

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKECHERS U.S.A., INC.,
“Petitioner”

v.

FAST IP, LLC,
“Patent Owner”

Case No. IPR2026-00342
U.S. Patent No. 11,633,006

**PETITIONER’S AUTHORIZED SUR-REPLY IN SUPPORT OF
OPPOSITION TO PATENT OWNER’S REQUEST FOR
DISCRETIONARY DENIAL**

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ARGUMENT	2
	A. The Petition Identifies All Real Parties In Interest	2
	B. The Petition Should Be Referred For Merits Consideration.....	4
III.	CONCLUSION.....	4

I. INTRODUCTION

FAST's Reply starts from a mistaken premise—that an entity FAST vaguely refers to as “3G Capital”¹ is purportedly the “private owner” of Petitioner Skechers U.S.A., Inc. Reply, 1. That is incorrect. The uncontested evidence shows that *Skechers was acquired by Beach Acquisition Co Parent, LLC* via a series of subsidiary entities (Beach Acquisition Bidco LLC, Beach Acquisition Midco LLC, and Beach Acquisition Holdco LLC) (collectively, the “Beach Entities”). As Skechers has explained, “3G Capital Partners L.P. ... is an investment advisor that advises ‘pooled investment vehicles,’ but does not own operating companies and is not a corporate parent of Petitioner.” Op., 16; *see also* EX1054 (Weinberg Decl.) ¶ 9 (“3G Capital is not a corporate parent of Skechers.”). FAST's incorrect assertions are based solely on press releases that provided shorthand descriptions of the acquisition and did not purport to set forth specifics as to corporate structure. The actual corporate structure is set forth in SEC filings and in Skechers' briefs. Skechers' corporate parents are the Beach Entities. FAST cannot refute this fact.

¹ FAST continues to refuse to state what entity it is referring to with the term “3G Capital,” which words appear in the names of multiple different legal entities. For example, as noted in the Opposition, Opp. at 16 nn.2-3, 3G Capital Partners L.P. is a Cayman Islands investment firm headquartered in New York, and its subsidiary 3G Capital, Inc., is a Delaware corporation. Skechers respectfully submits that a party arguing for rejection of an IPR petition on the grounds of an allegedly unnamed RPI is obliged to specify with clarity the identity of the alleged RPI.

Though Skechers does not believe or concede that any of the Beach Entities are RPIs, out of an abundance of caution, Skechers submitted an amended mandatory notice on July 24, 2026 identifying them as additional RPIs. The RPI issue should be deemed moot, and the Petition should be referred for consideration on the merits.

II. ARGUMENT

A. Petitioner Has Named All Real Parties In Interest

FAST has failed to meet its burden to “produce some evidence to support its argument that [3G Capital] should be named a real party in interest.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018). As Skechers has explained:

First, contrary to FAST’s assertion, Petitioner was ***not*** acquired by “3G Capital,” nor by a “Brazilian owner.” Instead, in the September 2025 acquisition to which FAST refers, Skechers U.S.A., Inc.’s common stock was acquired by Beach Acquisition Co Parent LLC via a series of subsidiary entities (Beach Acquisition Bidco LLC, Beach Acquisition Midco LLC, and Beach Acquisition Holdco LLC (“the Beach Entities”)). *See* EX1051, 2. ***3G Capital Partners L.P.***, by contrast, is an ***investment advisor*** that advises “pooled investment vehicles,” EX1052, 5, but ***does not own operating companies*** and ***is not a corporate parent of Petitioner***.

Op., 16 (emphasis added) (footnotes omitted); *see also* EX1054 ¶ 9. Nevertheless, even despite learning these facts, FAST doubled down in its Reply, arguing:

In its Opposition, Petitioner alleges that it was not acquired by 3G Capital. Paper 14 (“DD Opp.”), 16. But that assertion is contrary to the evidence, which is publicly available and provided as exhibits to Patent Owner’s Discretionary Denial Brief. For example, a press release issued by Petitioner states that “3G Capital has completed its acquisition of Skechers.” EX2014, 2 (emphasis added). And in Petitioner’s own SEC

filing, Petitioner represents that it agreed to be acquired “by 3G Capital.” EX2021. Thus, contrary to Petitioner’s unsupported assertions, *the evidence clearly demonstrates 3G Capital’s role as the owner of petitioner.*

Reply, 1-2 (emphasis added) (footnote omitted). This does not comport with reality.

FAST’s assertion that “the evidence clearly demonstrates 3G Capital’s role as the owner of petitioner” (*id.*) is incorrect. Skechers’ COO previously submitted a declaration explaining that “3G Capital is not a corporate parent of Skechers.” EX1054 (Weinberg Decl.) ¶ 9. This is fully supported by SEC filings.

For example, as reflected in Skechers’ SEC filings (EX1051), Skechers was acquired under an Agreement and Plan of Merger (EX1067, “Merger Agreement”). The parties to that agreement were “Skechers U.S.A., Inc.” (“Company”), “Beach Acquisition Co Parent, LLC” (“Parent”), and “Beach Acquisition Merger Sub, Inc.” (“Merger Sub”). EX1067 at 1; *see also* EX1051 at 2, 7 (Form 8-K with Merger Agreement as Exhibit 2.1). “Merger Sub merged with and into the Company (the ‘Merger’) with the Company continuing as the surviving corporation and an indirect subsidiary of Parent.” EX1051 at 2; EX1067 ¶ 2.1. This resulted in Skechers U.S.A., Inc. becoming “a subsidiary of Beach Acquisition Co Parent LLC via a series of subsidiaries named Beach Acquisition Bidco LLC, Beach Acquisition Midco LLC, and Beach Acquisition Holdco LLC.” EX1054 (Weinberg Decl.) ¶ 9.

FAST cannot refute these facts. FAST just cites two press releases saying that “3G Capital has completed its acquisition of Skechers” and that Skechers “agreed to be ‘acquired by 3G Capital.’” Reply, 1-2. Such high-level press releases plainly used shorthand descriptions of the acquisition for public relations purposes, as the Beach Entities that acquired Skechers were little-known companies founded shortly before the acquisition. Despite FAST’s desire, these press releases did not purport to set forth or define the *actual corporate structure* of the September 2025 acquisition—which, as described above, involved Skechers being acquired by the Beach Entities. EX1054 ¶ 9; EX1051 at 2; EX1067 ¶ 2.1.

B. The Petition Should Be Referred For Merits Consideration

FAST concedes that Skechers timely amended its mandatory notice on July 24, 2026 to add the Beach Entities as RPIs. Reply, 4. It cites no authority that, despite timely naming RPIs, a petition should nonetheless be discretionarily denied. FAST’s remaining *Fintiv* arguments fail as discussed in the Opposition. Op., 10-16.

III. CONCLUSION

Petitioner respectfully requests referral for consideration on the merits.

Dated: August 12, 2026

Respectfully submitted,

/s/ Kamran Vakili

Kamran Vakili, Reg. No. 64,825
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, CA 92660
Telephone: (949) 760-0991
Fax: (949) 760-5200

Attorney for Petitioner
Skechers U.S.A, Inc.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on August 12, 2026, a complete copy of the foregoing document, **PETITIONER'S AUTHORIZED SUR-REPLY IN SUPPORT OF OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL** was served upon the following, by ELECTRONIC MAIL:

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

Jason D. Eisenberg (Reg. No. 43,447)
jasone-PTAB@sternekessler.com

Melissa A. Haapala (Reg. No. 47,622)
mhaapala-PTAB@sternekessler.com

Kristina C. Kelly (Reg. No. 58,164)
kckelly-PTAB@sternekessler.com

Jennifer M. Chagnon (Reg. No. 55,440)
jchagnon-PTAB@sternekessler.com

PTAB@sternekessler.com

/Pia S. Kamath/
Pia S. Kamath