

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”

U.S. Patent No. 11,871,811

Title:

Rapid-Entry Footwear Having A Stabilizer and An Elastic Element

**DECLARATION OF ANGUS WARDLAW
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,871,811**

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I, Angus Wardlaw, declare as follows:

I. INTRODUCTION AND ENGAGEMENT

1. I have decades of experience in the design and development of footwear, as described in Section II below. I have been asked by Skechers to analyze and provide explanations regarding certain matters relating to those subjects. I was retained in connection with this matter in January 2026.

2. My opinions are based on my years of education, research, and experience with footwear, as well as my investigation of relevant materials. In forming my opinions, I have considered and may rely upon the documents and information identified below, as well as all documents and information identified in Skechers' Petition for *Inter Partes* Review of U.S. Patent No. 11,871,811, including the exhibits I understand will be submitted with the Petition (namely, EX1001 to EX1026). Numbered exhibits cited below refer to exhibits to the Petition.

II. BACKGROUND AND QUALIFICATIONS

3. I am a footwear design and development engineer and the founder of Nimlin Sports Ltd., a footwear consultancy firm based in Hong Kong. My current *curriculum vitae* is attached as Appendix A to this declaration.

4. I have been involved in footwear design, development, and innovation for more than twenty years, with a focus on the ergonomic and functional engineering elements of footwear design, such as the physical parameters by which

components of footwear should be constructed to achieve their desired functions. My career has included research and development and leadership positions at global footwear companies, including at adidas and ANTA.

5. I obtained my Bachelor of Engineering in 2002 from the Department of Mechanical Engineering at the University of Edinburgh, Scotland. My research focused on solid mechanics and materials sciences. After completing my B.Eng., I started my career on the adidas Innovation Team in 2003, focusing on developing new footwear technologies. In 2011, I was promoted to Senior Development Engineer within the adidas Innovation Team, focusing on product innovation and development within the running and lifestyle footwear categories. By 2014, I was Director of Future Running, leading a team focused on driving innovation in footwear design.

6. One of the projects I worked on at adidas was the development of Boost technology, which generally relates to the use of expanded thermoplastic polyurethane in midsoles, to provide enhanced energy return, durability, and flexibility to performance footwear. Boost was highly successful, resulting in a number of additional product lines. In particular, I directed the innovation of adidas' Ultra Boost, which was focused on addressing strain and tension on the foot. I was featured in a production by HYPEBEAST concerning the design, technical

development, and features of the adidas Ultra Boost, which is available at <https://youtu.be/hw1tE-JIMW4?si=kSWAvTgoMwY31PWE>.

7. In 2017, I left adidas to become the Head of Innovation for Footwear and Apparel at ANTA, a position I held until January 2021. ANTA is one of the largest sportswear companies globally, by revenue. During my time at ANTA, I managed a large team of designers and engineers, and helped establish laboratories for sports science, mechanical engineering, and 3D printing. My responsibilities at ANTA included driving innovation in footwear design, sports engineering, polymer engineering, and 3D mold manufacturing processes.

8. From 2022 on, I have worked as a freelance footwear and innovation consultant under my consultancy firm, Nimlin Sports Ltd., advising a number of major brands on design and engineering matters. Additionally, between 2023-2024, I was Vice President of Footwear Operations at FILA, a major footwear brand.

9. I am also a named inventor on multiple patents relating to footwear technologies, including materials, manufacturing methods, and specific footwear constructions. For example, I am a named co-inventor of U.S. Patent No. 11,350,700 (“the ’700 Patent”), titled “Shoe With Adaptive Heel Element,” which was filed in September 2018 and relates to improvements in heel construction for footwear to “improve the fit, wearing comfort and manufacturing of the shoe.” EX1022, Title, 1:52-56. Similarly, I am a named co-inventor of U.S. Patent No. 10,759,096 (“the

'096 Patent”), titled “Expanded polymer pellets,” which was filed in April 2015 and relates to the manufacturing of “cushioning elements for sports apparel, such as for producing soles or parts of soles of sports shoes.” EX1023, Title, Abstract.

10. Additional details concerning my education and employment are set forth in my *curriculum vitae*, which is attached hereto as Appendix A.

11. I am being compensated for my time spent on this matter at a rate of \$300 per hour, plus expenses. My compensation is not contingent on the outcome of this matter or the opinions I offer. All opinions in this declaration are my own.

12. All citations to “EX10XX” herein are to exhibits that I understand will be submitted in this proceeding.

III. LEVEL OF SKILL IN THE ART

13. I have been asked to provide my opinions regarding the qualifications and level of skill of a person of ordinary skill in the art (“POSITA”) as of July 2019.

14. I am not an attorney. In expressing my opinions, I am relying on certain basic legal principles that have been explained to me.

15. I understand that a POSITA is a hypothetical person of ordinary skill in the field to which an invention pertains. I understand that a POSITA is not a layperson, but is also not of extraordinary skill. Instead, a POSITA is an individual with the same level of skill as a typical practitioner of the art at issue.

16. Applying those principles, I believe that a POSITA in the field of the '811 Patent in July 2019 would have had a bachelor's degree in engineering and at least a few years of experience in designing and manufacturing shoes, or equivalent academic and work experience. Such a person would have at least a general understanding of general construction processes and materials used to manufacture footwear.

17. My opinions regarding the level of ordinary skill in the art are based on, among other things, my years of experience in the above field, my understanding of the fundamental qualifications that would be relevant to a person tasked with constructing articles of footwear like those described in the '811 Patent and designing their components, and my familiarity with the backgrounds of colleagues and coworkers, both past and present.

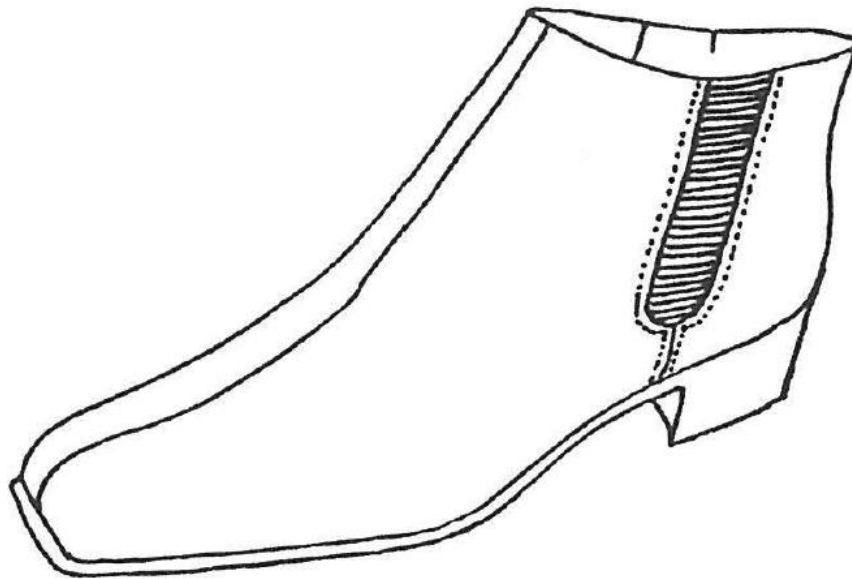
18. Although my qualifications and experience exceed those of the hypothetical POSITA defined above, my analysis and opinions are based on the perspective of a POSITA, as described above, as of the relevant time frame.

IV. FOOTWEAR DESIGN CONSIDERATIONS

A. Elastic Footwear Components In General

19. Inclusion of elastic components in shoe “uppers” has been commonplace for well over a hundred years. For example, the Complete Footwear Dictionary explains that the pump—a slip on style of shoe—became popular in the

mid-nineteenth century due to “the invention of elasticized goring in 1837 by J. Sparkes Hall, bootmaker to Queen Victoria.” EX1012, 9. Hall’s *Book of the Feet: A History of Boots and Shoes*, from 1847, includes a discussion of his invention of these gorings, and their use in elastic boots that that are easy to put on and take off. EX1009, 126-27, 136-37. The Complete Footwear Dictionary also provides further examples of gorings, which are made of “fabric woven with rubber threads to form an elastic material,” such as those commonly included in the contemporary Chelsea boot. EX1012, 5.



Side goring.

20. Elastic components, such as gorings, can be an alternative or supplement to other fastening features like shoelaces. For example, the Shoe Material Design Guide’s chapter on shoelaces provides examples of “other ways to

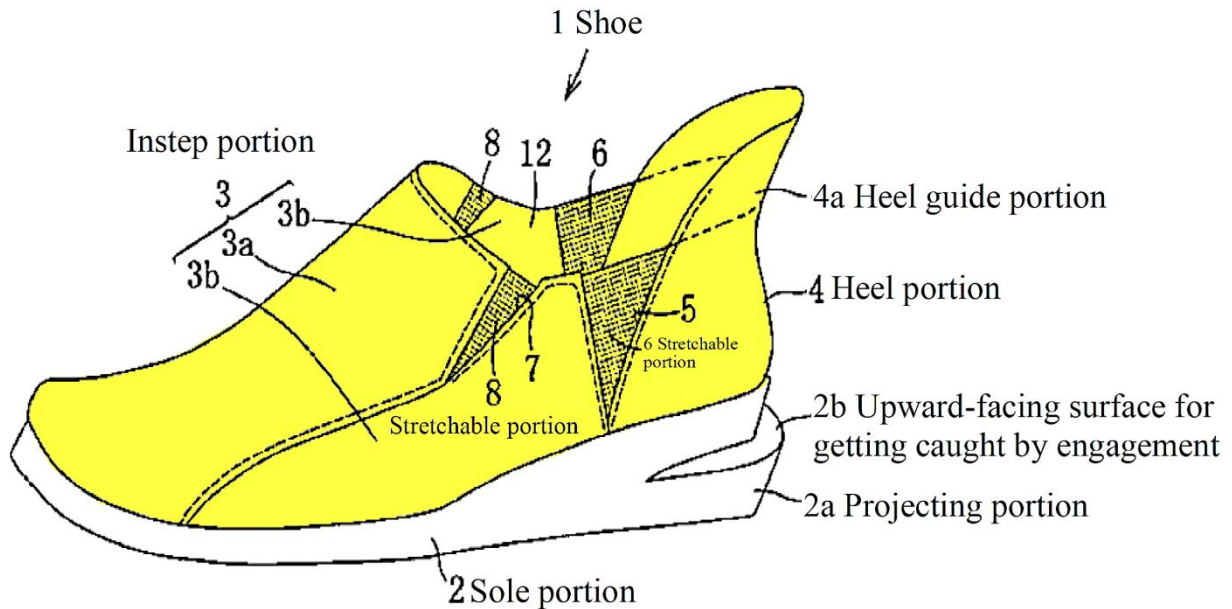
secure a shoe to your foot,” including “elastic goring.” EX1024, 9-10. When a user dons a shoe with gorings, the shoe upper will deform in response to the foot entering the shoe, allowing the foot opening to widen as the elastic components stretch. The elastic force created by these components—their natural tendency to return to their original shape—contracts the foot opening and functions to secure the foot in the shoe. For example, in the side goring shown by the Complete Footwear Dictionary, the gore would widen the foot opening in response to a user’s foot being inserted.

21. In addition to elastic gorings, it was well known to a person of ordinary skill in the art that shoes could be made with elastic laces. *See e.g.*, EX1007, 132 (discussing “an elastic lace boot”). Modifying shoes for use with or without laces, including elastic laces, has been within the skill of a person of ordinary skill in the art for centuries.

22. Elastic components, including elastic laces and elastic gorings, are commonly located on the upper of a shoe.¹ For example, the shoe of Kim has an “upper,” shown in yellow below.

¹ *See, e.g.*, EX1012, 7 (“upper” includes “[a]ll the parts or sections (vamp, quarters, linings, etc.) above the shoe’s sole that are stitched or otherwise joined together to become a unit, and then attached to the insole and outsole.”).

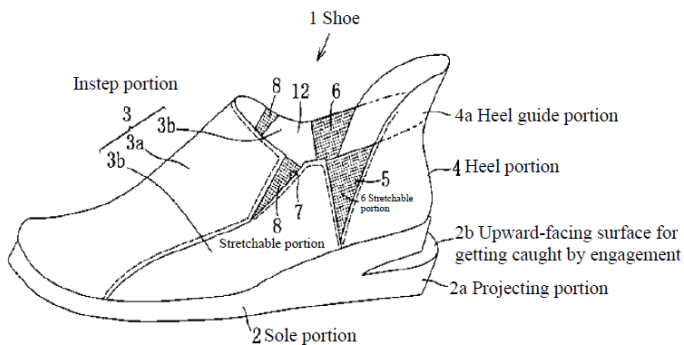
[FIG. 1]



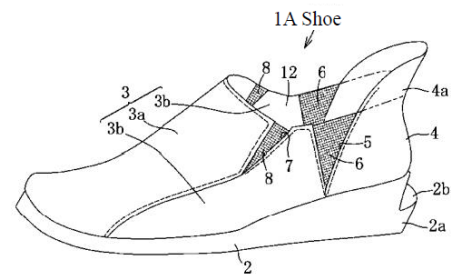
EX1005 (Kim), Fig. 1 (annotated with color); *see also id.*, Figs. 3-7.

23. The uppers of the shoes in Kim have stretchable portions, which Kim explains can be made of, for example, a “stretchable woven fabric member,” and located in various positions on the upper, such as “at the boundary between the instep portion 3 and the heel portion 4 and in the vicinity thereof.” EX1005, Abstract. Kim provides multiple examples of these stretchable portions. *Id.*, Figs. 1 & 3-7.

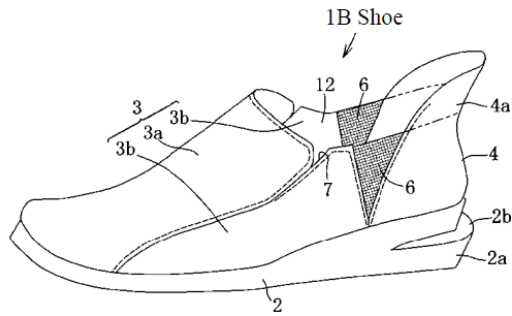
[FIG. 1]



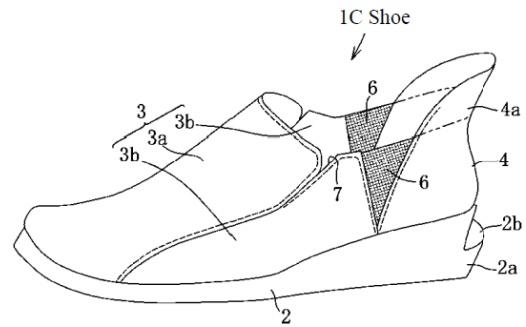
[FIG. 3]



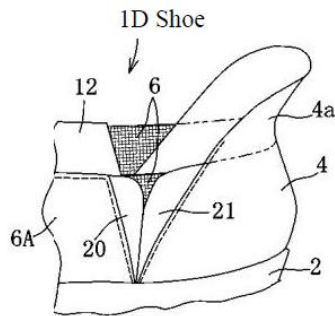
[FIG. 4]



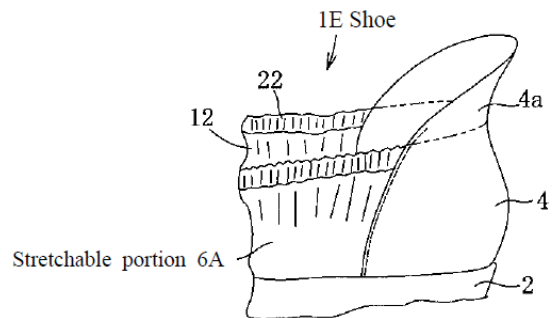
[FIG. 5]



[FIG. 6]



[FIG. 7]



24. The stretchable portions in each of Kim's examples would function similarly to those described above, enabling the upper to flex forward and upward as the user dons the shoe. With respect to Figure 1, Kim explains that "[t]he instep portion 3, the two pairs of stretchable portions 6, 8, and the upper end portion of the heel guide portion 4a form a shoe opening 12, and the shoe opening 12 expands when the two pairs of stretchable portions 6, 8 stretches." EX1005 (Kim), ¶25. As a result, "the heel can be easily placed inside of the heel portion 4" of the shoe. *Id.*, ¶29. The same is true of Kim's Figure 4, which has only one "pair of stretchable portions 6," as Kim explains that in this example "the manufacturing cost of the shoe 1B can be reduced without compromising the ease of putting on and taking off the shoe 1B." *Id.*, ¶34. Moreover, as discussed above, the elastic force of these

stretchable portions would secure the foot in the footwear by contracting the foot opening. Thus, a POSITA would have understood that, because elastic will contract back to its original shape after being expanded, Kim's stretchable portions are likewise operable to reduce the foot opening when contracted.

B. 2-Way And 4-Way Stretch Elastic

25. Stretch fabric can be either 2-way or 4-way stretch.² A person of ordinary skill in the art would have been familiar with both types of stretch fabric, and would have known that elastic elements can be constructed to have either 2-way or 4-way stretch. Moreover, it was well known in the art that 2-way and 4-way stretch elastic elements are both suitable specifically for use in shoe uppers. *See e.g.:*

² *See, e.g.*, EX1013, 2 (“**3.1.3. Elastic or Stretch fabric:** Stretch fabric is a synthetic fabric which stretches. Stretch fabrics are either 2-way stretch or 4-way stretch. 2-way stretch fabrics stretch in one direction, usually from selvedge to selvedge (but can be in other directions depending on the knit). 4-way stretch fabrics, such as spandex, stretch in both directions, crosswise and lengthwise.”); EX1019, 8:39-48 (“A material with ‘four way’ stretch capabilities stretches in a first direction and a second, directly-opposing direction, as well as in a third direction that is perpendicular to the first direction and a fourth direction that is directly opposite the third direction. In other words, a sheet of four-way stretch material stretches in both crosswise and lengthwise. A material with ‘two way’ stretch capabilities, in contrast, stretches to some substantial degree in the first direction and the second, directly opposing direction, but will not stretch in the third and fourth directions, or will only stretch to some limited degree in the third and fourth directions relative to the first and second directions (i.e., the fabric will stretch substantially less in the third and fourth directions than in the first direction and second directions). In other words, a sheet of two-way stretch material stretches either crosswise or lengthwise.”).

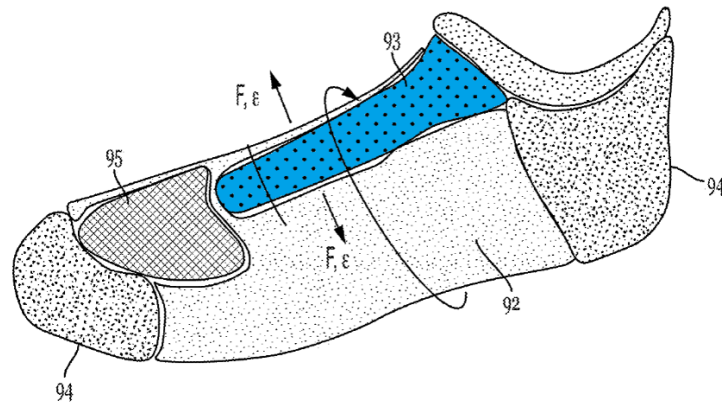
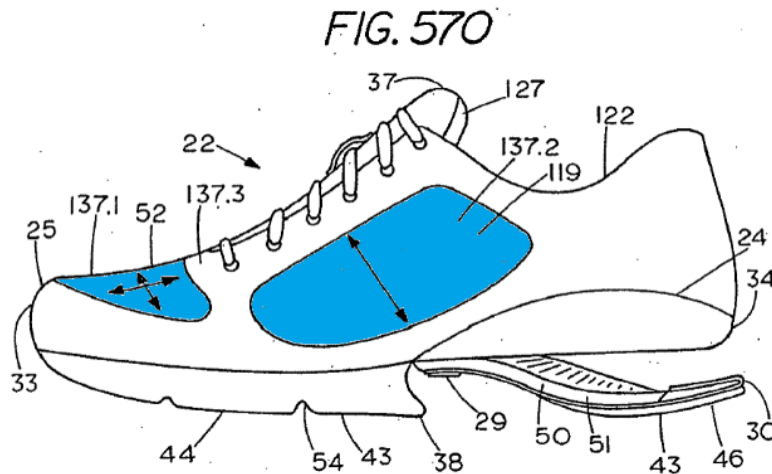


Fig. 10A

EX1007 (Hoying), Fig. 10A (annotated with color); *id.*, 7:46-51 (“providing at least one stretchable portion of the shoe upper” which “may be provided by using a stretch fabric, e.g. **2-way** or **4-way** stretch, of a stretchable material such as elastane, e.g., LYCRA®, neoprene or the like.”); *id.*, 38:18-20 (“Zone 93 may need to be elastic to ensure ease of step in” and “to ensure ease of entry into the shoe”);



EX1018 (Lyden), Fig. 570 (annotated with color); ¶1432 (“As shown in FIG. 570, various portions of the upper 23 can thereby be made from different textile materials

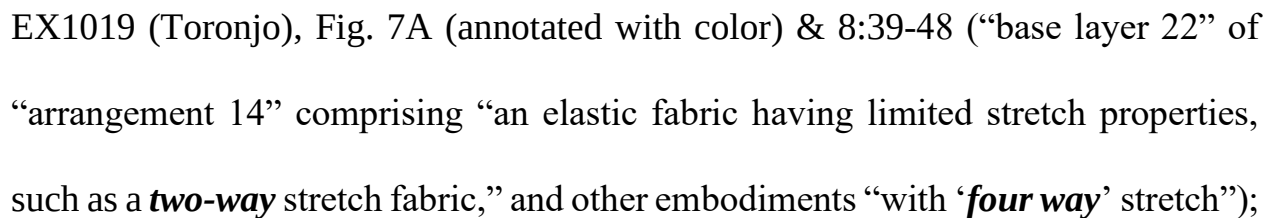
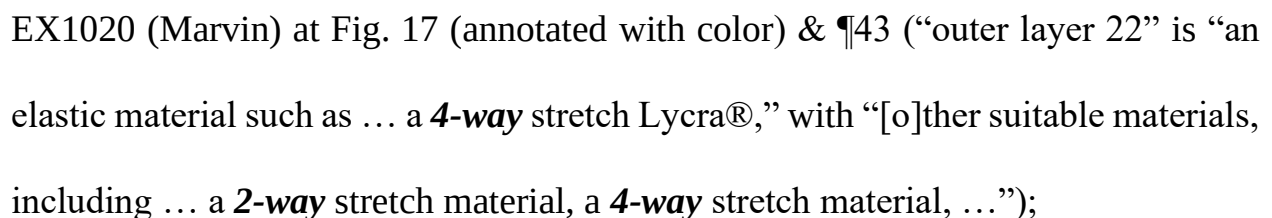
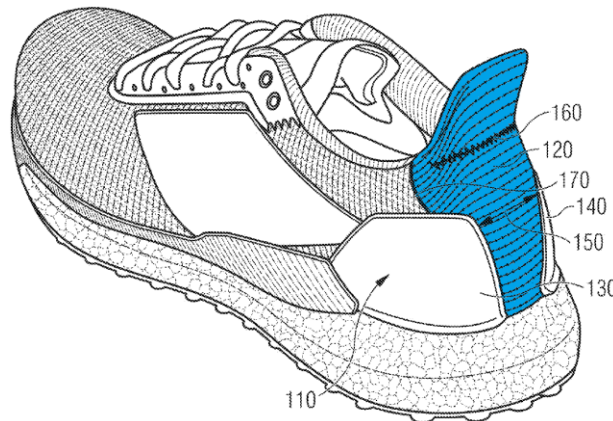


FIG 1

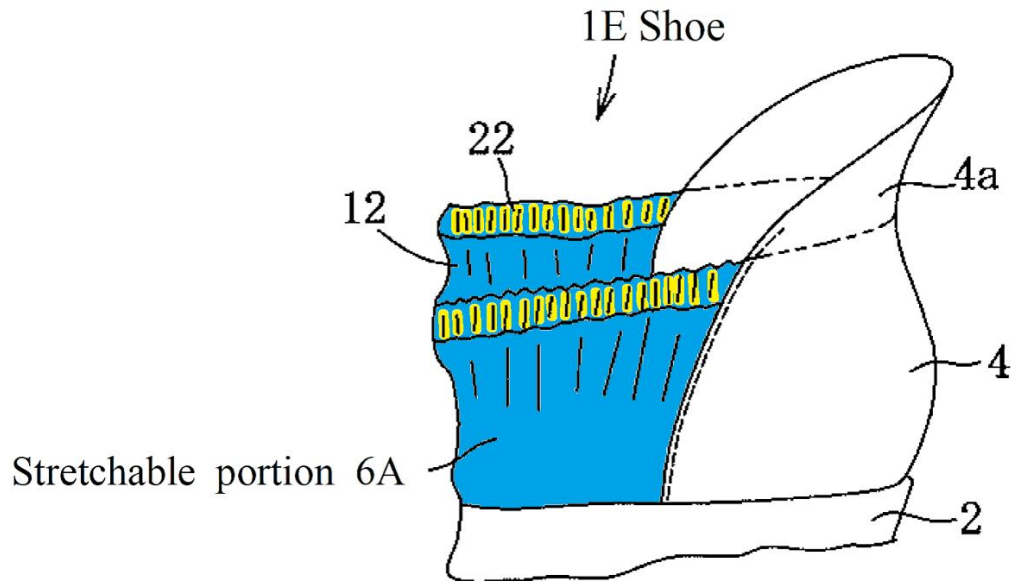


EX1022 (Smith), Fig. 1 (annotated with color); *id.*, 4:63-5:1 (“FIG. 1 shows ... an adaptive heel element 120 comprising a stretch material such as a **4-way** stretch material and/or a **2 way** stretch material.”); *id.*, 8:36-39 (“The stretch material can be any **2-way** or **4-way** stretch material suited for the manufacturing of shoe components in general or components of athletic shoes in particular.”); Cl. 12 (“The shoe according to claim 1, wherein the stretch material comprises a **2-way** stretch material.”); Cl. 14 (“The shoe according to claim 1, wherein the stretch material comprises a **4-way** stretch material.”) (all emphases added). I note that I am a named inventor on EX1022 (Smith) cited above, which is U.S. Patent No. 11,350,700.

1. 2-Way Stretch

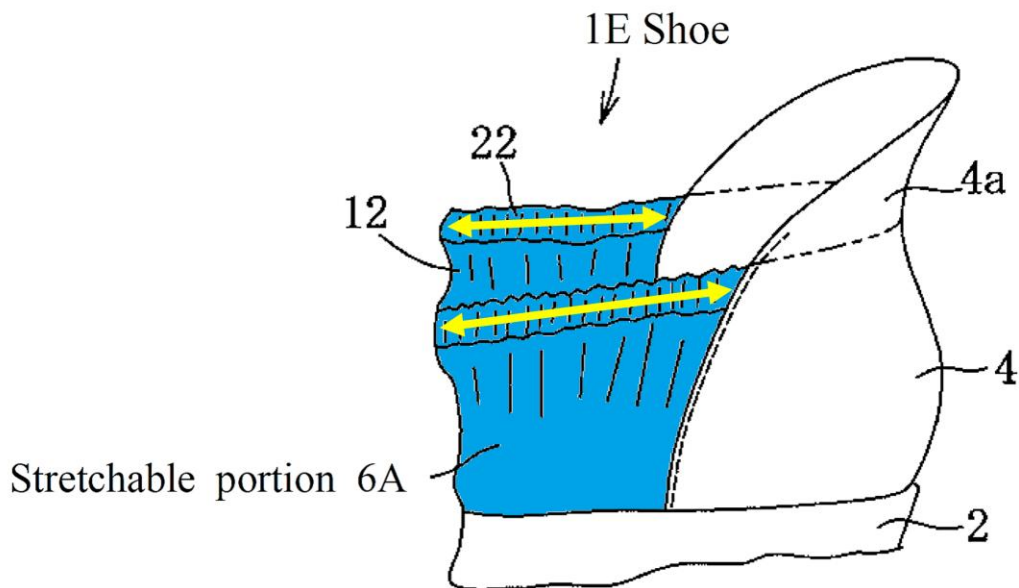
26. Example 6 of Kim (Figure 7) discloses a 2-way stretch elastic element (shown below annotated in blue), as indicated by the accordion fold lines (yellow):

[FIG. 7]



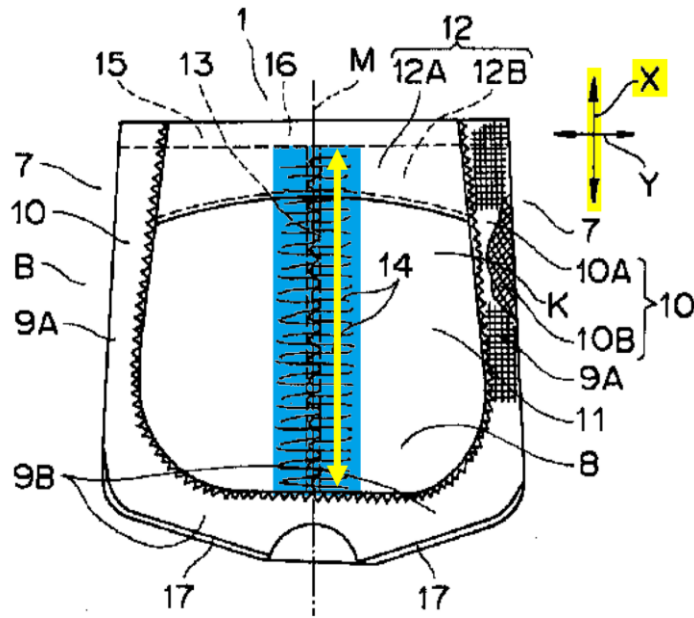
EX1005 (Kim), Fig. 7 (annotated with color). A person of ordinary skill in the art in July 2019 would have immediately understood based on Figure 7 that the “Stretchable portion 6A” elastic elements are designed to stretch only or at least predominantly in their lengthwise directions. In particular, a POSITA would have understood that the accordion fold lines indicate the bunching of material when the elastic elements are contracted and the corresponding directions of expansion when the elastic elements are stretched—*i.e.*, stretching in their lengthwise directions, perpendicular to the accordion fold lines, toward the heel and toward the toe:

[FIG. 7]



EX1005 (Kim), Fig. 7 (annotated with blue color and yellow arrows); *see also, e.g.*, EX1014, 2:41-42 & 3:15-21 (1942 patent on a sock with “elastic garter top” and “accordion, mock rib extension,” where “[t]he garter and also the extension of accordion work have a definite two way stretch.”).

27. Moreover, a POSITA’s understanding that Figure 7 of Kim discloses 2-way stretch would have been reinforced by Kim’s description of “stretchable gathered rubber 22 provided at the upper end thereof.” EX1005 (Kim), ¶37. A “gathered rubber” cord, like the one shown in Figure 7 of Kim, naturally stretches in its lengthwise directions, making it 2-way stretch. Indeed, it has long been well-known in the art that gathered rubber in the accordion style configuration shown in Kim’s Figure 7 would yield a 2-way stretch elastic element. *See e.g.:*



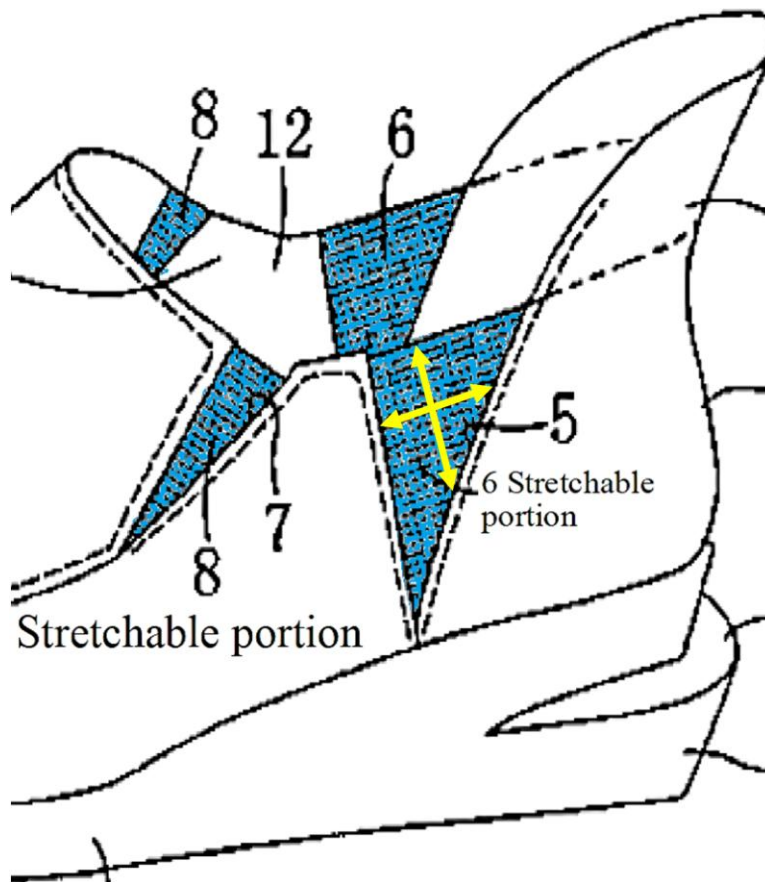
EX1016 (annotated with blue color and yellow arrow); *id.*, ¶16 (“[O]n the backside centerline M of the girdle 1 serving as the underwear body, gathers 14 are performed in such a manner that the back body B itself of the girdle 1 can stretch in the body-length direction (vertical direction X) by arranging an elastic cord 13, and thereby the body-length becomes compact.”).

28. A person of ordinary skill in the art would have further understood that a 2-way stretch material was a logical choice for implementation of “stretchable portions 6A” in Figure 7 of Kim. As Kim explains, the purpose of Figure 7’s “stretchable portions 6A” and “gathered rubber 22 provided at the upper end thereof” was so that “shoe opening 12 expands when the shoe 1E is put on or taken off, and the shoe can be easily put on or taken off.” EX1005 (Kim), ¶37. Based on that disclosure, and Figure 7, a POSITA would have understood that “shoe opening 12 expands” when the elastic elements stretch in their lengthwise directions toward the

heel and toward the toe—*i.e.*, in two primary directions—thus making 2-way stretch material a logical choice for implementing Kim’s “stretchable portions 6A.”

2. 4-Way Stretch

29. Kim discloses 4-way stretch in its Examples 1-5 (Figures 1 and 3-6):

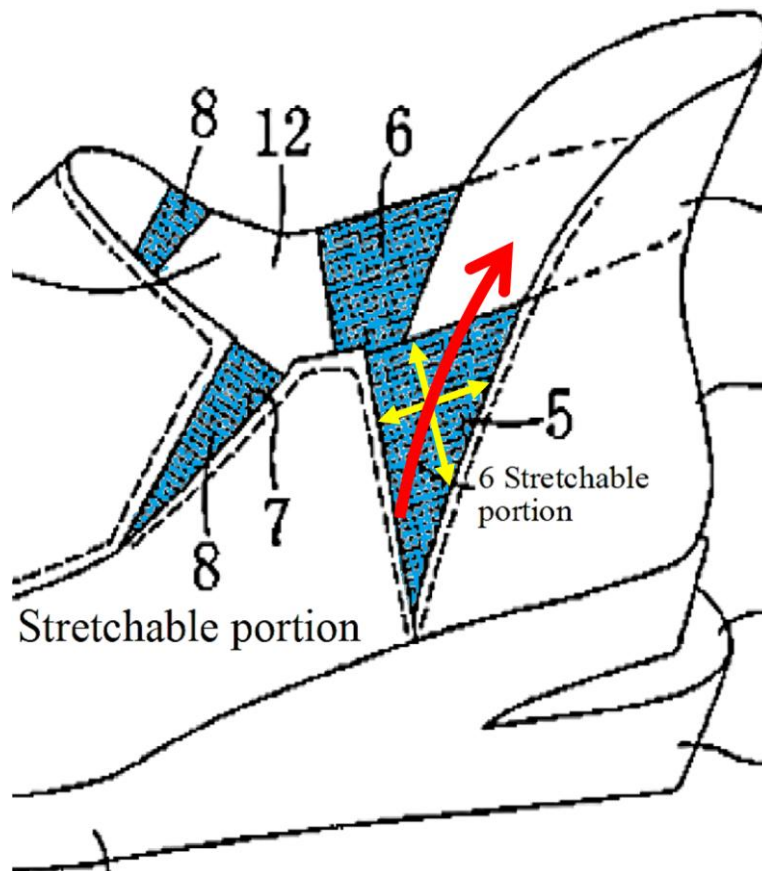


EX1005 (Kim), Fig. 1 (cropped, and annotated with blue color and yellow arrows).

A POSITA would have understood the crosshatched lines in Figures 1 and 3-6 to denote 4-way stretch, particularly when juxtaposed with the accordion fold lines in Figure 7, which denote 2-way stretch. That clearly deliberate distinction between embodiments would have taught a POSITA that Kim’s first five examples with crosshatched lines (Figures 1 and 3-6) disclose 4-way stretch and Kim’s sixth

example with accordion fold lines (Figure 7) discloses 2-way stretch.

30. Moreover, a person of ordinary skill would have understood that stepping into the shoes disclosed in Kim causes the “heel guide portion” to stretch the “6 Stretchable portion[s]” in a direction diagonal to the crosshatching shown on those elastic elements (*i.e.*, in the direction indicated by the red arrow in annotated Figure 1 below). A POSITA would have thus recognized that the stretchable portions in Kim’s Figure 1 and 3-6 examples stretch in both lengthwise and both crosswise directions, and would leverage 4-way stretch capability by expanding the material in both its horizontal and vertical directions relative to the crosshatching:



EX1005 (Kim), Fig. 1 (cropped, and annotated with color and arrows).

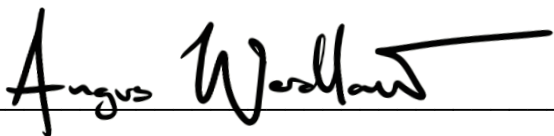
31. At a minimum, a POSITA would have understood Kim's disclosure of "stretchable woven fabric" to teach both 2-way and 4-way stretch. *See id.*, Abstract (explaining that the "two pairs of stretchable portions 6, 8 [are] composed of a stretchable woven fabric member"); *see e.g.*, EX1011, 2 ("Stretch fabrics are either 2-way stretch or 4-way stretch. ... 4-way stretch fabrics, such as spandex, stretch in both directions, crosswise and lengthwise."); *id.* (such "stretch fabrics" have been used "as early as the mid-1980s," "entered the mainstream market in the early 1990s," and are "widely used in sports clothing."). A person of ordinary skill in the art would have recognized that there are only two species of stretchable woven fabric: 2-way stretch and 4-way stretch. A POSITA would have immediately envisaged both possibilities given the disclosure of "stretchable woven fabric."

32. Separately, Kim discloses a variation of Figures 1 and 3-6 in which, "[a]lternatively, the stretchable portions 6, 8 may be composed of a rubber member." EX1005 (Kim), ¶38. A POSITA would have understood that a "rubber member"—particularly in the flat, two-dimensional shapes of Kim's "8 Stretchable portion[s]" and "6 Stretchable portion[s]"—would include 4-way stretch capability. A flat sheet of rubber is generally stretchable in all directions (e.g., lengthwise and crosswise) in the two-dimensional plane defined by its flat surface, making it 4-way stretch. Thus, at a minimum, Kim's disclosure of a "rubber member" suggests 4-way stretch.

33. Moreover, a POSITA would have understood that the problem to be solved by Kim's first five examples (Figures 1 and 3-6) naturally suggests use of 4-way stretch material, which would allow the elastic to stretch vertically and horizontally. Kim explains that its examples include "a heel guide portion ... curving in a slope to go backward as it goes upward," EX1005 (Kim), ¶7, and that, as a result, stepping into the shoe "pushes the heel of the foot into the inside of the heel portion while sliding it along the heel guide portion," such that, "since the one pair of stretchable portions stretches, the opening of the shoe expands, and the heel can be easily placed at the inside of the heel portion," *id.* ¶8. From that disclosure, a POSITA would have understood that the shoe opening expands in both the up-down and left-right directions, making 4-way stretch fabric a logical choice.

I, Angus Wardlaw, do hereby declare and state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: April 24, 2026

A handwritten signature in black ink, reading "Angus Wardlaw", is written over a horizontal line.

Angus Wardlaw

APPENDIX A

Angus Nimlin Wardlaw

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Professional Summary

Global sportswear executive with 20+ years of leadership experience in innovation, product development, and operational transformation across footwear and apparel. Achieved industry-leading results, including the launch of Adidas Ultraboost (\$2B+ in revenue), and developed ANTA's innovation centre, integrating sustainability into every phase of the product lifecycle. With 8+ years leading teams in China and Asia, excels in navigating complex markets, building global R&D networks, and delivering solutions that drive performance and growth for international brands.

Key Achievements

- Spearheaded the creation of the Adidas Ultraboost, achieving over 30 million pairs sold and generating revenue exceeding \$2B USD.
 - Built ANTA Group's first cross-functional innovation centre, integrating advanced R&D capabilities for both footwear and apparel.
 - Acted as lead industry expert for the development of a novel 3D design software now used in the footwear industry for live customisation during sales meetings with major global retailers.
 - Reconstructed FILA's footwear development and testing program, laying the foundation for premium performance and lifestyle product launches.
-

Career Experience

Nimlin Sports Limited, Hong Kong / Scotland FOUNDER & PRINCIPAL CONSULTANT

December 2024 – Present

- Independent consulting practice supporting global sportswear and outdoor brands with strategy, product creation, sourcing, testing, and operations.
- Delivered strategic R&D, calendar, and manufacturing systems support for brands including Lululemon
- Supported Asia-based sourcing transitions, digital tooling strategy, and innovation pipeline planning for multiple clients.

Fila USA, NYC, USA

VICE PRESIDENT – Footwear Operations

October 2023 – November 2024

- Revitalised Fila's footwear operations by rebuilding product creation and testing processes, enabling consistent delivery of premium-quality performance and lifestyle footwear.
- Optimised the product calendar and streamlined SKUs from 2,000 to 450, achieving efficiency and profitability.
- Established a Vietnam-based supply chain network, reducing dependency on China and cutting production lead times.
- Developed a flagship running shoe and integrated advanced technology, outperforming industry leaders in consumer tests.

Revobit, Berlin, Germany

VICE PRESIDENT – Global Business Development

January 2021 – October 2023

- Led the SME team in R&D, commercialisation, sourcing, and business strategy, driving the development of a digital platform for footwear and apparel innovation.
- Successfully expanded EU operations, enhancing client adoption of 3D design tools for live sales customisation with major retailers.

ANTA Sports Limited, Xiamen, China

HEAD OF INNOVATION – Footwear and Apparel

January 2018 – January 2021

- Built ANTA's first cross-category innovation roadmap, driving advancements in performance, sustainability, smart products, and speed-to-market.
- Established a world-class innovation centre, including state-of-the-art labs for sports science, mechanical engineering, and 3D printing.
- Recruited and managed a 35-member team of global experts across disciplines, delivering multiple consumer-driven innovations.

Adidas AG, Herzogenaurach, Germany

DIRECTOR – FUTURE Innovation Team

October 2014 – June 2017

- Directed the innovation process for the Ultraboost franchise, generating \$2B+ in sales and defining the premium running category.
- Led the cross-functional development of groundbreaking products, including Pureboost X and Futurecraft AM4.

SENIOR DEVELOPMENT ENGINEER II – FUTURE Innovation Team

May 2011 – September 2014

- Oversaw product innovation and manufacturing advancements, contributing to the launch of Boost technology with over 100 million pairs sold.
- Developed Energy Boost, a flagship product generating \$72M in its first year, representing an 80% increase over prior models.

CATEGORY LEADER – Golf Footwear (Guangzhou, China)

2009 – 2011

- Led the product development team at the OEM responsible for Adidas Golf Footwear.

DEVELOPMENT MANAGER – Running Footwear (China & Germany)

2007 – 2009 (Guangzhou, China)

2004 – 2007 (Herzogenaurach, Germany)

- Managed the development of high-performance running footwear, delivering multiple technical innovations and successful product launches.

MECHANICAL ENGINEER – adidas Innovation Team (Herzogenaurach, Germany)

2003 – 2004

Patents

Co-inventor on **20+ patents** covering footwear materials, footwear technology, and advanced manufacturing.

Full details available at <https://patents.google.com/?inventor=angus+wardlaw>

Education and Certifications

B.Eng. Mechanical Engineering with Management Techniques

2:1

The University of Edinburgh, Edinburgh, Scotland

Technical Skills

- **Product Development:** Agile methodologies, R&D management, 3D software integration.
- **Strategic Operations:** Supply chain optimisation, cross-category innovation leadership.
- **Languages:** Basic Mandarin (Pinyin), Moderate German.
- **Software:** Advanced CAD (Rhino Surface Modeler), 3D digital creation platforms.

Sporting Achievements

Represented Scotland in international running competitions, including the World Mountain Running Championships, demonstrating a lifelong commitment to performance and sport.
