

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LULULEMON ATHLETICA CANADA INC.
AND LULULEMON USA INC.
Petitioner,

v.

NIKE, INC.
Patent Owner.

Patent No. 9,259,615

Inter Partes Review No. IPR2023-00349

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S HEARING
DEMONSTRATIVES**

Petitioner lululemon athletica canada inc. and lululemon usa inc. (collectively, “lululemon”) objects to demonstratives submitted by Patent Owner Nike, Inc., in the above-captioned proceeding. Petitioner met and conferred with Patent Owner, but the parties were unable to resolve the following dispute:

- Patent Owner’s Demonstrative **Slide 71** contains new argument: Patent Owner first contested “why” a POSA would have combined paragraphs 218 and 227 of the Stivorice reference on surreply. (*Compare* Paper 17, 28-30 with Paper 24, 20.)

Stivorice doesn’t teach multiple goals for the same activity time period



lululemon has not shown why paragraphs 218 and 227 are combined

lululemon also has not shown why a POSITA would combine the teachings of Stivorice’s unrelated embodiments of paragraph 218 and paragraph 227.

Patent Owner’s Sur-Reply, Paper 24 at 20

IPR2023-00349

Dated: April 3, 2024

Respectfully submitted,

By /Forrest McClellen/

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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S OBJECTIONS TO PATENT OWNER’S HEARING DEMONSTRATIVES was served as of the below date via e-mail (by agreement) to the following counsel of record for the Patent Owner:

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