

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LULULEMON USA INC.,

Petitioner,

v.

NIKE, INC.,

Patent Owner.

Case IPR2024-00159

Patent No. 9,375,046

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order dated May 24, 2024 (Paper 8), Patent Owner Nike, Inc. (“Nike”) requests Oral Argument on issues related to patentability of claims 1–3, 7–9, and 14–20 of U.S. Patent No. 9,375,046 (“’046 patent”) addressed in the following Papers:

- Petitioner lululemon usa inc.'s (“lululemon”) Petition dated November 8, 2023 (Paper 1);
- The Board’s Institution Decision dated May 24, 2024 (Paper 7);
- Nike’s Response dated August 16, 2024 (Paper 11);
- lululemon’s Reply dated November 8, 2024 (Paper 15); and
- Nike’s Sur-Reply dated December 20, 2024 (Paper 16).

Nike’s request additionally encompasses the following:

- Response to any issues specified by lululemon in its motion to exclude evidence (if applicable);
- Procedural, evidentiary, or other issues raised by the parties or the Board; and
- Any other outstanding motions or pleadings, and other issues that the Board deems necessary to issue a Final Written Decision.

Nike prefers that oral argument be held in person at USPTO headquarters in Alexandria, VA. Nike believes that the parties need sixty (60) minutes per side for oral argument, and respectfully requests the opportunity to reserve a portion of time for rebuttal. Nike also requests permission to display demonstratives and exhibits during Oral Argument.

Dated: January 10, 2025

/s/ Michael J. Harris

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on January 10, 2025, I caused a true and correct copy of **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** to be served by electronic mail on Petitioners' counsel at the following email addresses:

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