From: Oxenford, Lucas
To: Wilk, Matthew M.
Cc: #Skechers/Nike (2023); xNike-v-Skechers-FW
Subject: RE: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)
Date: Wednesday, November 13, 2024 12:58:44 PM
Attachments: image001.png

External E-mail

Thanks Matt,

That's generally correct. Regarding the third bullet point, we obviously think that all of our petitions are strong and likely to be instituted. But the relationship between some of the art and arguments in those two petitions and the instituted lululemon petitions is one example of the merits of Skechers' petitions. If we're wrong about the likelihood of institution for the six petitions, then we'll know in six months (which will be fairly soon after the lululemon trial will have wrapped up and a final written decision regarding the '484 Patent will have issued in IPR2023-01460) and any delay would be minimal.

Beyond what you've listed, the potential for simplification is immense. There are a large number of patents, claims, and accused styles at issue. You mentioned that you believe there's favorable case law on your side, but really take a look at what Central District courts have done in situations where there is such a high potential for simplification.

Appreciate you taking this back to your client.

Best,
Lucas

From: Wilk, Matthew M. <Matthew.Wilk@arnoldporter.com>
Sent: Wednesday, November 13, 2024 8:34 AM
To: Oxenford, Lucas <loxenford@irell.com>
Cc: #Skechers/Nike (2023) <#Skechers_Nike_2023@irell.com>; xNike-v-Skechers-FW <xNike-v-Skechers-FW@arnoldporter.com>
Subject: Nike v. Skechers, 2:23-cv-9346 (C.D. Cal.)

Counsel,

During our meet and confer yesterday, we discussed Skechers' anticipated motion to stay. We informed you that Nike opposes Skechers' motion. You provided Skechers' view on the appropriateness of a stay, specifically identifying the following points:

- Skechers believes Nike would benefit from a stay because Nike could focus on its upcoming trial with lululemon;

Skechers U.S.A. v. Nike, Inc.
IPR2025-00150
Patent No. 9,060,562
Ex. 2012

Skechers believes that, absent a stay, Nike will be doing "triple duty" by simultaneously pursuing litigations against Skechers, New Balance, and lululemon;

- Skechers believes the Board will likely institute two of Skechers' petitions (challenging the '484 patent and '749 patent) because those petitions are "similar" to petitions filed by lululemon.

Please let us know if we misunderstood your position. Otherwise, we will discuss this with our client and get back to you.

Best regards,
Matt

Matthew Wilk
Senior Associate | Bio

Arnold & Porter
250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.7152
Matthew.Wilk@arnoldporter.com
www.arnoldporter.com | LinkedIn

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
http://www.arnoldporter.com

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.