UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIKE, INC.,

Petitioner

v.

SHERRYWEAR LLC,

Patent Owner.

Case No. IPR2024-01124

U.S. Patent No. 9,723,878

JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317

Pursuant to 35 U.S.C. § 317(a), Sole Petitioner Nike, Inc. ("Petitioner") and Patent Owner SherryWear, LLC ("SherryWear") jointly request termination of IPR2024-01124, which is directed to U.S. Patent No. 9,723,878 (the "'878 Patent"). This motion was authorized by the United States Patent Trial and Appeal Board ("Board") on May 5, 2025.

On July 17, 2024, Petitioner filed a Petition for *Inter Partes* Review ("IPR") of the '878 Patent before the Board. Patent Owner's preliminary response was filed on November 13, 2024. The United States Patent and Trademark Office ("USPTO") instituted *inter partes* review on February 10, 2025. No further substantive filings or hearings have occurred, and the Board has not issued a final written decision in this matter. The parties have settled their disputes with respect to the '878 Patent, and have reached agreement to file the present motion, seeking termination of this IPR.

I. STATEMENT OF PRECISE RELIEF REQUESTED

The parties jointly request that the Board terminate IPR2024-01124 in view of the settlement reached between the parties.

The parties' confidential Settlement Agreement has been made in writing, and a true copy of same is attached hereto as Exhibit 2069.[1] The parties jointly request that the Board treat the Settlement Agreement as business confidential information under 37 C.F.R. §42.74(c) and keep it separate from the file of the '878 Patent.

II. REASONS WHY TERMINATION IS APPROPRIATE

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." Because the parties have settled their disputes with respect to the '878 Patent and the Board has not yet issued a final written decision on the merits, the parties jointly request termination of this IPR.

As indicated above, the parties have filed a copy of the confidential Settlement Agreement (Ex. 2069) with a request to keep separate, in accordance with 35 U.S.C. § 317 and 37 C.F.R. §42.74.

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[1] The confidential Settlement Agreement is being filed electronically as "Parties and Board Only."

III. ALL RELATED LITIGATION HAS ALSO BEEN SETTLED

The only litigation pending with respect to patent '878 is Case 1:23-cv-11599-LTS, SHERRYWEAR, LLC v. NIKE, INC. (the "Copending Case"), filed in the District Court for the District of Massachusetts. The parties to that case, SherryWear, LLC and Nike, Inc., are the Patent owner and Petitioner, respectively, in IPR2024-01124, and have settled the Copending Case, and filed a joint stipulation requesting its dismissal on May 6, 2025.

IV. FUTURE PARTICIPATION BY THE PARTIES

Pursuant to the Settlement Agreement, Petitioner will not further participate in this IPR proceeding, including any appeals, even if this IPR is not terminated pursuant to this joint motion.

Dated: May 9, 2025

Respectfully submitted,
SherryWear LLC,
By its attorneys,

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Dated: May 9, 2025

Respectfully submitted,
Nike, Inc.,
By its attorneys,

___/s/ W. Todd Baker_____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 9, 2025, copies of the foregoing JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 and its exhibits were served pursuant to 37 C.F.R. § 42.6 electronically on Petitioner by sending the copies to Nike-SherryWear@kirkland.com.

Dated: May 9, 2025

/s/ Micah T. Drayton (Reg. No. 69,906)

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