EXHIBIT A

EXHIBIT A – DISPUTED CONSTRUCTIONS

U.S. PATENT NO. 8,266,749

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e., article of footwear; no further construction necessary **Intrinsic Evidence:** '749 patent at Abstract; 1:20-2:13; 2:57-3:24; 4:1-2; 4:17-24; 4:31-54; 5:4-15; 5:23-25; 5:30-31; 7:51-53; 8:6-9; 9:10-13; 9:18-28; 9:53-57; 10:8-48; 11:24-25; Claims 1, 12-13, 18; Figs. 1, 12-13.	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear" **Intrinsic Evidence:** '749 patent at Abstract, 1:20-26, 1:42-47, 3:27-29, 3:44-48, 4:28-44, 5:21-40, 10:8-9, 10:32-33; Figs. 1-7, 12-14; claims 1, 12, 13, 18 U.S. Patent No. 7,347,011, claims 1, 36 U.S. Patent No. 7,814,598, claims 1, 9, 14 U.S. Patent No. 8,042,288, claims 1, 29, 36 **Extrinsic Evidence:** U.S. Patent No. 9,060,562 at Abstract, 2:22-23, 5:19-60, 6:15-21; Figs. 1-4B U.S. Patent No. 9,730,484 at Abstract, 1:27-42, 3:10-44, 5:9-29, 9:55-57, 10:47-57, 11:43-12:27, 12:40-45; Figs. 1-4C, 11A-13 IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision

EXHIBIT A – DISPUTED CONSTRUCTIONS

		The Complete Footwear Dictionary, 2nd Ed. – *footwear* The Complete Footwear Dictionary, 2nd Ed. – *hose* The Complete Footwear Dictionary, 2nd Ed. – *sock*
"simultaneously knitting a textile element with a surrounding textile structure"	Ordinary and customary meaning, i.e., simultaneously knitting a textile element with a surrounding textile structure; no further construction necessary **Intrinsic Evidence:** '749 patent at 3:40-53; 5:45-48; 6:51-8:8; 8:65-9:4; 9:29-31; 11:11-25; Claims 1-2, 5-6, 9-11, 13-16, 19-21; Figs. 2-7, 9, 11.	"knitting a textile element simultaneously with knitting a textile structure that borders the textile element on all sides" **Intrinsic Evidence:** '749 patent at 3:40-53, 4:13-14, 5:37-58, 6:51-8:8, 8:61-9:17, 9:29-57, 11:10-32; Fig. 9; claims 1-6, 9-11, 13-16, 19-21 U.S. Patent No. 7,347,011, claim 36 U.S. Patent No. 7,814,598, claim 1 U.S. Patent No. 8,042,288, claim 1 U.S. Patent No. 1,910,251, including, for example, at 1:4-35, 2:89-92; Fig. 1 File history of U.S. Patent No. 7,814,598, including, for example, March 17, 2010 Response to Final Office Action **Extrinsic Evidence:**

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		ITC No. 337-TA-1289 – Complainant Nike Inc.'s *Markman* Hearing Presentation Slides including, for example, at 36 ITC No. 337-TA-1289 – *Markman* hearing transcript including, for example, at 52:15-53:14 IPR2024-00460 – Patent Owner's Preliminary Response including, for example, at 32-33 IPR2024-00460 – Ex 2002, Declaration of Dr. Christopher M. Pastore including, for example, ¶¶ [40]-[43] The American Heritage Dictionary, 2nd College Ed. – *surround* Merriam-Webster's Collegiate Dictionary, 10th Ed. – *surround*
"knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure"	Ordinary and customary meaning, i.e., knitting a first textile element and a second textile element simultaneously with knitting a surrounding textile structure; no further construction necessary **Intrinsic Evidence:** '749 patent at 3:40-53; 5:45-48; 6:51-8:8; 8:65-9:4; 9:29-31; 11:11-25; Claims 1-2, 5-6, 9-11, 13-16, 19-21; Figs. 2-7, 9, 11.	"knitting a first textile element and a second textile element simultaneously with knitting a textile structure that borders both the first textile element and the second textile element on all sides" **Intrinsic Evidence:** '749 patent at 3:40-53, 4:13-14, 5:37-58, 7:26-8:8, 11:10-32; Fig. 9; claims 1-6, 9-11, 13-16, 19-21 U.S. Patent No. 7,347,011, claim 36 U.S. Patent No. 7,814,598, claim 1

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		U.S. Patent No. 8,042,288, claim 1 U.S. Patent No. 1,910,251, including, for example, at 1:4-35, 2:89-92; Fig. 1 File history of U.S. Patent No. 7,814,598, including, for example, March 17, 2010 Response to Final Office Action **Extrinsic Evidence:** ITC No. 337-TA-1289 – Complainant Nike Inc.'s *Markman* Hearing Presentation Slides including, for example, at 36 ITC No. 337-TA-1289 – *Markman* hearing transcript including, for example, at 52:15-53:14 IPR2024-00460 – Patent Owner's Preliminary Response including, for example, at 32-33 IPR2024-00460 – Ex 2002, Declaration of Dr. Christopher M. Pastore including, for example, ¶¶ [40]-[43] The American Heritage Dictionary, 2nd College Ed. – *surround* Merriam-Webster's Collegiate Dictionary, 10th Ed. – *surround*

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

U.S. PATENT NO. 9,986,781

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e., article of footwear; no further construction necessary **Intrinsic Evidence:** '781 patent at Abstract; 1:32-2:29; 3:6-65; 4:18-20; 4:35-42; 4:46-5:2; 5:23-34; 5:42-45; 5:49-51; 5:57-60; 8:9-12; 8:32-36; 9:40-43; 9:47-57; 10:15-19; 10:37-11:11; 11:34-40; 11:55-57; Claims 1, 12-20; Figs. 1, 12-13.	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear" **Intrinsic Evidence:** '781 patent at Abstract, 1:32-40, 1:57-62, 3:43-45, 3:60-63, 4:62-63, 5:40-60, 10:37-38, 10:61-62; Figs. 1-7, 12-14 U.S. Patent No. 7,347,011, claims 1, 36 U.S. Patent No. 7,814,598, claims 1, 9, 14 U.S. Patent No. 8,042,288, claims 1, 29, 36 **Extrinsic Evidence:** U.S. Patent No. 9,060,562 at Abstract, 2:22-23, 5:19-21, 6:15-21; Figs. 1-4B U.S. Patent No. 9,730,484 at Abstract, 1:27-42, 3:10-44, 5:9-10, 9:55-57, 10:47-57, 11:43-55; Figs. 1-4C, 11A, 12-13 IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		The Complete Footwear Dictionary, 2nd Ed. – *footwear* The Complete Footwear Dictionary, 2nd Ed. – *hose* The Complete Footwear Dictionary, 2nd Ed. – *sock*
"a flat knit textile element having: (1) flat knit edges free of surrounding textile structure such that the flat knit edges are not surrounded by textile structure from which the textile element must be removed"	Ordinary and customary meaning, i.e., a flat knit textile element having: (1) flat knit edges free of surrounding textile structure such that the flat knit edges are not surrounded by textile structure from which the textile element must be removed; no further construction necessary **Intrinsic Evidence:** '781 patent at Abstract; 2:62-3:5; 3:43-55; 3:64-4:3; 4:18-42; 4:66-5:6; 5:57-6:3; 6:14-52; 6:63-7:36; 9:23-27; 9:32-34; 10:30-36; 10:38-40; 11:26-63; Claims 1, 12; Figs. 2-8, 10-11. '781 patent, July 28, 2017 Notice of Allowability	"a textile element that has only flat knit edges, where a flat knit edge is itself flat knit, e.g., not formed by cutting from a flat knit textile element or by otherwise removing the textile element from a larger textile material" **Intrinsic Evidence:** '781 patent at Abstract, 3:21-55, 4:18-42, 4:66-5:6, 5:57-7:5, 7:21-50, 9:23-10:40, 11:26-63; Figs. 2-8, 10-11; claims 1, 12 **Extrinsic Evidence:** U.S. Patent No. 9,730,484 at 4:49-5:1, 8:15-26 IPR2013-00067 – Final Written Decision IPR2013-00067 – Expert Declaration of Raymond F. Tonkel including, for example, at ¶¶ [111], [112], [178] Federal Circuit Case No. 2014-1719 (*Nike, Inc. v. Adidas AG*) – Appellant Nike's Opening and Reply Briefs and Joint Appendix, including, for example, Nike's Opening Brief at 10-15

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		Nike, Inc. v. Adidas AG, 812 F.3d 1326 (Fed. Cir. 2016) ITC No. 337-TA-1289 – *Markman* hearing transcript including, for example, at 67:13-20, 68:19-69:6, 77:3-21, 83:12-23, 84:11-25
"extending … toward the heel region"	Ordinary and customary meaning, i.e., extending … toward the heel region; no further construction necessary **Intrinsic Evidence:** '781 patent at Abstract; 1:60-62; 2:1-2; 2:10-13; 5:40-42; 5:51-56; 6:6-12; 9:23-46; 10:51-53; Claims 1-2, 8, 12-13, 18; Figs. 2-7, 10-12.	"extending in the direction of the heel region, not in a diagonal or vertical orientation up towards the ankle opening of the article of footwear, wherein an ankle opening is an opening in the article of footwear defined by the edges of the upper encircling the ankle when the foot is fully inserted into the opening" **Intrinsic Evidence:** '781 patent at Abstract, 5:40-6:12, 9:23-46, 10:37-60; Figs. 2-7, 10, 12; claims 1-2, 8-10, 12-13, 18 File history of '781 patent, including, for example, January 17, 2018 Office Action; February 23, 2018 Amendment and Remarks

U.S. PATENT NO. 9,918,511

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e., article of footwear; no further construction necessary **Intrinsic Evidence:**	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear"

EXHIBIT A – DISPUTED CONSTRUCTIONS

	’511 patent at Abstract; 1:33-2:30; 3:7-66; 4:19-21; 4:36-43; 4:47-5:3; 5:24-35; 5:43-46; 5:50-52; 5:58-61; 8:10-13; 8:33-36; 9:40-43; 9:47-57; 10:15-19; 10:37-11:11; 11:34-40; 11:55-57; Claims 1, 15-20; Figs. 1, 12-13.	**Intrinsic Evidence:** ’511 patent at Abstract, 1:32-40, 1:57-62, 3:44-46, 3:61-64, 4:63-64, 5:41-61, 10:37-38, 10:61-62; Figs. 1-7, 12-14 U.S. Patent No. 7,347,011, claims 1, 36 U.S. Patent No. 7,814,598, claims 1, 9, 14 U.S. Patent No. 8,042,288, claims 1, 29, 36 **Extrinsic Evidence:** U.S. Patent No. 9,060,562 at Abstract, 2:22-23, 5:19-21, 6:15-21; Figs. 1-4B U.S. Patent No. 9,730,484 at Abstract, 1:27-42, 3:10-44, 5:9-10, 9:55-57, 10:47-57, 11:43-55; Figs. 1-4C, 11A, 12-13 IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision The Complete Footwear Dictionary, 2nd Ed. – *footwear* The Complete Footwear Dictionary, 2nd Ed. – *hose* The Complete Footwear Dictionary, 2nd Ed. – *sock*

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

"a flat knit textile element having: (1) flat knit edges free of surrounding textile structure such that the flat knit edges are not surrounded by textile structure from which the textile element must be removed"	Ordinary and customary meaning, i.e., a flat knit textile element having: (1) flat knit edges free of surrounding textile structure such that the flat knit edges are not surrounded by textile structure from which the textile element must be removed; no further construction necessary **Intrinsic Evidence:** '511 patent at Abstract; 2:63-3:6; 3:44-56; 3:65-4:4; 4:19-43; 4:67-5:7; 5:58-6:4; 5:58-6:4; 6:15-53; 6:64-7:37; 9:23-27; 9:32-34; 10:30-36; 10:38-40; 11:26-63; Claims 1, 4, 9, 15, 17; Figs. 2-8, 10-11.	"a textile element that has only flat knit edges, where a flat knit edge is itself flat knit, e.g., not formed by cutting from a flat knit textile element or by otherwise removing the textile element from a larger textile material" **Intrinsic Evidence:** '511 patent at Abstract, 3:22-56, 4:19-43, 4:67-5:7, 5:58-7:6, 7:22-51, 9:23-10:40, 11:26-64; Figs. 2-8, 10-11; claims 1, 15 **Extrinsic Evidence:** U.S. Patent No. 9,730,484 at 4:49-5:1, 8:15-26 IPR2013-00067 – Final Written Decision IPR2013-00067 – Expert Declaration of Raymond F. Tonkel including, for example, at ¶¶ [111], [112], [178] Federal Circuit Case No. 2014-1719 (*Nike, Inc. v. Adidas AG*) – Appellant Nike's Opening and Reply Briefs and Joint Appendix, including, for example, Nike's Opening Brief at 10-15 *Nike, Inc. v. Adidas AG*, 812 F.3d 1326 (Fed. Cir. 2016) ITC No. 337-TA-1289 – *Markman* hearing transcript including, for example, at 67:13-20, 68:19-69:6, 77:3-21, 83:12-23, 84:11-25

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

U.S. PATENT NO. 9,730,484

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e., article of footwear; no further construction necessary **Intrinsic Evidence:** '484 patent at Abstract; 1:27-44; 2:5-9; 2:55-61; 3:10-12; 3:19-22; 3:30-36; 3:47-4:24; 4:28-6:5; 6:7-9; 6:16-24; 6:46-49; 6:57-65; 7:4-7; 9:1-7; 9:55-57; 10:8-11; 10:23-25; 10:47-53; 11:12-29; 11:40-48; 12:7-8; 12:40-51; Claims 1-11, 15; Figs. 1-4, 8, 11-14.	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear" **Intrinsic Evidence:** '484 patent at Abstract, 1:27-42, 3:10-44, 5:9-29, 9:55-57, 10:47-57, 11:43-12:27, 12:40-45; Figs. 1-4C, 11A-13 **Extrinsic Evidence:** U.S. Patent No. 8,266,749 at Abstract, 1:20-26, 1:42-47, 3:27-29, 3:44-48, 4:28-44, 5:21-40, 10:8-9, 10:32-33; Figs. 1-7, 12-14; claims 1, 12, 13, 18 U.S. Patent No. 9,060,562 at Abstract, 2:22-23, 5:19-60, 6:15-21; Figs. 1-4B IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision The Complete Footwear Dictionary, 2nd Ed. – *footwear* The Complete Footwear Dictionary, 2nd Ed. – *hose*

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		The Complete Footwear Dictionary, 2nd Ed. – *sock*

U.S. PATENT NO. 9,060,562

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e. article of footwear; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract, 1:16-64; 2:16-18; 2:22-25; 4:57-62; 5:13-41; 5:61-63; 6:22-24; 6:51-59; 7:44-53; 8:41-47; 10:57-62; 14:44-47; Claims 1, 8, 16; Figs. 1-4.	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear" **Intrinsic Evidence:** '562 patent at Abstract, 2:22-23, 5:19-60, 6:15-21; Figs. 1-4B **Extrinsic Evidence:** U.S. Patent No. 8,266,749 at Abstract, 1:20-26, 1:42-47, 3:27-29, 3:44-48, 4:28-44, 5:21-40, 10:8-9, 10:32-33; Figs. 1-7, 12-14; claims 1, 12, 13, 18 U.S. Patent No. 9,730,484 at Abstract, 1:27-42, 3:10-44, 5:9-29, 9:55-57, 10:47-57, 11:43-12:27, 12:40-45; Figs. 1-4C, 11A-13 IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision The Complete Footwear Dictionary, 2nd Ed. – *footwear*

EXHIBIT A – DISPUTED CONSTRUCTIONS

		The Complete Footwear Dictionary, 2nd Ed. – *hose* The Complete Footwear Dictionary, 2nd Ed. – *sock*
"knitting a portion of the knitted component defining an upper"	Ordinary and customary meaning, i.e., knitting a portion of the knitted component defining an upper; no further construction necessary **Intrinsic Evidence:** '562 patent at 2:35-3:16; 7:57-60; 11:17-22; 12:16-24; 13:13-19; 14:50-52; Claim 1; Figs. 5, 8-9, 10, 13.	"knitting a portion of a one-piece knitted element that, when further knit to add an integral knit tongue, will be an upper that includes edges that define an ankle opening in the article of footwear" **Intrinsic Evidence:** '562 patent at Abstract, 1:20-55, 2:22-3:17, 6:51-67, 7:44-8:12, 11:13-22, 12:13-38, 13:9-21, 14:44-15:3, 20:63-24:14; Figs. 5-15, 19-29; claims 1, 5-11, 13-16, 20-23
"knitting a first portion of the knitted component defining an upper"	Ordinary and customary meaning, i.e., knitting a first portion of the knitted component defining an upper; no further construction necessary **Intrinsic Evidence:** '562 patent at 2:35-3:16; 7:57-60; 11:17-22; 12:16-24; 13:13-19; 14:50-52; Claims 8, 16; Figs. 5, 8-9, 10, 13.	"knitting a first portion of a one-piece knitted element that, when further knit to add an integral knit tongue, will be an upper that includes edges that define an ankle opening in the article of footwear" **Intrinsic Evidence:** '562 patent at Abstract, 1:20-39, 2:22-3:17, 6:51-67, 7:54-8:12, 11:13-22, 12:13-38, 13:9-21, 14:44-15:3, 20:63-24:14; Figs. 5-15, 19-29; claims 1, 5-11, 13-16, 20-23
"knitting a second portion of the knitted component defining an upper"	Ordinary and customary meaning, i.e., knitting a second portion of the knitted component	"knitting a second portion of a one piece knitted element that, when further knit to add an integral knit tongue, will be an upper that

EXHIBIT A – DISPUTED CONSTRUCTIONS

	defining an upper; no further construction necessary **Intrinsic Evidence:** '562 patent at 2:35-3:16, 7:57-60, 11:17-22, 12:16-24, 13:13-19, 14:50-52; Claims 8, 16; Figs. 5, 8-9, 10, 13.	includes edges that define an ankle opening in the article of footwear" **Intrinsic Evidence:** '562 patent at Abstract, 1:20-39, 2:22-3:17, 6:51-67, 7:54-8:12, 11:13-22, 12:13-38, 13:9-21, 14:44-15:3, 20:63-24:14; Figs. 5-15, 19-29; claims 1, 5-11, 13-16, 20-23
"ankle opening"	Ordinary and customary meaning, i.e., ankle opening; no further construction necessary **Intrinsic Evidence:** '562 patent at 1:45-47; 2:35-3:16; 6:27-31; 6:39-43; 8:52-56; 11:29-39; 12:4-16; 12:31-34; 13:22-28; 13:54-14:3; 14:44-47; 14:63-66; 15:34-40; 15:66-16:13; 17:42-47; Claims 1, 8, 16; Figs. 1-5, 8-15.	"an opening in the article of footwear defined by the edges of the upper encircling the ankle when a foot is fully inserted into the opening" **Intrinsic Evidence:** '562 patent at Abstract, 1:40-55, 2:22-3:17, 3:28-4:53, 6:22-50, 7:1-19, 8:33-64, 9:34-48, 11:13-54, 12:4-38, 13:22-37, 13:54-14:3, 14:44-15:3, 15:34-45, 15:58-16:13, 17:28-47; Figs. 1-5, 7-15, 19-29; claims 1, 8, 16
"knitting an integral knit tongue that is of unitary knit construction with the upper with the knitting machine, the integral knit tongue extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., knitting an integral knit tongue that is of unitary knit construction with the upper with the knitting machine, the integral knit tongue extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract, 2:29-32; 2:35-3:16; 6:31-35; 8:52-56; 9:34-59; 11:41-45; 13:22-38; 13:54-66; 15:40-45; Claim 1; Figs. 5, 8-13.	"using a knitting machine to knit a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening" **Intrinsic Evidence:** '562 patent at Abstract, 1:16-55, 2:16-3:17, 3:28-4:53, 5:14-18, 6:22-50, 7:1-8:58, 9:34-11:12, 11:36-14:43, 14:44-17:47, 17:49-18:55,

EXHIBIT A – DISPUTED CONSTRUCTIONS

		20:63-21:12, 21:50-22:51, 23:5-24:14; Figs. 1-29; claims 1-16, 19-25 U.S. Patent No. 8,490,299 (incorporated by reference in '562 patent) **Extrinsic Evidence:** U.S. Patent No. 10,182,617 File History of U.S. Patent No. 9,510,636
"knitting an integral knit tongue that is of unitary knit construction with the upper with at least one of the first feeder and the second feeder of the knitting machine, the integral knit tongue extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., knitting an integral knit tongue that is of unitary knit construction with the upper with at least one of the first feeder and the second feeder of the knitting machine, the integral knit tongue extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract, 2:29-32; 2:35-3:16; 6:31-35; 8:52-56; 9:34-59; 11:41-45; 13:22-38; 13:54-66; 15:40-45; Claim 8; Figs. 5, 8-13.	"using a knitting machine to knit, with at least one of the first feeder and the second feeder of the knitting machine, a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening" **Intrinsic Evidence:** '562 patent at Abstract, 1:16-55, 2:16-3:17, 3:28-4:53, 5:14-18, 6:22-50, 7:1-8:58, 9:34-11:12, 11:36-14:43, 14:44-17:47, 17:49-18:55, 20:63-21:12, 21:50-22:51, 23:5-24:14; Figs. 1-29; claims 1-16, 19-25 U.S. Patent No. 8,490,299 (incorporated by reference in '562 patent) **Extrinsic Evidence:** U.S. Patent No. 10,182,617

EXHIBIT A – DISPUTED CONSTRUCTIONS

		File History of U.S. Patent No. 9,510,636
"knitting an integral knit tongue that is of unitary knit construction with the upper with a third feeder of the knitting machine, the integral knit tongue extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., knitting an integral knit tongue that is of unitary knit construction with the upper with a third feeder of the knitting machine, the integral knit tongue extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract, 2:29-32; 2:35-3:16; 6:31-35; 8:52-56; 9:34-59; 11:41-45; 13:22-38; 13:54-66; 15:40-45; Claim 16; Figs. 5, 8-13.	"using a knitting machine to knit, with a third feeder of the knitting machine, a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening" **Intrinsic Evidence:** '562 patent at Abstract, 1:16-55, 2:16-3:17, 3:28-4:53, 5:14-18, 6:22-50, 7:1-8:58, 9:34-11:12, 11:36-14:43, 14:44-17:47, 17:49-18:55, 20:63-21:12, 21:50-22:51, 23:5-24:14; Figs. 1-29; claims 1-16, 19-25 U.S. Patent No. 8,490,299 (incorporated by reference in '562 patent) **Extrinsic Evidence:** U.S. Patent No. 10,182,617 File History of U.S. Patent No. 9,510,636
"throat area"	Ordinary and customary meaning, i.e., throat area; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract; 2:29-34; 2:35-67; 3:1-17; 6:27-35; 8:52-58; 9:34-63; 11:41-45; 13:22-38; 13:54-14:3; 14:8-18; 14:31-37; 15:21-24; 15:34-49; 15:66-16:4; 16:5-11; 16:42-50; 16:59-17:1; 17:30-35; 17:42-47;	"an area of the upper that extends from an ankle opening over the instep to an area adjacent to the forefoot region" **Intrinsic Evidence:** '562 patent at Abstract, 2:22-3:17, 6:22-35, 8:33-58, 9:34-10:8, 11:36-54, 13:22-14:44, 15:4-24, 15:34-16:13, 16:38-17:7, 17:28-47,

EXHIBIT A – DISPUTED CONSTRUCTIONS

	23:26-35; 23:52-55; Claims 1, 5, 8, 13, 14, 16, 20, 21; Figs. 1-3, 5, 7-8, 10-11.	23:5-61; Figs. 1-3, 5-13, 26-29; claims 1, 5, 8, 13-14, 16, 20-21 **Extrinsic Evidence:** The Complete Footwear Dictionary, 2nd Ed. – *throat*
"integral knit tongue"	Ordinary and customary meaning, i.e., tongue; no further construction necessary **Intrinsic Evidence:** '562 patent at Abstract; 1:53-55; 2:22-67; 3:1-25; 5:14-19; 6:22-50; 7:1-24:30; Claims 1, 3-17, 19-21; Figs. 1-29.	"throat area between overhanging portions of the upper or adjacent to one or more raised elements, where a raised element is a flap or overhanging portion that extends outward away from the surface of the upper and along the length of the side of the tongue" **Intrinsic Evidence:** '562 patent at Abstract, 1:16-55, 2:16-3:17, 3:1-17, 3:34-4:53, 5:14-18, 6:22-50, 7:1-8:58, 9:34-11:12, 11:36-14:43, 14:44-17:47, 17:49-18:55, 20:63-21:12, 21:50-22:51, 23:11-24:14; Figs. 1-29; claims 1-17, 19-25 File history of U.S. Patent No. 9,060,562, including, for example, 07-02-2014 Documents submitted with 371 (National Stage) Applications; 09-16-2014 Non-Final Rejection; 12-15-2014 Applicant Arguments/Remarks Made in an Amendment US Appl. No. 2008/0110048 including, for example, at [61] **Extrinsic Evidence:** US. Patent No. 9,510,636

EXHIBIT A – DISPUTED CONSTRUCTIONS

		File History of U.S. Patent No. 9,510,636, including, for example, at, 10-08-2015 Non-Final Rejection; 01-07-2016 Applicant Arguments/Remarks Made in an Amendment U.S. Patent No. 8,621,891 File History of U.S. Patent No. 8,621,891, including, for example, at 08-16-2013 Applicant Arguments/Remarks Made in an Amendment; 08-16-2013 Claims; 06-25-2013 Final Rejection File History of U.S. Patent No. 10,351,979 File History of U.S. Patent No. 10,378,130, including, for example, at 02-12-2019 Applicant Arguments/Remarks Made in an Amendment; 02-12-2019 Claims
"the integral knit tongue comprises a partially integral portion and a free portion"	Ordinary and customary meaning, i.e., the integral knit tongue comprises a partially integral portion and a free portion; no further construction necessary **Intrinsic Evidence:** '562 patent at 13:19-21, 13:54-61, 21:50-62, 22:18-31; Claims 5, 15; Figs. 10-11, 22-25.	"the integral knit tongue includes (1) a first portion joined to other sections of the upper by knitting along both the lateral side and medial side and (2) a second portion joined to the first portion but not joined to other sections of the upper on one or more of the lateral side or medial side of the second portion" **Intrinsic Evidence:** '562 patent at Abstract, 1:16-55, 2:16-3:17, 3:28-4:53, 5:14-18, 6:22-50, 7:1-8:58, 9:34-11:12, 11:36-14:43, 14:44-17:47, 17:49-18:55, 20:63-21:12, 21:50-22:51, 23:11-24:14; Figs. 1-29; claims 1-16, 19-25

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

U.S. PATENT NO. 9,510,636

Term/Phrase	Nike's Proposed Construction	Skechers' Proposed Construction
"article of footwear"	Ordinary and customary meaning, i.e., article of footwear; no further construction necessary **Intrinsic Evidence:** '636 patent at Abstract, 1:21-60; 2:20-22; 2:26-29; 4:64-66; 5:16-49; 5:64-66; 6:25-27; 6:54-69; 7:48-57; 8:45-51; 10:66-11:5; 14:60-63; Claims 1-13, 21; Figs. 1-4.	"any foot covering in the form of shoes, boots, slippers, or hose (e.g., socks) used for utility and/or dress wear. Not necessarily synonymous with shoes, which are simply one category of footwear" **Intrinsic Evidence:** '636 patent at Abstract, 2:26-38, 5:22-24, 6:17-24; Figs. 1-4B **Extrinsic Evidence:** U.S. Patent No. 8,266,749 at Abstract, 1:20-26, 1:42-47, 3:27-29, 3:44-48, 4:28-44, 5:21-40, 10:8-9, 10:32-33; Figs. 1-7, 12-14; claims 1, 12, 13, 18 U.S. Patent No. 9,730,484 at Abstract, 1:27-42, 3:10-44, 5:9-29, 9:55-57, 10:47-57, 11:43-12:27, 12:40-45; Figs. 1-4C, 11A-13 IPR2016-00922 – Decision to Institute IPR2016-00922 – Final Written Decision The Complete Footwear Dictionary, 2nd Ed. – *footwear* The Complete Footwear Dictionary, 2nd Ed. – *hose*

EXHIBIT A – DISPUTED CONSTRUCTIONS

		The Complete Footwear Dictionary, 2nd Ed. – *sock*
"a portion of the knitted component defining an upper"	Ordinary and customary meaning, i.e., a portion of the knitted component defining an upper; no further construction necessary **Intrinsic Evidence:** '636 patent at 1:25-30; 2:26-36; 2:39-67; 2:44-60; 3:1-18; 5:56-63; 6:25-38; 6:54-65; 7:58-66; 8:64-9:2; 11:29-31; 12:33-35; 13:58-66; 14:66-15:1; 24:24-27; Claim 13; Figs. 1-5, 10, 13-15, 19-21, 23-25, 27-29.	"a portion of a one-piece knitted element that, when further knit to add an integral knit tongue, will be an upper that includes edges that define an ankle opening in the article of footwear" **Intrinsic Evidence:** '636 patent at Abstract, 1:24-60, 2:26-3:18, 6:54-7:3, 7:48-8:16, 11:25-34, 12:27-52, 13:24-37, 14:60-15:19, 21:25-24:48; Figs. 5-15, 19-29; claims 1, 7, 10-13, 18, 21, 23-24
"ankle opening"	Ordinary and customary meaning, i.e., ankle opening; no further construction necessary **Intrinsic Evidence:** '636 patent at 1:49-51; 2:39-67; 3:1-18; 6:30-34; 6:42-46; 8:51-61; 9:41-47; 11:41-44; 11:49-52; 12:18-21; 12:46-49; 13:38-44; 14:4-20; 14:60-63; 15:13-16; 15:51-57; 16:17-29; 17:62-67; Claims 1, 13, 21; Figs. 1-5, 8-15.	"an opening in the article of footwear defined by the edges of the upper encircling the ankle when a foot is fully inserted into the opening" **Intrinsic Evidence:** '636 patent at Abstract, 1:44-60, 2:26-3:18, 3:30-4:56, 6:25-53, 7:4-22, 8:37-9:2, 9:41-56, 11:25-67, 12:18-52, 13:38-54, 14:4-20, 14:60-15:19, 15:51-62, 16:8-31, 17:48-67; Figs. 1-5, 7-15, 19-29; claims 1, 13, 21
"integral knit tongue formed with the upper and extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., integral knit tongue formed with the upper and extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:**	"a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening"

EXHIBIT A – DISPUTED CONSTRUCTIONS

	'636 patent at 2:39-67, 3:1-18, 6:25-38, 9:41-46, 9:57-67, 11:54-58, 13:44-49, 15:57-62, 16:60-17:1; Claim 1; Figs. 1-5, 10-15.	**Intrinsic Evidence:** '636 patent at Abstract, 1:21-60, 2:20-3:18, 3:30-4:56, 5:17-21, 6:25-53, 7:4-8:63, 9:41-11:24, 11:49-14:59, 14:60-17:67, 18:2-19:11, 21:25-41, 22:13-23:17, 23:38-24:48; Figs. 1-29; claims 1-16, 18-25 U.S. Patent No. 8,490,299 (incorporated by reference in '636 patent) **Extrinsic Evidence:** U.S. Patent No. 9,060,562 U.S. Patent No. 10,182,617 File History of U.S. Patent No. 9,060,562
"throat area"	Ordinary and customary meaning, i.e., throat area; no further construction necessary **Intrinsic Evidence:** '636 patent at Abstract; 2:26-3:18; 6:30-38; 8:57-63; 9:41-67; 10:1-4; 11:52-58; 13:38-49; 13:55-58; 14:4-17; 14:25-35; 14:47-53; 15:38:41; 15:51-16:3; 16:17-29; 16:60-17:5; 17:10-20; 17:50-67; 23:57-67; 24:19-22; Claims 1, 5, 7, 11-13, 18, 21, 23-24; Figs. 1-3, 5, 7-8, 10-11.	"an area of the upper that extends from an ankle opening over the instep to an area adjacent to the forefoot region" **Intrinsic Evidence:** '636 patent at Abstract, 2:26-3:18, 6:25-38, 8:37-63, 9:41-10:17, 11:49-67, 13:38-14:59, 15:20-41, 15:51-16:31, 16:56-17:27, 17:48-67, 23:38-24:28; Figs. 1-3, 5-13, 26-29; claims 1, 5, 7, 11-13, 18, 21, 23-24 **Extrinsic Evidence:** The Complete Footwear Dictionary, 2nd Ed. – *throat*

EXHIBIT A – DISPUTED CONSTRUCTIONS

"integral knit tongue with the upper and extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., integral knit tongue with the upper and extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:** '636 patent at 2:39-67, 3:1-18, 6:25-38, 9:41-46, 9:57-67, 11:54-58, 13:44-49, 15:57-62, 16:60-17:1; Claim 13; Figs. 1-5, 10-15.	"a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening" **Intrinsic Evidence:** '636 patent at Abstract, 1:21-60, 2:20-3:18, 3:30-4:56, 5:17-21, 6:25-53, 7:4-8:63, 9:41-11:24, 11:49-14:59, 14:60-17:67, 18:2-19:11, 21:25-41, 22:13-23:17, 23:38-24:48; Figs. 1-29; claims 1-16, 18-25 U.S. Patent No. 8,490,299 (incorporated by reference in '636 patent) **Extrinsic Evidence:** U.S. Patent No. 9,060,562 U.S. Patent No. 10,182,617 File History of U.S. Patent No. 9,060,562
"integral knit tongue formed of unitary knit construction with the upper and extending through a throat area of the knitted component"	Ordinary and customary meaning, i.e., integral knit tongue formed of unitary knit construction with the upper and extending through a throat area of the knitted component; no further construction necessary **Intrinsic Evidence:** '636 patent at 2:39-67, 3:1-18, 6:25-38, 9:41-46, 9:57-67, 11:54-58, 13:44-49, 15:57-62, 16:60-17:1; Claim 21; Figs. 1-5, 10-15.	"a tongue (1) that, through a knitting process, is formed as a one-piece element with the rest of the upper and (2) that extends from an area adjacent to the forefoot region of the upper over the instep to an ankle opening" **Intrinsic Evidence:** '636 patent at Abstract, 1:21-60, 2:20-3:18, 3:30-4:56, 5:17-21, 6:25-53, 7:4-8:63, 9:41-11:24, 11:49-14:59, 14:60-17:67, 18:2-19:11,

EXHIBIT A – DISPUTED CONSTRUCTIONS

		21:25-41, 22:13-23:17, 23:38-24:48; Figs. 1-29; claims 1-16, 18-25 U.S. Patent No. 8,490,299 (incorporated by reference in '636 patent) **Extrinsic Evidence:** U.S. Patent No. 9,060,562 U.S. Patent No. 10,182,617 File History of U.S. Patent No. 9,060,562
"integral knit tongue"	Ordinary and customary meaning, i.e., tongue; no further construction necessary **Intrinsic Evidence:** '636 patent at Abstract; 1:57-60; 2:26-67; 3:1-26; 5:17-22; 6:25-53; 7:4-21:67; Claims 1-4, 7, 8, 10, 13-16, 18-19, 21, 22, 25, 26; Figs. 1-29.	"throat area between overhanging portions of the upper or adjacent to one or more raised elements" **Intrinsic Evidence:** '636 patent at Abstract, 1:21-60, 2:20-3:18, 3:30-4:56, 5:17-21, 6:25-53, 7:4-8:63, 9:41-11:24, 11:49-14:59, 14:60-17:67, 18:2-19:11, 21:25-41, 22:13-23:17, 23:45-24:48; Figs. 1-29; claims 1-16, 18-25 File History of U.S. Patent No. 9,510,636, including, for example, 10-08-2015 Non-Final Rejection; 01-07-2016 Applicant Arguments/Remarks Made in an Amendment; 07-02-2014 Documents submitted with 371 (National Stage) Applications U.S. Patent No. 8,621,891

EXHIBIT A – DISPUTED CONSTRUCTIONS

		File History of U.S. Patent No. 8,621,891, including, for example, 08-16-2013 Applicant Arguments/Remarks Made in an Amendment; 08-16-2013 Claims; 06-25-2013 Final Rejection **Extrinsic Evidence:** US. Patent No. 9,060,562 File history of U.S. Patent No. 9,060,562, including, for example, 09-16-2014 Non-Final Rejection; 12-15-2014 Applicant Arguments/Remarks Made in an Amendment US Appl. No. 2008/0110048, including, for example, at [61] File History of U.S. Patent No. 10,351,979 File History of U.S. Patent No. 10,378,130, including, for example, at 02-12-2019 Applicant Arguments/Remarks Made in an Amendment; 02-12-2019 Claims
"raised element"	Ordinary and customary meaning, i.e., raised element; no further construction necessary **Intrinsic Evidence:** '636 patent at 6:39-42, 10:1-11:24, 13:55-14:3, 14:29-35, 14:47-53, 15:35-41, 15:63-16:7, 16:56-17:5, 17:15-20, 18:9-17, 18:18-21, 18:30-34, 18:39-41, 18:50-53, 21:34-38; Claims 1, 4-6, 13, 16-17, 26-27; Figs. 5-16, 20-21, 24-25, 28-29.	"a flap or overhanging portion that extends outward away from the surface of the upper and along the length of the side of the tongue" **Intrinsic Evidence:** '636 patent at Abstract, 2:26-38, 6:39-53, 10:1-11:24, 11:49-12:17, 13:55-14:3, 14:21-59, 15:20-41, 15:63-16:7, 16:56-17:47, 18:9-19:11, 21:25-41; Figs. 1-16, 19-25; claims 1, 4-6, 13, 16-17, 26-27

Skechers EX1006
Skechers v Nike

EXHIBIT A – DISPUTED CONSTRUCTIONS

		Extrinsic Evidence: File History of U.S. Patent No. 10,378,130, including, for example, 02-12-2019 Applicant Arguments/Remarks Made in an Amendment; 02-12-2019 Claims
"the integral knit tongue comprises a partially integral portion and a free portion"	Ordinary and customary meaning, i.e., the integral knit tongue comprises a partially integral portion and a free portion; no further construction necessary **Intrinsic Evidence:** '636 patent at Abstract, 12:27-33; 13:28-54; 13:62-66; 14:4-29; 14:42-46; 22:35-44; 22:55-60; 22:63-23:17; Claims 7, 18; Figs. 1-3, 5, 7-8, 10-12, 22-25.	"the integral knit tongue includes (1) a first portion joined to other sections of the upper by knitting along both the lateral side and medial side and (2) a second portion joined to the first portion but not joined to other sections of the upper on one or more of the lateral side or medial side of the second portion" **Intrinsic Evidence:** '636 patent at Abstract, 1:21-60, 2:20-3:18, 3:30-4:56, 5:17-21, 6:25-53, 7:4-8:63, 9:41-11:24, 11:49-14:59, 14:60-17:67, 18:2-19:11, 21:25-41, 22:13-23:17, 23:45-24:48; Figs. 1-29; claims 1-16, 18-25

Skechers EX1006
Skechers v Nike