

Ex. E



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Alan H. Norman
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September 8, 2023

VIA ELECTRONIC MAIL – jason.xu@rimonlaw.com

Mr. Jason Xu
Rimon Law
1990 K Street, NW Suite 420
Washington, D.C. 20006

Re: Infringement of Cole Haan's Patents (56503-220828)

Mr. Xu:

We represent Cole Haan LLC in intellectual property matters. Top Glory Trading Group Inc., as owner of the Bruno Marc brand and seller of Bruno Marc shoes, is infringing several Cole Haan patents, as explained in further detail below.

The manufacture, use, sale, offer for sale, or importation into the United States of the following shoes constitutes infringement of the following Cole Haan United States patents:

<u>Infringing Shoes</u>	<u>Asserted Patents</u>
	• 10,327,511 • 10,443,163
Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers	

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	• 10,327,511 • 10,443,163
Men's Slip-on Sneakers Casual Loafers Lightweight Breathable Air Cushion Walking Shoes	
	• 10,327,511 • 10,443,163
Men's Walking Shoes Air Cushion Fashion Sneakers	

Each of the above-identified shoes infringes at least claim 21 of the '511 patent. Claim 21 of the '511 patent states:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region

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including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

Additionally, each of the above-identified shoes infringes at least claim 21 of the '163 patent. Claim 21 of the '163 patent states:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;

the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

To resolve this matter amicably, Cole Haan insists that Bruno Marc immediately: (1) cease making, using, selling, offering for sale, and importing into the United States all identified infringing shoes (and any other shoes that are encompassed by Cole Haan's patents); (2) recall any and all of the infringing shoes; (3) provide an accounting of all infringing shoes sold to date and any remaining inventory; and (4) propose how Bruno Marc intends to make Cole Haan whole for these infringements.

September 8, 2023
Page 4

Please let us know by September 15, 2023, whether Bruno Marc intends to comply with the requirements identified in this letter. Cole Haan reserves its rights to seek all remedies available to Cole Haan.

Very truly yours,

Thompson Coburn LLP

A handwritten signature in black ink that reads "Alan H. Norman". The signature is written in a cursive, flowing style.

By
Alan H. Norman
Partner

Carina Cao
 Top Glory Trading Group Inc.
legal@mirmiles.com

Alan H. Norman
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September 15, 2023

Subject: **reply to letter from Cole Haan LLC.**

Mr. Norman:

Top Glory Trading Group, Inc. as the owner of the Bruno Marc brand and seller of Bruno Marc shoes, what follows is the reply:

1. All the shoes sold by Top Glory Trading Group Inc. are designed, developed and produced solely and independently by itself, without any reference to shoes of other brands. In response to questions from Cole Haan's letter, we would like to negotiate with Cole Haan LLC in good faith and try to find the resolution.

2.After comparing our products with your claims, we believe that the first type of shoes mentioned in the letter is non-infringing, the specific explanation is attached in point 3. For the second and third type of shoes mentioned in the letter, there is a possibility of infringement.We are willing to take remedial measures as follows:

We have stopped selling the following two products since September 13th and stated that they would no longer be sold in the future.

	• 10,327,511 • 10,443,163
Men's Slip-on Sneakers Casual Loafers Lightweight Breathable Air Cushion Walking Shoes	
	• 10,327,511 • 10,443,163
Men's Walking Shoes Air Cushion Fashion Sneakers	

3.Regarding the first type of shoe mentioned in the letter, after comparison, we believe that we did not infringe the patent rights of US10327511 and US10443163, as explained in further detail below.

1) Claim 21 of the US10327511 patent states:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

*knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region**, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;*

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

2) Claim 21 of the US10443163 patent states:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

*knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region**, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the*

first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;

attaching the sole to the upper;

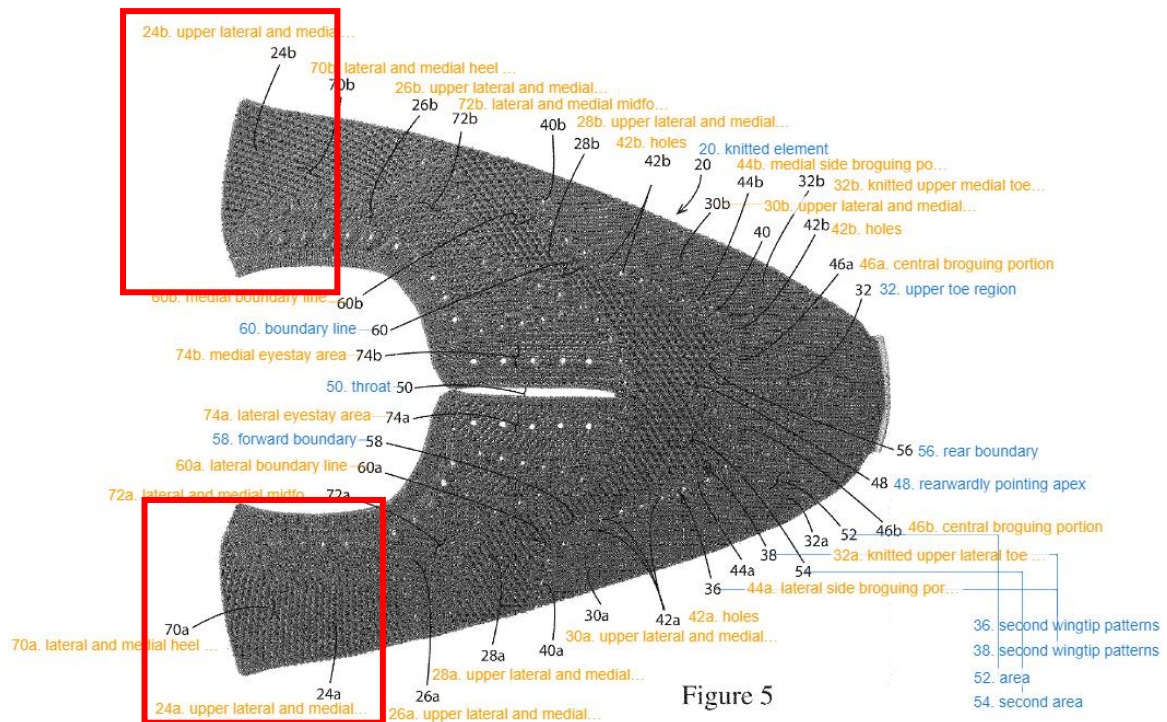
the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

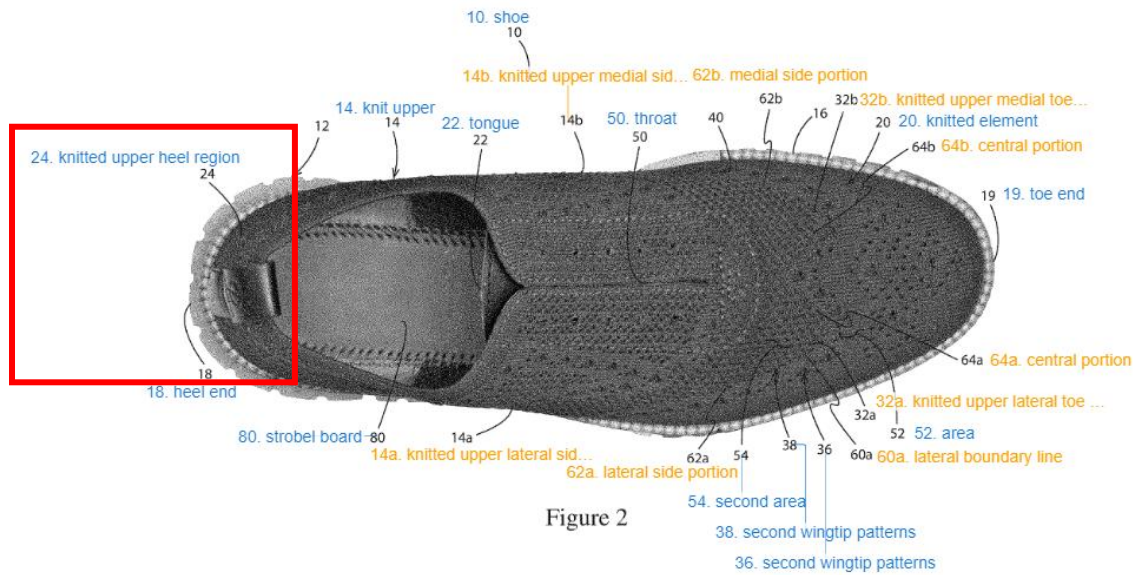
the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;

the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

3) Figures of Patent US10327511 or US10443163:





4) The upper structure of the first type of shoes mentioned in the letter.



▲ Pictures of complete shoes



▲ Fabric count and structure of the upper when taken apart



▲Schematic diagram of the placement of the fabric before the combination of the upper

The schematic diagram has intuitively shown that the heel of the shoe is not integrated with the other parts of the upper. This is inconsistent with the content protected by the claims of patents US10327511 or US10443163, which protect the shoe upper (including the heel) integrally formed from woven materials. So our behaviour of producing or selling the first type of shoes does not result in patent infringement of the patent rights of US10327511 or US10443163.

To sum up, we are willing to remove the commodity and promise to no longer sell the second and third type of products mentioned in the letter that may be considered infringing. However, with

respect to the first type of shoes mentioned in the letter, we consider that the shoes are non-infringing and we does not infringe the patents rights of US103275 11 and US10443163.

Very truly yours,

Top Glory Trading Group Inc.

A handwritten signature in black ink that reads "Carina Cao". The script is cursive and fluid.

By

Carina Cao



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Alan H. Norman
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September 22, 2023

VIA ELECTRONIC MAIL – legal@mirmiles.com

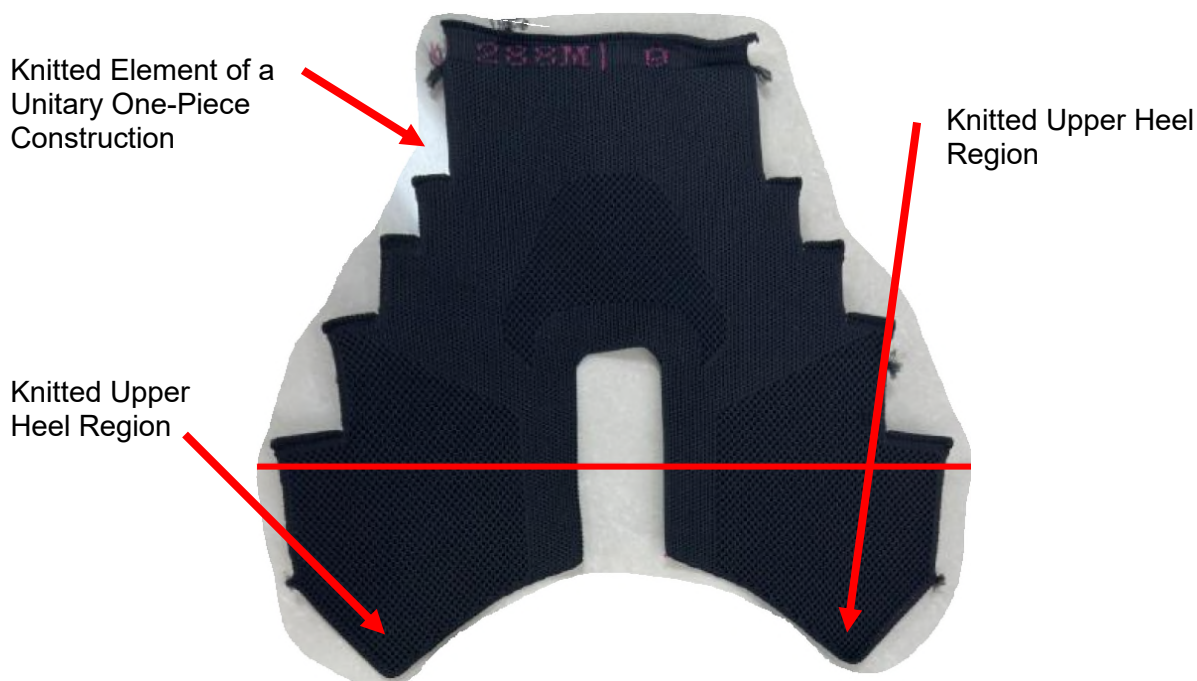
Carina Cao
Top Glory Trading Group Inc.

Re: Infringement of Cole Haan's Patents (56503-220828)

Ms. Cao:

Thank you for your letter of September 15, 2023. As to the Bruno Marc Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers, Top Glory's noninfringement position misunderstands the requirements of the claims. Claim 21 of the '511 patent requires "knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction" that comprises the various regions and structures set forth in claim 21. Claim 21 does not require that the entire upper be a unitary one-piece knitted element or that the unitary one-piece knitted element extend from the sole toe end to the sole heel end, it merely requires that the upper comprise a one-piece knitted element meeting the limitations of claim 21. Claim 21 of the '163 patent is identical in this respect.

As shown below, Top Glory's own images show that the shoe infringes claim 21 of both the '511 and '163 patents.



Carina Cao
Top Glory Trading Group Inc.
September 22, 2023
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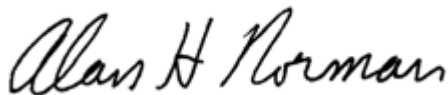
The basis for Top Glory's noninfringement argument seems to be that, because there is a separate heel component, the upper is not a unitary knitted element having all of the required regions due to an alleged lack of a heel region—Top Glory does not appear to dispute the existence of any other regions or structures of the knitted element. But the fact that the Top Glory shoe comprises separate components, including a separate heel component, is irrelevant. The rear most portion of the knitted element shown above constitutes a heel region; nothing in the claim requires the unitary member to extend to the heel end of the shoe. As shown above, the unitary knitted element comprises all of the required regions and structures, including the upper heel region. Accordingly, the Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers infringe the '511 and '163 patents.

Cole Haan is willing to resolve this matter amicably. While Cole Haan appreciates Bruno Marc's agreement to cease sales of the Men's Slip-On Sneakers Casual Loafers Lightweight Breathable Air Cushion Walking Shoes, and the Men's Walking Shoes Air Cushion Fashion Sneakers, Bruno Marc must also cease sales of the Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers. Further, Bruno Marc must also (1) recall any and all of the infringing shoes; (2) provide an accounting of all infringing shoes sold to date and any remaining inventory; and (3) propose how Bruno Marc intends to make Cole Haan whole for these infringements. Once such requirements are met, Cole Haan will be in a position to propose the terms on which it would resolve this matter.

Please let us know by September 27, 2023, whether Bruno Marc intends to comply with the requirements identified in this letter. Cole Haan reserves its rights to seek all remedies available to Cole Haan.

Very truly yours,

Thompson Coburn LLP

A handwritten signature in black ink that reads "Alan H. Norman". The signature is written in a cursive, flowing style.

By
Alan H. Norman
Partner

Carina Cao
Top Glory Trading Group Inc.
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September 27, 2023

Subject: **reply to letter from Cole Haan LLC.**

Mr. Norman:

Top Glory Trading Group, Inc. as the owner of the Bruno Marc brand and seller of Bruno Marc shoes, what follows is the reply:

1. We believe that the first type of shoes is non-infringing for the following reasons and we are not willing to remove the commodity from our online store :

Claim 21 of the US10327511:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;

the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

Content of the specification corresponding to claim 21 is as follows:

The knitted element 20 is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted upper heel region 24, a

knitted upper lateral midfoot region 26a, a knitted upper medial midfoot region 26b, a knitted upper metatarsal region 28, a knitted upper lateral ball region 30a, a knitted upper medial ball region 30b, and a knitted upper toe region 32. The upper heel region 24 includes a knitted upper lateral heel region 24a and a knitted upper medial heel region 24b. The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b. The knitted upper toe region 32 includes a knitted upper lateral toe region 32a and a knitted upper medial toe region 32b. The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b. The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a. The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper medial ball region 30b, and the upper medial toe region 32b. The upper toe region 32 is seamlessly knitted with the upper lateral and medial ball regions 30a, 30b during the knitting process. The upper lateral and medial ball regions 30a, 30b are seamlessly knitted with the upper lateral and medial metatarsal regions 28a, 28b during the knitting process. The upper lateral and medial metatarsal regions 28a, 28b are seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting process.

The first type of knit structure (that is, the knit structure of the first area 52) may be more tightly knit than the second type of knit structure (that is, the knit structure of the second area 54). In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. The knitted element 20 may be knitted with one or more yarns, such as polyester yarns, nylon yarns, cotton yarns, and spandex yarns. In one embodiment, the knitted element 20 is knitted of polyester covered spandex yarn and hot melt yarn, such that of the finished knitted element, the polyester covered spandex yarn constitutes at least 50% by mass (and more preferably at least 60% by mass), and the hot melt yarn constitutes at least 15% by mass (and more preferably at least 20% by mass but not more than 30% by mass).

Diagram:

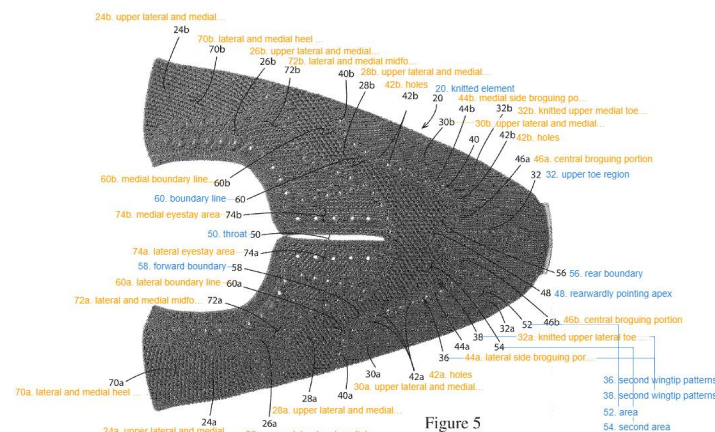


Figure 5

Claim 21 of the US10327511, along with the specification and accompanying drawings, clearly states the claim is protecting a knitted element which is formed of a unitary one-piece construction during a knitting process on a knitting machine. And the knitted element covers the

heel part of the shoe. Meanwhile there are two weaving methods for knitting elements, one is flat needle, and another is mesh.

2.Claim 21 of the US10443163:

21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region, the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;

the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

Content of the specification corresponding to claim 21 is as follows:

The knitted element 20 is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted upper heel region 24, a knitted upper lateral midfoot region 26a, a knitted upper medial midfoot region 26b, a knitted upper metatarsal region 28, a knitted upper lateral ball region 30a, a knitted upper medial ball region 30b, and a knitted upper toe region 32. The upper heel region 24 includes a knitted upper lateral heel region 24a and a knitted upper medial heel region 24b. The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b. The knitted upper toe region 32 includes a knitted upper lateral toe region 32a and a knitted upper medial toe region 32b. The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b. The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a. The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper

medial ball region 30b, and the upper medial toe region 32b. The upper toe region 32 is seamlessly knitted with the upper lateral and medial ball regions 30a, 30b during the knitting process. The upper lateral and medial ball regions 30a, 30b are seamlessly knitted with the upper lateral and medial metatarsal regions 28a, 28b during the knitting process. The upper lateral and medial metatarsal regions 28a, 28b are seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting process.

The first type of knit structure (that is, the knit structure of the first area 52) may be more tightly knit than the second type of knit structure (that is, the knit structure of the second area 54). In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. The knitted element 20 may be knitted with one or more yarns, such as polyester yarns, nylon yarns, cotton yarns, and spandex yarns. In one embodiment, the knitted element 20 is knitted of polyester covered spandex yarn and hot melt yarn, such that of the finished knitted element, the polyester covered spandex yarn constitutes at least 50% by mass (and more preferably at least 60% by mass), and the hot melt yarn constitutes at least 15% by mass (and more preferably at least 20% by mass but not more than 30% by mass).

Claim 21 of the US10443163, along with the specification and accompanying drawings, clearly states the claim is protecting a knitted element which is formed of a unitary one-piece construction during a knitting process on a knitting machine. And the knitted element covers the heel part of the shoe. Meanwhile there are two weaving methods for knitting elements, one is flat needle, and another is mesh.

3.The schematic diagram has intuitively shown that the heel of the shoe is not integrated with the other parts of the upper. This is inconsistent with the content protected by the claims of patents US10327511 or US10443163, which protect the shoe upper (including the heel) integrally formed from woven materials. So our behaviour of producing or selling the first type of shoes does not result in patent infringement of the patent rights of US10327511 or US10443163.



▲ Pictures of complete shoes



▲ Fabric count and structure of the upper when taken apart

4. We consider that patent rights of US10327511 and US10443163 are unstable for the following reasons:

- 1) Comparison document 1: US7347011B2
- 2) Comparison document 2: US2312078A
- 3) Comparison document 3: KR300681267S
- 4) Comparison document 4: CN105246362B
- 5) Comparison document 5: US20220298682A1

According to section 103 of 35 U.S.C., the combination of five Comparison documents above has indicated a lack of Inventiveness in patent of US10327511 and US10443163.

5. We have to declare again that all the shoes sold by Top Glory Trading Group Inc. are designed, developed and produced solely and independently by itself, without any reference to shoes of other brands. In response to questions from Cole Haan's letter, we would like to negotiate with Cole Haan LLC in good faith and try to find the resolution.

Very truly yours,

Top Glory Trading Group Inc.

By
Carina Cao



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December 6, 2023

VIA ELECTRONIC MAIL – legal@mirmiles.com

Carina Cao
Top Glory Trading Group Inc.

Re: Infringement of Cole Haan's Patents (56503-220828)

Ms. Cao:

Thank you for your letter of September 27, 2023. Bruno Marc's recitation of portions of claim 21 and the specification is unavailing. Claim 21 of the '511 and '163 patents merely require the knitted element have a knitted heel region. In other words it requires only that the knitted element extend into the heel region. Claim 21 does not require that the knitted element cover the heel region entirely or extend to the heel end, nor does it prohibit the presence of other knitted pieces. Further, it is improper to import limitations from the specification into the claims. See e.g., *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005). Accordingly, the Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers infringe both the '511 and '163 patents. And the cited prior art does not render the '511 and '163 patents invalid.

Cole Haan is willing to resolve this matter amicably. Bruno Marc must (1) cease sales of the Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers, (2) recall any and all of the infringing shoes; (3) provide an accounting of all infringing shoes sold to date and any remaining inventory; and (4) propose how Bruno Marc intends to make Cole Haan whole for these infringements.

Please let us know by December 15, 2023, whether Bruno Marc intends to comply with the requirements identified in this letter. Cole Haan reserves its rights to seek all remedies available to Cole Haan.

Very truly yours,

Thompson Coburn LLP

A handwritten signature in cursive script that reads "Alan H. Norman".

By
Alan H. Norman
Partner

Carina Cao
Top Glory Trading Group Inc.
legal@mirmiles.com

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December 25, 2023

Subject: **reply to letter from Cole Haan LLC.**

Mr. Norman:

Top Glory Trading Group, Inc. (we) as the owner of the Bruno Marc brand and seller of Bruno Marc shoes, what follows is the reply:

1. Claim 21 of the '511 and '163 has clearly clarified the patentable subject matter : **a unitary one-piece construction comprising a knitted upper heel region**, as follows:

Claim 21 of the '511 patent:

*21. A method of manufacturing an article of footwear having
a knitted upper and a sole, the method comprising:*

*knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region**, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;*

*attaching the sole to the upper;
the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;
the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;
the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;
the first and second areas being knitted during the knitting step.*

Claim 21 of the '163 patent:

*21. A method of manufacturing an article of footwear having
a knitted upper and a sole, the method comprising:*

*knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region**, the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;*

*attaching the sole to the upper;
the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;
the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;
the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;
the first and second areas being knitted during the knitting step.*

2. Our purpose of the quotation of Detailed Description is explain our understanding of Claim stipulated in United States Patent NO'511 and NO'163 . As we all know ,the Detailed Description is exactly the specification of reasonable interpretation of the claim according to Title 35 of the United States Code.

3. Assume that the reasonable interpretation of Claim is consistent with the statement in Letter You send to us on 7th, Dec, in any circumstance that the knitted element extend into heel region shall be included in range of above Claim whether the knitted element doesn't cover the heel region entirely or extend to the heel end, nor does it prohibit the presence of other knitted pieces.

Based on the assumption above, the range of Claim of the United States Patent NO'511 and NO'163 shall be unreasonably broad, which may resulted in loss of its novelty and eligibility because of disclosure of the existing technology mentioned (US 7347011B2) in accordance with 35 U.S.C. Section 102, .

Besides, there is no content of Detailed Description demonstrate or embodied Your point of view: "In other words it requires only that the knitted element extend into the heel region. Claim 21 does not require that the knitted element cover the heel region entirely or extend to the heel end, nor does it prohibit the presence of other knitted pieces." .We believe the point above is not legitimate..

4. In order to support Our above argument , We make comparative analysis as following to show the similarity between Claim of the '511 and '163 and the existing technology mentioned US 7347011B2. In view of the claim 21 of both patents is identical, herein We will only take the Claim 21 as example :

1) We specifically split the content of Claim21 into 18 parts in accordance with technical features as following to facilitate the analysis

21a.A method of manufacturing an article of footwear having

a knitted upper and a sole, the method comprising:

21b.knitting with a knitting machine to form a knitted element of the upper such that **the knitted element is of a unitary one-piece**

21c.**construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region,**

21d.the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region,

21e.the knitted element having an upper lateral side region and an upper medial side region,

21f.the upper lateral side region including the upper lateral midfoot region,the upper lateral metatarsal region and the upper lateral ball region,

21g.the upper medial side region including the upper medial midfoot region,the upper medial metatarsal region and the upper medial ball region,

21h.the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit,

21i.the first area being at least in the upper toe region,

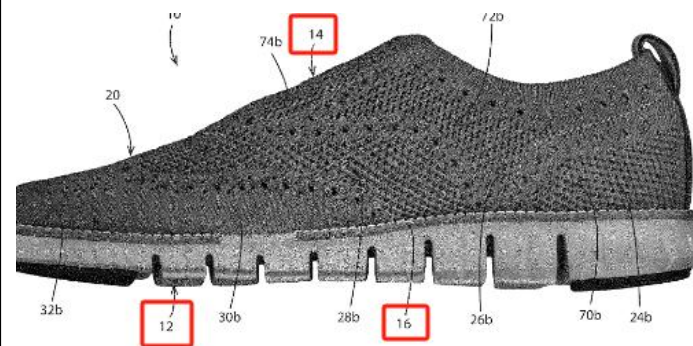
- 21j.the second area being at least in the upper lateral and medial metatarsal regions,
 21k.the first area having a rear boundary,
 21l.the second area having a forward boundary,
 21m.the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;
 21n.attaching the sole to the upper;
 21o.the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;
 21p.the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;
 21q.the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;
 21r.the first and second areas being knitted during the knitting step.

2) We will specify our interpretation of Claim 21 based on the corresponding description and the accompanying Diagram

Exhibit A		
US10443163		
Claim 21	Contents of the instructions	Diagram

21a. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:

Row 48, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.



21b. knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece

Row 53, Column 3: The knitted element 20 is shown alone in FIG. 5.

Row 5, Column 6: By being knitted as a unitary one-piece construction, it is to be understood these various regions of the knitted element are formed together via the knitting process, as opposed to the regions being formed separately and then sewn or bonded together.

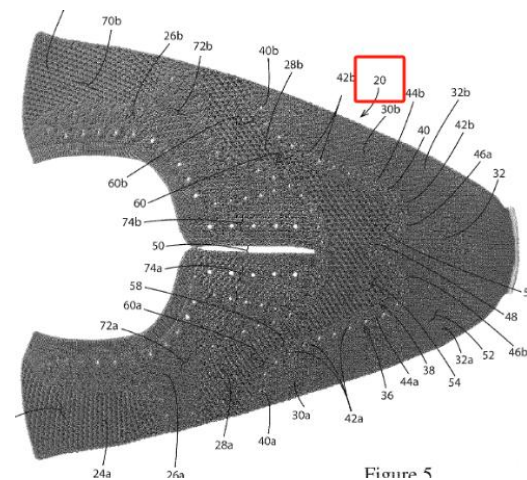
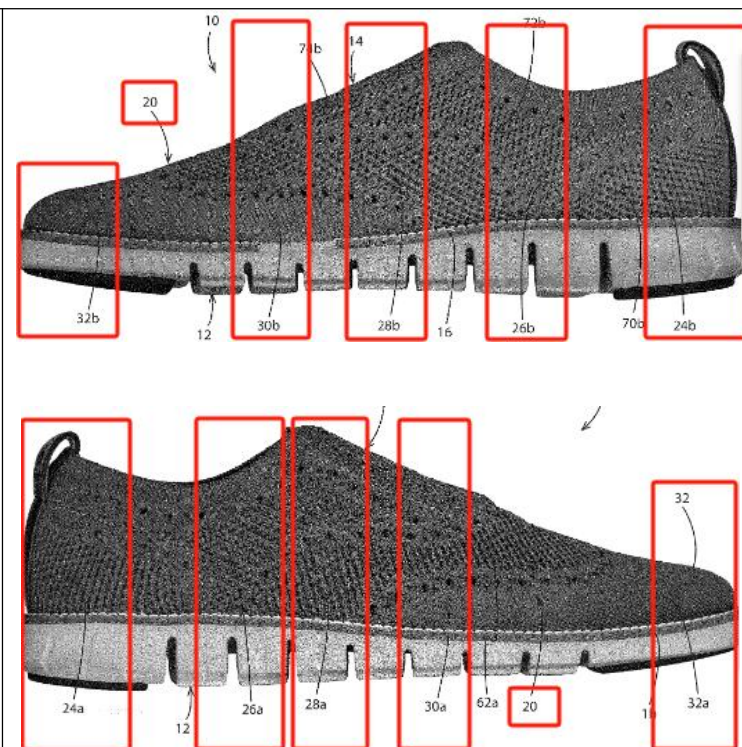
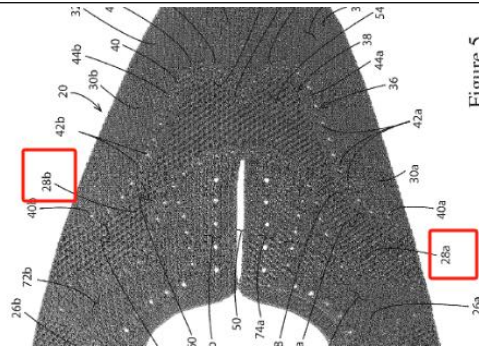
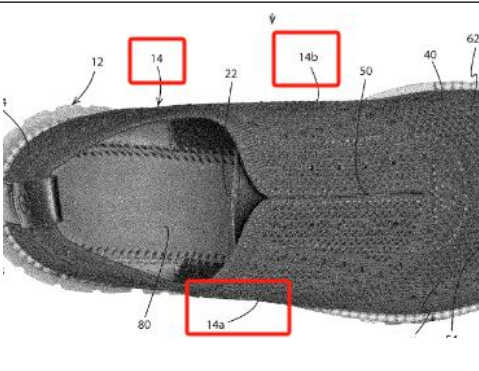
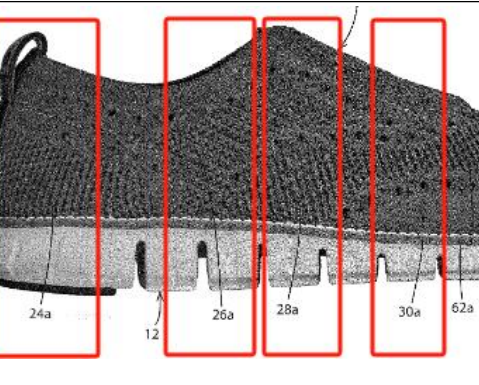


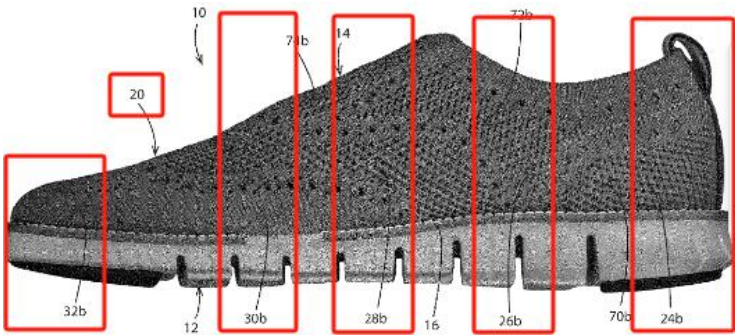
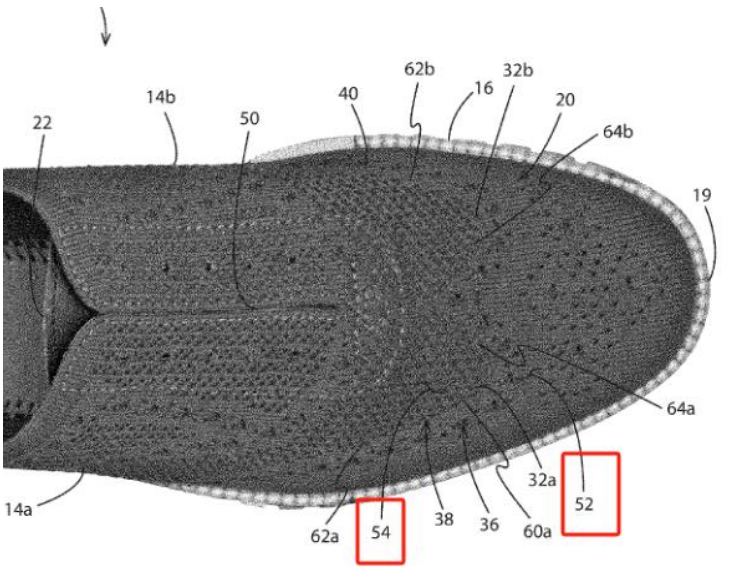
FIGURE 5

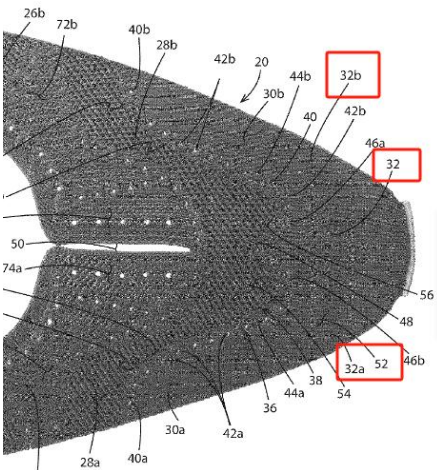
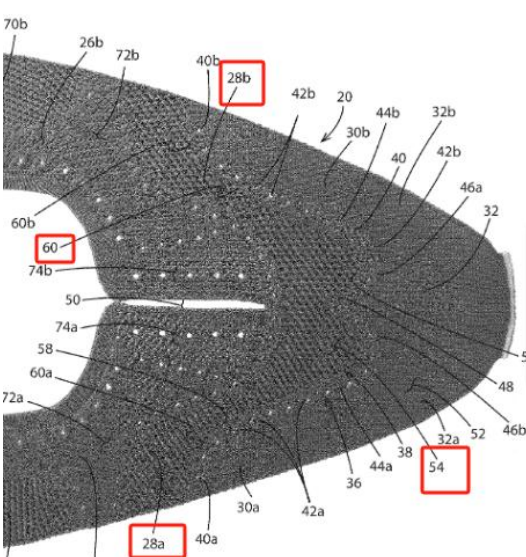
21c. construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region,

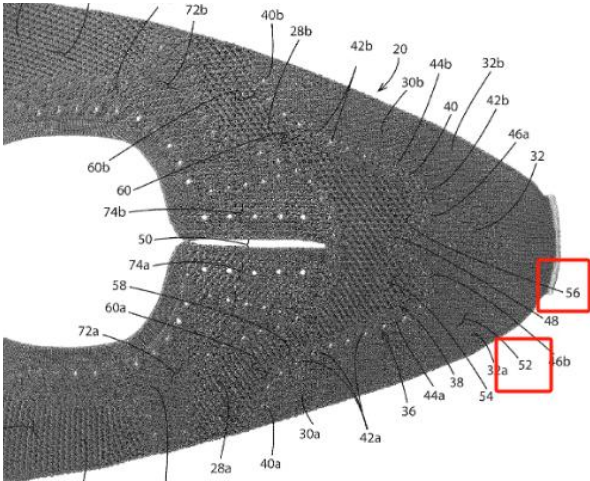
Row 56, Column 3: The **knitted element 20** is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted **upper heel region 24**, a knitted **upper lateral midfoot region 26a**, a knitted upper medial midfoot region 26b, a knitted **upper metatarsal region 28**, a knitted **upper lateral ball region 30a**, a knitted upper medial ball region 30b, and a knitted **upper toe region 32**.

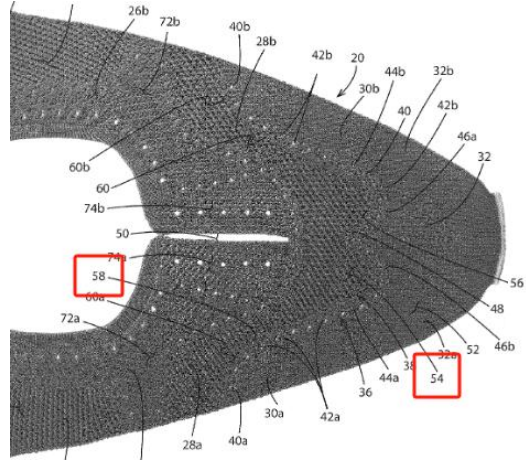
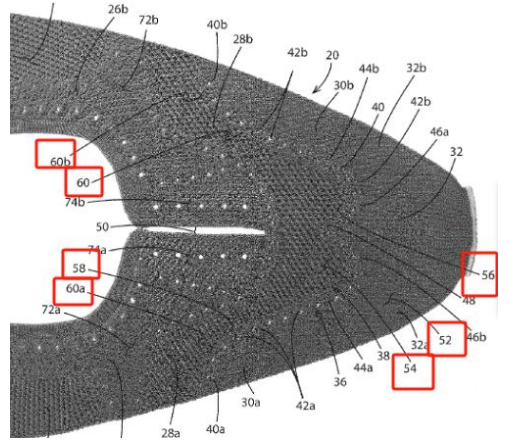


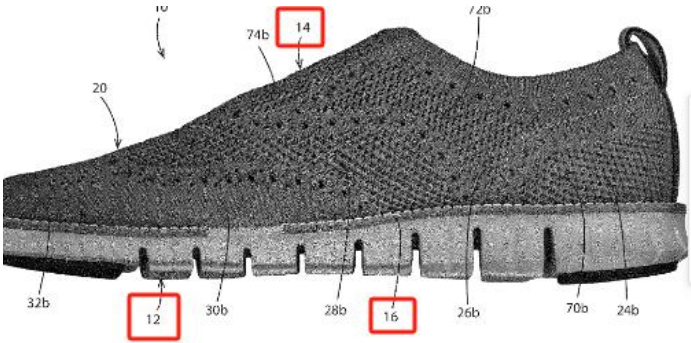
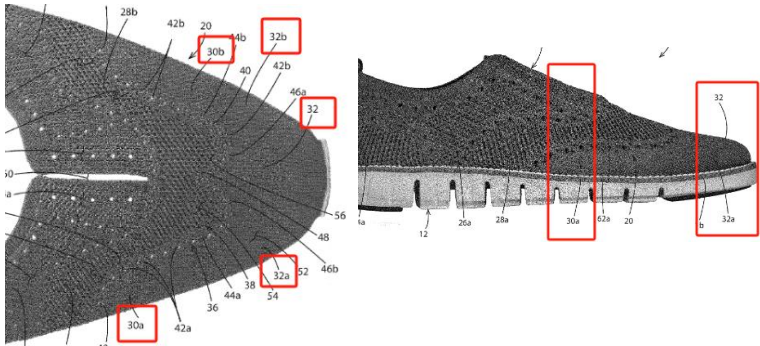
21d. the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region,	Row 65, Column 3: The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b.	 Figure 5
21e. the knitted element having an upper lateral side region and an upper medial side region,	Row 3, Column 4: The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b.	
21f. the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region,	Row 4, Column 4: The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a.	

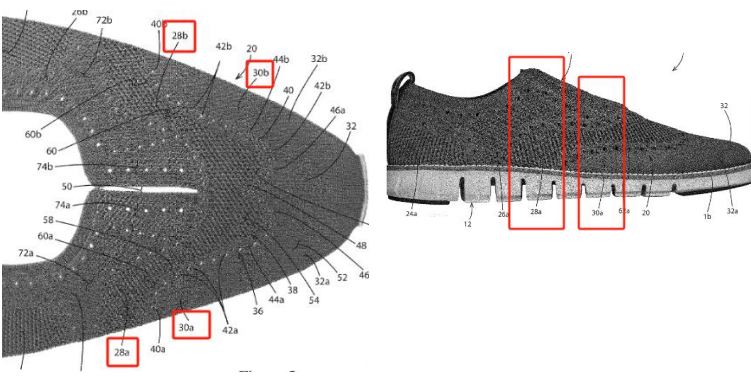
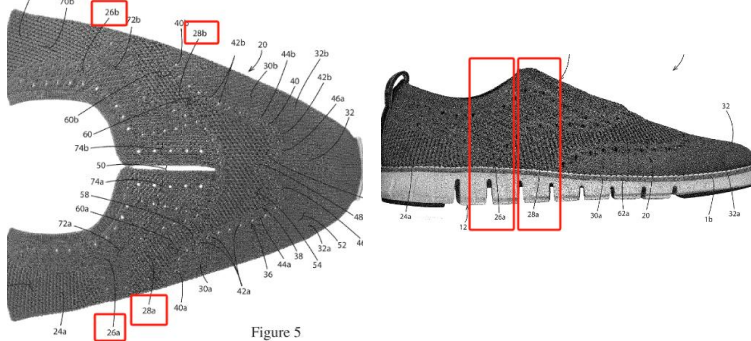
21g. the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region,	Row 8, Column 4: The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper medial ball region 30b, and the upper medial toe region 32b.	
21h. the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit,	Row 63, Column 4: The knitted element 20 comprises a first area, generally indicated at 52, of a first type of knit structure and a second area, generally indicated at 54, of a second type of knit structure. Row 32, Column 5: In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. Row 21, Column 6: As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).	

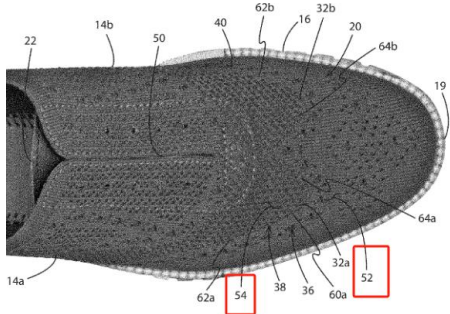
21i. the first area being at least in the upper toe region,	Row 3, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54. The second wingtip pattern 38 comprises the boundary line 60. The first wingtip pattern 36 is forward of and adjacent the second wingtip pattern 38. Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54. The boundary line 60 has a lateral boundary line 60a and a medial boundary line 60b. The lateral boundary line 60a comprises a wing-shaped curved line having a lateral side portion 62a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central portion 64a extending rearward from the upper toe region 32. The medial boundary line 60b comprises a wing-shaped curved line having	
21j. the second area being at least in the upper lateral and medial metatarsal regions,		

	a medial side portion 62b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central portion 64b extending rearward from the upper toe region 32.	
21k. the first area having a rear boundary,	Row 1, Column 5: The first area 52 has a rear boundary 56. Row 9, Column 5: Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54.	

21l. the second area having a forward boundary,	Row 2, Column 5: the second area 54 has a forward boundary 58 Row 9, Column 5: Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54.	
21m. the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;	Row 3, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54.	

21n. attaching the sole to the upper;	Row 48, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.	
21o. the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;	Row 10, Column 6: As such, the upper toe region 32 is seamlessly knitted with the upper medial and lateral ball regions 30a, 30b during the knitting step	

21p. the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;	Row 12, Column 6: the upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region 28 during the knitting step,	
21q. the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;	Row 14, Column 6: the upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting step,	 Figure 5

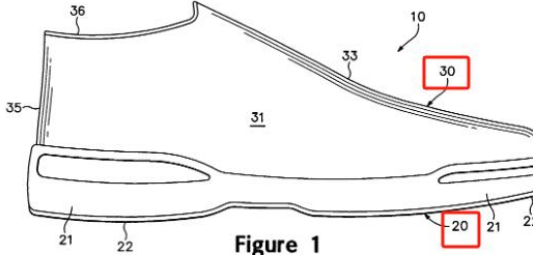
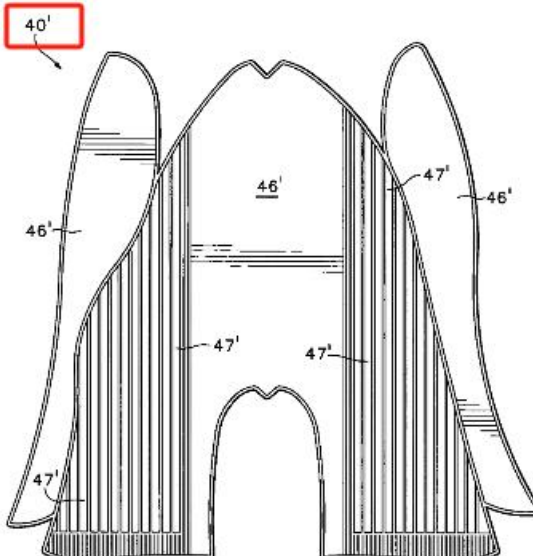
21r. the first and second areas being knitted during the knitting step.	Row 20, Column 6: The knitted element 20 is also knitted with a multiple of different types of knit structures during the knitting step. As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).	
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In conclusion, We believe that our argument the knitted element should be molded in unitary one piece, as been described in claim 21, is reasonable.

3) Based on the analysis and argument above, we will make comparative analysis of Claim 21 and Claim of US patent No. US7347011B2 as following.

PS. The '511 and '163 patents have been filed on the date of 2016-07-08; US patent No. US7347011B2 has been filed on the date of 2004-03-03.

	Exhibit B		
Claim 21 of the US10443163	Reference 1 - US7347011B2		
Claim	Contents of the instructions	Diagram	Conclusion

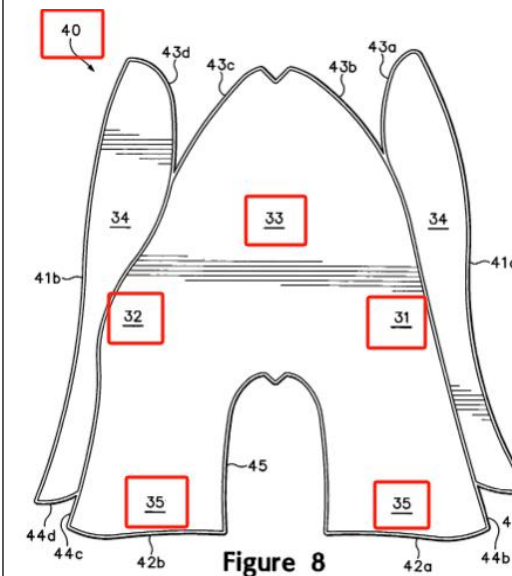
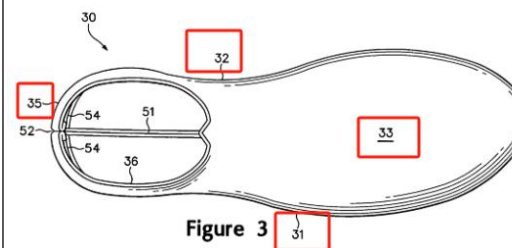
21a. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:	Row 40, Column 4: The primary elements of footwear 10 are depicted in FIG. 1 as being a sole structure 20 and an upper 30. Upper 30 is at least partially formed from a textile element 40 that defines an interior void for comfortably receiving a foot and securing a position of the foot relative to sole structure 20. In some embodiments, textile element 40 may form substantially all of upper 30, or textile element 40 may only be a portion of an upper.	 Figure 1	Technology described in Claim 21 has been publicly disclosed
21b. knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece	Row 35, Column 5: Upper 30 is at least partially formed from textile element 40, which forms regions 31-35, and may also include laces or other elements associated with a conventional upper for footwear. Textile element 40 is a single material element that is formed to exhibit a unitary (i.e., one-piece) construction, and textile element 40 is formed or otherwise shaped to extend around the foot. Row 41, Column 6: Textile element 40 is a single material element with a unitary construction, as discussed above. As defined for purposes of		A one-piece knitted upper is part of Reference 1 .

	the present invention, unitary construction is intended to express a configuration wherein portions of a textile element are not joined together by seams or other connections, as depicted with textile element 40 in FIG. 8. Although the various edges 41a-44d are joined together to form seams 51-54, the various portions of textile element 40 are formed as an unitary element without seams.		
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21c. construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region,

Row 18, Column 5: Upper 30 is depicted in FIGS. 2-7 as having a **lateral region 31**, an opposite **medial region 32**, an **instep region 33**, a lower region 34, and a **heel region 35**. Lateral region 31 extends through a longitudinal length of footwear 10 and is generally configured to contact and cover a lateral side of the foot. Medial region 32 has a similar configuration that generally corresponds with a medial side of the foot. Instep region 33 is positioned between lateral region 31 and medial region 32, and instep region 33 extends over an instep area of the foot. Lower region 34 forms a bottom surface of upper 30 and also extends through the longitudinal length of footwear 10. Heel region 35 forms a rear portion of upper 30 and is generally configured to contact and cover a heel area of the foot.

Row 35, Column 5: Upper 30 is at least partially formed from **textile element 40, which forms regions 31-35**, and may also include laces or other elements associated with a conventional upper for footwear. **Textile element 40 is** a single material element that is formed to exhibit a unitary (i.e., **one-piece**) construction, and textile element 40 is formed



The regions of which separately comprised the one-piece knit molded upper in Reference 1 and the upper heel region, upper lateral midfoot region, upper medial midfoot region, upper metatarsal region, upper lateral ball region, upper medial ball region, and upper toe region in Claim 21 are both the same essential regions of any shoes' upper, which leading to the publicly disclosure of technology

	or otherwise shaped to extend around the foot.		described in Claim 21
21d. the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region,			The inner and outer side regions of which comprised the upper in Reference 1 . And the “upper heel region, upper lateral midfoot

21e. the knitted element having an upper lateral side region and an upper medial side region,			region, upper medial midfoot
21f. the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region,			region, upper metatarsal
21g. the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region,			region, upper lateral ball
			region, upper medial ball region, and upper toe region” in Claim 21 are the same regions, which leading to disclosure of technology described in Claim 21.

21h. the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit,

Row 38, Column 9: Textile element 40'' includes areas with three different textures. A first texture 46'' is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40'' also include a second texture 47'', which is generally rough in comparison with first texture 46''. In addition, the area of textile element 40'' corresponding with instep region 33 includes a third texture 48''. Third texture 48'' is formed to include a plurality of apertures that extend through textile element 40''. The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process.

Row 31, Column 9: Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile.

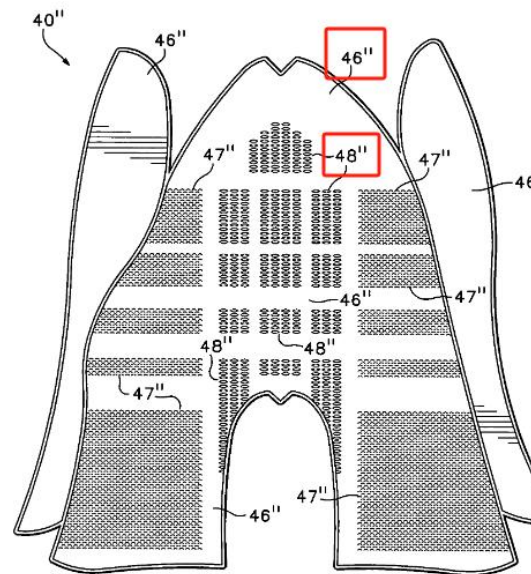
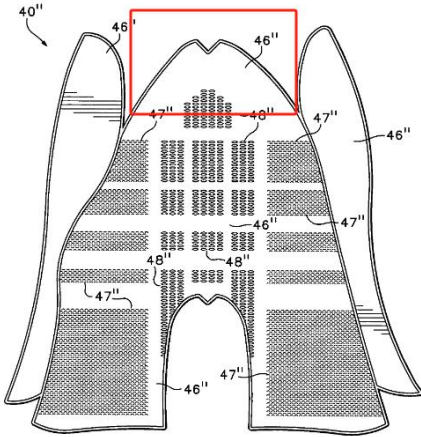
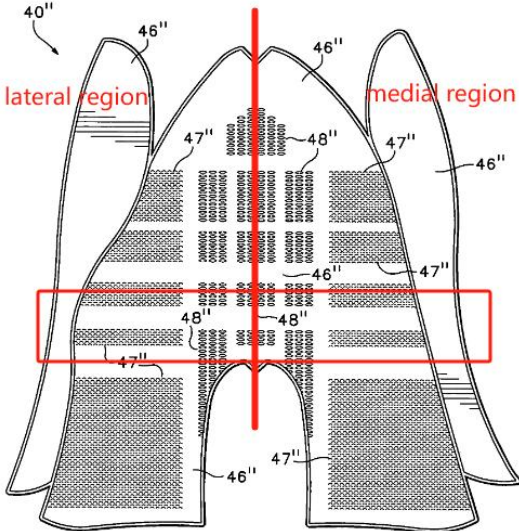
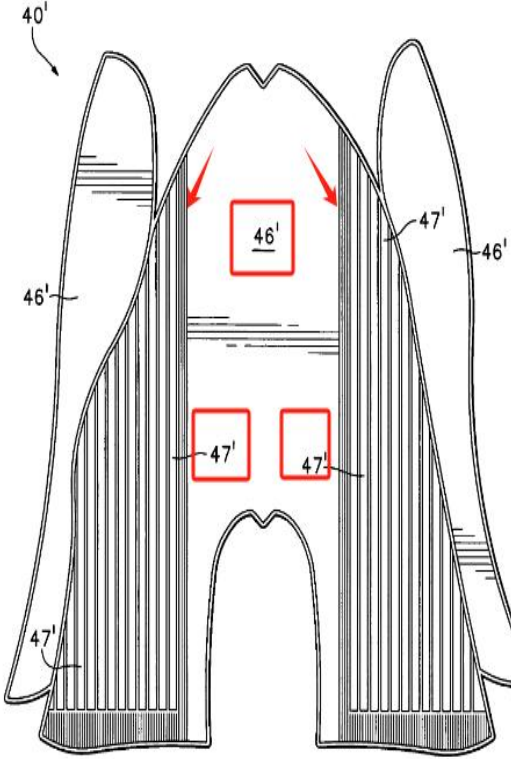
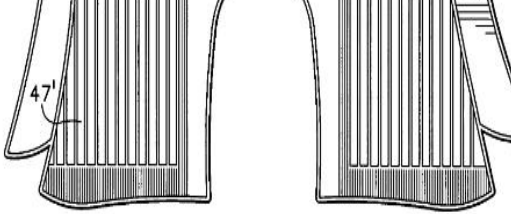


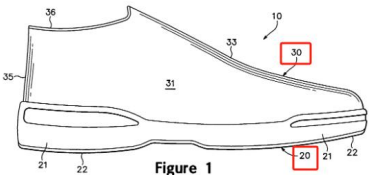
Figure 11

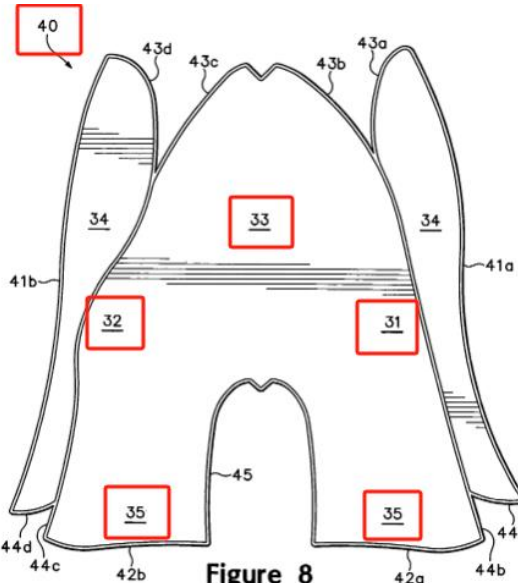
The smooth region 46 in Reference 1 is similar to the “a first area of a jersey stitch knit” in Claim 21, the texture region 48 in Reference 1 is similar to the “a pointelle stitch knit” in Claim 21, which leading to disclosure of technology described in Claim 21.

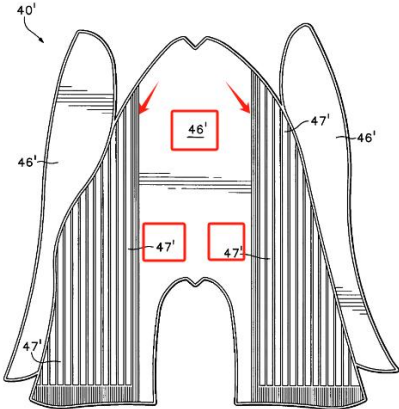
21i. the first area being at least in the upper toe region,	Row 38, Column 9: Textile element 40" includes areas with three different textures. A first texture 46" is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40" also include a second texture 47", which is generally rough in comparison with first texture 46". In addition, the area of textile element 40" corresponding with instep region 33 includes a third texture 48". Textures 46" -48" may exhibit aesthetic differences, or the differences may be structural. The air-permeability of textile element 40" may also vary in the different areas. Third texture 48" is formed to include a plurality of apertures that extend through textile element 40". The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process, and the apertures facilitate the transfer of air between the void within upper 20 and the area outside of upper 20.	 The diagram shows a top-down view of a shoe upper. It is divided into three main texture regions: 46" (smooth, horizontal strips), 47" (rough, cross-hatched), and 48" (pore texture, vertical lines). A red rectangular box highlights the upper toe region, which is primarily composed of texture 46".	The area of smooth texture extending into the entire upper in Reference 1 is similar to the "upper toe region" in claim 21, which leading to disclosure of technology in Claim 21.
21j. the second area being at least in the upper lateral and medial metatarsal regions,	Row 38, Column 9: Textile element 40" includes areas with three different textures. A first texture 46" is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40" also include a second texture 47", which is generally rough in comparison with first texture 46". In addition, the area of textile element 40" corresponding with instep region 33 includes a third texture 48". Textures 46" -48" may exhibit aesthetic differences, or the differences may be structural. The air-permeability of textile element 40" may also vary in the different areas. Third texture 48" is formed to include a plurality of apertures that extend through textile element 40". The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process, and the apertures facilitate the transfer of air between the void within upper 20 and the area outside of upper 20.	 The diagram shows a top-down view of a shoe upper, similar to the one above. It is divided into three main texture regions: 46" (smooth, horizontal strips), 47" (rough, cross-hatched), and 48" (pore texture, vertical lines). A red rectangular box highlights the lateral and medial metatarsal regions, which are primarily composed of texture 46".	The area with the pore texture in Reference 1 is similar to the "inner and outer sides of the upper" in Claim 21, which leading to disclosure of technology in Claim 21.

21k. the first area having a rear boundary,	Row 23, Column 9: Accordingly, textile element 40' exhibits areas with different textures in a single element of textile material. Row 31, Column 9: Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile, rather than two separate elements that are stitched or otherwise joined together. Row 38, Column 9: Textile element 40'' includes areas with three different textures. A first texture 46'' is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40'' also include a second texture 47'', which is generally rough in comparison with first texture 46''. In addition, the area of textile element 40'' corresponding with instep region 33 includes a third texture 48''. The different textures 46'' -48'' are formed by merely varying the type of stitch formed by the wide-tube		The combination with embodiment and the drawings on left has indicated that there are 2 boundaries between distinct regions .
21l. the second area having a forward boundary,	Row 23, Column 9: Accordingly, textile element 40' exhibits areas with different textures in a single element of textile material. Row 31, Column 9: Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile, rather than two separate elements that are stitched or otherwise joined together. Row 38, Column 9: Textile element 40'' includes areas with three different textures. A first texture 46'' is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40'' also include a second texture 47'', which is generally rough in comparison with first texture 46''. In addition, the area of textile element 40'' corresponding with instep region 33 includes a third texture 48''. The different textures 46'' -48'' are formed by merely varying the type of stitch formed by the wide-tube		The combination with embodiment and the drawings on left has indicated that there are 2 boundaries between distinct regions .

21m. the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;	circular knitting machine at each location of textile element 40". Textures 46" -48" may exhibit aesthetic differences, or the differences may be structural. For example, the degree of stretch in areas with textures 46" -48" may be different, or the wear resistance of the areas may vary depending upon the stitch utilized. The air-permeability of textile element 40" may also vary in the different areas. Third texture 48" is formed to include a plurality of apertures that extend through textile element 40". Accordingly, the various stitches formed in textile element 40", or one of textile elements 40 or 40', may be utilized to vary the texture, physical properties, or aesthetics of footwear 10 within a single, unitary element of material.		and the rear boundary of the first area and the forward boundary of the second area are coincident, which leading to disclosure of technology in Claim 21.
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21n. attaching the sole to the upper;	Row 38, Column 9: The primary elements of footwear 10 are depicted in FIG. 1 as being a sole structure 20 and an upper 30. Upper 30 is at least partially formed from a textile element 40 that defines an interior void for comfortably receiving a foot and securing a position of the foot relative to sole structure 20. In some embodiments, textile element 40 may form substantially all of upper 30, or textile element 40 may only be a portion of an upper.	 Figure 1	Technology described in Claim 21 has been publicly disclosed
21o. the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;	Row 18, Column 5: Upper 30 is depicted in FIGS. 2-7 as having a lateral region 31, an opposite medial region 32, an instep region 33, a lower region 34, and a heel region 35. Lateral region 31 extends through a longitudinal length of footwear 10 and is generally configured to contact and cover a lateral side of the foot. Medial region 32 has a similar configuration		The regions comprised the one-piece knit molded upper in Reference 1 and the different region of upper in Claim 21 are the

21p. the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;	that generally corresponds with a medial side of the foot. Instep region 33 is positioned between lateral region 31 and medial region 32, and instep region 33 extends over an instep area of the foot. Lower region 34 forms a bottom surface of upper 30 and also extends through the longitudinal length of footwear 10. Heel region 35 forms a rear portion of upper 30 and is generally configured to contact and cover a heel area of the foot.	 Figure 8	same essential part of any shoes' upper, which leading to disclosure of technology described in Claim 21
21q. the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;	Row 35, Column 5: Upper 30 is at least partially formed from textile element 40, which forms regions 31-35, and may also include laces or other elements associated with a conventional upper for footwear. Textile element 40 is a single material element that is formed to exhibit a unitary (i.e., one-piece) construction, and textile element 40 is formed or otherwise shaped to extend around the foot.		

21r. the first and second areas being knitted during the knitting step.	Row 23, Column 9: Accordingly, textile element 40' exhibits areas with different textures in a single element of textile material. Row 31, Column 9: Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile, rather than two separate elements that are stitched or otherwise joined together.		The one piece knitted upper extended into the entire upper in Reference 1 is similar to the regions in Claims 21, which leading to disclosure of technology in Claim 21.
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5. We also fund that (i) some part of Claim of US patent '511 and '163 may has been disclosed in existing technology mentioned (US 7347011B2), (ii) some part of may Claim of US patent '511 and '163 may be considered as lacking of creativity because of the existence of US patent 7347011B2 and 2312078A according to 35 U.S.C. Section 103.

6. In view of the above, we believe it is practicable to file an invalidation action against the US patent '511 and '163 with the U.S. Federal Court on the grounds that the technology contained in Claim is not novel .Furthermore we are not willing to take such action facilely unless we believe we have no other choice or

method to protect our legal rights and our business has been badly impacted .Instead, we still prefer to negotiate and solve this problem with you in a friendly and harmonious way.

The above is all the replies, thank you very much for your letter.

Very truly yours,

Top Glory Trading Group Inc.

A handwritten signature in cursive script, appearing to read "Carina Cao".

By

Carina Cao



One US Bank Plaza
St. Louis, MO 63101

314 552 6000 main
314 552 7000 fax
thompsoncoburn.com

Alan H. Norman
314 552 6284 direct
anorman@thompsoncoburn.com

January 10, 2024

VIA ELECTRONIC MAIL – legal@mirmiles.com

Carina Cao
Top Glory Trading Group Inc.

Re: Infringement of Cole Haan's Patents (56503-220828)

Ms. Cao:

In your letter of December 25, you assert that the claim constructions of U.S. Pat. Nos. 10,327,511 and 10,443,163 are unreasonably broad, but you provide no reasoning for why such claim constructions are incorrect other than an assertion that such constructions would read on U.S. Pat. No. 7,347,011 (the '011 patent) and/or U.S. Pat. No. 2,312,078 (the '078 patent) and therefore render the '511 and '163 patents invalid. But, as set forth below, Bruno Marc's assertions of invalidity are incorrect and would fail.

First, during the prosecution of the '511 patent, the examiner cited a combination of the '011 patent and the '078 patent as the basis for obviousness rejections in a non-final office action. The examiner withdrew the rejections because, among other things, the combination did not disclose or suggest a "knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions." The '163 patent, which was subsequently issued by the same examiner, contains the same limitation and was issued over the prior art of record, including the '011 and '078 patents. In sum, the '011 and '078 patents, whether considered individually or in combination, do not render the '511 and '163 patents invalid.

Second, because the patents were considered by the examiner during prosecution, both patents are listed under the cited references on the face of both the '511 and '163 patents. Accordingly, the examiner is presumed to have considered such references and any invalidity argument must meet "the added burden of overcoming the deference that is due to a qualified government agency presumed to have properly done its job, which includes one or more examiners who are assumed to have some expertise in interpreting the references and to be familiar from their work with the level of skill in the art and whose duty it is to issue only valid patents." *Shire LLC v. Amneal Pharms., LLC*, 802 F.3d 1301, 1307 (Fed. Cir. 2015). As explained above, Bruno Marc is not able to establish invalidity, let alone establish invalidity under the heightened standard required for invalidity arguments already considered by the United States Patent and Trademark Office.

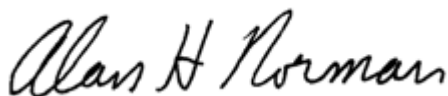
To resolve this matter amicably, Bruno Marc must (1) cease sales of the Men's Casual Shoes Mesh Eco-Friendly Fashion Sneakers, (2) recall any and all of the infringing shoes; (3) provide an accounting of all infringing shoes sold to date and any remaining inventory; and (4) propose how Bruno Marc intends to make Cole Haan whole for these infringements.

Carina Cao
Top Glory Trading Group Inc.
January 10, 2024
Page 2

Please let us know by January 24, 2024, whether Bruno Marc intends to comply with the requirements identified in this letter. Cole Haan reserves its rights to seek all remedies available to Cole Haan.

Very truly yours,

Thompson Coburn LLP

A handwritten signature in black ink that reads "Alan H. Norman". The signature is written in a cursive, flowing style.

By
Alan H. Norman
Partner

Carina Cao
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legal@mirmiles.com

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January 24, 2024

Subject: **reply to letter from Cole Haan LLC.**

Mr. Norman:

Top Glory Trading Group, Inc. (we) as the owner of the Bruno Marc brand and seller of Bruno Marc shoes, what follows is the reply:

1.Firstly, we would like to reply on your understanding of the claims and what we have to stress is that the content of claims 21 of U.S. Pat. 10,327,511 and 10,443,163 patent themselves has explicitly pointed out: **a unitary one-piece construction comprising a knitted upper heel region.**

Claim 21 of the '511 patent:

*21. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:
knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region**, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions;
attaching the sole to the upper;
the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;
the upper medial and lateral ball regions being seamlessly knitted with the upper metatarsal region during the knitting step;
the upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;
the first and second areas being knitted during the knitting step.*

Claim 21 of the '163 patent:

21. A method of manufacturing an article of footwear having

a knitted upper and a sole, the method comprising:

*knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of **a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region**, the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, the knitted element having an upper lateral side region and an upper medial side region, the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region, the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region, the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions, the first area having a rear boundary, the second area having a forward boundary, the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;*

attaching the sole to the upper;

the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;

the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;

the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;

the first and second areas being knitted during the knitting step.

Secondly, the corresponding specification of U.S. Pat. 10,327,511 ,U.S pat 10,443,163 patent also declared that *a unitary one-piece construction comprising a knitted upper heel region:*

Exhibit A	
US10443163	
Claim 21	Contents of the instructions
21a. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:	Row 48, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.
21b. knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region, a knitted upper lateral midfoot region, a knitted	Row 53, Column 3: The knitted element 20 is shown alone in FIG. 5. Row 5, Column 6: By being knitted as a as a unitary one-piece construction , it is to be understood these various regions of the knitted element are formed together via the knitting process, as opposed to the regions being formed

upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region,	separately and then sewn or bonded together. Row 56, Column 3: The knitted element 20 is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted upper heel region 24, a knitted upper lateral midfoot region 26a, a knitted upper medial midfoot region 26b, a knitted upper metatarsal region 28, a knitted upper lateral ball region 30a, a knitted upper medial ball region 30b, and a knitted upper toe region 32.
21c. the knitted upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region,	Row 65, Column 3: The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b.
21d. the knitted element having an upper lateral side region and an upper medial side region,	Row 3, Column 4: The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b.
21e. the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region,	Row 4, Column 4: The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a.

21f. the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region,	Row 8, Column 4: The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper medial ball region 30b, and the upper medial toe region 32b.
21g. the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit,	Row 63, Column 4: The knitted element 20 comprises a first area, generally indicated at 52, of a first type of knit structure and a second area, generally indicated at 54, of a second type of knit structure. Row 32, Column 5: In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. Row 21, Column 6: As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).
21h. the first area being at least in the upper toe region,	Row 3, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54. The second wingtip pattern 38 comprises the boundary line 60. The first wingtip pattern 36 is forward of and adjacent the second wingtip pattern 38. Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines

21i. the second area being at least in the upper lateral and medial metatarsal regions,	of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54. The boundary line 60 has a lateral boundary line 60a and a medial boundary line 60b. The lateral boundary line 60a comprises a wing-shaped curved line having a lateral side portion 62a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central portion 64a extending rearward from the upper toe region 32. The medial boundary line 60b comprises a wing-shaped curved line having a medial side portion 62b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central portion 64b extending rearward from the upper toe region 32.
21j. the first area having a rear boundary,	Row 1, Column 5: The first area 52 has a rear boundary 56. Row 9, Column 5: Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54.
21k. the second area having a forward boundary,	Row 2, Column 5: the second area 54 has a forward boundary 58 Row 9, Column 5: Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54.
21l. the rear boundary of the first area and the forward boundary of the second area being coincident and coextensive with each other and defining a boundary line between the first and second areas;	Row 3, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54.

21m. attaching the sole to the upper;	Row 48, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.
21n. the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;	Row 10, Column 6: As such, the upper toe region 32 is seamlessly knitted with the upper medial and lateral ball regions 30a, 30b during the knitting step
21o. the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;	Row 12, Column 6: the upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region 28 during the knitting step,
21p. the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;	Row 14, Column 6: the upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting step,

21q. the first and second areas being knitted during the knitting step.	Row 20, Column 6: The knitted element 20 is also knitted with a multiple of different types of knit structures during the knitting step. As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).
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Exhibit B	
US10327511	
Claim 21	Contents of the instructions
21a. A method of manufacturing an article of footwear having a knitted upper and a sole, the method comprising:	Row 46, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.
21b. knitting with a knitting machine to form a knitted element of the upper such that the knitted element is of a unitary one-piece construction comprising a knitted upper heel region , a knitted upper lateral midfoot region, a knitted upper medial midfoot region, a knitted upper metatarsal region, a knitted upper lateral ball region, a knitted upper medial ball region, and a knitted upper toe region,	Row 51, Column 3: The knitted element 20 is shown alone in FIG. 5. Row 3, Column 6: By being knitted as a as a unitary one-piece construction, it is to be understood these various regions of the knitted element are formed together via the knitting process, as opposed to the regions being formed separately and then sewn or bonded together. Row 54, Column 3: The knitted element 20 is formed of a unitary one-piece construction during a knitting process on a knitting machine (not shown). The knitted element 20 comprises a knitted upper heel region 24, a knitted upper lateral midfoot region 26a, a knitted upper medial midfoot region 26b, a knitted upper metatarsal region 28, a knitted upper lateral ball region 30a, a knitted upper medial ball region 30b, and a knitted upper toe region 32.

21c. the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region,	Row 63, Column 3: The upper metatarsal region 28 includes a knitted upper lateral metatarsal region 28a and a knitted upper medial metatarsal region 28b.
21d. the knitted element having an upper lateral side region and an upper medial side region,	Row 1, Column 4: The upper 14 has a knitted upper lateral side region 14a and a knitted upper medial side region 14b.
21e. the upper lateral side region including the upper lateral midfoot region, the upper lateral metatarsal region and the upper lateral ball region,	Row 2, Column 4: The upper lateral side region 14a includes the upper lateral heel region 24a, the upper lateral midfoot region 26a, the upper lateral metatarsal region 28a, the upper lateral ball region 30a, and the upper lateral toe region 32a.
21f. the upper medial side region including the upper medial midfoot region, the upper medial metatarsal region and the upper medial ball region,	Row 6, Column 4: The upper medial side region 14b includes the upper medial heel region 24b, the upper medial midfoot region 26b, the upper medial metatarsal region 28b, the upper medial ball region 30b, and the upper medial toe region 32b.

21g. the knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit,	Row 61, Column 4: The knitted element 20 comprises a first area, generally indicated at 52, of a first type of knit structure and a second area, generally indicated at 54, of a second type of knit structure. Row 32, Column 5: In this embodiment, the first type of knit structure is a jersey stitch knit and the second type of knit structure is a pointelle stitch knit. Row 19, Column 6: As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).
21h. the first area being at least in the upper toe region,	Row 1, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54. The second wingtip pattern 38 comprises the boundary line 60. The first wingtip pattern 36 is forward of and adjacent the second wingtip pattern 38. Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54. The boundary line 60 has a lateral boundary line 60a and a medial boundary line 60b. The lateral boundary line 60a comprises a wing-shaped curved line having a lateral side portion 62a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central portion 64a extending rearward from the upper toe region 32. The medial boundary line 60b comprises a wing-shaped curved line having a medial side portion 62b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central portion 64b extending rearward from the upper toe region 32.
21i. the second area being at least in the upper lateral and medial metatarsal regions,	Row 1, Column 5: The rear boundary 56 of the first area 52 and the forward boundary 58 of the second area 54 is coincident and coextensive with each other and define a boundary line 60 between the first and second areas 52, 54. The second wingtip pattern 38 comprises the boundary line 60. The first wingtip pattern 36 is forward of and adjacent the second wingtip pattern 38. Also, the lateral and medial lines of broguing 40a, 40b are adjacent the boundary line 60. As such the lateral and medial lines of broguing 40a, 40b are adjacent the rear boundary 56 of the first area 52, and adjacent the forward boundary 58 of the second area 54. The boundary line 60 has a lateral boundary line 60a and a medial boundary line 60b. The lateral boundary line 60a comprises a wing-shaped curved line having a lateral side portion 62a extending forward from at least the upper lateral metatarsal region 28a to the upper toe region 32, and a central portion 64a extending rearward from the upper toe region 32. The medial boundary line 60b comprises a wing-shaped curved line having a medial side portion 62b extending forward from at least the upper medial metatarsal region 28b to the upper toe region 32, and a central portion 64b extending rearward from the upper toe region 32.

21j. attaching the sole to the upper;	Row 46, Column 3: The shoe 10 comprises a sole, generally indicated at 12, a knit upper, generally indicated at 14, and a welt, generally indicated at 16. The sole 12 and welt 16 are secured to the upper 14.
21k. the upper toe region being seamlessly knitted with the upper medial and lateral ball regions during the knitting step;	Row 8, Column 6: As such, the upper toe region 32 is seamlessly knitted with the upper medial and lateral ball regions 30a, 30b during the knitting step
21l. the upper medial and lateral ball regions being seamlessly knitted with the knitted upper metatarsal region during the knitting step;	Row 10, Column 6: the upper medial and lateral ball regions are seamlessly knitted with the upper metatarsal region 28 during the knitting step,
21m. the knitted upper metatarsal region being seamlessly knitted with the upper lateral and medial midfoot regions during the knitting step;	Row 12, Column 6: the upper metatarsal region is seamlessly knitted with the upper lateral and medial midfoot regions 26a, 26b during the knitting step, the upper metatarsal region including an upper lateral metatarsal region and an upper medial metatarsal region, 26a, 26b,

21n. the first and second areas being knitted during the knitting step.	Row 18, Column 6: The knitted element 20 is also knitted with a multiple of different types of knit structures during the knitting step. As described above, the first area 52 is of the first type of knit structure (e.g., jersey stitch knit) and the second area 54 is of the second type of knit structure (e.g., pointelle stitch knit).
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In summary, ,our assertions are correct . Considering the Claim 21 of U.S. Pat. 10,327,511 and 10,443,163 patent protects “ a unitary one-piece construction comprising a knitted upper heel region.”,while the upper heel region of our shoes is not a part of a unitary one-piece construction ,there is no infringement happened as you asserted .

2. We are convinced that based on Comparative Document 1 US7347011B2 we may at least invalidate the independent claim 21 of U.S. Pat. 10,327,511 and 10,443,163 patent.

Regarding to your point that: “knitted element comprising a first area of a jersey stitch knit and a second area of a pointelle stitch knit, the first area being at least in the upper toe region, the second area being at least in the upper lateral and medial metatarsal regions.”

We are sure that there is corresponding description in the comparative document 1 US7347011B2 is as follows.

Row 38, Column 9: Textile element 40 " includes areas with three different textures. A first texture 46 " is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40 " also include a second texture 47 " , which is generally rough in comparison with first texture 46 " . In addition, the area of textile element 40 " corresponding with instep region 33 includes a third texture 48 " .Third texture 48 " is formed to include a plurality of apertures that extend through textile element 40 " . The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process.

Row 31, Column 9: Textile element 40' also exhibits smooth and textured areas. In contrast with the conventional upper, however, first texture 46' and second texture 47' are incorporated into a single, unitary element of textile.

Row 38, Column 9: Textile element 40 " includes areas with three different textures. A first texture 46 " is generally smooth and has the configuration of various strips that extends laterally across areas corresponding with lateral region 31, medial region 32, and instep region 33. Various portions of textile element 40 " also include a second texture 47 " , which is generally rough in comparison with first texture 46 " . In addition, the area of textile element 40 " corresponding with instep region 33 includes a third texture 48 " . Textures 46 " -48 " may exhibit aesthetic differences, or the differences may be structural. The air-permeability of textile element 40 " may also vary in the different areas. Third texture 48 " is formed to include a

plurality of apertures that extend through textile element 40 ". The apertures may be formed by omitting stitches at specific locations during the wide-tube circular knitting process, and the apertures facilitate the transfer of air between the void within upper 20 and the area outside of upper 20.

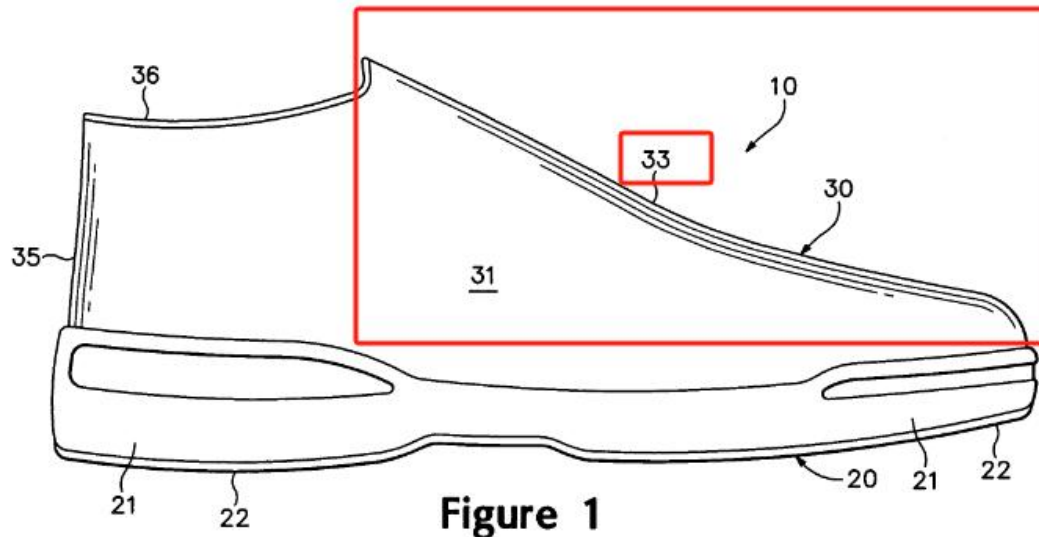


Figure 1

There is at least 2 areas of the knit upper which described in '511 and '163 patents are overlapped in Comparative Document 1.

One of area is "A first texture 46" which textured with relatively smooth texture, corresponding to "a first area of a jersey stitch knit" of claim 21 of the '511 and '163 patents.

another area is "Third texture 48," which textured with plurality of apertures, corresponding to "a pointelle stitch knit" in claim 21 of the '511 and '163 patents.

Because the area of A first texture 46 in Comparative Document 1 extends across the entire upper 33, and thus overlap "the first area being at least in the upper toe region" as described in claim 21 of the '511 and '163 Patents ".

And the area of "Third texture 48" in Comparative Document 1 across the upper and lined up on both the inner and outer sides of the upper. Therefore, it also overlap "the second area being at least in the upper lateral and medial metatarsal regions."as described in claim 21 of the '511 and '163 Patents .

In summary, each of features of claim 21 of the '511 and '163 patents can be found in Comparative Document 1, (the rest part of the analysis has been elaborated in the previous response, thus will not be repeated here), so we can reach the conclusion that claim 21 is not novel.

3. Additionally, We have noticed that

- (i) the independent claim 1, independent claim 13, and independent claim 18 of the '163 patent all protect the upper with a wingtip pattern.
- (ii) independent claim 1 of the '511 patent protects the upper with a wingtip pattern.
- (iii) independent claim 17 and independent claim 20 of the '511 patent all protect the upper with the line of broguing.

However, Our products use no wingtip pattern and no brogue line. So there is no infringement of these above independent claims and dependent claims happened.

4. To summary, in the first place there is no infringement of the '511 and '163 patents happened because the heel of our product is not molded in one piece; in the second place the patent rights of claim 21 of the '511 and '163 patents are unstable.

The above is all the replies, thank you very much for your letter.

Very truly yours,
Top Glory Trading Group Inc.

A handwritten signature in cursive script that reads "Carina Cao".

By
Carina Cao