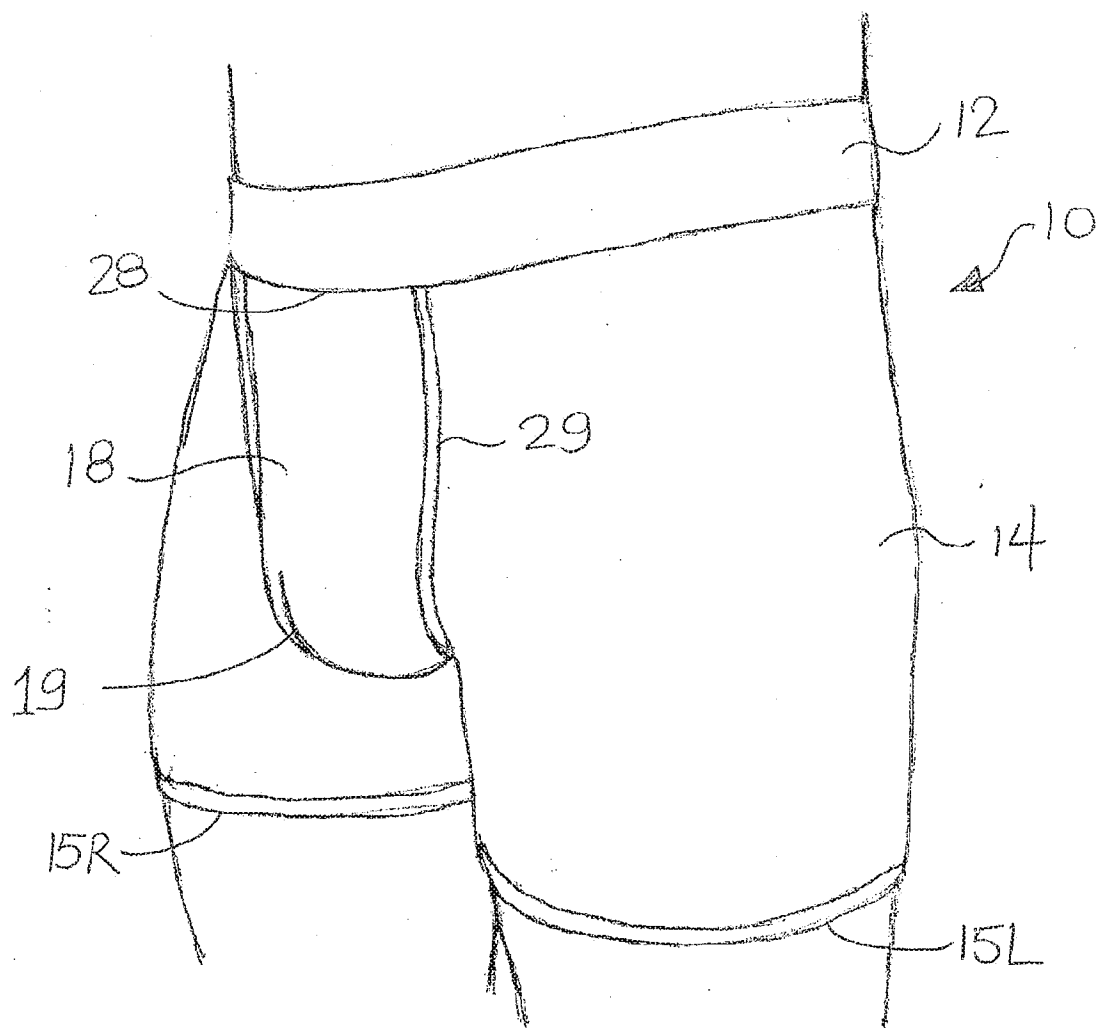


FIG 1

FRONT PERSP.

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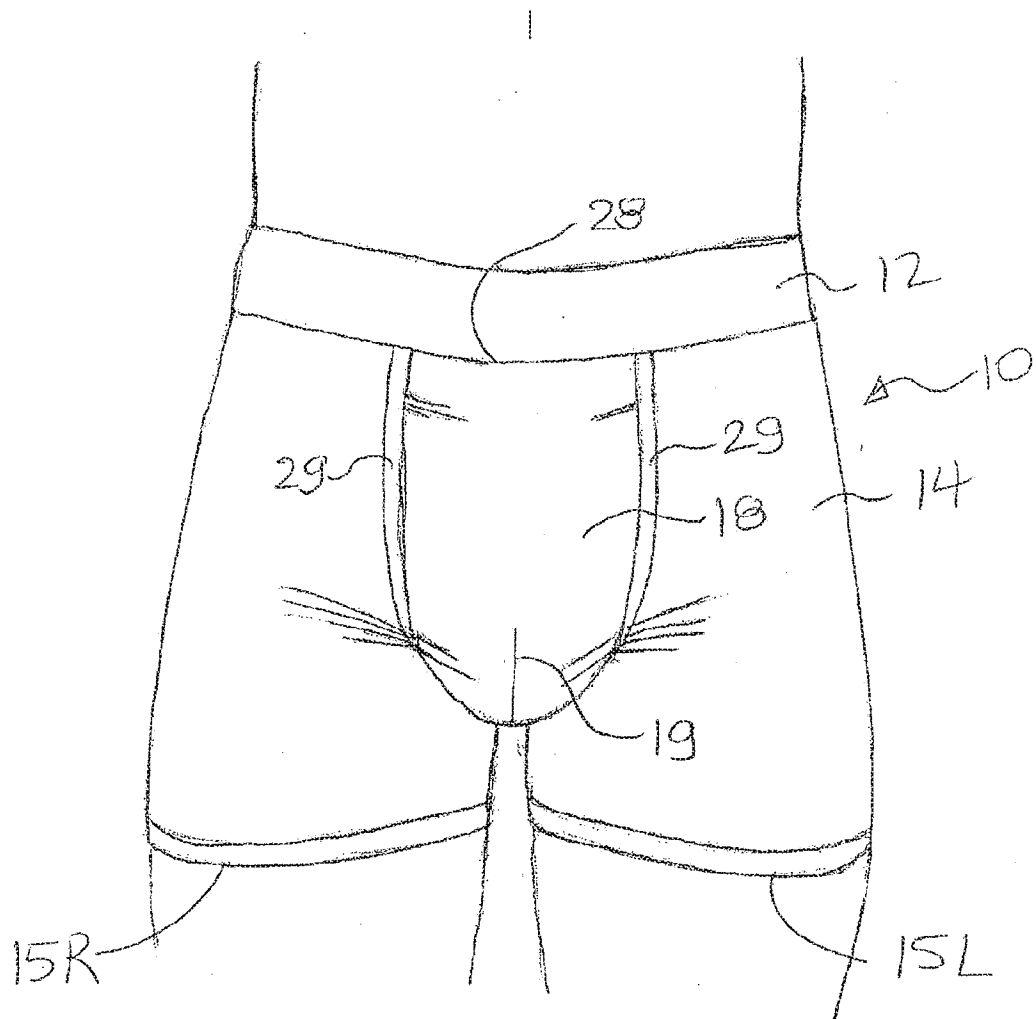


FIG 2
FRONT VIEW.

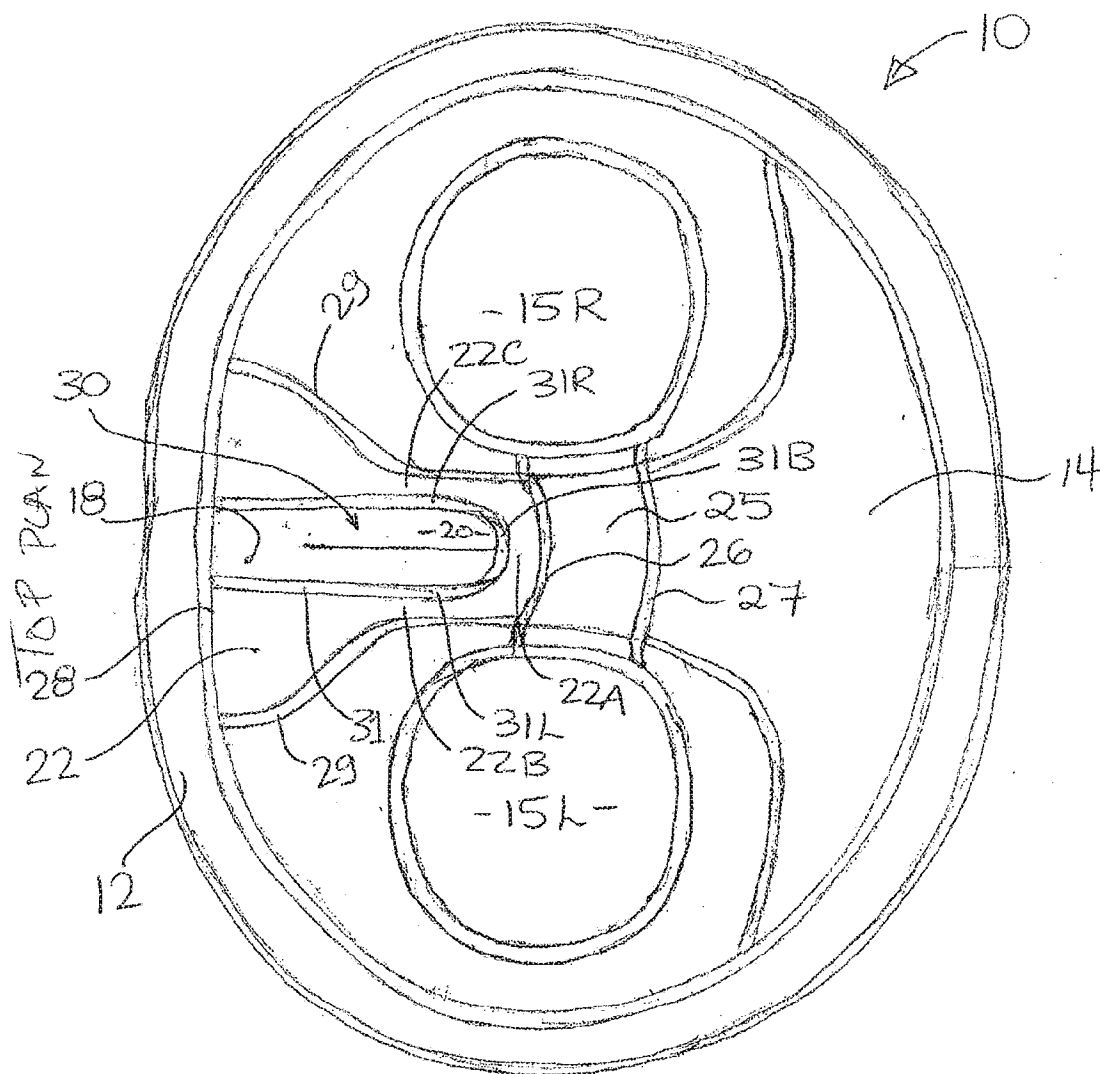


FIG 3.

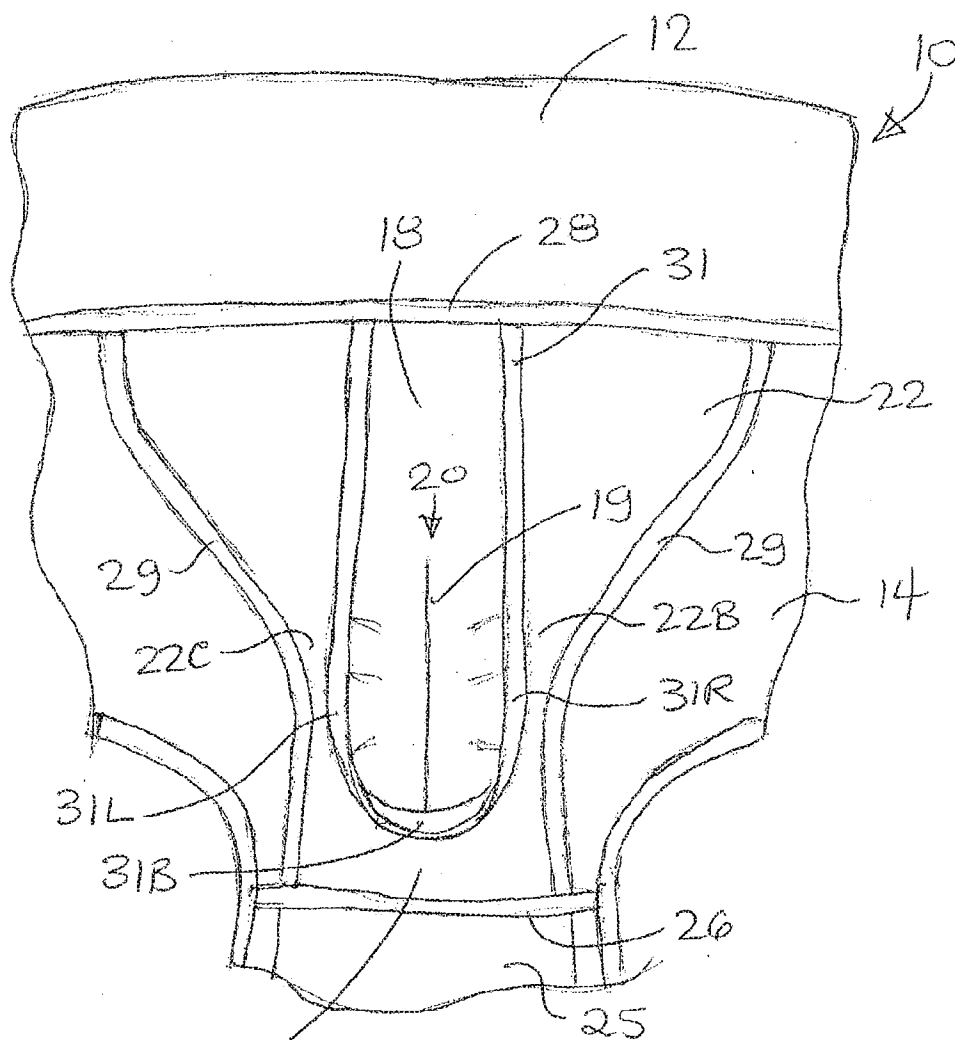


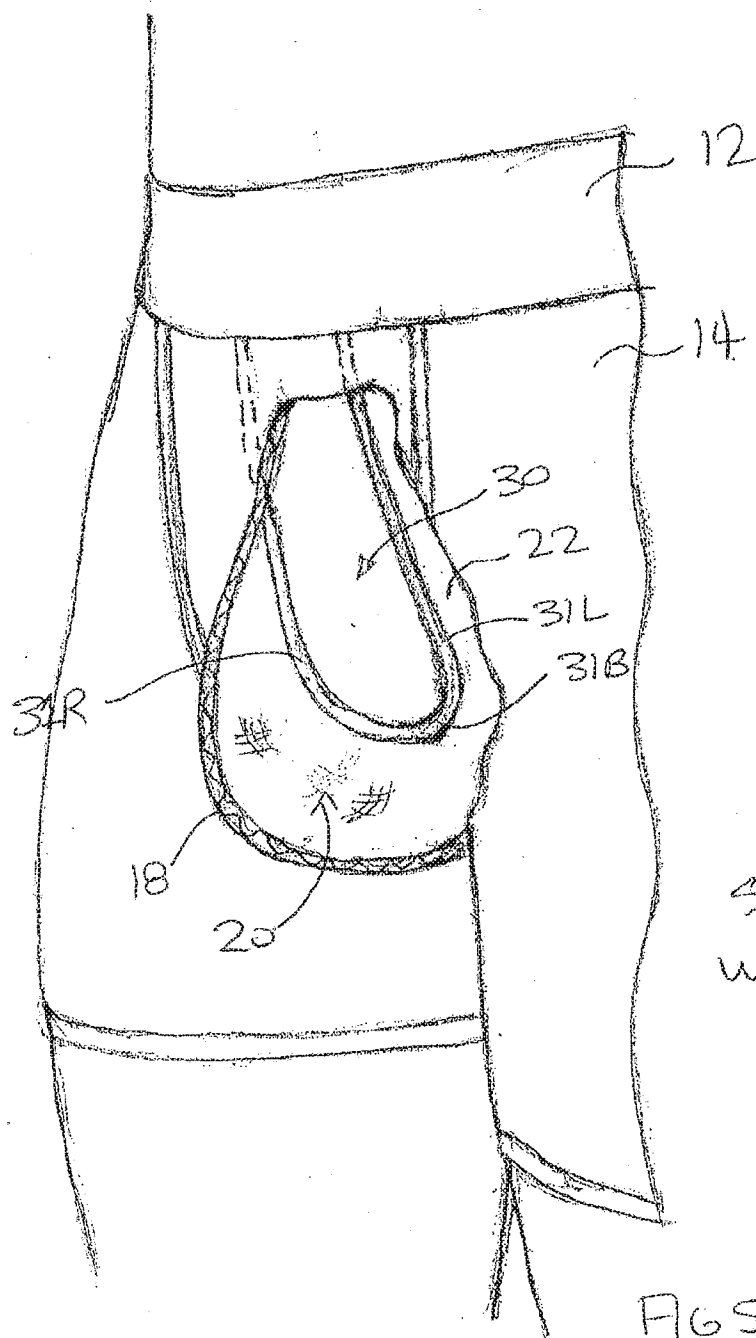
FIG. 4
ENLARGED VIEW OF
POUCH FROM INSIDE

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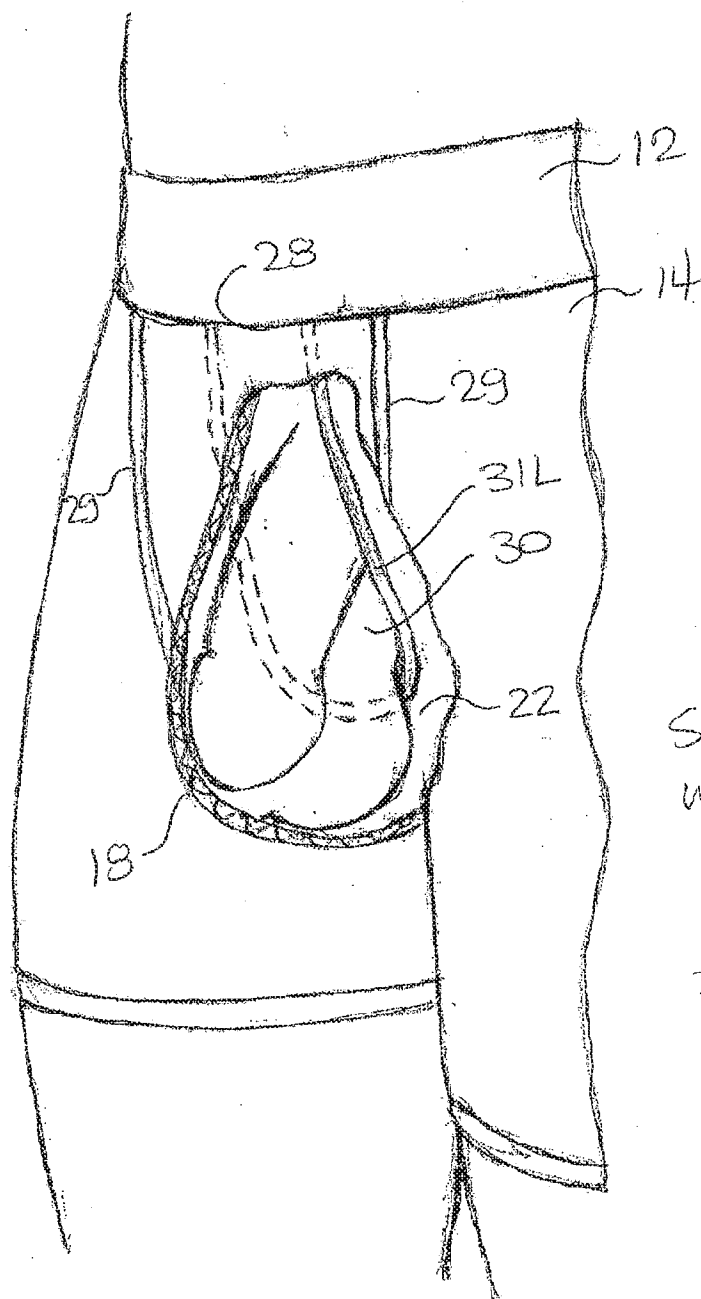
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P.5



POUCH
SECTIONAL V
W/O GENITAL

FIG 5



POUCH
SECTIONAL VIEW
W. GENITALIA

FIG 6.

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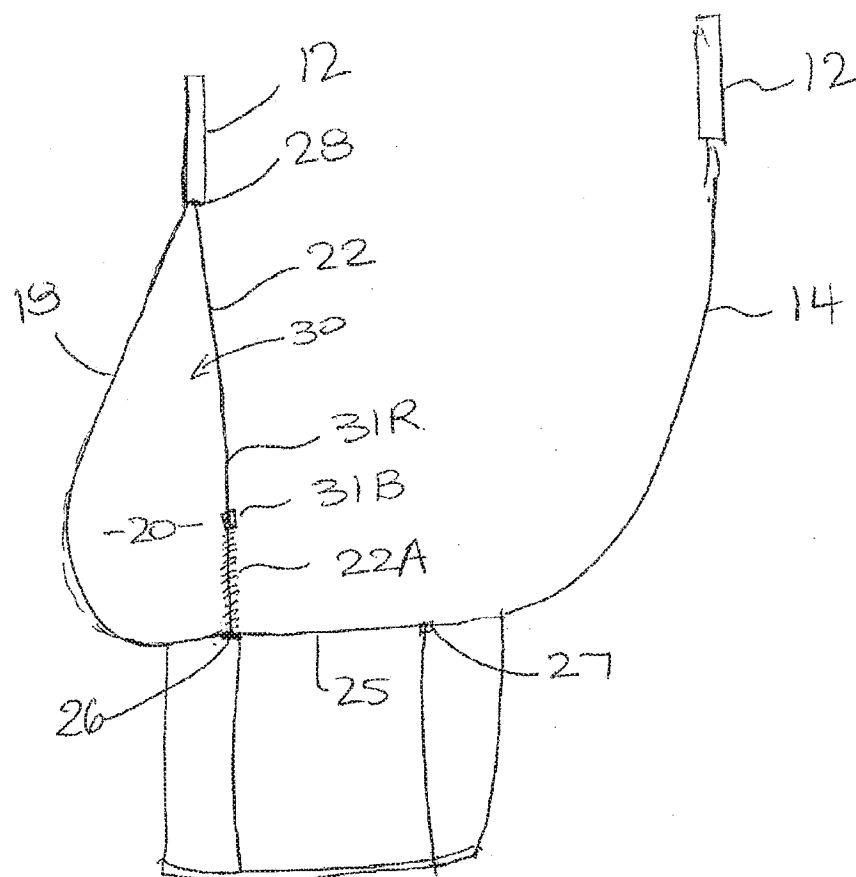


FIG 7.

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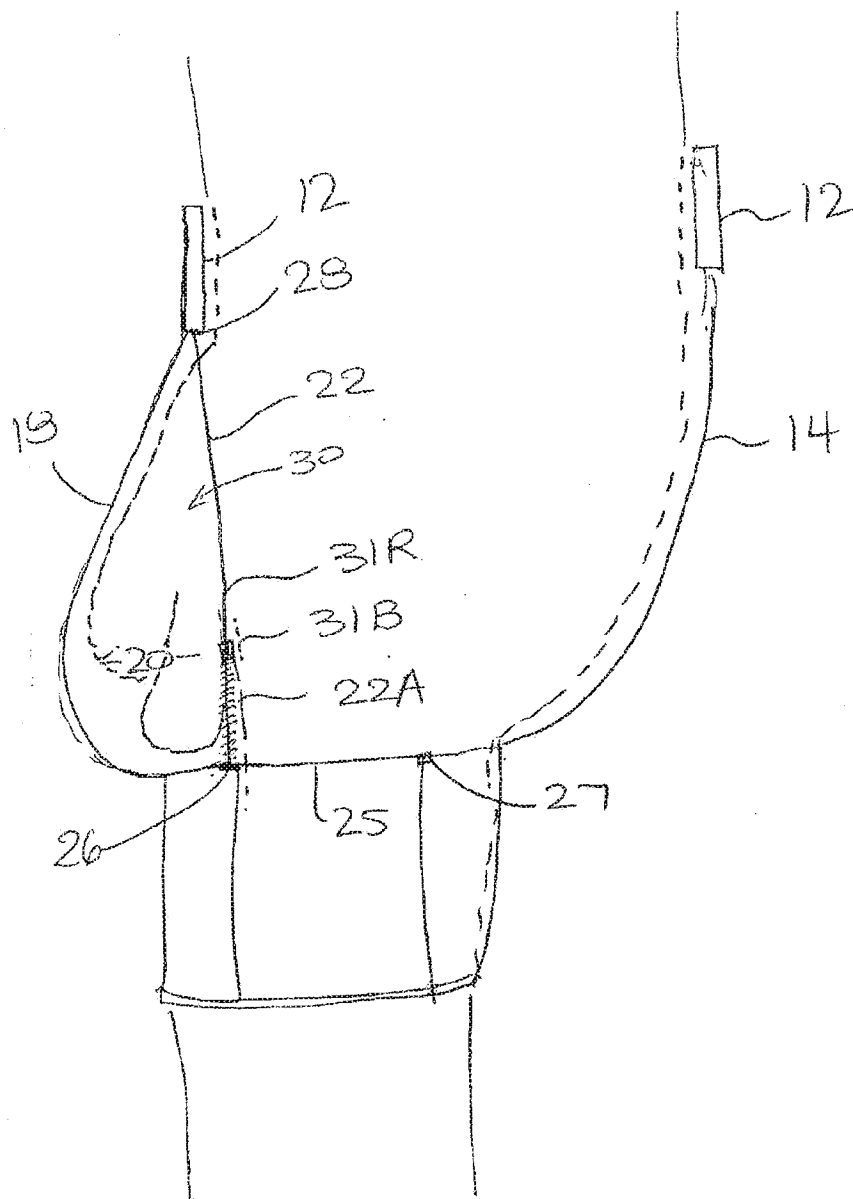


FIG 8

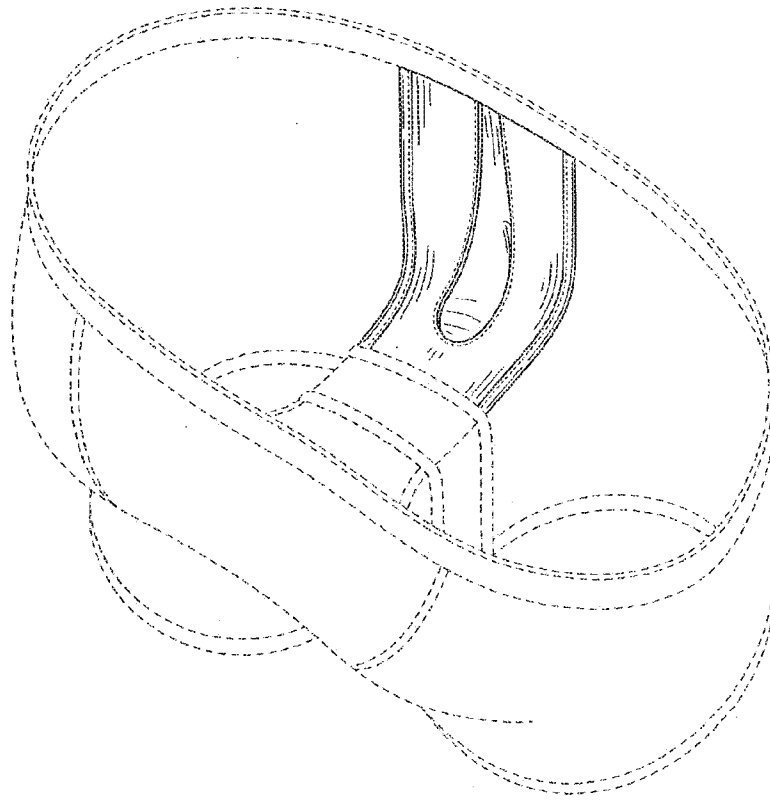


FIG. 9

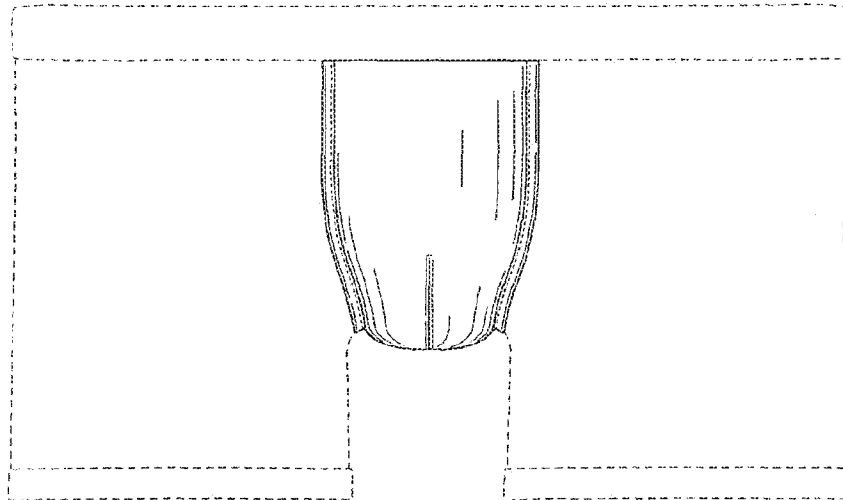


FIG. 10

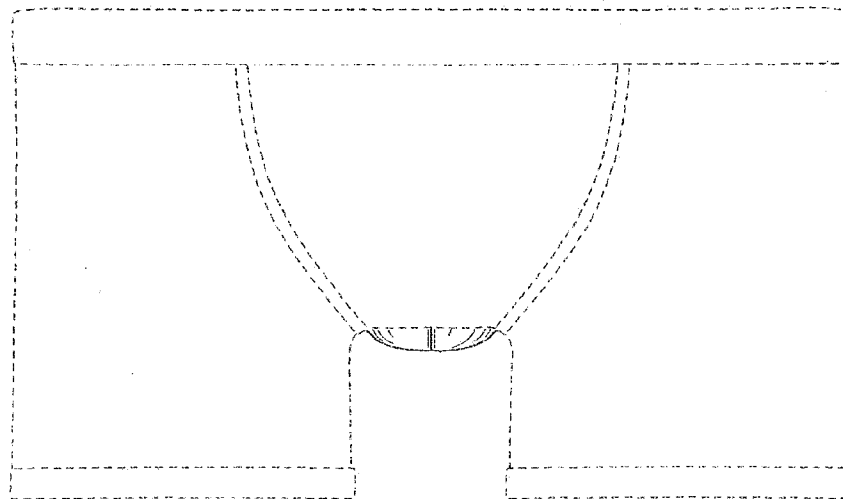


FIG. 11

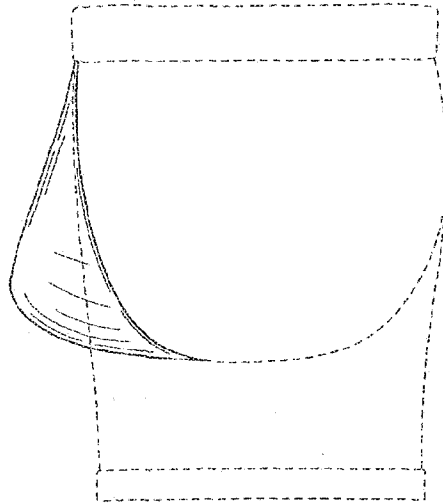


FIG. 12

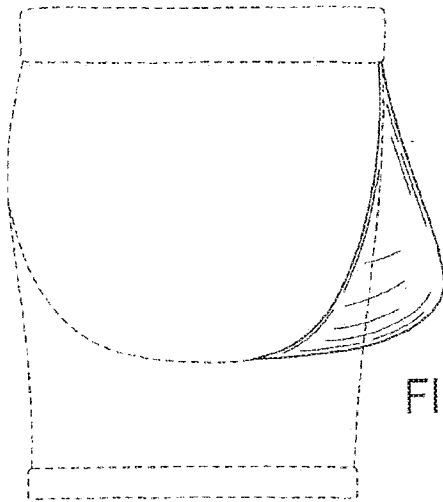
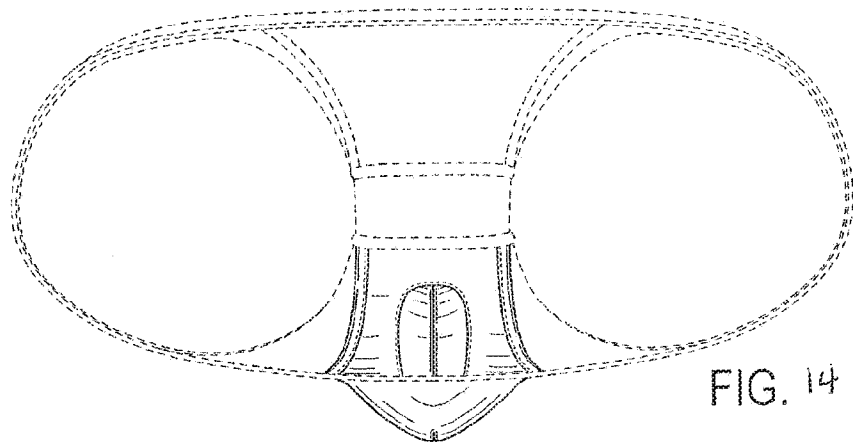
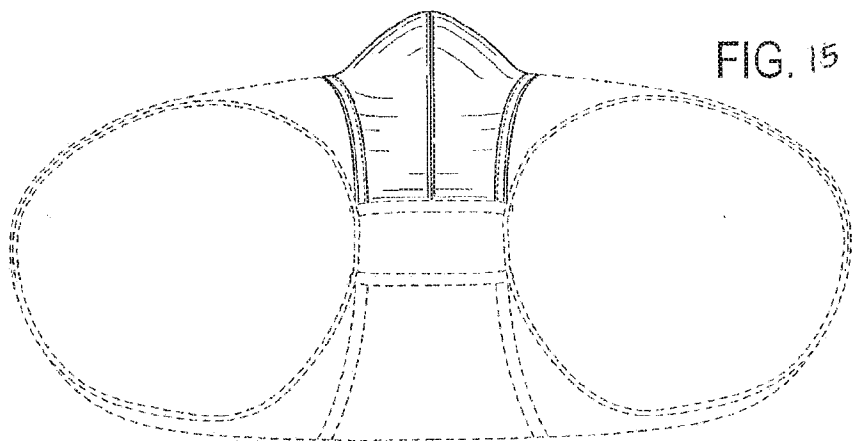


FIG. 13



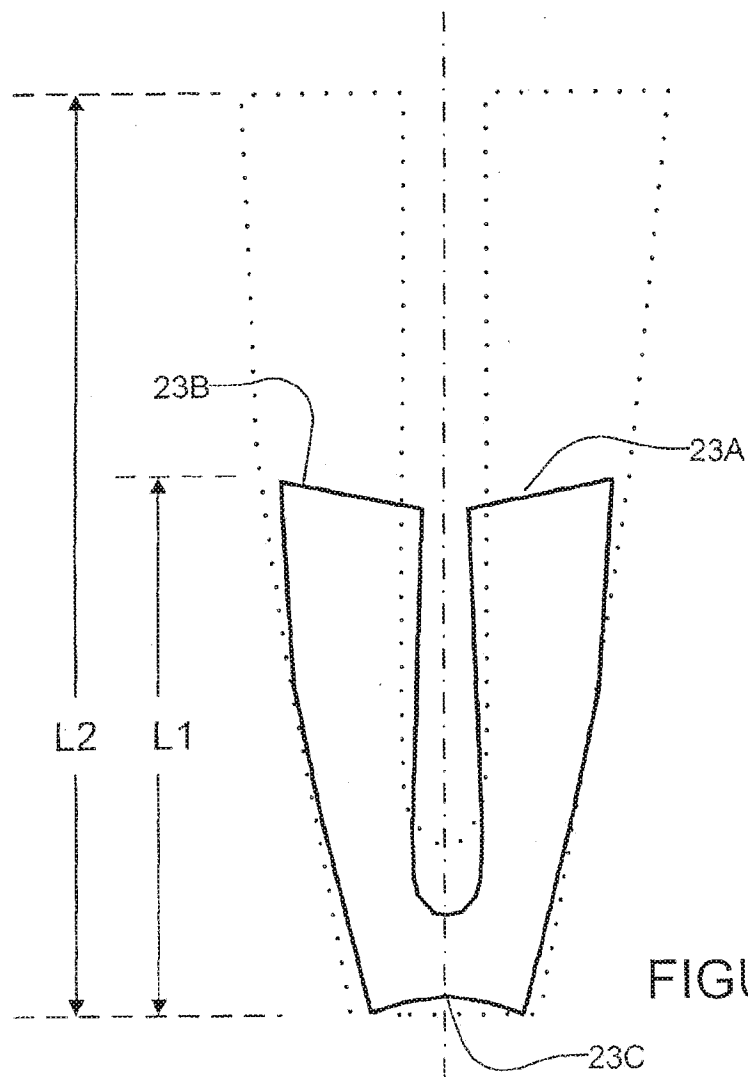
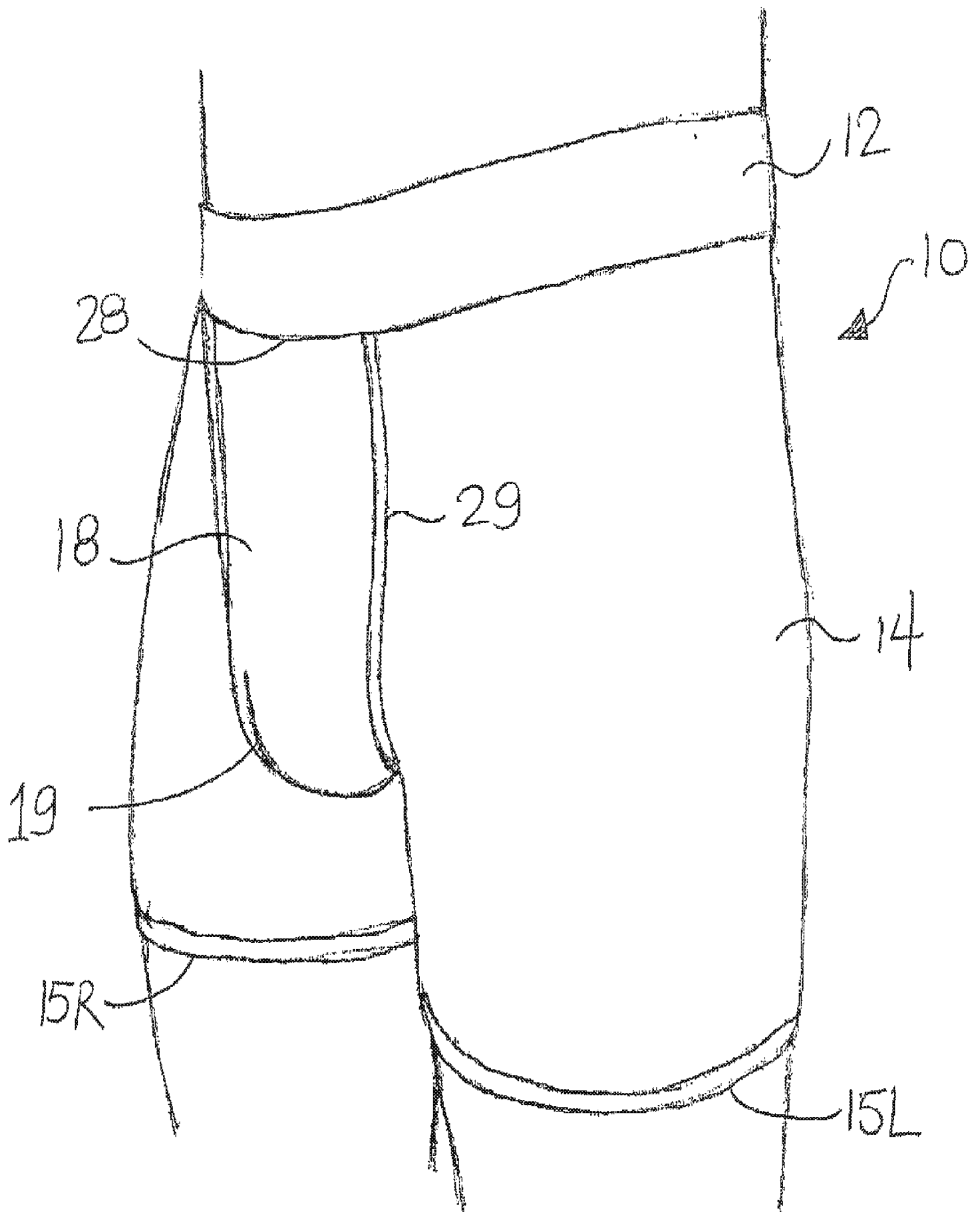


FIGURE 16



FRONT PERSP.



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(30) Priorité/Priority: 2010/12/31 (US61/429,065)

(51) Cl.Int./Int.Cl. *A41B 9/02* (2006.01)

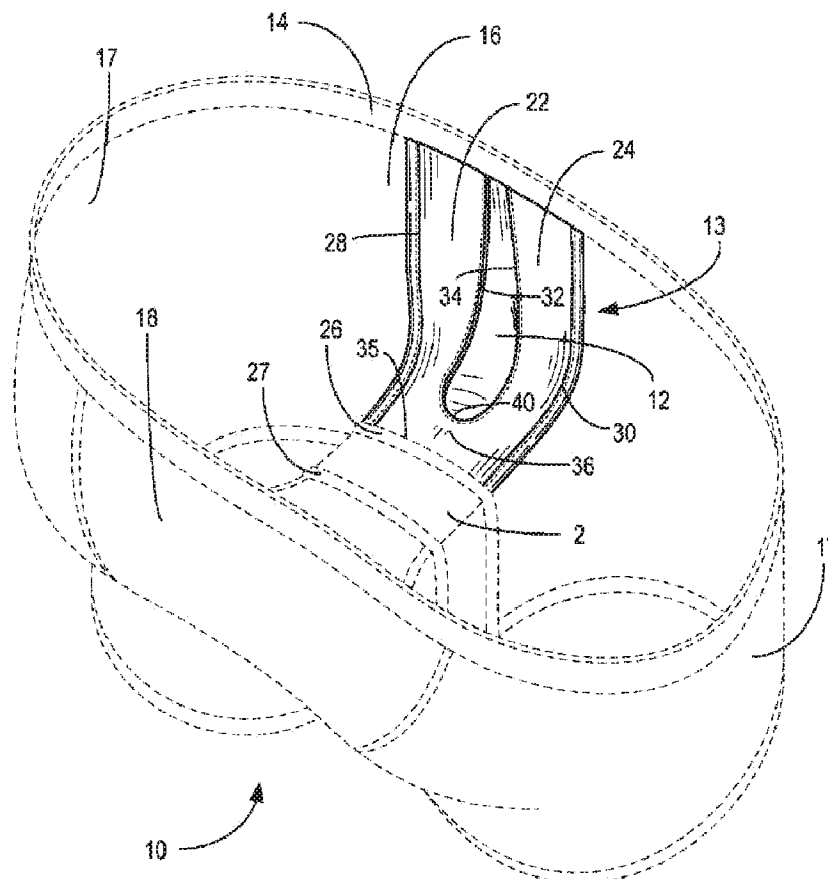
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(54) Titre : VETEMENT POUR HOMMES AVEC SAC ET RABAT DE SOUTIEN

(54) Title: MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP



(57) Abrégé/Abstract:

The present disclosure provides men's garment having a pouch and a supporting flap. The garment may, for example, be underwear. The pouch and supporting flap are formed such that they are self-aligning, allowing the underwear to be put on without

(57) **Abrégé(suite)/Abstract(continued):**

having to manually hold or position the pouch or supporting flap in place. The supporting flap of the present disclosure supports and positions the scrotum and penis away from both the thighs and the perineum into the pouch. The scrotum and penis are therefore protected from pinching between the thighs or being sat upon, reducing or eliminating discomfort from compression.

ABSTRACT

The present disclosure provides men's garment having a pouch and a supporting flap. The garment may, for example, be underwear. The pouch and supporting flap are formed such that they are self-aligning, allowing the underwear to be put on without having to manually hold or
5 position the pouch or supporting flap in place. The supporting flap of the present disclosure supports and positions the scrotum and penis away from both the thighs and the perineum into the pouch. The scrotum and penis are therefore protected from pinching between the thighs or being sat upon, reducing or eliminating discomfort from compression.

10

5

Title:

MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP

10

Applicant(s):

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MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP

CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of U.S. Provisional Application No. 61/429,065, filed December 31, 2010, the entirety of which is incorporated herein by reference.

5 FIELD OF THE INVENTION

The present disclosure relates generally to a men's garment, and more specifically to men's underwear having a pouch.

BACKGROUND

10 Present designs in men's underwear has several drawbacks or limitations. Many designs in men's underwear are tight fitting briefs which may cause compression of a man's genitals as the penis and scrotum are drawn tight and urged towards the man's thighs and perineum. Other designs incorporate a looser fitting underwear garment such as boxers to try to avoid this compression problem. However, boxers may not provide sufficient support for the genitals, particularly while a man is physically active during a sporting activity, for example.

15 Several underwear designs have been proposed for integrating a pouch into men's underwear, wherein the pouch provides a barrier between a man's genitals and thighs or between a man's genitals and perineum. In these underwear designs, however, the genitals (whether the penis, scrotum or both) are still susceptible to pinching between the thighs, or being sat upon. This can occur, for example, when the man is sitting or crossing his legs, or during normal movement
20 such as walking. Furthermore, some of these prior underwear designs may require a man to manually hold or position various parts of the pouch while putting the underwear on in order to properly place the genitals inside the pouch.

United States Patent Application 12/000,966 to Kitsch et al. discloses an underwear garment for a male having a pair of side panels that extend along the front wall from the waistband to the
25 perineum. The side panels are intended to provide separation between the side of the scrotum and the inner thighs. However, the positioning of the side panels in Kitsch et al. does not prevent the

scrotum from moving towards the perineum. This may result in discomfort due to pinching of the scrotum between the thighs, or the scrotum being sat upon.

United States Patent Application 11/977,125 to Shlush discloses an underwear having an internal pouch along its front wall that is accessible by a slit. The slit must be manually opened while the
5 man inserts his genitalia into the pouch, and may not provide sufficient support for a man's genitals, allowing the scrotum to be pinched between the thighs or sat upon.

United States Patent 7,676,853 to Cutlip discloses an underwear having an internal pouch suspended above the bottom of the underwear. In the Cutlip design, the base of the pouch is tacked and held to a bottom-covering section. In the Cutlip design, as the entire pouch is
10 contained within the underwear, compression of a man's genitals similar to that of a brief design may be experienced, and the scrotum may be sat upon in a sitting position. Also, in the Cutlip design, it may be necessary to manually adjust the pouch as the underwear is put on in order to properly cover the scrotum.

United States Patent 5,029,345 to Angheluta et al. discloses an underwear having an internal
15 pouch along its front wall that is accessible by a slit. The pouch extends beneath the perineum, enabling the scrotum to be pinched between the thighs, or be sat upon in a sitting position. The slit must also be manually opened while the man inserts his genitalia into the pouch. Therefore, Angheluta et al. may not provide sufficient support for a man's genitals.

What is required is an improved men's underwear design that overcomes some of the above
20 limitations.

SUMMARY

The present disclosure provides men's garment having a pouch and a supporting flap. The garment may, for example, be underwear. The pouch and supporting flap are formed such that they are self-aligning, allowing the underwear to be put on without having to manually hold or
25 position the pouch or supporting flap in place. The supporting flap of the present disclosure supports and positions the scrotum and penis away from both the thighs and the perineum into the pouch. The scrotum and penis are therefore protected from pinching between the thighs or being sat upon, reducing or eliminating discomfort from compression.

- Thus, in an aspect, there is provided a men's garment comprising: a waistband; a front wall depending downwardly from the waistband, the front wall having a pouch formed at a mid-section of the front wall, the pouch protruding from the front wall and shaped to contain a wearer's penis and scrotum when the garment is worn; a supporting flap attached behind the pouch and defining a keyhole opening through the front wall to the pouch, the supporting flap having a bottom flap portion connecting opposing side flap portions and positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby in use the scrotum of a wearer of the garment is supported underneath by the bottom flap portion of the supporting flap to contain a wearer's penis and scrotum in the pouch.
- 5
- 10 In an embodiment, the supporting flap comprises an elasticized fabric.
- In another embodiment, the elasticized fabric is comprised of a cotton spandex blend.
- In another embodiment, the blend comprises approximately 90% to 95% modal and approximately 5% to 10% spandex.
- In another embodiment, the blend comprises approximately 93% modal and approximately 7% spandex.
- 15
- In another embodiment, the supporting flap is fastened to the front wall while the supporting flap is substantially stretched and the front wall is less stretched, whereby the supporting flap is biased to define the keyhole opening when the garment is held in position to be worn.
- In another embodiment, the men's garment further comprises a perineum wall fastened at a front seam to a bottom edge of the supporting flap, and a rear seam to a bottom edge of a rear wall depending from a rear part of the waistband.
- 20
- In another embodiment, the front wall and the rear wall are fastened at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the supporting flap is fastened to the seam.
- 25 In another embodiment, the supporting flap defines a U-shape keyhole opening when in a relaxed state.

In another embodiment, the supporting flap defines an oval or elliptical shape keyhole opening when in a relaxed state.

In another embodiment, the supporting flap defines a teardrop shape keyhole opening when in a relaxed state.

- 5 In another embodiment, the supporting flap is formed from a single piece of fabric.

In another embodiment each the bottom flap portion and the opposing side flap portions are separate pieces of fabric.

In another embodiment, the supporting flap comprises a moisture wicking material.

In another embodiment, the supporting flap is fastened to the front wall using a soft thread.

- 10 In another embodiment, 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.

Other features and advantages of the present disclosure will become apparent from the following detailed description and accompanying drawings. It should be understood, however, that the
15 detailed description and specific examples are given by way of illustration and not limitation. Many modifications and changes within the scope of the present disclosure may be made without departing from the spirit thereof, and the invention includes all such modifications.

DESCRIPTION OF THE DRAWINGS

- The invention will be better understood and objects of the invention will become apparent when
20 consideration is given to the following detailed description thereof. Such description makes reference to the annexed drawings wherein:

FIG. 1 illustrates a perspective view of a men's garment having a pouch and a supporting flap in accordance with an embodiment.

- FIG. 2 illustrates a front view of the men's garment of FIG. 1, showing the pouch in accordance
25 with an embodiment.

FIG. 3 illustrates a rear view of the men's garment of FIG. 1, showing a partially hidden view of the pouch in accordance with an embodiment.

FIGS. 4 and 5 illustrate side views of the men's garment of FIG. 1, showing the pouch in accordance with an embodiment from each side.

- 5 FIG. 6 illustrates a top view of the men's garment of FIG. 1, showing the pouch and supporting flap in accordance with an embodiment.

FIG. 7 illustrates a bottom view of the men's garment of FIG. 1, showing the pouch in accordance with an embodiment.

- 10 In the drawings, embodiments of the invention are illustrated by way of example. It is to be expressly understood that the description and drawings are only for the purpose of illustration and as an aid to understanding, and are not intended as a definition of the limits of the invention.

DETAILED DESCRIPTION

- Unless defined otherwise, all technical and scientific terms used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this invention belongs. Also, 15 unless indicated otherwise, except within the claims, the use of "or" includes "and" and vice-versa. Non-limiting terms are not to be construed as limiting unless expressly stated or the context clearly indicates otherwise (for example "including", "having" and "comprising" typically indicate "including without limitation"). Singular forms including in the claims such as "a", "an" and "the" include the plural reference unless expressly stated otherwise.

- 20 The invention will now be explained in detail by referring to FIGS. 1 – 7, which for clarity show the pouch and supporting flap in solid lines from various views, while the remainder of the illustrative underwear design appears in dashed lines.

- The present disclosure provides a men's garment having a pouch 12, and a supporting flap 13 defining a narrowed keyhole opening to the pouch. Referring to FIGS. 1 and 6, the garment 25 may, for example, be illustrative underwear 10. Pouch 12 and supporting flap 13 are formed such that they are self aligning, allowing underwear 10 to be put on without having to manually hold or position any portions of the pouch 12 or supporting flap 13. As will be explained in more

detail below, supporting flap 13 of the present disclosure supports the scrotum of the wearer and positions the genitals of the wearer forward into pouch 12 away from his thighs and perineum. The wearer's genitals are therefore protected from pinching between the thighs or being sat upon while in a sitting position, reducing or eliminating discomfort from compression.

- 5 In an embodiment, underwear 10 comprises a waistband 14, a front wall 16 and a rear wall 18 depending from waistband 14 and connected to each other at opposing side walls 17. The front wall 16 and the rear wall 18 may also be fastened along their bottom edges, for example by a seam, between the front wall 16 and rear wall 18. This seam is preferably disposed forward of the man's perineum. Alternatively, as shown in FIG. 1, a perineum wall 20 located to be
10 proximate to the perineum of a wearer may be provided connecting the bottom of the front wall 16 at seam 26 to the bottom of the rear wall 18 at seam 27.

- In an embodiment, as best shown in FIGS. 2, 4 and 5 – 7, pouch 12 is formed by a fabric material protruding from a mid section of front wall 16 of underwear 10. Supporting flap 13 is formed approximately within the same plane as the front wall 16, and defines a keyhole opening
15 through the front wall 16 into pouch 12 as will now be explained. As shown in FIGS. 1 and 6, supporting flap 13 comprises two opposing side flap portions 22, 24 that depend downwardly from the waistband 14, and are joined together by a bottom flap portion 36, which is preferably curved. Preferably, side flap portions 22, 24 are joined at their outer edges 28, 30 respectively to front wall 16 along seams. The inner edges 32, 34 of the side flap portions 22, 24 are free.
20 Preferably, bottom flap portion 36 is fastened at its bottom edge 35 to a seam 26 between front wall 16 and perineum wall 20 (or the rear wall 18 if the perineum wall 20 is not provided). A top edge 40 of the bottom flap portion 36 is free, and preferably curved. Thus, together, the free edges 32, 34 of the side flap portions 22, 24 and free edge 40 of bottom flap portion 36 define the keyhole opening through front wall 16 to pouch 12.

- 25 Preferably, seam 26 is positioned forward of a perineum wall 20 such that the curved bottom flap portion 36 is located forward of the perineum of a wearer. As will now be further explained, the curved bottom flap portion 36 supports the scrotum and positions the scrotum forward into pouch 12. Thus, when a man's genitals are placed in pouch 12 and supported by supporting flap 13, the genitals of the wearer are protected from being compressed between his thighs or being sat upon
30 when in a sitting position.

In an embodiment, the keyhole opening defined by supporting flap 13 can be generally U-shaped when viewed from the rear. Alternatively, the free inner edges 32, 34 of the side flap portions 22, 24 may be placed closer together near waistband 14 such that the keyhole opening defined by the free edges of supporting flap 13 is more tear-drop shaped. In yet another embodiment, the upper edges of the side flap portions 22, 24 may be adjacent each other, or joined together entirely, such that the keyhole opening of supporting flap 13 forms an oval or elliptical shape (not shown). Regardless of the particular shape of the keyhole opening that is formed, supporting flap 13 is configured to define the keyhole opening and provide support around and underneath the scrotum of the wearer in order to comfortably position the wearer's genitals forward into pouch 12.

Preferably, side flap portions 22, 24 and bottom flap portion 26 of supporting flap 13 are formed from a single piece of fabric, but they could be formed from a plurality of pieces of fabric fastened together. As shown in FIG. 1, side flap portions 22, 24 may lie approximately within the same plane as front wall 16 in a relaxed state. However, in use when underwear 10 is worn, supporting flap 13 is configured to elastically stretch around the genitals of the wearer and supporting the wearer's genitals from the sides and from underneath, as the wearer's genitals are held forward into pouch 12.

Preferably, supporting flap 13 is formed of a separate fabric blank than the rest of underwear 10. The fabric used for supporting flap 13 preferably has some degree of resilient elasticity such that it can be stretched when worn, and return to an unstretched state when the underwear 10 is taken off. As an illustrative example, and not by way of limitation, supporting flap 13 may be made of a cotton and spandex blend. Alternatively, supporting flap 13 may also be made of a fabric blend that is approximately 90% to 95% modal and 5% to 10% spandex. As a more particular example, supporting flap 13 may be approximately 93% modal and 7% spandex. The fabric blend for supporting flap 13 may also be chosen to enable moisture wicking away from the genitals while supporting and positioning them forward into pouch 12.

In an embodiment, supporting flap 13 may be configured to be self-aligning by fastening supporting flap 13 to the underwear while supporting flap 13 is substantially stretched, while front wall 16 of underwear 10 is not stretched or less stretched. By fastening supporting flap 13 to front wall 16 in this way, supporting flap 13 is generally stretched more than other parts of

underwear 10. The stretching causes supporting flap 13 to be biased so that the supporting flap 13 does not have to be manually held in place or positioned as underwear 10 is being put on by the wearer. In other words, when underwear 10 is held by a man so as to be in a ready-to-wear position (i.e. held in mid-air by the waistband), the weight of underwear 10 stretches supporting flap 13 to clearly define a keyhole opening. A man's genitals are thus naturally guided through the keyhole opening formed by supporting flap 13 and positioned forward into pouch 12 as a result of this bias. Furthermore, this bias prevents the man's genitals from falling out of pouch 12 in use, such as during physical activity and other movement.

Thus, side flap portions 22, 24 and bottom flap portion 26 of supporting flap 13 are maintained in a stretched state while underwear 10 is being worn, and support a man's genitals forward of his perineum. As a result, the man's scrotum is held away from his perineum and legs substantially in front of the man's torso. This substantially reduces or prevents the possibility of pinching of the scrotum between the wearer's legs or being sat upon in a sitting position, for example when the man's thighs are together or when the man is sitting down with his legs crossed.

Preferably the pouch 12 is fastened to underwear 10 by thread. The thread may be a soft thread that does not cause irritation to the skin and is stitched so as to prevent or reduce irritation. In an embodiment, pouch 12 has a dart seam 46 stitched along a bottom part of pouch 12, and pouch 12 is cut generously to provide extra volume in front and near the bottom of pouch 12. This provides a pouch 12 which substantially protrudes from front wall 16 for additional comfort of the wearer, while supporting flap 13 provides full support for the genitals.

While an illustrative underwear 10 is shown in FIGS. 1 – 7, it will be appreciated that the underwear may also be a boxer, brief, boxer brief, long johns, or any other form factor of underwear or men's garment. The pouch could also be fastened or incorporated into pants, swimwear, athletic gear, etc.

The foregoing description of embodiments has been presented for purposes of illustration and description. It is not intended to be exhaustive or to be limited to the precise forms disclosed, and modifications and variations are possible in light of the above teachings or may be acquired from practice of the invention. The embodiments were chosen and described in order to explain the principals of the invention and its practical application to enable one skilled in the art to utilize

the invention in various embodiments and with various modifications as are suited to the particular use contemplated. It is intended that the scope of the invention be defined by the claims appended hereto and their equivalents.

CLAIMS

We claim:

1. A men's garment comprising:
 - (a) a waistband;
 - 5 (b) a front wall depending downwardly from the waistband, the front wall having a pouch formed at a mid-section of the front wall, the pouch protruding from the front wall and shaped to contain a wearer's penis and scrotum when the garment is worn;
 - 10 (c) a supporting flap attached behind the pouch and defining a keyhole opening through the front wall to the pouch, the supporting flap having a bottom flap portion connecting opposing side flap portions and positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby in use the scrotum of a wearer of the garment is supported underneath by the bottom flap portion of the supporting flap to contain a wearer's penis and scrotum in the
 - 15 pouch.
2. The men's garment as claimed in claim 1, wherein the supporting flap comprises an elasticized fabric.
3. The men's garment as claimed in claim 2, wherein the elasticized fabric is comprised of a cotton spandex blend.
- 20 4. The men's garment as claimed in claim 3, wherein the blend comprises approximately 90% to 95% modal and approximately 5% to 10% spandex.
5. The men's garment as claimed in claim 4, wherein the blend comprises approximately 93% modal and approximately 7% spandex.
- 25 6. The men's garment as claimed in claim 2, wherein the supporting flap is fastened to the front wall while the supporting flap is substantially stretched and the front wall is less

stretched, whereby the supporting flap is biased to define the keyhole opening when the garment is held in position to be worn.

7. The men's garment as claimed in claim 1, further comprising a perineum wall fastened at a front seam to a bottom edge of the supporting flap, and a rear seam to a bottom edge of a rear wall depending from a rear part of the waistband.
8. The men's garment as claimed in claim 1, wherein the front wall and the rear wall are fastened at a seam disposed forward of the perineum region of a wearer, and wherein a bottom edge of the supporting flap is fastened to the seam.
9. The men's garment as claimed in claim 1, wherein the supporting flap defines a U-shape keyhole opening when in a relaxed state.
10. The men's garment as claimed in claim 1, wherein the supporting flap defines an oval or elliptical shape keyhole opening when in a relaxed state.
11. The men's garment as claimed in claim 1, wherein the supporting flap defines a teardrop shape keyhole opening when in a relaxed state.
12. The men's garment as claimed in claim 1, wherein the supporting flap is formed from a single piece of fabric.
13. The men's garment as claimed in claim 1, wherein each the bottom flap portion and the opposing side flap portions are separate pieces of fabric.
14. The men's garment as claimed in claim 1, wherein the supporting flap comprises a moisture wicking material.
15. The men's garment as claimed in claim 1, wherein the supporting flap is fastened to the front wall using a soft thread.
16. The men's garment as claimed in 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.

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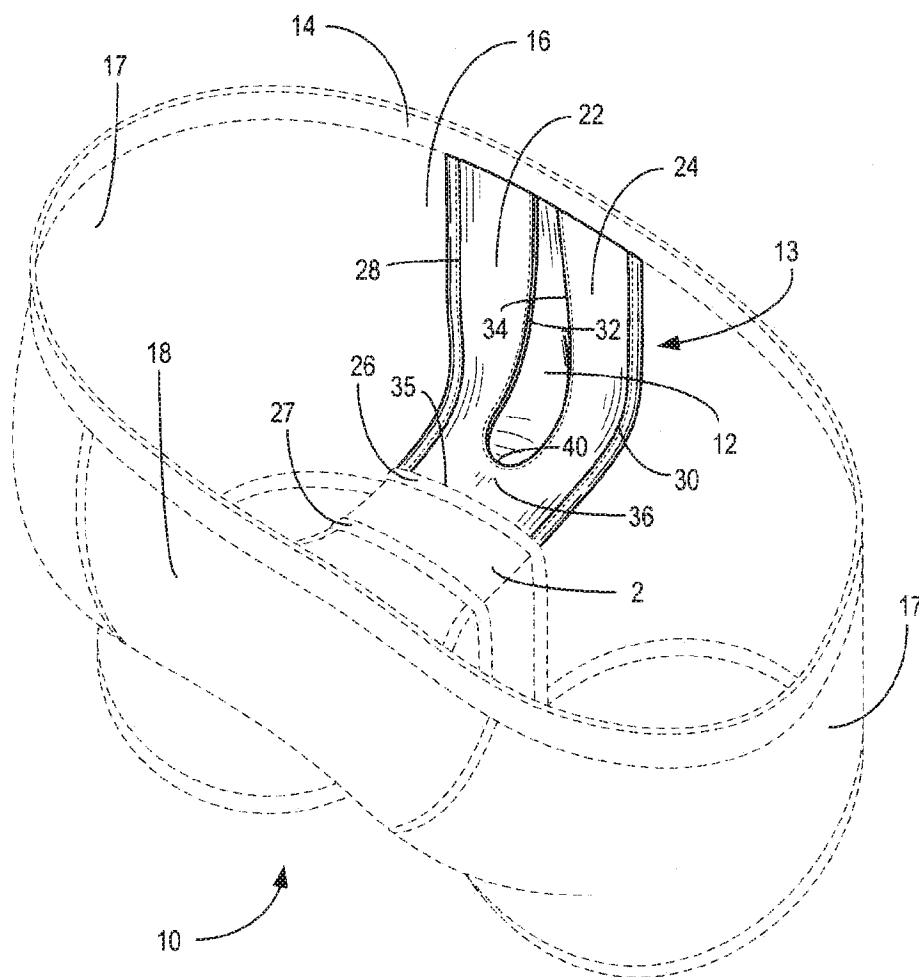


FIG. 1

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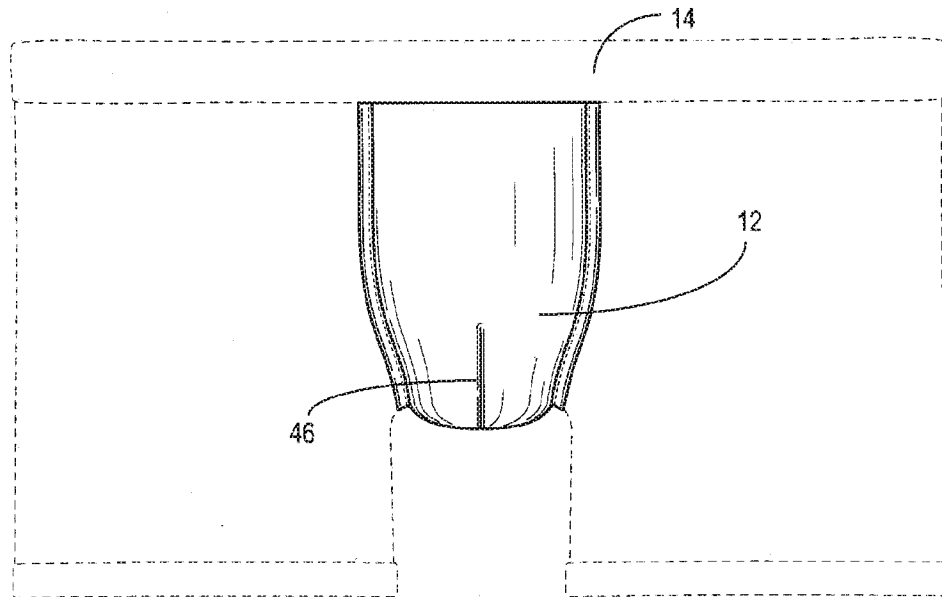


FIG. 2

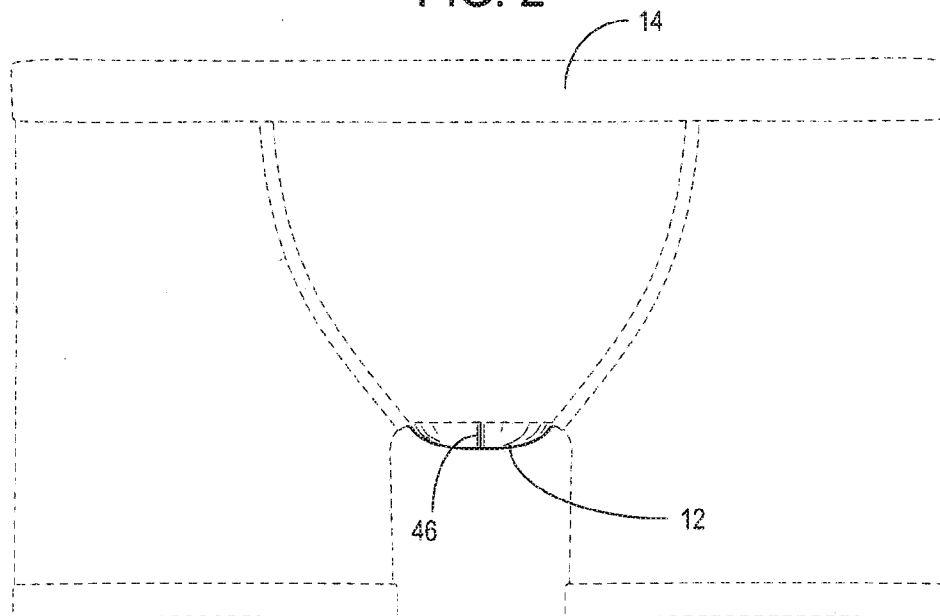
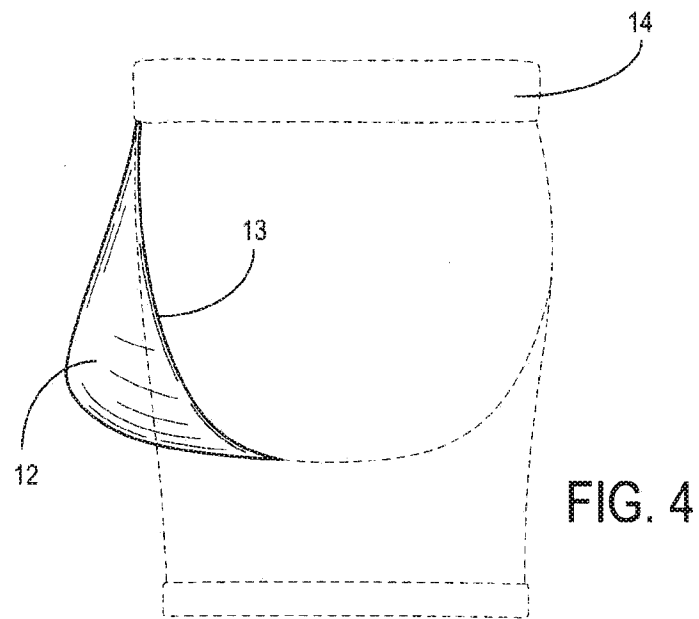
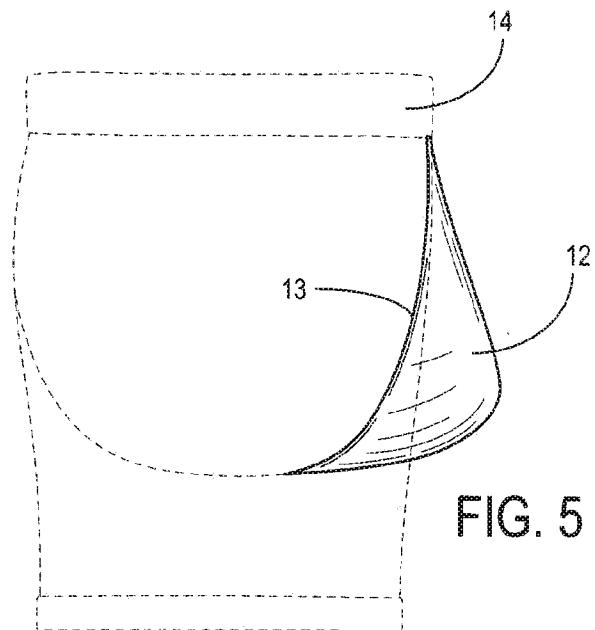
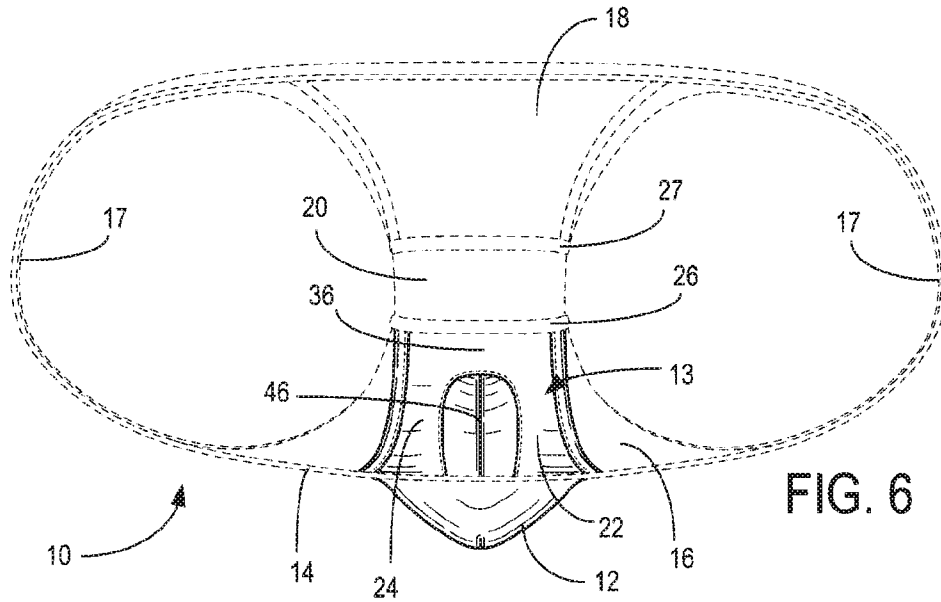
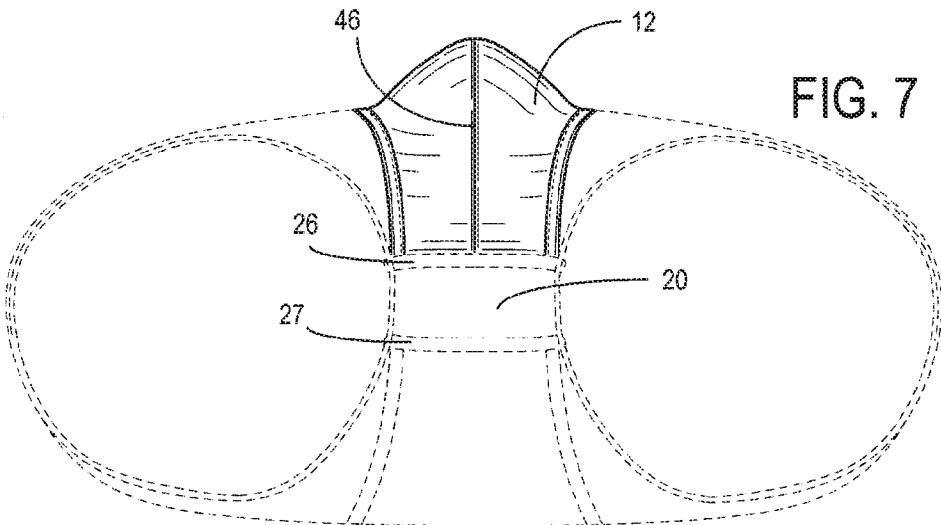


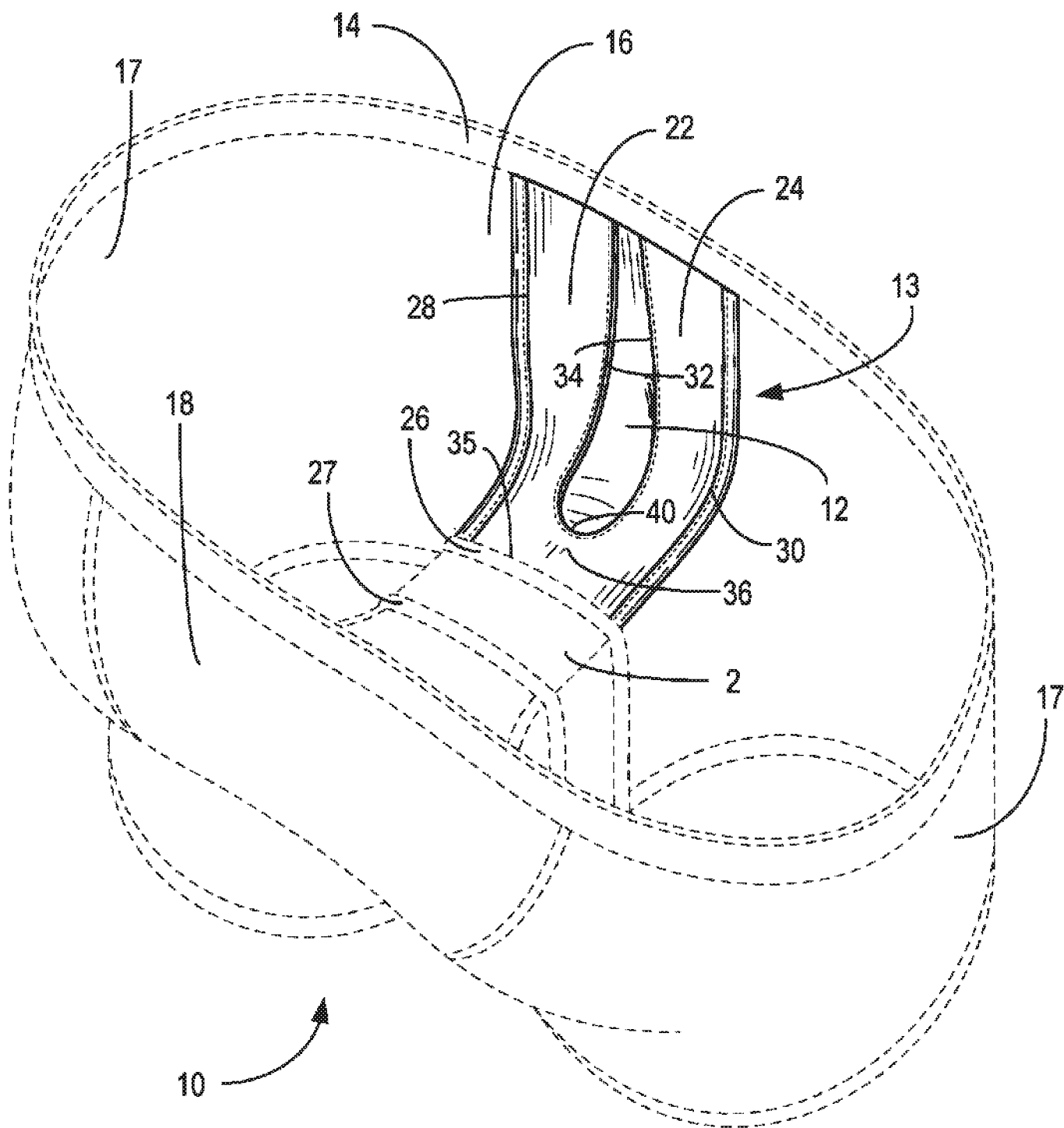
FIG. 3

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NOTICE OF ALLOWANCE AND FEE(S) DUE

20350 7590 03/01/2017
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EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 03/01/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/193,584	07/28/2011	Dustin Bigney	098622-000100US-0956378	8229

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	06/01/2017

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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	(Depositor's name)
	(Signature)
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	ART UNIT	CLASS-SUBCLASS
KINSAUL, ANNA KATHRYN	3765	002-423000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
☐ Applicant asserting small entity status. See 37 CFR 1.27
☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

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KINSAUL, ANNA KATHRYN

ART UNIT PAPER NUMBER

3765

DATE MAILED: 03/01/2017

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<i>Notice Regarding Oath or Declaration (in an application filed before September 16, 2012)</i>	Application No. 13/193,584	Applicant(s) Dustin Bigney	
	Examiner KINSAUL, ANNA KATHRYN	Art Unit 3765	

This notice is an attachment to the Notice of Allowability (PTOL-37), or the Notice of Allowability For A Design Application (PTOL-37D).

This application was filed before September 16, 2012.

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.63 (as in effect for applications filed before September 16, 2012) identifying this application by application number and filing date, or, if applicable, a supplemental application data sheet (ADS) in compliance with 37 CFR 1.76, is required.

Applicant has **THREE MONTHS** from the "MAILING DATE" of this communication to file a new oath or declaration in compliance with 37 CFR 1.63 or, if applicable, a supplemental ADS in compliance with 37 CFR 1.76. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time under 37 CFR 1.136(a) are available; however, in no event may applicant extend the period for reply beyond SIX (6) MONTHS from the mailing date of this communication. Applicant is reminded that the three-month statutory time period for paying the issue fee and any publication fee **cannot** be extended.

A properly executed oath or declaration has not been received for the following inventor(s):

The oath or declaration does not comply with 37 CFR 1.63 for the following reason(s):

INFORMAL ACTION PROBLEMS

- The declaration is not executed by each inventor (or on behalf of the inventor where permitted): **Shawn Robert Ellis**

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of a Federal, State, or local law.

Notice of Allowability	Application No. 13/193,584	Applicant(s) BIGNEY ET AL.	
	Examiner ANNA KINSAUL	Art Unit 3765	AtA (First Inventor to File) Status No

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to Oath filed 16 December 2016.
☐ A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on _____.
- ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- ☒ The allowed claim(s) is/are 1-9, 11, 12, 14, 15, 17, and 18. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. ☐ Notice of References Cited (PTO-892) | 5. ☒ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other _____ |
| 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____ | |

/ANNA KINSAUL/
Primary Examiner, Art Unit 3765

EXAMINER REMARKS

It appears that Applicant has overcome all previous outstanding formal matters. See Oath filed December 12, 2016. All other pertinent forms/documents, including the reasons for allowance, related to the allowance of this application may be found in the correspondence dated August 6, 2014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Fri 9am-5:30pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANNA KINSAUL/

Primary Examiner, Art Unit 3765

21 September 2017 (21-09-2017)

SMART & BIGGAR

CIPOMailVancouver@smart-biggarr.ca

Application No. : 2,729,368
Owner : 0912139 B.C. LTD.
Title : MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP
Classification : A41B 9/02 (2006.01)
Your File No. : 16656-1
Examiner : Genevieve Scott

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN THE **SIX (6)** MONTH PERIOD AFTER THE ABOVE DATE.

This application has been examined taking into account the applicant's correspondence received in this office on 21 June 2017 (21-06-2017).

The number of claims in this application is 20.

SEARCH RESULTS

Document Cited:

D4: CA 2747893 A Bigney 29 January 2013 (29-01-2013)

POTENTIAL DOUBLE PATENTING DEFECTS

Claims 1 to 3, 6, 8, 9, 11 to 15 and 19 of the present application are conterminous with claims 9 and 11 to 18 of patent application 2747893 and so both sets of cited claims cannot be granted in separate patents (see *GlaxoSmithKline Inc. v. Apotex Inc.* 2003 FCT 687 and *Whirlpool Co. v. Camco On.* 2000 SCC 67).

For both applications to proceed to grant, the overlapping subject-matter must be removed from one of the applications. Where one of the applications is otherwise in condition for allowance, it will not be held back solely because of a potential double-patenting issue. It is up to the applicant to ensure that all the claims to a given invention are included in a single application.

The examiner has identified the following defects in the application:

DEFECTS IN THE CLAIMS

Claims 1 and 20 are not fully supported by the description and do not comply with section 84 of the *Patent Rules*. The claimed subject matter is directed to the desired result rather than to the combination necessary to achieve that result as described in the description. More specifically, in claims 1, it is unclear how the scrotum of a wearer of the garment is **"to be supported underneath by the supporting flap"** and what structural features or elements enable this. In claim 20, it is unclear how the supporting flap **"is shaped"** such that the scrotum of the wearer of the garment is supported by the bottom flap portion" and what structural features or elements enable this.

Claim 1 is indefinite and does not comply with subsection 27(4) of the *Patent Act*. The inclusion of ambiguous expressions such as "generally" defines the scope of the claimed subject-matter in uncertain terms (i.e. what the invention might be).

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Genevieve Scott
Patent Examiner / M6
819-639-7897

As per CIPPO Client Service Standards, a response to a telephone enquiry or voice mail should be provided by the end of the next business day. In the event that attempts to reach the examiner are unsuccessful, the examiner's Section Head, Marc Berniquez, can be reached at 819-639-0467.

For general inquiries: 1-866-997-1936 or for more options see
<http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr00006.html>.

CIPPO values your feedback and invites you to complete a short and anonymous ongoing survey on patent examination products and services. You can access the survey at the following link:
<http://ic.sondages-surveys.ca/s/SCB-OPS/langeng>.

2729368B_gas.docm

The Examination Search Report is provided for reference only and is not part of any requisition made by the examiner in accordance with the *Patent Act* or *Rules*. The applicant is not required to respond to the information contained in the Examination Search Report.

Examination Search Report

Box I: General Information			
Application No.	2,729,368	Search Report Date	2017-09-19
Title	MEN'S GARMENT WITH POUCH AND SUPPORTING FLAP		
Examiner	Genevieve Scott	Search Conducted?	No
No search was conducted for the following reasons :			
- Search deferred - see report for reasoning (lack of unity, excluded subject matter etc.)			N/A
- Relied on previous search results (CIPO and/or by Foreign Office)			Yes

Box II: Family Prosecution		
Family Member	File Wrapper Reviewed	Status of Prosecution
US2012167279A1	2017-09-19	Completed
US2015313290A1	2017-09-19	Not Started

Box IV: Search History
No Search Conducted

Version 9

Electronic Patent Application Fee Transmittal

Application Number:	14798332			
Filing Date:	13-Jul-2015			
Title of Invention:	GARMENTS FOR MEN			
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY			
Filer:	Kyle B. Morse/Marcos Vera			
Attorney Docket Number:	098622-000110US-0957842			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	2806	1	120	120
Total in USD (\$)				120

Electronic Acknowledgement Receipt

EFS ID:	31742849
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Kyle B. Morse/Marcos Vera
Filer Authorized By:	Kyle B. Morse
Attorney Docket Number:	098622-000110US-0957842
Receipt Date:	08-FEB-2018
Filing Date:	13-JUL-2015
Time Stamp:	16:57:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 120
RAM confirmation Number	020918INTEFSW17001901
Deposit Account	201430
Authorized User	IP eFiling

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.19 (Document supply fees)

37 CFR 1.21 (Miscellaneous fees and charges)

Package Apparel EX2004

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IPR2024-01163

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	098622-0957842_IDS.pdf	612307	no	4
			1c27ea249aaa559cef58bc2bd85765a3446c67f0		
Warnings:					
Information:					
2	Foreign Reference	0957842_CA2747893.pdf	19026791	no	32
			affcbd201e79d94053b8276edb5e38919595a831		
Warnings:					
Information:					
3	Foreign Reference	0957842_CA2729368.pdf	13535655	no	20
			9a3c1d441c89d3ffbd30570cc2a598f088afb1f9		
Warnings:					
Information:					
4	Non Patent Literature	0957842_NOA.pdf	9614306	no	8
			3f8656dea20a9ca18c00e88e084ecda3c51cb2a0		
Warnings:					
Information:					
5	Non Patent Literature	0957842_CAOA.pdf	3057851	no	3
			1b1cea76507d6e32c75ca11bfa3b76163a54de92		
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	30428	no	2
			a6b34b8e2c83cda748be39716812caaa703867cf		
Warnings:					
Information:					
Package Appraisal FY2004					

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/798,332	Filing Date 07/13/2015	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	02/06/2018	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 15	Minus	** 20	= 0	X \$50 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X \$230 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
						TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
THERESA OKON

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IPR2024-01163



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

20350 7590 03/29/2018
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 03/29/2018

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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14/798,332

07/13/2015

Dustin Douglas BIGNEY

098622-000110US-0957842

7771

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0	\$0	\$500	06/29/2018

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

20350 7590 03/29/2018
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798,332	07/13/2015	Dustin Douglas BIGNEY	098622-000110US-0957842	7771

TITLE OF INVENTION: GARMENTS FOR MEN

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0	\$0	\$500	06/29/2018

EXAMINER	ART UNIT	CLASS-SUBCLASS
KINSAUL, ANNA KATHRYN	3765	002-423000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798,332	07/13/2015	Dustin Douglas BIGNEY	098622-000110US-0957842	7771

20350 7590 03/29/2018
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

EXAMINER

KINSAUL, ANNA KATHRYN

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 03/29/2018

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<i>Notice Requiring Inventor's Oath or Declaration</i>	Application No. 14/798,332	Applicant(s) Dustin Douglas BIGNEY	
	Examiner KINSAUL, ANNA KATHRYN	Art Unit 3765	

This notice is an attachment to the Notice of Allowability (PTOL-37), or the Notice of Allowability For A Design Application (PTOL-37D).

An inventor's oath or declaration in compliance with 37 CFR 1.63 or 1.64 executed by or with respect to each inventor has not yet been submitted.

An oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each inventor (for any inventor for which a compliant oath, declaration, or substitute statement has not yet been submitted) **MUST** be filed no later than the date on which the issue fee is paid. See 35 U.S.C. 115(f). Failure to timely comply will result in ABANDONMENT of this application.

A properly executed inventor's oath to declaration has not been received for the following inventor(s):

If applicant previously filed one or more oaths, declarations, or substitute statements, applicant may have received an informational notice regarding deficiencies therein.

The following deficiencies are noted:

INFORMAL ACTION PROBLEMS

- A properly executed inventor's oath or declaration has not been received for the following inventor(s): **Dustin Douglas BIGNEY** and **Shawn Robert ELLIS**.

Applicant may submit the inventor's oath or declaration at any time before the Notice of Allowance and Fee(s) Due, PTOL-85, is mailed.

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of a Federal, State, or local law.

Notice of Allowability	Application No. 14/798,332	Applicant(s) BIGNEY ET AL.	
	Examiner ANNA KINSAUL	Art Unit 3765	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6 February 2018.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-15. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/ANNA KINSAUL/ Primary Examiner, Art Unit 3765	
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1. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER REMARKS

Applicant's amendments and approval of the Terminal Disclaimer on Feb. 6, 2018 have overcome the objections and rejections as presented in the Non-Final rejected dated Nov. 9, 2017. Additionally, Applicant's amended claims have been considered over the prior art and are found to be allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA KINSAUL whose telephone number is (571)270-1926. The examiner can normally be reached on M-Fri 9am-5:30pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huyhn can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANNA KINSAUL/

Primary Examiner, Art Unit 3765

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	2	(garment and body and (crotch adj panel) and seam and waistband and (stretch adj panel) and elastic and (side adj seams)).clm.	US-PGPUB; USPAT	OR	ON	2018/03/20 14:45
S1	49	(US-20110307996-\$ or US-20030083635-\$ or US-20040098784-\$ or US-20040127881-\$).did. or (US-5414870-\$ or US-4759355-\$ or US-5875495-\$ or US-5784723-\$ or US-RE36905-\$ or US-5864890-\$ or US-6061839-\$ or US-4870958-\$ or US-4247959-\$ or US-5901374-\$ or US-5946730-\$ or US-3703820-\$ or US-3877439-\$ or US-4523337-\$ or US-4538615-\$ or US-4590945-\$ or US-5392467-\$ or US-5569234-\$ or US-5575783-\$ or US-5590548-\$ or US-5605060-\$ or US-5611722-\$ or US-5685874-\$ or US-5727256-\$ or US-5769838-\$ or US-5787512-\$).did. or (US-5802607-\$ or US-5836932-\$ or US-5843068-\$ or US-5873870-\$ or US-5931827-\$ or US-5944579-\$ or US-5987644-\$ or US-6120487-\$ or US-6258077-\$ or US-6287169-\$ or US-6546564-\$ or US-6817030-\$ or US-7013488-\$ or US-7344526-\$ or US-7578009-\$ or US-7901390-\$ or US-8216203-\$ or US-8257138-\$ or US-8303561-\$).did.	US-PGPUB; USPAT	OR	ON	2013/04/15 13:00
S3	80	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "20090106874" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342"	US-PGPUB; USPAT	OR	ON	2013/04/15 13:17

		"6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "7958571" "D509945").PN.				
S4	1014	(2/400,401,403).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S5	412	(2/402,404,405).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 13:32
S6	287	S5 not S4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 13:33
S7	2	((("20050268380") or ("2624336")).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 15:54
S8	950	S4 not S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 16:05
S9	200	(602/67).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 17:47
S10	140	("0549048" "2055973" "2058970" "2114268" "2328953" "2534024" "2736036" "2854973" "2872685" "3016726" "3019446" "3354880" "3441022" "3499442" "3517666" "3621846" "3714946" "4195630" "4215685" "4355425" "4554685" "4660551" "4759355" "4870858" "4875236" "4875241" "4972525" "5029345" "5157793" "5283912" "5290270" "5524298" "5598587" "5647065" "5875495" "6245036" "6289520" "6295651" "6862746" "6901607" "7065797" "7178174" "D382386" "D408964").PN. OR ("2005/0268380" "2006/0000008" "2009/0106874" "2009/0288240" "2011/0154560" "2033551" "2138481" "2624336" "3511234" "3844282" "4759355" "4870958" "5157793" "5875495" "7024703" "7578009" "D509945").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S11	13	("4660551" "6245036" "5547466" "6047408" "6308342" "1483351" "3499443" "7100213" "6038703" "5283912" "6820284" "2524327" "6295651").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:01
S12	8	("4195630" "4955088" "5315717" "5461729" "5870779" "5875495" "6557183" "6901607").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:02
S13	15	("2140459" "2601602" "20060162052" "20070245463" "3459181" "4195630" "4377008" "4414971" "4955088"	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03

		"4961419" "5029345" "5070869" "5870779" "6289520" "7178174").PN.				
S14	2	("20040231034" "5283912").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:03
S15	13	("5070869" "6901607" "5029345" "5647065" "7178174" "4568340" "4673401" "5870779" "6898805" "4759355" "5678250" "4870958" "20040025218").PN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:04
S16	26	((("shawn) near2 (ellis) or ((glen) near2 (kirk))).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/15 18:13
S17	28	("0642227" "0650954" "0847779" "1020588" "1592732" "1688910" "1973849" "20040154079" "20070277285" "2138481" "2235849" "2416857" "2457260" "2529115" "2639708" "3207155" "3517666" "4173976" "4870958" "5647065" "5651144" "5754982" "7017193" "7895676" "D353933" "D445239" "D482123" "D548928").PN. OR ("D646462" "D656708").URPN.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:14
S18	22	((SHAWN) near2 (ELLIS)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S19	1	((GLEN) near2 (KIRK)).INV.	US-PGPUB; USPAT	OR	ON	2013/04/15 18:25
S20	1	("5029345").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 18:28
S21	1	("3511234").PN.	USOCR	OR	OFF	2013/04/15 19:33
S22	3	((("2255931") or ("2872685") or ("3441022")).PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 19:41
S23	211	(2/78.1).CCLS.	US-PGPUB; USPAT	OR	OFF	2013/04/15 22:26
S24	1	("2140459").PN.	US-PGPUB; USPAT	OR	OFF	2013/04/15 23:05
S32	31	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US- 20110154560-\$ or US-20090288240-\$ or US-20040025218-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US- D509945-\$ or US-7024703-\$ or US- 2624336-\$ or US-2033551-\$ or US- 3511234-\$ or US-3844282-\$ or US- 2138481-\$ or US-2114268-\$ or US- 3517666-\$ or US-7017193-\$ or US- D646462-\$ or US-D656708-\$ or US- 4173976-\$ or US-2457260-\$ or US- 1020588-\$ or US-2235849-\$ or US- 5647065-\$ or US-2601602-\$ or US- 5029345-\$ or US-2140459-\$).did.	US-PGPUB; USPAT	OR	ON	2013/04/16 09:44
S33	5	S32 and cotton and (spandex or lycra\$1)	US-PGPUB; USPAT	OR	ON	2013/04/16 09:45

S34	8	S32 and stretch	US-PGPUB; USPAT	OR	ON	2013/04/16 09:47
S35	3017	(boxer or under\$1wear or under\$1garment or brief) and (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:49
S36	6	(boxer or under\$1wear or under\$1garment or brief) with (stretch near2 "30"\$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 09:50
S37	3	S32 and woven	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:15
S38	75	scrotum and (support or suspensory) and ((man or men or boys) near2 (under\$1wear or under\$1garment or boxers))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/04/16 15:58
S39	3	((("6243880") or ("20040031088") or ("20090158505")).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 14:35
S40	28	("4195630" "4471772" "4660551" "5274854" "6557182" "4173976" "5029345" "5647065" "5547466" "6132412" "2254863" "3459181" "4961419" "5718003" "3499443" "5870779" "3037503" "3207155" "2050410" "6038703" "5524298" "3511234" "3621846" "5283912" "4526167" "4702239" "5226179" "6061840").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 14:58
S41	122	("0620435" "0763683" "1212805" "1277839" "1288673" "1662981" "1737882" "1861383" "1998140" "2034312" "2128876" "2216897" "2232246" "2401457" "2408723" "2411922" "2419867" "2623210" "2652053" "2742647" "2872685" "2983924" "3141458" "3166764" "3169530" "3207155" "3517666" "3621846" "3654634" "3963022" "4004297" "4009495" "4173976" "4223408" "4261060" "4371989" "4470156" "4488317" "4494250" "4523337" "4580297" "4602388" "4619004" "4625336" "4669130" "4670913" "4702239" "4870958" "4920769" "4972525" "5023957" "5029345" "5040245" "5109546" "5131100" "5144697" "5152014" "5157793" "5237706" "5243974"	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 14:58

		"5275592" "5379462" "5524298" "5547466" "5598587" "5647065" "5822802" "5870779" "5875495" "5915536" "6026517" "6038703" "6061840" "D098867" "D233633" "D238828" "D268454" "D387539" "D403487").PN. OR ("6243880").URPN.				
S42	5	((("0724775") or ("2138481") or ("2292030") or ("3059638") or ("3207155")).PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:10
S43	10	("2138481").URPN.	USPAT	OR	ON	2013/12/30 15:12
S44	28	("1842472" "20050235399" "20090106874" "20090288240" "20110258756" "20120167279" "20120255102" "2076925" "2138481" "2664889" "2717388" "3207155" "3517666" "5875495" "7024703" "7578009" "7788739" "D166363" "D353933" "D630412").PN. OR ("D681914").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:13
S45	45	("2534934" "2601602" "3314422" "3504671" "3517666" "4173976" "4345337" "4377008" "4644945" "4702237" "4955088" "4961419" "5029345" "5070869" "5120264").PN. OR ("5237706").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:41
S46	18	("2601602").URPN.	USPAT	OR	ON	2013/12/30 15:43
S47	1	("20080178369").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/30 15:45
S48	99	("20050268380" "20060000008" "20060005301" "20060162052" "20070180600" "20070192941" "20070245463" "20080178368" "2033551" "2254863" "2328953" "2438310" "2601602" "2623210" "2624336" "2641257" "2652053" "2872685" "3207155" "3220410" "3283545" "3294086" "3459181" "3496576" "3499442" "3499443" "3511234" "3517666" "3621846" "4009495" "4173976" "4195630" "4377008" "4414971" "4554685" "4660551" "4702239" "4759355" "4870958" "4955088" "5029345" "5070869" "5157793" "5226179" "5237706" "5283912" "5379462" "5461729" "5524298" "5547466" "5598587" "5647065" "5718003" "5807299" "5870779" "5875495" "5978971" "6026517" "6038703" "6061840" "6245036" "6289520" "6295651" "6308342" "6353940" "6487728" "6799334" "6820284" "6862746" "6901607" "7017193" "7024703" "7065797" "7178174" "7198688" "7631369" "7676853" "D509945").PN. OR ("7958571").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:48
S50	106	A41B9/023.CPC.	US-PGPUB; USPAT	OR	ON	2013/12/30 15:48

S51	15	("2058970" "3459181" "4554685" "5070869" "5524298" "5718003" "6820284" "6901607" "7065797" "7178174").PN. OR ("7676853").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/30 15:52
S52	31	("4195630" "4660551" "5070869" "20040025218" "3710397" "4377008" "5379462" "6018822" "5029345" "5647065" "2471348" "5029345" "5647065" "4345337" "4759355" "5870779" "7024703" "4961419" "7434273" "2328953" "5435014" "2601602" "20070277285" "D461622" "3261846" "4414971" "5283912" "4195630" "4702239" "6901607" "2369773" "4414971" "4955088" "7024703" "0850298" "2601602" "6557183").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 16:24
S53	115	("20070283484" "20080189833" "20110307996" "20120151662" "2058970" "2328953" "2641257" "3499442" "4644945" "4961419" "5029345" "5819323" "6038703" "6487728" "6799334" "7065797" "7178174" "7578009" "D509945" "D566926" "4195630" "20100005561" "20120144563" "20120167280" "3499443" "3511234" "4173976" "4377008" "4414971" "5618279" "6243880" "7198688" "7749214" "7762262" "20110258756" "2254863" "3683909" "4526167" "5070869" "5283912" "5547466" "6295651" "7895676" "7958571" "20090106874" "2601602" "3294086" "3621846" "4870958" "4955088" "5226179" "5716350" "5807299" "5870779" "5978971" "6308342" "6353940" "7100213" "7631369" "7721355" "7788739" "8128675" "D382386" "7024703" "8555422" "20080052807" "2033551" "2623210" "2624336" "2652053" "2872685" "3283545" "3517666" "4660551" "5379462" "6105174" "7676853" "7810173" "7958571" "2684673" "3207155" "3220410" "3295520" "3459181" "5157793" "5461729" "5598587" "5718003" "6047408" "6289520" "6425140" "7024703" "D571532" "20090158505" "20100275349" "4554685" "4702239" "5237706" "5524298" "5920914" "6820284" "6862746" "7017193" "D408964" "20120017356" "2354971" "2438310" "4195630" "4759355" "5052058" "5647065" "5875495" "6026517" "6041441" "6061840" "6245036" "6901607" "7669253").PN.	US-PGPUB; USPAT	OR	ON	2013/12/30 16:30
S54	11	("4870858" "6245036" "6289520" "D382386" "D408964").PN. OR ("D509945").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 12:49
S55	116	("0038930" "0602188" "0833849" "1052765" "1083712" "1265089"	US-PGPUB; USPAT;	OR	ON	2013/12/31 12:52

		"1404855" "1512171" "1861383" "20040025218" "20060277649" "20070277285" "20080114327" "20090106874" "20110023216" "2012879" "2033266" "2033551" "2235849" "2323842" "2328953" "2336248" "2369773" "2601602" "2872685" "3207155" "3250273" "3788314" "3844282" "3974836" "4014044" "4195630" "4377008" "4389733" "4555245" "4637078" "4660554" "4759355" "4870958" "4961419" "5029345" "5070869" "5226179" "5274854" "5539926" "5607412" "5636387" "5647065" "5870779" "5875495" "6014777" "6018822" "6041441" "6295651" "6412119" "6425140" "6565548" "6662378" "6901607" "7024703" "7434273" "7788739" "8087098" "D160328" "D179937" "D268454" "D282212" "D339219" "D348102" "D353933" "D362950" "D378947" "D389289" "D398055" "D423188" "D444616" "D445239" "D494738" "D506303" "D509945" "D513658" "D521711" "D528266" "D529260" "D530485" "D537236" "D538508" "D539507" "D590129" "D603582" "D628517" "D651377" "D660551").PN. OR ("8555422").URPN.	USOCR			
S56	31	("1781271" "2983924" "4195630" "4345337" "4526167" "4637078" "4961419" "5283912" "5598587" "5647065" "5716350" "5870779" "5875495" "5978971" "6038703" "6061840" "6108823" "6243880" "6287169" "6289520" "6308342" "6425140").PN. OR ("6662378").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2013/12/31 13:11
S57	44	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US- 20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US- 20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US- 7024703-\$ or US-2624336-\$ or US- 2033551-\$ or US-3511234-\$ or US- 3844282-\$ or US-2138481-\$ or US- 2114268-\$ or US-3517666-\$ or US- 7017193-\$ or US-D646462-\$ or US- D656708-\$ or US-4173976-\$ or US- 2457260-\$ or US-1020588-\$ or US- 2235849-\$ or US-5647065-\$ or US- 2601602-\$ or US-5029345-\$ or US- 2140459-\$ or US-6243880-\$).did. or (US- 7788739-\$ or US-5379462-\$ or US- 6289520-\$ or US-8555422-\$ or US- 6662378-\$ or US-2254863-\$).did.	US-PGPUB; USPAT	OR	ON	2013/12/31 13:26
S58	550	(A41B9/02 OR A41B9/026 OR	US-PGPUB;	OR	ON	2013/12/31

		A61F5/40).CPC.	USPAT			13:27
S59	0	S57 and ((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) near2 stretch\$3	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S60	4	S57 and (stretch\$3 near4 direction)	US-PGPUB; USPAT	OR	ON	2013/12/31 13:28
S61	47	((four near2 way) or four\$1way or "4"\$1way or (S56 near2 way)) and (under\$1wear or (under near2 wear)) and (men or male)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 13:32
S62	1	("20050229293").PN.	US-PGPUB; USPAT	OR	OFF	2013/12/31 14:17
S63	1	((DUSTIN) near2 (BIGNEY)).INV.	US-PGPUB; USPAT	OR	ON	2013/12/31 15:03
S64	195	(biased or (stretched and unstretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S65	201	(biased or (stretched and un\$1stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S66	6	S65 not S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/12/31 18:04
S67	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S68	2	(panel with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:12
S69	2	(pouch with ((sewn or sewing or stitch or stitched or stitching) near3 stretched)) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:13
S70	15	((sewn or sewing or stitch or stitched or	US-PGPUB;	OR	ON	2014/01/02

		stitching) near3 stretched) and (underwear or under\$1wear or under\$1garment or undergarment) and (male or men)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			12:14
S71	2	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) near6 stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S72	4	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear and (male or men)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:49
S73	8	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:50
S74	54	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with stretched)) and (shorts or bloomers)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:51
S75	14	((panel or pouch) with ((sewn or sewing or stitch or stitched or stitching) with tension\$3)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 12:59
S76	14	((panel or pouch) with tension\$3) with (sewn or sewing or stitch or stitched or stitching)) and underwear	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/02 13:01
S77	7	(bias\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/01/03 10:41
S78	53	(stretch\$3 near6 (open\$3)) and (male or men or boy) and (under\$1garment or (under near2 garment) or underwear or under\$1wear) and (penis or scrotum or genitals or genitalia)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2014/01/03 10:42

			IBM_TDB			
S79	1	("D646462").PN.	US-PGPUB; USPAT	OR	OFF	2014/01/03 12:47
S80	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$).did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$).did. or (US-3459181-\$).did.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16
S81	18	S80 and stretch\$3	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/17 13:16
S82	49	(US-20060000008-\$ or US-20090106874-\$ or US-20050268380-\$ or US-20110154560-\$ or US-20090288240-\$ or US-20040025218-\$ or US-20090158505-\$ or US-20040031088-\$ or US-20080178369-\$ or US-20120167280-\$ or US-20070277285-\$ or US-20130219591-\$ or US-20050229293-\$ or US-20100300453-\$).did. or (US-7578009-\$ or US-5875495-\$ or US-4759355-\$ or US-4870958-\$ or US-5157793-\$ or US-D509945-\$ or US-7024703-\$ or US-2624336-\$ or US-2033551-\$ or US-3511234-\$ or US-3844282-\$ or US-2138481-\$ or US-2114268-\$ or US-3517666-\$ or US-7017193-\$ or US-D646462-\$ or US-D656708-\$ or US-4173976-\$ or US-2457260-\$ or US-1020588-\$ or US-2235849-\$ or US-5647065-\$ or US-2601602-\$ or US-5029345-\$ or US-2140459-\$ or US-6243880-\$).did. or (US-7788739-\$ or US-5379462-\$ or US-6289520-\$ or US-8555422-\$ or US-6662378-\$ or US-2254863-\$ or US-7198688-\$ or US-5461729-\$).did. or (US-3459181-\$).did.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S83	18	S82 and (stretch\$3 or tension\$3 or bias\$3)	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/28 16:16
S84	19	("2664889" "2695610" "3283545"	US-PGPUB;	OR	ON	2014/07/29

		"3322120" "3499442" "Re21999").PN. OR ("5461729").URPN.	USPAT; USOCR			13:10
S85	1152	((fabric or material) near2 (stretch\$3 or tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/29 13:18
S86	9	S85 and (under\$1wear or underwear or brief or boxer or undergarment or under\$1garment) and (genital or penis or scrotum)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/29 13:19
S87	1498	((fabric or material or elastic or stretch or panel) near2 (stretch\$3 or tension\$3 or bias\$3)) near2 (stitch\$3 or sew\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:15
S88	238	S87 and "2"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:16
S89	40	S88 and (shirred or gathered)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
S90	10	S89 and (pouch or pocket)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:17
S91	198	S88 not S89	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/07/30 13:20
S92	34	("2310839" "2328953" "3599241" "3768471").PN. OR ("4173976").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 13:26
S93	10	("2328953").URPN.	USPAT	OR	ON	2014/07/30 13:33
S94	0	(body and (front adj portion) and (leg adj openings) and (crotch adj panel) and (first adj seam) and waistband and (stretch adj panel) and (four\$1way adj stretch)).clm.	US-PGPUB; USPAT; USOCR	OR	ON	2014/07/30 17:17

S96	42	((SHAWN) near2 (ELLI S)).INV.	US-PGPUB; USPAT	OR	ON	2017/11/02 16:27
S97	3	(("BIGNEY") near3 ("Dustin")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/11/02 16:27
S98	93	("20060005301" "20080178368" "2652053" "4195630" "4702239" "5524298" "5598587" "6289520" "6308342" "6353940" "6799334" "6862746" "6901607" "7017193" "D509945" "20060000008" "4414971" "4870958" "5157793" "6038703" "7017193" "7024703" "7631369" "2254863" "2623210" "2872685" "3207155" "4414971" "4870958" "5157793" "5718003" "6061840" "7065797" "20070180600" "20120167280" "3220410" "3496576" "3621846" "4173976" "5029345" "5070869" "5461729" "5547466" "5598587" "5718003" "5875495" "6487728" "7198688" "20070277285" "2235849" "2624336" "3294086" "5461729" "5875495" "2033551" "2438310" "2601602" "2641257" "2652053" "20060005301" "20070245463" "3207155" "4377008" "4660551" "5283912" "5647065" "7178174" "7958571" "20050229293" "20070192941" "2438310" "3496576" "4009495" "4377008" "4660551" "5547466" "5785495" "7178174" "D656708" "2235849" "2254863" "2328953" "20130219591" "4009495" "5226179" "5524298" "6662378" "20050268380" "2140459" "4955088" "5807299" "7958571" "D646462" "20050268380" "20070277285" "3294086" "3517666" "4195630" "4759355" "4955088" "5237706" "5379462" "5870779" "6061840" "6353940" "8555422" "20060000008" "20060162052" "3621846" "3844282" "4173976" "5070869" "5226179" "5237706" "5379462" "5647065" "6026517" "6245036" "6295651" "7024703" "7631369" "2310839" "2624336" "2872685" "20090106874" "3283545" "3459181" "3499442" "3511234" "4554685" "5978971" "6245036" "6295651" "6820284" "7676853" "D656708" "20070180600" "20090106874" "2328953" "2641257" "3220410" "3283545" "3511234" "4554685" "5870779" "6038703" "6487728" "7198688" "20050229293" "20060162052" "3844282" "5807299" "6026517" "6799334" "7065797" "D509945" "20070245463" "2033551" "2601602" "3459181" "3499442" "3499443" "3517666" "4759355" "5029345" "5283912" "5978971" "6820284" "7676853" "2140459" "2623210" "20070192941"	US-PGPUB; USPAT	OR	ON	2017/11/03 14:51

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EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	2	(garment and body and (crotch adj panel) and seam and waistband and (stretch adj panel) and elastic and (side adj seams)).clm.	US-PGPUB; USPAT	OR	ON	2018/03/20 14:45
S95	0	(body and (front adj portion) and (leg adj openings) and (crotch adj panel) and (first adj seam) and waistband and (stretch adj panel) and (four\$1way adj stretch)).clm.	USPAT	OR	ON	2014/07/30 17:17

3/ 20/ 2018 2:48:16 PM
C:\ Users\ akinsaul\ Documents\ EAST\ Workspaces\ 14798332.wsp

Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Notice of Allowance for U.S. Application No. 13/193,584, dated March 1, 2017, 8 pages.	
	2	Office Action for CA Application No. 2,729,368, dated September 21, 2017, 3 pages.	

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/ANNA K KINSAUL/	Date Considered	03/14/2018
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Kyle B. Morse/	Date (YYYY-MM-DD)	2018-02-08
Name/Print	Kyle B. Morse	Registration Number	70,442

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Issue Classification 	Application/Control No. 14798332	Applicant(s)/Patent Under Reexamination BIGNEY ET AL.
	Examiner ANNA KINSAUL	Art Unit 3765

CPC						
Symbol					Type	Version
A41B		9		02	F	2013-01-01
A41B		9		023	I	2013-01-01
						
						
						
						
						
						
						
						
						
						
						
						
						

CPC Combination Sets					
Symbol		Type	Set	Ranking	Version
					
					

NONE		Total Claims Allowed: 15	
(Assistant Examiner)	(Date)		
/ANNA KINSAUL/ Primary Examiner.Art Unit 3765	3/20/2018	O.G. Print Claim(s) 1	O.G. Print Figure 3
(Primary Examiner)	(Date)		

Search Notes 	Application/Control No. 14798332	Applicant(s)/Patent Under Reexamination BIGNEY ET AL.
	Examiner ANNA KINSAUL	Art Unit 3765

CPC- SEARCHED		
Symbol	Date	Examiner
A41B9/02, 023	11/3/2017	AKK

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor search in PALM and EAST	11/3/2017	AKK
EAST search- forward/backward of relevant art; keywords see attached EAST search	11/3/2017	AKK
Updated EAST search	3/2/20180	AKK

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
	See attached EAST claim search	3/20/2018	AKK

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BIB DATA SHEET

CONFIRMATION NO. 7771

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
14/798,332	07/13/2015	002	3765	098622-000110US-0957842	
APPLICANTS 0912139 B.C. LTD., Kelowna, CANADA INVENTORS Dustin Douglas BIGNEY, West Vancouver, CANADA; Shawn Robert ELLIS, Kelowna, CANADA; ** CONTINUING DATA ***** This application is a CON of 13/193,584 07/28/2011 PAT 9687030 which claims benefit of 61/429,065 12/31/2010 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 07/27/2015					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☐ No Verified and /ANNA KATHRYN KINSAUL/ Acknowledged Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY CANADA	SHEETS DRAWINGS 9	TOTAL CLAIMS 15	INDEPENDENT CLAIMS 1
ADDRESS KILPATRICK TOWNSEND & STOCKTON LLP Mailstop: IP Docketing - 22 1100 Peachtree Street Suite 2800 Atlanta, GA 30309 UNITED STATES					
TITLE GARMENTS FOR MEN					
FILING FEE RECEIVED 800	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

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Application	Document	Mailroom Date	Attorney Docket No.
14798332	NOA	03/29/2018	098622-000110US-0957842
	1449	03/29/2018	098622-000110US-0957842

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798,332	07/13/2015	Dustin Douglas BIGNEY	098622-000110US-0957842	7771
7590 04/09/2018 KILPATRICK TOWNSEND & STOCKTON LLP Mailstop: IP Docketing - 22 1100 Peachtree Street Suite 2800 Atlanta, GA 30309			EXAMINER KINSAUL, ANNA KATHRYN	
			ART UNIT	PAPER NUMBER
			3765	
			NOTIFICATION DATE	DELIVERY MODE
			04/09/2018	ELECTRONIC

Letter Withdrawing a Notice Requiring Inventor's Oath or Declaration

The Notice Requiring Inventor's Oath or Declaration mailed on 3-27-18 was sent in error, and is hereby withdrawn. The time period set forth in the Notice of Allowance and Fee(s) Due to file a reply and pay the required fees continues to run from the mailing date of the Notice of Allowance and Fee(s) Due. Any time period set forth in the Notice of Allowability continues to run from the mailing date of the Notice of Allowability.

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Application	Document	Mailroom Date	Attorney Docket No.
14798332	M327	04/09/2018	098622-000110US-0957842

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Document Description: Issue Fee Payment (PTO-85B)

Issue Fee Transmittal Form

Application Number	Filing Date	First Named Inventor	Atty. Docket No.	Confirmation No.
14798332	13-Jul-2015	Dustin BIGNEY	098622-000110US-0957842	7771

TITLE OF INVENTION :

GARMENTS FOR MEN

Entity Status	Application Type	Art Unit	Class - Subclass	EXAMINER
Small	Utility under 35 USC 111(a)	3765	423000	ANNA KINSAUL
Issue Fee Due	Publication Due	Total Fee(s) Due	Date Due	Prev. Paid Fee
\$500	\$0	\$500	29-Jun-2018	\$0

1.Change of Correspondence Address and/or Indication Of Fee Address (37 CFR 1.33 & 1.363)

Current Correspondence Address:	Current Indicated Fee Address :
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☐ Change of correspondence address requested, system generated AIA/122-EFS form attached	☐ Fee Address indication requested, system generated SB/47-EFS form attached

2.Entity Status

Change in Entity Status

- ☐ Applicant certifying micro entity status; system generated Micro Entity certification form attached. See 37 CFR 1.29.
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2.

3.

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Name	City	State	Country	Category
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Signature	/Kelvin B. Catmull/	Date	06-28-2018
Name	Kelvin B. Catmull	Registration Number	57535

Electronic Patent Application Fee Transmittal

Application Number:	14798332			
Filing Date:	13-Jul-2015			
Title of Invention:	GARMENTS FOR MEN			
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY			
Filer:	Kelvin B. Catmull			
Attorney Docket Number:	098622-000110US-0957842			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPL ISSUE FEE	2501	1	500	500
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
Pages:				
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Miscellaneous-Filing:				
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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				500

Electronic Acknowledgement Receipt

EFS ID:	33040906
Application Number:	14798332
International Application Number:	
Confirmation Number:	7771
Title of Invention:	GARMENTS FOR MEN
First Named Inventor/Applicant Name:	Dustin Douglas BIGNEY
Customer Number:	20350
Filer:	Kelvin B. Catmull
Filer Authorized By:	
Attorney Docket Number:	098622-000110US-0957842
Receipt Date:	28-JUN-2018
Filing Date:	13-JUL-2015
Time Stamp:	18:07:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 500
RAM confirmation Number	062918INTEFSW18074700
Deposit Account	201430
Authorized User	IP eFiling

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37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

Package Apparel EX2004

Page 298 of 304

IPR2024-01163

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	Web85b.pdf	46152	no	2
			b141ce5398d91e543f2969c0e01993f0f22d4976		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31845	no	2
			a47d342dacf8dfd0786a939a83a4fb71491d7c75		
Warnings:					
Information:					
Total Files Size (in bytes):			77997		
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Doc code: IDS

PTO/SB/08a (01-10)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	14798332
Filing Date	2015-07-13
First Named Inventor	Bigney
Art Unit	3765
Examiner Name	Anna Kathryn Kinsaul
Attorney Docket Number	098622-0957842-000110US

U.S.PATENTS

Remove

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	9687030	B2	2017-06-27	Bigney et al. 0912139 B.C. LTD.	

If you wish to add additional U.S. Patent citation information please click the Add button.

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U.S.PATENT APPLICATION PUBLICATIONS

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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FOREIGN PATENT DOCUMENTS

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	2747893	CA	A	2013-01-29	0912139 B.C. LTD.		
	2	2729368	CA	A	2012-06-30	KE IMPORTS LTD.		

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/798,332	07/31/2018	10034496	098622-000110US-0957842	7771

20350 7590 07/11/2018
KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309
UNITED STATES OF AMERICA

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 438 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Dustin Douglas BIGNEY, West Vancouver, CANADA;
0912139 B.C. LTD., Kelowna, CANADA
Shawn Robert ELLIS, Kelowna, CANADA;

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To: ipefiling@kilpatricktownsend.com,KTSDocketing2@kilpatrick.foundationip.com,
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 20350

Jul 13, 2018 03:40:34 AM

Dear PAIR Customer:

KILPATRICK TOWNSEND & STOCKTON LLP
Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309
UNITED STATES

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The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
14798332	ISSUE.NTF	07/11/2018	098622-000110US-0957842

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If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Western District of Washington at Seattle on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. CV18-1464-RSL	DATE FILED 10/5/2018	U.S. DISTRICT COURT Western District of Washington at Seattle
PLAINTIFF 0912139 B.C., Ltd., a Canadian corporation, and PAKAGE APPAREL INC., a Canadian corporation		DEFENDANT RAMPION USA INC., a Washington corporation, and RAMPION ENTERPRISES LTD., a Canadian corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK WILLIAM MCCOOL	(BY) DEPUTY CLERK s/ Donna Jackson	DATE 10/9/2018
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Washington at Seattle on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 2:18-cv-01464-JLR	DATE FILED 10/05/2018	U.S. DISTRICT COURT Western District of Washington at Seattle
PLAINTIFF 0912139 B.C., Ltd., a Canadian corporation, and PAKAGE APPAREL INC., a Canadian corporation		DEFENDANT RAMPION USA INC., a Washington corporation, and RAMPION ENTERPRISES LTD., a Canadian corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 10,034,496	7/31/2018	0912139 B.C. Ltd.
2 9,687,030	6/27/2017	0912139 B.C. Ltd.
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT ORDER OF DISMISSAL: Counsel having notified the Court of settlement of this case, and it appearing that no issue remains for the Court's determination, IT IS ORDERED that this action and all claims asserted herein are DISMISSED with prejudice and without costs to any party. In the event that settlement is not perfected, any party may move to reopen the case within 60 days of the date of this order. Any trial date and pretrial dates previously set are hereby VACATED. Signed by Judge James L. Robart. (AD) (Entered: 09/05/2019)

CLERK William McCool	(BY) DEPUTY CLERK Sharita Tolliver	DATE 9/17/2019
-------------------------	---------------------------------------	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Pakage Apparel EX2004
Page 304 of 304
IPR2024-01163