

UNITED STATES TARIFF COMMISSION

PANTY HOSE

**Report to the President on
Preliminary Inquiry into Complaint
Under Section 337 of the Tariff Act of 1930**



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UNITED STATES TARIFF COMMISSION

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Introduction

On January 30, 1970, Tights, Inc., of Greensboro, North Carolina, hereinafter referred to as complainant, filed a complaint with the United States Tariff Commission requesting relief under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose. Complainant alleged that its United States Patent Number Re. 25,360 1/ covers panty hose made with a U-shaped seam, and that the importation and sale of such panty hose by Charles Department Store, Asheboro, North Carolina, Brown Hosiery, New York, New York, and Lovable, Atlanta, Georgia, among others, hereinafter referred to as respondents, have the effect or tendency to destroy or substantially injury an efficiently and economically operated industry in the United States. Since the filing of the complaint, Lovable has signed a licensing agreement with complainant, and, therefore, is no longer a respondent.

Notice of receipt of the complaint and the initiation of the preliminary inquiry was published in the Federal Register (35 F.R. 3139-40), February 18, 1970. Interested parties were given until April 1, 1970, to file written views pertinent to the subject matter. Upon written request of Lovable, one of the named respondents, the Commission extended the time for filing written views until June 1, 1970. Copies of the complaint, the notice of investigation and the extension of time for filing

1/ A copy of the patent is attached as Appendix.

written views were served upon all known interested parties. Response to the public notice was meager; only one producer and one selling agent for domestic panty hose submitted views.

The Commission conducted a preliminary inquiry, in accordance with section 203.3 of the Commission's Rules of Practice and Procedure (19 C.F.R. 203.3) to determine whether a full investigation is warranted and, if so, whether it should recommend to the President that a temporary exclusion order be issued pursuant to 19 U.S.C. 1337(f). The standard adopted by the Commission for deciding whether the issuance of such an order should be recommended (as indicated to the parties by letter notice) is whether the complainant has made a prima facie showing of violation of the provisions of section 337 of the Tariff Act of 1930, and whether in the absence of a temporary order of exclusion, immediate and substantial injury would be sustained by the domestic industry involved.

Findings and Recommendations of the Commission

Upon conclusion of its preliminary inquiry the Tariff Commission, on October 15, 1970, ordered a formal investigation and agreed to recommend to the President that he issue a temporary exclusion order to forbid entry into the United States, except under bond, of panty hose embraced within the claim of U.S. Patent No. Re. 25,360 except where the importation is made under license of the registered owner of said patent, until the investigation ordered is completed. The

Commission was unanimous 1/ in ordering the formal investigation; Presiding Commissioner Sutton dissented from the recommendation that the President issue a temporary exclusion order.

Statement of Commissioners Clubb, Leonard, and Moore

On the basis of the facts obtained in the preliminary inquiry, we conclude that a prima facie showing of violation of section 337 has been established and that failure of a temporary exclusion order to issue would result in immediate and substantial harm to the complainant.

Section 337(a) of the Tariff Act in relevant part declares unlawful:

Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States

Patent infringement as an unfair method of competition

The Commission has uniformly held that patent infringement by itself is an unfair method of competition under section 337. 2/ The

1/ Commissioner Young did not participate in this decision because he was not a member of the Commission when the determination was made.

2/ Synthetic Phenolic Resin, U.S. T.C. Inv. No. 316-4 (1927); Coilable Metal Rules and Holders, U.S.T.C. Inv. 337-8 (1935). In this latter case the Commission said: "The unlicensed importation into the United States of articles produced according to the terms of United States patents constitutes an unfair method of competition in violation of section 337."

issue was settled by the Commission's reviewing court in Synthetic Star Sapphires, U.S.T.C. Inv. No. 337-13 (1954), aff'd. sub nom, In re Von Clemm, 229 F. 2d 441 (C.C.P.A. 1955). Since then the Commission has uniformly held that patent infringement alone is an unfair method of competition under section 337. 1/

Complainant, Tights, Inc., is the owner of United States Patent Number Re. 25,360, and the Commission has been directed by the Court

1/ In Self-Closing Containers (Squeeze-Type Coin Purses), U.S.T.C. Inv. No. 337-18 (1962), the Commission stated: "If an article manufactured in a foreign country is made in accordance with, embodies, employs, or contains the invention disclosed in a current United States patent that has not been held invalid by a court of competent jurisdiction, it is an unfair method of competition or unfair act, within the meaning of section 337 of the Tariff Act of 1930, to import such an article into the United States or sell it domestically without license from the registered owner of the patent. This determination is in accord with the applicable decisions of the United States Court of Customs and Patent Appeals. See, In re Von Clemm, 229 F. 2d 441, 443. (1955); In re Orion Co., 71 F. 2d 458, 465 (1934); and In re Northern Pigment Co., 71 F.2d 447, 455 (1934). See also, Frischer & Co., Inc. v. Bakelite Corp., 39 F 2d 247 (1930).

of Customs and Patent Appeals to treat a certified patent as prima facie evidence of validity of the patent. 1/

Injury

The standard adopted by the Commission for determining whether a temporary exclusion order should be recommended (as indicated to the parties by letter notice) is: "whether complainant has made a prima facie showing of violation of section 337 and whether, in the absence of a temporary order of exclusion, immediate and substantial harm would be sustained." Since the Commission's "immediate and substantial harm" standard is more stringent than the injury standard set forth in the statute which requires only "the . . . tendency . . . to . . . substantially injure," it follows that if the Commission's standard is met, the less stringent standard of the statute must also be met.

1/ In Frischer & Co. v. Bakelite Corp., 39 F 2d 247, 258 (1930), the court said: "In short, when the complainant introduced its certified patents in evidence, they should have been treated as prima facie evidence of their validity. Lehnbeuter v. Holthaus, 105 U.S. 94, 96, 26 L. Ed. 939; Fenton Co. v. Office Spec. Co., 12 App. D.C. 201, 216; Consol Con. Co. v. Hassam Pav. Co. (C.C.A.) 227 F. 436; R.R. Supply Co. v. Hart Steel Co. (C.C.A.) 222 F. 261, 274. If no such patents had been in fact issued, or if they had by their terms expired, or if some court of competent jurisdiction, whose judgment would be binding upon the Commission, had held them to be invalid, and such facts had been shown, these circumstances might have been considered by the Commission, if existence of the patents were material to the inquiry. This, however, in our judgment, was as far as the Commission could legally go in this respect. As no denial was made by respondents as to the issuance of the patents in question and no attack made upon them except that they were improvidently issued, they should have been treated as valid by the Commission."

An examination of the facts known to the Commission evidences immediate and substantial harm being sustained by Tights, Inc. Since sometime prior to the filing of its complaint with the Commission, Tights, Inc., has actively sought to license any and all domestic production and importation of panty hose made in accordance with the claims of its patent at a royalty of two cents per dozen; but it and the Commission have encountered difficulty in even determining who the importers of the subject panty hose are because the manufacturers and importers are not required to disclose their names on the panty hose or on the packages in which the product is contained.

In addition, Tights, Inc., and its licensees are harmed 1/ because the licensees are placed at an economic disadvantage in competing with imports which are not paying the stipulated royalties. Kayser-Roth Corporation (the complainant's largest single licensee at the time the complaint was filed) cancelled its license agreement, effective August 1, 1970, and cited as a prime reason for cancellation the flood of unauthorized merchandise being imported into this country which put licensees who were paying the stipulated royalties at a competitive disadvantage.

Another example of the immediate and substantial harm being sustained by Tights, Inc., because of the unauthorized importation and sale of panty hose made in accordance with the claim of its

1/ Licensees legally entitled to manufacture and sell the patented article are considered part of the "industry . . . in the U.S." See Ampicillin, U.S.T.C. Inv. No. 337-24 (November 1970), p. 14.

patent is the apparent loss of another licensee, Chadbourn, Inc. In its answer to a suit filed October 27, 1970, in the North Carolina General Court of Justice, Superior Court Division, by Tights, Inc., Chadbourn, Inc., contends it no longer must pay royalties because of a clause in the licensing agreement, discharging a licensee from the obligation to pay royalties if Tights, Inc., is unable to either license or bring suit against an infringer within ninety days after learning of the infringement.

It is assumed that if a temporary exclusion order were granted, the importers of the subject panty hose would fully present their case before the Commission in the full investigation. In the absence of a temporary exclusion order, however, we anticipate that the importers will sit back as they did during the preliminary inquiry, hoping that by remaining unknown they will not be subjected to a patent infringement action or to an exclusion order. In the meantime, Tights, Inc., will be faced not only with unlicensed imports, but also with losses of royalty-paying licensees who refuse to continue the royalties when their position in the market is being eroded by the imports.

Conclusion

In view of the foregoing, we believe that it is desirable for the President to issue a temporary exclusion order to prevent further injury to the complainant.

Statement of Presiding Commissioner Sutton

I do not concur with the recommendation for the issuance of a temporary exclusion order in this case. The information obtained in the preliminary inquiry does not establish who imports the product (i.e., panty hose made with a U-shaped seam embraced within the claim of U.S. Patent No. Re. 25,360) and in what quantity.

Not only is the record of the preliminary inquiry sketchy and inadequate for the purpose of making a determination, but no opportunity was given persons adversely affected to air their views in a public hearing. In the absence of unusual circumstances, it is my view that affirmative action of the type contemplated by section 337, with the serious consequences that would follow from the exclusion of merchandise from entry into the United States, should not be taken without reasonable opportunity being provided for persons adversely affected to be heard.

- Alleged Unfair Methods of Competition and Unfair Acts and
 - The patent under consideration is United States Patent Number
 Reissue 25,360 owned by the complainant. This product patent was
 originally issued March 18, 1958, and it expires in March 1975. Com-
 plainant alleges that its patent specifically covers all panty hose
 manufactured with a U-seam rather than those with a separate crotch
 piece, and that said patent is being infringed by the importation
 into, and sale in the United States, of such panty hose.

Complainant is a corporation engaged in the business of
 granting licenses for the production and/or sale of panty hose
 made in accordance with the claims of its patent. On October 22,
 1970, the complainant had 14 licensees who were domestic producers
 and/or importers of the patented product. These licensees are
 Chadbourn, Inc., Hanes Corporation, Hanes of Canada, Ltd.,
 Wiscasset Mills Co., Sew Special, Inc., Morganton Hosiery Mills,
 Inc., Variety Knitting Co., Rice Hosiery Corporation, RBR Manu-
 facturing Corporation, Pretty Polly, Ltd., Hamilton Lingerie Co.,
 Ltd., The Lovable Company, Dependable Marketing Agency, Ltd., and
 Bear Brand Hosiery Co. The complainant has no production facilities.

Kayser-Roth Corporation, a licensee when the complaint was
 filed, cancelled the licensing agreement effective August 1, 1970.
 Complainant instituted a patent infringement action against Kay-
 ser-Roth, on August 20, 1970, in the United States District Court

for the Middle District of North Carolina. In a letter to complainant giving notice of its intent to cancel the license agreement, Kayser-Roth stated that the flood of unauthorized merchandise being imported into this country at a competitive advantage over domestic producers who are paying complainant royalties was one of the prime reasons for cancelling the license agreement. Kayser-Roth has continued domestic production of U-seam panty hose after cancelling the agreement; it is not an importer.

Complainant had previously instituted a patent infringement action against Acme-McCrary Corporation, a domestic producer of panty hose, on December 16, 1969, in the United States District Court for the Middle District of North Carolina. On July 21, 1970, an order was issued denying defendant's motion for summary judgment of invalidity of the patent. The suit is presently in the discovery stage.

The patent in question is also involved in two state court actions in the North Carolina General Court of Justice, Superior Court Division for the County of Guilford. Tights, Inc. v. Indian Head Hosiery Company, a Division of Joseph Bancroft & Sons Co. was filed in December 1968, and it is set special for trial March 29, 1971. Tights, Inc. v. Chadbourn, Inc. was filed October 27, 1970, and it is presently in the discovery stage.

Determination of the identity of the potential respondents in this case has proven difficult for complainant. Complainant and its licensees have purchased at various stores imported panty hose with U-shaped seams which allegedly infringe the patent. The information on the packages does not include the names of the importers and/or consignees in the United States. The only identification is a registration identification number. The Federal Trade Commission, however, will not release to the public names of the holders of such registered identification numbers.

Description and Uses

Panty hose are a garment for women and girls which are used in lieu of separate panties and hose. Panty hose became popular with the advent of the miniskirt.

Panty hose are made in numerous styles and grades. They differ in the types and sizes of yarns used, the closeness or openness of the knit construction, and the method of assembly.

Many panty hose are made from two elongated "stockings" known as panty hose blanks, which usually are produced on a circular hosiery machine. The stockings are slit from the top part-way down the leg and the cut edges are sewn together to form the top or panty portion of the garment. In the patented method, the two slit stocking blanks are joined by a continuous U-seam from the front, through the crotch, and up the back. In other methods, a diamond-shaped gusset or triangular back panel is inserted between the slits in the two "stockings." These panels are claimed by some producers and importers to provide better fit and comfort than the U-seam method.

Panty hose are also made by attaching (either permanently or on a replaceable basis) the hosiery portion to preexisting panties; they are also made by a single knitting operation, without any seams, on machines different from those used in knitting the panty hose blanks.

U.S. Tariff Treatment

Panty hose are imported under TSUS classification item number 382.78, "Other women's, girls', or infants' wearing apparel, not ornamented, of man-made fibers, knit." The current rate of duty is

25 cents per pound + 32.5 percent ad valorem. The average ad valorem equivalent of the rate was 37.1 percent for imports in 1970. The rate of duty was not reduced in the Kennedy Round.

U.S. Producers

Complete information is not available to the Commission to indicate which domestic firms produce U-seam panty hose. Panty hose are a product of the women's branch of the hosiery industry. There were about 376 U.S. plants that produced women's seamless hosiery and about 233 U.S. plants that produced children's hosiery in 1970, but only about 72 of them were listed in a trade directory as producers of panty hose. It is believed, however, that many more plants began the production of panty hose in 1969 and 1970. The women's full-length hosiery industry has experienced many changes in recent years which has necessitated the installation of the most modern manufacturing equipment and processing methods in order to keep efficient and operate economically.

Official statistics of the U.S. Department of Commerce for 1968 show the following data concerning industry 2251, "Women's hosiery except socks":

All employees-----	thousand--	65
Payroll-----	million dollars--	276
Value of shipments of		
all merchandise-----	do-----	1,012

U.S. Production

Panty hose began to be popular in 1966. It is estimated that between 4 million and 5 million dozen panty hose and tights were produced in 1967. In 1968, the first year that data on production were separately reported, about 17 million dozen were produced; output increased to 60.2 million dozen in 1969 and to 78.2 million dozen in 1970.

Royalties were first collected by Tights, Inc., in 1969, when they received royalties on about 4.8 million dozen of the 60.2 million dozen produced in the United States.

U.S. Imports

Data are not available on U.S. imports of U-seam panty hose. Data on the combined imports of panty hose and tights of all types first became available beginning in January 1970 when TSUSA item 382.7881 was established to separate them from certain miscellaneous apparel. U.S. imports of all types of panty hose and tights including blanks in 1970 were as follows: 1/

Quantity-----dozen--	7,759,049
Value-----	\$25,553,015

1/ Data include imports into Puerto Rico which, according to customs officials there, are all panty hose blanks with no seaming yet performed. Such imports in 1970 amounted to 3,161,818 dozens, valued at \$7,540,549. These panty hose, after seaming and other finishing operations, are assumed to become part of the domestic production. Total U.S. imports for 1970 may contain additional quantities of these panty hose blanks imported through ports other than Puerto Rico.

Imports of panty hose and tights, including blanks, were equivalent to 9 percent of domestic consumption in 1970. 1/

The imports of U-seam panty hose would, of course, be a portion of imports in 1970 or earlier years. Data on such imports, if available, would include merchandise on which royalties were paid, as well as merchandise imported by unlicensed importers.

Based on an analysis of entries, about 180 firms imported panty hose in 1970. The importing firms included department and specialty stores, large and small domestic producers of panty hose, and firms engaged solely in importing.

The imports of panty hose in 1970 were predominantly from West Germany, Israel, and France.

Sales and Prices

Data on sales and wholesale prices of domestically produced and imported U-seam panty hose are not available. The prices of panty hose have an extremely wide range as evidenced by retail prices ranging from about 49 cents a pair to about \$10.

1/ Consumption being production plus imports; data on U.S. exports of panty hose and tights are not available.

APPENDIX

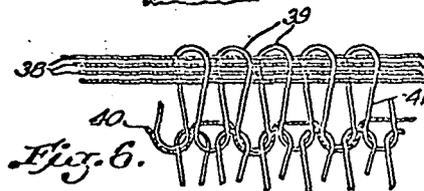
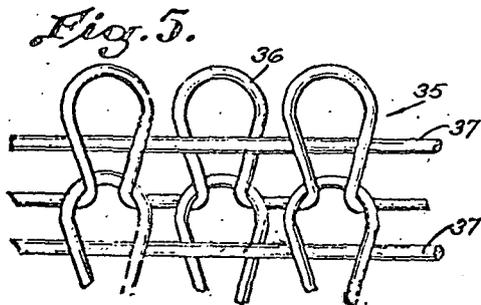
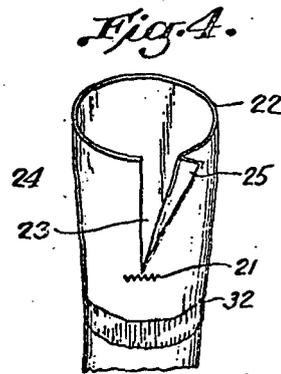
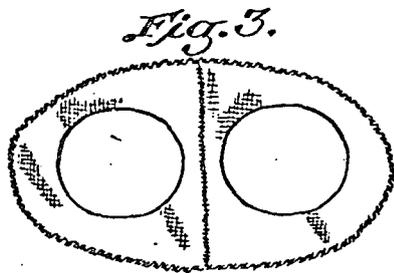
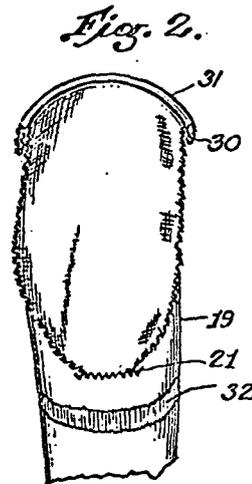
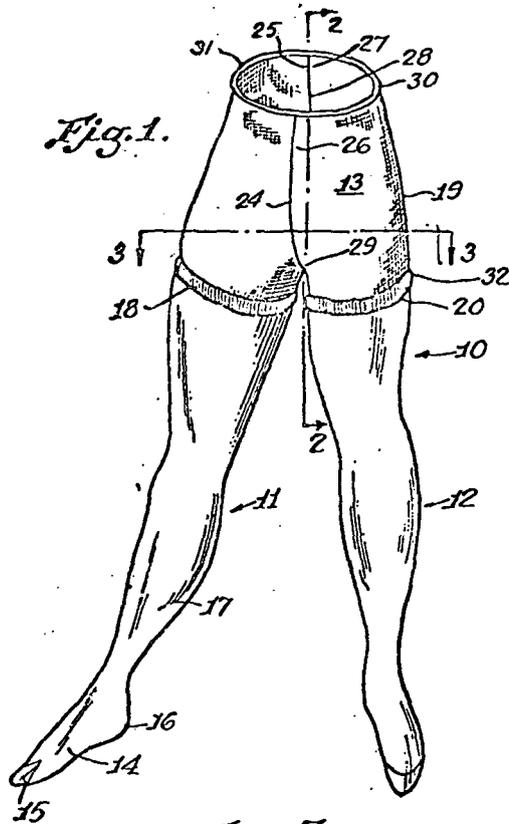
March 26, 1963

E. G. RICE

Re. 25,360

COMBINATION STOCKINGS AND PANTY

Original Filed Nov. 9, 1956



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25,360

COMBINATION STOCKINGS AND PANTY

Ernest G. Rice, High Point, N.C., assignor to Tightpat, Inc., Greensboro, N.C., a corporation of North Carolina

Original No. 2,826,760, dated Mar. 18, 1958, Ser. No. 621,464, Nov. 9, 1956. Application for reissue Mar. 18, 1958, Ser. No. 724,220

1 Claim. (Cl. 2—224)

Matter enclosed in heavy brackets [] appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions made by reissue.

The present invention relates to ladies' knitted articles and more particularly to a combination garment in which a pair of stockings and underpants are unitarily formed.

Separate garter belts or hosiery supporter attachments to ladies' foundation garments are necessary in order to provide a fastening means for the welt of a stocking to retain a stocking in a taut condition while on the wearer's leg. Frequently snags or runs are produced in the stockings by improper garter fastening means or by occasional adjustment to the stockings.

It is an object of this invention to provide a unitary garment which includes a pair of stockings and a pair of underpants that eliminates the need for garter attachments and belts.

Another object of this invention is the provision of a combination garment which includes a pair of ladies' seamless stockings and a panty formed together with the stockings.

Yet another object of the present invention is the provision of a unitary knitted panty-stockling garment in which the panty portion may be separated from the stockings when the stockings are to be discarded.

Still a further object of this invention is the provision of an economical combination garment which garment includes a pair of seamless stockings and a panty girdle.

The present invention contemplates a combination garment in which a pair of circular knit seamless stockings, preferably of nylon, having foot, leg and individual welt portions is integrally combined with an upper enlarged tubular or welt section that is knit as a continuation of the stocking welts to form a pair of underpants having a crotch portion therebetween.

Other and further objects and many of the attendant advantages of this novel garment combination will become more readily apparent as the invention becomes better understood from the following detailed description taken in conjunction with the accompanying drawings in which like characters of reference designate corresponding parts throughout the several views, and wherein:

FIG. 1 is a front perspective view of one embodiment of the combination stocking-panty garment of the present invention;

FIG. 2 is a partial transverse sectional view taken substantially along the plane of section line 2—2 of FIG. 1;

FIG. 3 is a transverse sectional view taken substantially along the plane of section line 3—3 of FIG. 1;

FIG. 4 illustrates the top portion of a single stocking with an elongated welt having a partial longitudinal slit therein;

FIG. 5 is a greatly enlarged view of a knitted fabric for the upper portion of the garment having elastic yarn laid into the knitted fabric without interknitting with the loop stitches; and

FIG. 6 is a greatly enlarged view of a modified knitted fabric for the upper portion of the garment in which the top loops have a plurality of elastic yarns laid in a course of stitches without interknitting and a course having a single elastic yarn interlaced with the loop stitches.

Referring to the drawing and more particularly to FIG.

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1 there is illustrated a combination garment 10 in which individual ladies' stockings 11 and 12 are provided with the upper portions of the stockings united so as to form a pair of underpants 13. The invention will be described specifically with reference to a preferred embodiment, however, it is to be understood that it is not intended in any limitative sense. The stockings 11 and 12 are conventional seamless sheer stockings, preferably formed of nylon yarn, produced on a standard "400" needle circular knitting machine. Each stocking is constituted by a foot portion 14, preferably having reinforced toe and heel pockets 15, 16, respectively, a leg portion 17, a lower welt portion 18 and an upper elongated welt portion 19. Customarily a 15 denier continuous monofilament nylon yarn is used to form the sheer portion of the stocking and 30 denier yarn is desirable for use in combination with the 15 denier yarn in those regions where reinforcement is desirable including the lower welt portion 18. However, finer or coarser yarn may be employed at various knitted positions in the knitted fabric. Furthermore, it is also contemplated that stretch nylon yarn may also be employed to knit each of the stockings throughout.

The upper elongated welt portion 19 is preferably knit on the same circular knitting machine as the leg of the stocking with a plied multifilament yarn, such as 70 or 100 denier. Yarn in the elongated welt portion 19 may be of stretch nylon type, if desirable, or of one of a combination knitted constructions as will be described hereinafter. In the fabrication of the tubular knitted fabric, the welt is formed in the usual manner as is the remainder of the stocking with the exception that the upper welt portion is considerably longer than a conventional welt.

Upon completion of the tubular fabric constituting a single stocking, a transverse seam or line of sewing stitches 21 is sewn in the stocking on the inside portion of the leg with the stitches being in spaced relation to the welt 22. By making the stitches in the sewn line 21 sufficiently small to catch the knitted loops a run and ravel in the fabric may be eliminated at the juncture between the flaps. A longitudinal cut 23 is then made in the welt of the fabric which cut extends just short of the transverse stitches 21 thereby dividing the top welt portion of a right leg stocking 11 into a front and a rear flap 24 and 25, respectively, and the top welt portion of a left leg stocking 12 is divided in front and rear flaps 26 and 27, respectively.

A pair of stockings, one right and one left leg, in which the elongated welts are slit may be placed together in the correct oriented position with the front flaps 24 and 26 and the rear flaps 25 and 27 of the stockings placed together and the exposed flap sides sewn together by a continuous seam 28. The seam 28 forms a U-shaped configuration in end view, as more clearly illustrated in FIG. 2, for securing the two stocking welts together along the cut portions to form a single enlarged welt at the top of the stockings that resembles a pair of underpants or a panty. As will be apparent, the perimeter of the single welt for panty portion will be equal substantially to twice the perimeter of the tubular welt portion at the corresponding position of measurement.

The medial portion 29 of the seam 29 formulates a crotch area of the panty above the welt line 20. Obviously, a reinforced panel may be sewn to the crotch area, if necessary. Thus each elongated welt 19 provides a half-panel for the panty portion of the garment which panel reaches from the front center portion of the front of the garment to the center portion at the rear of the garment. A woven elastic tape 30 is sewed adjacent to the top edge 31 of the panty portion to provide the requisite elasticity for the top of the garment.

It has been found desirable to provide a circumferential seam 32 for each of the stockings 11 and 12 sufficiently

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below the terminal point of the longitudinal slit 23, as shown in FIGS. 1, 2 and 3. When the garment is provided with the seams 32 the stockings, when no longer serviceable, may be separated, as by cutting below the seam 32, from the panty portion of the garment and discarded. The seam 32 will reduce the possibility of runs occurring from the selvage remaining below the seam.

Although stretch nylon yarn from 70 to 100 denier has been employed in the elongated welt portions of the stockings, and found to be satisfactory, inelastic yarns may be employed with very satisfactory results. It is also contemplated that with an inelastic yarn being fed to the needles in the usual manner, added elasticity may be provided in the upper welt fabric by either knitting or laying in without interknitting a highly elastic yarn into the fabric at selected courses or in all the courses of the welt knitted fabric.

As illustrated in FIG. 5, the knitted fabric 35 for the upper welt may be formed in the usual manner with an inelastic yarn forming the loops 36 with an interlaid highly elastic strand 37 placed in each course, alternating in front of one wale and to the rear of the next wale. Obviously, the number of wales and the sequence for the elastic yarn distribution may be varied as well as the number of strands which are to be interlaid in each course. It may be desirable to include several courses of the fabric illustrated in FIG. 5 intermediate the length of each stocking above the knee to provide an added means for supporting each stocking.

A modified treatment of the highly elastic fabric is illustrated in FIG. 6 in which a plurality of highly elastic yarns 38, under suitable tension, are laid in the initial course of the selvage edge loops 39 and retained therein without interknitting with the loops as performed in a recognized manner. The elastic yarn 40 in the tubular fabric is laid in under tension without interknitting with the loops 41 by interlacing engagement with the loop stitches in alternate needle wales and passed behind the loops in the intermediate needle wales. The extent of insertion of the highly elastic yarn may vary from several courses at the band or top of the garment to a full highly elastic fabric in the upper welt portion. Obviously, other knitted structures are contemplated in which highly elastic yarns or strands may be employed in this combination garment to form a highly elastic band member as well as a highly elastic panty.

It will be appreciated that upon making the longitudinal cut in the welt of each stocking there may be a

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tendency for the interlaid highly elastic yarn to pull out, however, adequate relaxation of the elastic strands and frictional engagement with the knitted loop structure prevents the cut ends from contracting. Upon sewing the flaps together the cut elastic strand ends are gathered within the seam and will not pull out.

Obviously many modifications and variations may be made in the construction and arrangement of the upper welt portions of the stockings to form the underpants of the combination garment as well as a transfer operation of the pair of stockings to obtain a variation of the fabric for the upper portion in the light of the above teachings without departing from the real spirit and purpose of this invention. It is, therefore, to be understood that within the scope of the appended claim many modified forms of knitted structure may be reasonably included and modifications are contemplated.

What is claimed is:

A combination panty and stocking formed from circularly knit fabric comprising a pair of stockings of seamless knit construction having foot, leg and welt portions, said welt portions being knit of stretchable yarn and adapted to extend above the knee to the waist of the wearer, said welts each having a longitudinal [seam] slit intermediate the front and rear of the stocking, said first and second stockings being oriented to position the longitudinal [seams] slits adjacent each other, and a seam binding the corresponding front and rear edges formed by the longitudinal slits to form a U-shaped seam intermediate a single enlarged welt and defining the panty.

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