

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 MOTION TO STRIKE

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	1
III.	PETITIONER’S UNAUTHORIZED DOCUMENTS SHOULD BE STRICKEN.....	2
IV.	CONCLUSION.....	4

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	<i>HandsFree Labs Licensing, LLC et al. v. Skechers U.S.A. Inc.</i> , Case No. 2:25-cv-00744-JRG (E.D. Tex.), Second Amended Complaint and Jury Demand, filed Dec. 19, 2025
2002	<i>HandsFree Labs Licensing, LLC et al. v. Skechers U.S.A. Inc.</i> , Case No. 2:25-cv-007744-JRG (E.D. Tex.), Second Amended Docket Control Order, filed Dec. 23, 2025
2003	Conrad, J. (2026, March 26). Kizik's Hands-Free Tech is Coming to New Balance. Retrieved June 29, 2026, from https://www.inc.com/jennifer-conrad/kiziks-hands-free-tech-is-coming-to-new-balance/91319850
2004	England, A. (2022, January 2). Kizik by HandsFree Labs: "The Future of Footwear." Retrieved June 29, 2026, from https://www.techbuzznews.com/kizik-by-handsfree-labs-the-future-of-footwear-/
2005	Helms, H. (2026, April 22). The Most Convenient Running Shoe Innovation in Years Isn't From Nike or Adidas. Retrieved June 29, 2026, from https://www.gearpatrol.com/footwear/kizik-freedom-run/
2006	Newcomb, T. (2024, November 14). Kizik Growing Hands-Free Outdoor-Focused Footwear Lineup. Retrieved June 29, 2026, from https://www.forbes.com/sites/timnewcomb/2024/11/14/kizik-growing-hands-free-outdoor-focused-footwear-lineup/
2007	Pastore, A. (2024, January 9). Kizik's Bradley Johnson Discusses Enabling Discovery for Innovation Hungry Consumers. Retrieved June 29, 2026, from https://wwd.com/business-news/business-features/kizik-bradley-johnson-discovery-innovation-hungry-consumers-1236114333/

Exhibit No.	Description
2008	Daniels, M. (2025, April 18). Inside Kizik’s quest to dominate the hands-free shoe space through intellectual property. Retrieved June 29, 2026, from https://www.modernretail.co/operations/inside-kiziks-quest-to-dominate-the-hands-free-shoe-space-through-intellectual-property/
2009	Welty, M. (2025, March 10). The Designer Behind the Nike Benassi Slide is Changing Slip-on Footwear. Retrieved June 29, 2026, from https://www.complex.com/sneakers/a/matt-welty/andreas-harlow-nike-kizik-interview
2010	Success Rate of Motions to Stay Pending <i>Inter Partes</i> Review before Judge Rodney Gilstrap, Docket Navigator Report, generated June 8, 2026
2011	Miller, C. (2024, October 7). Transforming Giants: Inside 3G Capital’s Most Successful Acquisitions. Retrieved June 29, 2026, from https://ceoworld.biz/2024/10/07/transforming-giants-inside-3g-capitals-most-successful-acquisitions/
2012	Examiner’s Search Strategy and Results in U.S. Patent Application No. 18/371,413, filed Dec. 4, 2023
2013	<i>HandsFree Labs Licensing, LLC, et al. v. Skechers U.S.A., Inc.</i> , Case No. 2:25-cv-00744-JRG (E.D. Tex.), Skechers U.S.A., Inc.’s Preliminary Invalidity Contentions, filed Mar. 2, 2026
2014	3G Completes Acquisition of Skechers (2025, September 12). Retrieved May 28, 2026, from https://about.skechers.com/press-release/3g-capital-completes-acquisition-of-skechers
2015	Ireland, S. (2026, March 11). Alex Behring and Daniel Schwartz on Why 3G Capital’s Model is Rewriting the Rules of Private Equity. Retrieved June 29, 2026, from https://ceoworld.biz/2026/03/11/alex-behring-and-daniel-schwartz-on-why-3g-capitals-model-is-rewriting-the-rules-of-private-equity/

Exhibit No.	Description
2016	Burba, A. (2024, October 21). How Kizik Found Its Footing. Retrieved June 29, 2026, from https://www.inc.com/annabel-burba/how-kizik-found-its-footing/90990715
2017	Beyond Private Equity: 3G Capital’s Business-Building Partnership Model. (2026, April 20). Retrieved June 19, 2026, from https://thebossmagazine.com/post/beyond-private-equity-3g-capitals-business-building-partnership-model/
2018	HandsFree Lab Receives Strategic Investment from Nike. (2019, November 20). Retrieved June 29, 2026, from https://www.prnewswire.com/news-releases/handsfree-labs-receives-strategic-investment-from-nike-300962516.html
2019	<i>HandsFree Labs Licensing, LLC, et al. v. Skechers U.S.A., Inc.</i> , Case No. 2:25-cv-00744-JRG (E.D. Tex.), Exhibit 811-C, Invalidity Combinations Chart for U.S. Patent No. 11,871,811
2020	Who Owns 3G Capital? Founders, Partners, and Structure. (2026, June 11). Retrieved June 29, 2026, from https://legalclarity.org/who-owns-3g-capital-founders-partners-and-structure/
2021	Skechers Agrees to be Acquired by 3G Capital, United States Securities and Exchange Commission Archive. Retrieved June 30, 2026, from https://www.sec.gov/Archives/edgar/data/1065837/000119312525112159/d943603dex991.htm
2022	Powered by Handsfree Labs, the world leader in hands-free technology. Retrieved July 22, 2026, from https://kizik.com/pages/innovation
2023	Carmichael, E. (2019, February 21). TWH explains: What is a heel counter and Why you need to know. Retrieved July 22, 2026, from https://the-well-heeled.com/twh-explains-what-is-a-heel-counter-and-why-you-need-to-know/

Exhibit No.	Description
2024	Heel Counter. Retrieved July 22, 2026, from https://shoemaking.wiki/Heel_Counter
2025	Counter Stiffener Attaching in Footwear Upper Manufacturing – Stitching Process Series. Retrieved July 22, 2026, from https://thefootwearedge.com/counter-stiffener-attaching-028/
2026	“The Ultimate Guide to Skechers Hands-Free Slip-ins®,” <i>SKECHERS</i> , accessed at https://www.skechers.com/stories/comfort-technology/what-is-skechers-hands-free-slip-ins.html (last accessed July 15, 2026)
2027	“Hands-Free Slip-ins® vs. Traditional Slip-Ons: What’s the Difference?,” <i>SKECHERS</i> , accessed at https://www.skechers.com/stories/comfort-technology/skechers-hands-free-slip-ins-vs-slip-ons.html (last accessed July 15, 2026)
2028	Declaration of Robert Erb
2029	<i>Curriculum Vitae</i> of Robert Erb
2030	Ryder, S. “Step by Step. Design and Development,” CoDesign Collaborative, accessed at https://codesigncollaborative.org/step-by-step-shoe-design/ (last accessed July 30, 2026)
2031	August 13, 2026, Board email authorizing motions to strike in IPR2026-00342, IPR2026-00343, IPR2026-00373, IPR2026-00443, and IPR2026-00444

I. INTRODUCTION

As authorized by the Board's August 13, 2026 email (EX2031), Patent Owner Fast IP, LLC ("PO") moves to strike EX1053-EX1055 and updated exhibit list Paper 18 ("the unauthorized documents") that improperly attempt to cure deficiencies in the Petition. Because these exhibits were neither filed with authorized briefing nor were they separately authorized, expungement is required under Rule 42.7.

II. BACKGROUND

In the Preliminary Response (Paper 14, "POPR"), PO identified deficiencies in the translation certificates submitted with certain documents relied on in the Petition. *See* POPR, 10-12. An English translation and certification are required under the Board's rules when a party relies on a non-English language document. *See id.*; 37 C.F.R. § 42.63(b) ("Translation required. When a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document."). The originally filed translation certificates are not in compliance with the rules. The originally filed expert declaration also is missing the complete language required to be considered a proper declaration under either of 37 C.F.R § 1.68 or 28 U.S.C. 1746. *See* 37 C.F.R. § 42.2.

On August 4, 2026, Petitioner filed the unauthorized documents in an attempt to cure the Petition deficiencies. The unauthorized documents include updated translation certificates, as well as a supplemental declaration of Petitioner's expert.

III. PETITIONER'S UNAUTHORIZED DOCUMENTS SHOULD BE STRICKEN.

The Board has authority to expunge any paper filed without authorization. 37 C.F.R. § 42.7(a) ("The Board may expunge any paper directed to a proceeding ... that is not authorized under this part or in a Board order or that is filed contrary to a Board order."). This includes exhibits filed by a party without previously receiving authorization for the filing from the Board. *See Ice Castles, LLC v. Youngstrom*, IPR2021-01179, Paper 8 at 2-3 (P.T.A.B. Oct. 26, 2021).

Here, Petitioner did not request or receive authorization from the Board for this filing, nor did Petitioner even confer with PO prior to filing the unauthorized documents. Instead, Petitioner simply filed the unauthorized and untimely documents.

Petitioner has no excuse for flouting the Board's procedures and failing to request the required authorization. The Board's rules expressly provide that "[a] petitioner may seek leave to file a reply to the preliminary response" and that "[a]ny such request must make a showing of good cause." 37 C.F.R. § 42.108(c);

see also Trial Practice Guide¹, § C. There is no argument that Petitioner could have, *but simply did not*, seek the required leave.

During the parties' meet-and-confer on the issue of this motion to strike, Petitioner stated that it filed the unauthorized documents "[i]n order to moot the issue" of its improper translation certifications. EX2031. But Petitioner is not permitted to bypass the Board's rules and unilaterally supplement its Petition, particularly where it is attempting to "moot" an issue of its own creation by not following the Board's rules regarding translation certificates in the first place.

Petitioner further contended that striking the unauthorized documents would "impede 'the just, speedy, and inexpensive resolution of [these] proceeding[s],' " because "[s]hould Patent Owner's objections to the form of the certifications be raised following institution, Petitioner would simply serve the same supplemental materials." EX2031 (citing 37 C.F.R. §§ 42.1(b), 42.64(b)). But this *ex post facto* justification is not sufficient. Petitioner has not identified any regulatory or statutory basis that allows them to file additional evidence *at this stage of the proceeding*. The unauthorized documents cannot be filed as supplemental evidence, which is only *served* in response to objections, not *filed*. 37 C.F.R. § 42.64(b)(2). And, indeed, PO's evidentiary objections are not even due until ten

¹ <https://www.uspto.gov/patents/ptab/trial-practice-guide>

business days *after institution*. 37 C.F.R. § 42.64(b)(1). Further, at this stage of the proceeding, the unauthorized documents cannot be filed as supplemental information, which is only permitted *by motion* and *after institution*. 37 C.F.R. § 42.123. It is simply too early for filing supplemental information, and by circumventing the motion process, Petitioner deprived PO the opportunity to oppose Petitioner's motion.

As the Board has previously held, Petitioner's "self-help strategy frustrates the Board's ability to manage the record of the proceeding." *Ice Castles*, Paper 8 at 2 (citing 37 C.F.R. § 42.7). The Board should discourage such behavior and strike the unauthorized documents.

Additionally, the Board has held, on rehearing, that proving documents are prior art requires at least a threshold showing in the Petition; without such a showing, which was not curable post-Petition filing, denial was required. *Temporal Power Ltd. v. Beacon Power, LLC*, IPR2015-00146, Paper 12 (P.T.A.B. June 10, 2015) and IPR2015-00147, Paper 10 (P.T.A.B. June 10, 2015). Here, proving translations are properly certified should also be incurable post-Petition filing, and thus for this additional reason the new exhibits should be stricken.

IV. CONCLUSION

For the foregoing reasons, the challenged evidence (Paper 18, EX1053-EX1055) should be stricken from the record.

Respectfully submitted,

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Date: August 20, 2026

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

I certify that the above-captioned **PATENT OWNER'S MOTION TO STRIKE** was served in its entirety on August 20, 2026, upon the following parties via electronic mail:

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