

**From:** [Oxenford, Lucas](#)  
**To:** [Werner, Tom](#); [Wilk, Matthew M.](#)  
**Cc:** [#Skechers/Nike \(2023\)](#); [xNike-v-Skechers-FW](#)  
**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)  
**Date:** Tuesday, November 5, 2024 1:39:36 PM  
**Attachments:** [image001.png](#)

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External E-mail

Additionally, if you haven't already, please inform your client now that we intend to move for a stay, and also please evaluate the IPR petitions as they come in (which I'm sure your side is already doing). Like I said on the call, we believe that Nike should be able to meaningfully discuss its openness to a stay before the end of this week. We hope that the parties can come to an agreement on a stay, particularly in light of the strength of the petitions (please note some of the similarities between the two petitions filed yesterday and the already instituted lululemon IPRs against those same patents) and the substantial amount of party and judicial resources that would be conserved by a stay. However, the fact that Nike refuses to even give a timeline for when it is willing to discuss the issue is concerning, and suggests that Nike is simply trying to improperly delay the filing of Skechers' motion.

Thanks,  
Lucas

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**From:** Werner, Tom <TWerner@irell.com>  
**Sent:** Tuesday, November 5, 2024 10:03 AM  
**To:** Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>  
**Cc:** #Skechers/Nike (2023) <#Skechers\_Nike\_2023@irell.com>; xNike-v-Skechers-FW <xNike-v-Skechers-FW@arnoldporter.com>  
**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Matt,

Audio of the conference, which accurately reflects the parties' discussions and positions, is available here: <https://app.box.com/s/qw0r36r7rhcvvpbrdsksv5fbak9t5nj5>

We endeavored to engage in a substantive discussion regarding Nike's deficient responses to Interrogatory Nos. 12 & 13, and regarding Skechers' planned stay motion. Nike's attempt to avoid its obligation to engage in that discussion was inappropriate, and we will proceed accordingly.

Memorializing in writing that, as reflected in the audio recording, Nike took the four depositions noticed on November 1, 2024 off calendar and agreed to work cooperatively on scheduling.

Very truly yours,

Thomas C. Werner, Esq.  
Discovery Counsel

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|------------------------------------------------------------------------------------|
| Skechers U.S.A. v. Nike, Inc.<br>IPR2025-00141<br>Patent No. 8,266,749<br>Ex. 2003 |
|------------------------------------------------------------------------------------|

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(he/him/his)

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**From:** Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>  
**Sent:** Tuesday, November 5, 2024 9:37 AM  
**To:** Oxenford, Lucas <[loxenford@irell.com](mailto:loxenford@irell.com)>; Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>  
**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>  
**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Counsel,

As discussed on today's meet and confer, Skechers has not provided Nike with a sufficient opportunity to evaluate the issues relevant to a motion for stay. Skechers has not even filed all the IPRs and only informed Nike of the two it did file at 8:41 PM PT, barely 12 hours prior to the already-scheduled meet and confer. We are, of course, available to meet and confer once all IPR petitions are on file and we have a reasonable amount of time to fully evaluate the issue and discuss it with our client.

Similarly, Skechers identified its concerns with Nike's interrogatory responses less than one day prior to the already-scheduled call. Nike is still evaluating Skechers' concerns. Again, we will meet and confer once we have fully evaluated the concerns and within the time required by L.R. 37-1.

Best regards,  
Matt

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Matthew Wilk  
Senior Associate | [Bio](#)

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**From:** Oxenford, Lucas <[loxenford@irell.com](mailto:loxenford@irell.com)>

**Sent:** Monday, November 4, 2024 11:41 PM

**To:** Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>; Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>

**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>

**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

External E-mail

Hi Matt,

Skechers just filed and served two IPR petitions, and will be filing petitions against the remaining asserted patents in short order. We intend to move for a stay of the district court action pending resolution of the IPR proceedings. As such, please also be prepared to discuss Nike's position regarding a stay tomorrow so that the parties can satisfy the L.R. 7-3 conference requirement.

Thanks,

Lucas

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**From:** Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>

**Sent:** Monday, November 4, 2024 5:32 PM

**To:** Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>

**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>

**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Matt,

Please also be prepared to discuss the following issues:

- 1) Please see my letter of earlier today regarding our L.R. 37-1 request to confer regarding Nike's plainly deficient responses to Skechers' Interrogatory Nos. 12 & 13.
- 2) Skechers objects to Nike's November 1, 2024 notices of deposition of four Skechers employees for early December, which dates are not appropriate nor convenient for those witnesses. Nike must take those depositions off calendar and agree to work cooperatively with Skechers regarding deposition scheduling. Skechers reserves all other of its objections to the notices.
- 3) The status of Nike's search for organizational charts, which has been pending for a month.

Very truly yours,

Thomas C. Werner, Esq.  
Discovery Counsel

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Los Angeles, CA 90067-4276  
[TWerner@irell.com](mailto:TWerner@irell.com)  
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**From:** Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>  
**Sent:** Wednesday, October 30, 2024 7:07 AM  
**To:** Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>  
**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>  
**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Thanks, Tom. We are available at 9:00am PT on Tuesday, 11/5.

Best regards,  
Matt

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Matthew Wilk  
Senior Associate | [Bio](#)

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**From:** Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>  
**Sent:** Tuesday, October 29, 2024 5:36 PM  
**To:** Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>  
**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>  
**Subject:** RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

External E-mail

Matt,

I'm available Tuesday, 11/5 before noon PT.

Here's a Zoom link: <https://zoom.us/j/7052550898>

Very truly yours,

Thomas C. Werner, Esq.  
Discovery Counsel  
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Los Angeles, CA 90067-4276  
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---

**From:** Wilk, Matthew M. <[Matthew.Wilk@arnoldporter.com](mailto:Matthew.Wilk@arnoldporter.com)>  
**Sent:** Tuesday, October 29, 2024 10:01 AM  
**To:** Werner, Tom <[TWerner@irell.com](mailto:TWerner@irell.com)>  
**Cc:** #Skechers/Nike (2023) <[#Skechers\\_Nike\\_2023@irell.com](mailto:#Skechers_Nike_2023@irell.com)>; xNike-v-Skechers-FW <[xNike-v-Skechers-FW@arnoldporter.com](mailto:xNike-v-Skechers-FW@arnoldporter.com)>  
**Subject:** Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Counsel,

Please see the attached correspondence.

Best regards,  
Matt

---

Matthew Wilk  
Senior Associate | [Bio](#)

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