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

PATENT OWNER'S AUTHORIZED REPLY TO PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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I. INTRODUCTION

The Director should deny institution because Petitioner failed to identify a real party in interest (RPI). After Patent Owner pointed out in its Discretionary Denial brief (Paper 12, "DD Br.") that Petitioner failed to name an RPI, Petitioner amended its mandatory notices, on July 24, 2026, to identify four new parent entities. Paper 13, 1. At a minimum, Petitioner's amendment requires according a new filing date to its Petition. But Petitioner still failed to identify its private owner—an entity with the ability to control this IPR—as an RPI. Because the Petition is now subject to the time bar under 35 U.S.C. § 315(b), it cannot be corrected, and accordingly, institution must be denied for this reason, as well as the other independent reasons set forth in Patent Owner's Discretionary Denial brief.

II. ARGUMENT

A. 3G Capital is an unnamed RPI.

3G Capital remains an unnamed RPI to this IPR. It has a pre-existing, established relationship with Petitioner, would plainly benefit from IPR review, and its own business model demonstrates that it has the ability to exercise control of this proceeding. *See* DD Br., 16-18.

In its Opposition, Petitioner alleges that it was not acquired by 3G Capital. Paper 15 ("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.[1] Thus, contrary to Petitioner's unsupported assertions, the evidence clearly demonstrates 3G Capital's role as the owner of Petitioner.

Moreover, 3G Capital is not a hands-off equity private equity owner but instead plays an active and "hands-on role" in operating and controlling its acquisitions. *See* DD Br., 16-17; EX2011, 2; EX2015; EX2017; EX2020. That 3G Capital chose to retain Petitioner's existing management team, DD Opp., 18-19, does not negate that 3G Capital is an RPI. To the contrary, 3G Capital has made clear that it works "**closely alongside existing management teams** …. **with a focus on partnering hand-in-hand rather than directing from a distance**." EX2017, 5 (emphasis added). Thus, 3G Capital plainly has the ability to control this IPR. *See Sun Pharm. Indus., Inc. v. Biofrontera Inc.*, PGR2026-00021, Paper 12 at 2 (P.T.A.B. May 26, 2026) (Squires, Director). In a failed attempt to distinguish *Sun Pharmaceutical*, Petitioner focuses only on the lack of joint press

[1] Petitioner also alleges that there is no entity that is simply named "3G Capital." DD Opp., 16 n.2. But it is not Patent Owner's burden to determine which specific entity Petitioner referred to in its own press release and SEC filing. Rather, Petitioner bears the burden to identify all RPIs.

releases or consolidated financial statements but does not rebut the substantial evidence showing 3G Capital has the "ability to control" this IPR.

Petitioner bears the "burden to bring forth evidence or arguments that it named all RPIs." *Yangtze Memory Techs. Co., Ltd. v. Micron Tech., Inc.*, IPR2025-00098, Paper 38 at 8 (P.T.A.B. Jan 15, 2026) (Squires, Director) ("*YMTC*") (informative) (citing *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018)). In view of the substantial evidence presented by Patent Owner indicating that 3G Capital is an unnamed RPI, Petitioner fails to meet that burden.

B. The Petition should be denied.

The Petition is not in condition for consideration because Petitioner has failed to identify all RPIs. *See Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 at 23-25 (P.T.A.B. Aug. 18, 2015) (precedential, except § II.E.1) ("[u]nder 35 U.S.C. § 312(a)(2) an IPR petition may be considered 'only' if it identifies 'all' real parties-in-interest."); 35 U.S.C. § 312(a)(2). And even if Petitioner sought to remedy its failure to name all RPIs, it cannot: the Petition is now time-barred. Under these circumstances, rather than resetting the filing date, the Petition should be denied.

Amendment of the RPI disclosure necessarily results in according the Petition a new filing date. *See Curium US LLC v. Universität Heidelberg*, IPR2025-01582, Paper 11 at 3 (P.T.A.B. Feb. 25, 2026) (Squires, Director)

(informative); *see also Sagemcom Broadband SAS v. Engropic Commc'ns, LLC*, IPR2026-00263, Paper 18 (P.T.A.B. Aug. 3, 2026) (according a new filing date, expunging briefing, and resetting deadlines after Petitioner updated its RPIs). Thus, at a minimum, the Petition must be accorded a new filing date of July 24, 2026, the date Petitioner amended its mandatory notices to add new RPIs. Paper 13.

However, it would not be an efficient use of the Board's resources to reset the proceeding when Petitioner still failed to name an RPI and the failure can no longer be cured.[2] Any further amendment to Petitioner's mandatory notices to add 3G Capital as an RPI would result in yet another new filing date. *See Curium*, 3. But here Petitioner was served with a complaint more than one year ago, on August 6, 2025. Thus, no new filing date can be accorded because the Petition is now time-barred under 35 U.S.C. § 315(b). *See YMTC*, Paper 38 at 8.

III. CONCLUSION

For these reasons, and the other reasons discussed in Patent Owner's Discretionary Denial Brief, the Director should exercise discretion to deny institution of this IPR.

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[2] It would also not be an efficient use of the Board's resources to reset the filing date, even to July 24, 2026, where trial would occur 8 months before the new projected FWD date, and with the other reasons for denial. *See* DD Br., 18.

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO DISCRETIONARY DENIAL** was served in its entirety on August 7, 2026, upon the following parties via electronic mail:

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