

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 IPR2026-00343
Patent U.S. 11,871,811

MOTION TO SEAL PURSUANT TO 37 C.F.R. § 42.54

Mail Stop “PATENT BOARD”

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner, Skechers, U.S.A, Inc., respectfully submits this Motion to seal its corrected Opposition to Patent Owner's Request for Discretionary Denial ("Opposition") and seeks entry of its corrected Opposition brief.

I. DOCUMENTS TO BE SEALED

For the reasons set forth below in Section II, there is good cause to request the sealing of Petitioner's corrected Opposition to Patent Owner's Request for Discretionary Denial—because of the confidential information contained therein.

Petitioner's corrected Opposition to Patent Owner's Request for Discretionary Denial is filed fully under seal out of an abundance of caution because portions thereof contain quotes, references, and characterizations of previously filed EX1051. Petitioner will confer with Patent Owner regarding the scope of redactions to Petitioner's Opposition to Patent Owner's Request for Discretionary Denial necessary to preserve the confidential information, and will endeavor to file a public, redacted, non-confidential version within five (5) business days. The redactions will be tailored to protect only the confidential information contained in EX1051.

II. GOOD CAUSE FOR SEALING THE IDENTIFIED DOCUMENTS

When enacting *inter partes* reviews ("IPRs"), Congress directed the Board to "provid[e] for protective orders governing the exchange and submission of confidential information." 35 U.S.C. § 316(a)(7). Thus, "[t]he Board may, for good

cause, issue an order to protect a party or person from disclosing confidential information . . .” 37 C.F.R. § 42.54(a). In *Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018), the Board set forth the standard for sealing confidential information:

[A] movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4) on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Id. at 3 (“the Argentum Factors”).

The *Argentum* factors support granting this Motion for the reasons below.

Factor (1): Petitioner submits that EX1051, and the portions of Petitioner’s Opposition to Patent Owner’s Request for Discretionary Denial that reflect the confidential information contained in EX1051, are truly confidential. EX1051 was produced by FAST IP in the parallel district court proceeding as “RESTRICTED – ATTORNEYS’ EYES ONLY,” pursuant to the protective order entered in the district court. They include, for example, information related to FAST IP’s licensing activities and relationship with its licensees.

Factor (2): Petitioner submits that it has good cause to seal portions of Petitioner’s Opposition to Patent Owner’s Request for Discretionary Denial that

reflect the confidential information contained in EX1051, because they contain information provided to the Petitioner under the terms of the district court protective order which limits the disclosure of such information.

Factor (3): Petitioner submits that there is a genuine need to rely on EX1051 for the reasons set forth in Petitioner's Opposition to Patent Owner's Request for Discretionary Denial. For example, the relied-upon information relates to and rebuts FAST IP's arguments concerning its settled expectations in this proceeding; and

Factor (4): Petitioner's and FAST IP's interest in maintaining confidentiality outweighs the public interest in having an open record. As discussed above, only portions of Petitioner's Opposition to Patent Owner's Request for Discretionary Denial reflect the confidential information contained in EX1051. Petitioner will propose redactions to its Opposition to Patent Owner's Request for Discretionary Denial, tailored to remove only the confidential information and aiming to disclose to the public as much as possible. The Board should thus find that the present motion strikes an appropriate balance of the parties' interest in confidentiality and the public's need in the full record.

III. CONCLUSION

Petitioner respectfully requests that the Board enter the attached protective orders and grant this Motion to Seal.

Dated: August 6, 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

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on August 6, 2026, a copy of the foregoing document **MOTION TO SEAL** was served by electronic mail upon the following parties:

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