

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 IPR2026-00373
U.S. Patent No. 12,274,325

PATENT OWNER'S PRELIMINARY RESPONSE

Mail Stop "PATENT BOARD"
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	4
III.	OVERVIEW OF THE '325 PATENT AND EXAMINATION	6
IV.	PERSON OF ORDINARY SKILL IN THE ART	7
V.	THE PETITION FAILS ON THE MERITS.....	8
A.	The Petition fails to show all limitations of the claim in the prior art.....	9
1.	Ground 1 – Takahashi does not anticipate element 1[c].....	9
2.	Ground 1 – Takahashi does not anticipate element 1[l]	11
3.	Ground 2 – Takahashi in view of Doenges fails to disclose all features of claim 1, from which claims 8 and 9 depend	17
4.	Ground 3 – Shin does not anticipate element 1[l]	17
5.	Ground 4 – Shin in view of Takahashi fails to disclose element 1[l]	24
6.	Ground 5 – Shin in view of Doenges, and if necessary, Takahashi fails to disclose element 1[l].....	25
B.	The Petition fails to establish anticipation because it does not identify a single embodiment that discloses all claimed limitations as arranged in the claims.....	25
C.	The Petition fails to articulate the grounds with particularity.....	31
1.	Ground 1 – Petitioner fails to plead its anticipation theory with particularity	32
2.	Ground 5 – Shin in view of Doenges, <i>and if necessary</i> , in further view of Takahashi fails to plead its obviousness theory with particularity.....	34
D.	The Petition fails to show a simple, predictable, reasonable motivation to combine across all of its obviousness grounds.....	35
VI.	CONCLUSION.....	37

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	<i>Handsfree Labs Licensing LLC 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 v. Skechers, U.S.A., Inc.</i> , Case No. 2-25-cv-00744-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/
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/

Exhibit No.	Description
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	Docket Navigator Report showing Success Rate of Motions to Stay Pending <i>Inter Partes</i> Review before Judge Rodney Gilstrap, 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	Excerpted Prosecution History of U.S. Patent No. 12,274,325
2013	<i>Handsfree Labs Licensing LLC 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/
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/

Exhibit No.	Description
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 325-C, Invalidity Combinations Chart for U.S. Patent No. 12,274,325
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	Skechers USA Inc 8-K, Sept. 12, 2025
2023	August 13, 2026, Board email authorizing motions to strike in IPR2026-00342, IPR2026-00343, IPR2026-00373, IPR2026-00443, and IPR2026-00444
2024	Hands-Free Slip-ins® vs. Traditional Slip-Ons: What's the Difference?, Retrieved July 15, 2026, from https://www.skechers.com/stories/comfort-technology/skechers-hands-free-slip-ins-vs-slip-ons.html
2025	When Technology meets your shoes. Retrieved July 30, 2026, from https://kizik.com/pages/tech-demo

TABLE OF AUTHORITIES

Cases

<i>Advanced, Display Sys., Inc. v. Kent State Univ.</i> , 212 F.3d 1272 (Fed. Cir. 2000).....	27
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015).....	38
<i>BioDelivery Scis. Int’l, Inc. v. Aquestive Therapeutics, Inc.</i> , IPR2015-00165, Paper 91 (P.T.A.B. Feb. 7, 2019).....	12
<i>Chevron Oronite Co. LLC v. Infineum USA L.P.</i> , IPR2018-00923, Paper 9 (P.T.A.B. Nov. 7, 2018).....	12
<i>Henny Penny Corp. v. Frymaster LLC</i> , 938 F.3d 1324 (Fed. Cir. 2019).....	39
<i>Hockerson-Halberstadt, Inc. v. Avia Group Int’l</i> , 222 F.3d 951, 55 U.S.P.Q.2d 1487, 1491 (Fed. Cir. 2000).....	24
<i>Honeywell Int’l Inc. v. DSM IP Assets B.V.</i> , IPR2024-00493, Paper 7 (P.T.A.B. Aug. 21, 2024).....	38
<i>In re Arkley</i> , 455 F.2d 586 (C.C.P.A. 1972)	28, 29, 32
<i>In re Float ‘N’Grill LLC</i> , 72 F.4th 1347 (Fed. Cir. 2023)	3
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984).....	38
<i>In re Magnum Oil Tools Int’l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016).....	8, 37
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016).....	8, 38
<i>M. Eagles Tool Warehouse, Inc. v. Fisher Tooling Co.</i> , 439 F.3d 1335 (Fed. Cir. 2006).....	3
<i>Microsoft Corp. v. Sandpiper CDN, LLC</i> , IPR2026-00190, Paper 13 (P.T.A.B. May 15, 2026).....	20
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008).....	19, 27, 29

<i>NJOY, LLC v. JUUL Labs, Inc.,</i> IPR2024-00536, Paper 17 (P.T.A.B. Aug. 12, 2024).....	38
<i>Regents of the Univ. of Cal. v. Broad Inst., Inc.,</i> 903 F.3d 1286 (Fed. Cir. 2018).....	38
<i>Richardson v. Suzuki Motor Co.,</i> 868 F.2d 1226 (Fed. Cir. 1989).....	15
<i>Therasense, Inc. v. Becton, Dickinson & Co.,</i> 593 F.3d 1325 (Fed. Cir. 2010).....	29
<i>Verdegaal Bros. v. Union Oil Co. of California,</i> 814 F.2d 628 (Fed. Cir. 1987).....	15, 19, 22, 28

Statutes

35 U.S.C. § 312(a)(3).....	passim
----------------------------	--------

Regulations

37 C.F.R. § 1.68	10, 11, 12
37 C.F.R. § 42.104(b)(4).....	9, 23
37 C.F.R. § 42.2	10
37 C.F.R. § 42.63(b)	9

I. INTRODUCTION

The Board should deny institution of *inter partes* review of U.S. Patent No. 12,274,325 (“the ’325 patent”) on the merits. While slip-on shoes have been around for centuries, *see, e.g.*, Pet., 1-2, hands-free shoes and boots that are donned and doffed easily while at the same time fitting like a traditional shoe have not. Skechers even admits that there is a large gap between a traditional slip-on shoe and a hands-free experience, stating that traditional slip-ons are defined by a “lack of traditional fasteners like laces or buckles” but still require “slight hand assistance” by “using a finger to hold the back of the shoe open,” require “wiggling your foot to get it settled correctly,” and can result in “sometimes crushing the heel counter” because the heel is “often flexible/collapsible.” *See* EX2024.

Even the recent easy entry sneaker trend has produced shoes plagued by myriad design problems rendering them (1) no more convenient than traditionally fastening shoes because they are difficult to slip on and off and/or still require the wearer to bend over and use their hands (e.g., to fasten Velcro®, zippers, or pull ties), and/or (2) of limited functionality because they slip off too easily and/or provide inadequate foot support for athletic use, and/or (3) uncomfortable because the dynamic elements that provide the slip-on functionality rub or pinch the wearer.

The Petition falsely states that Patent Owner Fast IP, LLC is a “non-practicing patent monetization entity.” *Contra* Pet., 1. It is the IP holding affiliate of Kizik, a revolutionary shoe company that innovates, manufactures, and sells hands-free sneakers. *See* EX2025 (“Kizik uses HandsFree Labs® technology in every shoe.”). Kizik has invented numerous patented shoe technologies directed to longstanding challenges in shoes, including embodiments that slip on quickly without needing to work the foot into position by maneuvering or shimmying the foot within the shoe during insertion, embodiments that do not slip off accidentally during high-performance activities like running, and embodiments that fit snugly and provide stability while also being easy to remove on demand. By reducing the physical effort required to put on and remove footwear, the claimed technology is particularly beneficial for individuals with disabilities, mobility limitations, injuries, age-related impairments, or other conditions that make conventional footwear difficult to use.

The challenged patent reflects a carefully engineered design in which the precise structure, relative positioning, and interaction of every component are all carefully designed in an intentional construction to work together as a cohesive unit to provide a specific function, fit, and feel that is not possible for any individual component in isolation. *See generally* EX1001. Indeed, claim 1 of the ’325 patent is nearly a page of text, historically called a “picture claim.” *Id.*; *see In*

re Float 'N' Grill LLC, 72 F.4th 1347, 1349 (Fed. Cir. 2023). It recites, in detail, a very specific design that is found nowhere in the prior art. *See M. Eagles Tool Warehouse, Inc. v. Fisher Tooling Co.*, 439 F.3d 1335, 1341-42 (Fed. Cir. 2006) (a claim that “recites in detail nearly all of the features of the invention” is “often referred to as a ‘picture claim’”). The purpose of such claims is to distinguish a holistic invention from similar prior art in a crowded field.

The Petition’s grounds fail because they do not account for that claimed arrangement. Unable to identify the complete combination in any single embodiment of a single prior-art reference, the Petition moves among different embodiments, figures, references, and alternative theories in an attempt to reconstruct the claims. For anticipation, the Petition does not identify a single embodiment that discloses all claimed limitations arranged as claimed. For obviousness, the Petition does not provide a sufficient reason why a POSITA would have combined the asserted references in the specific manner required by the claims. And across multiple grounds, the Petition fails to articulate its theories with particularity as required. The prior art references disclose materially different footwear designs and address different objectives, and none of them, alone or in the Petition’s alternative combinations, disclose Patent Owner’s intentional construction resulting in the specific combination recited by claim 1 as a whole. Accordingly, the Petition fails to show even a likelihood that claim 1 is invalid.

II. BACKGROUND

The challenged patent arises from pioneering innovations in hands-free footwear technology. The invention addresses a technically difficult footwear problem: how to allow a user to step into a shoe without using hands, bending down, or tying laces, while still providing the fit, structure, and retention expected from ordinary footwear. *See* EX1001, Abstract, 1:20-30, 1:48-62. Contrary to Petitioner’s accusations (Pet., 1), Utah-based Kizik Design, LLC (“Kizik”) and its U.S. owners and inventors spent considerable time and R&D money developing and commercializing technologies through hands-free footwear sold under its Kizik® brand; PO, Utah-based Fast IP, LLC holds the patent assets commercialized by Kizik; and Utah-based HandsFree Labs Licensing, LLC controls the licensing of those patent assets. Each is owned by U.S.-based HandsFree Labs, Inc. (“HFL”). EX2001, ¶¶3, 12-14; *see also* Paper 6.

Patent Owner’s corporate structure reflects a conventional operating company model for protecting and commercializing technologies. One affiliate holds the patent assets, another manages licensing rights, and the product company practices the technologies in the market. Here, the HFL corporate family (“HFL family”) includes the inventors, the patent assets, the licensing function, and the well-known Kizik® brand. Today, Kizik has served millions of customers with distribution in over 40 countries, while the HFL family’s technologies are

protected by more than 200 patents and patent applications worldwide. EX2001,

¶4. Thus, contrary to the Petition’s suggestion, Patent Owner is part of an American corporate family that practices its patents in the technologies and products it develops and sells.

The HFL family are the innovators that first successfully commercialized hands-free footwear. Kizik launched in 2017 as the world’s original hands-free shoe brand, based on Utah-based founder Michael Pratt’s foundational work developing shoes that could be put on without bending over or tying laces. Independent industry coverage has consistently identified the HFL family as pioneers in the category. *See, e.g.*, EX2003-EX2009. And in 2019, Nike—the world’s largest footwear company with a long history of innovation—made a strategic investment in HFL and entered a licensing partnership, recognizing the HFL family as a pioneer in hands-free footwear technology. EX2001, ¶4.

While many recognized the HFL family’s innovations through industry praise and licensing, Skechers took a different path—entering the category after the HFL family had already patented, commercialized, and licensed the technology. Skechers launched its Hands Free Slip-ins and other hands-free products without requesting a license and simply incorporated the HFL family’s patented technologies into its own “Skecherized” versions. EX2001, ¶¶1, 5. Indeed, analysts have observed that Skechers has a “notorious reputation as one

of the biggest knock-off brands in the world” and “it built its entire business model on stealing other brands’ designs.” EX2001, ¶2. The present dispute thus concerns a serial infringer that competes directly with a U.S.-based Patent Owner’s groundbreaking technology.

III. OVERVIEW OF THE ’325 PATENT AND EXAMINATION

The ’325 patent is entitled “Rapid-Entry Footwear Having a Stabilizer and an Elastic Element.” EX1001, 1. It was filed on October 13, 2022, as a continuation of application 16/942,335, which claims priority to provisional application 62/879,883, filed on July 29, 2019. The ’325 patent discloses a rapid-entry shoe with a stabilizer to resist a rear portion of the shoe from collapsing downward. EX1001, Abstract. Such a shoe can be put on without bending over to tie laces, making everyday tasks easier, faster, and more convenient. EX2001, ¶3. This technology is particularly useful for people with disabilities, injuries, elderly people, or others that have difficulty bending over to tie laces. EX2001, ¶3.

The Examiner performed a thorough and extensive examination of the ’325 patent, most of which Skechers intentionally omits from its “excerpted” prosecution history submitted with its Petition. The complete prosecution history of the ’325 patent includes: eight separate searches; seven Office Actions (January 2023; April 2023; August 2023; October 2023; March 2024; June 2024; and September 2024); seven amendments/applicant remarks, including three Requests

for Continued Examination (April 2023; July 2023; October 2023; January 2024; May 2024; September 2024; and February 2025); and seven Examiner interviews. *See generally* EX2012. During the course of prosecution, the Examiner considered a reference relied upon in Skecher's challenge and issued numerous rejections alleging the claims were unpatentable over prior art. At the conclusion of this robust examination, the Examiner determined the claims were allowable and mailed a Notice of Allowance. EX1002, 132-133. Patent Owner paid the issue fee and the '325 patent issued.

The Petition identifies no material error in the Examiner's analysis. There is none. Instead, it invites the Board to revisit issues already considered during examination while disregarding the extensive review conducted through the Examiner's prior-art search and consideration. The Petition thus fails to present an argument on the merits worthy of the Board's limited resources.

IV. PERSON OF ORDINARY SKILL IN THE ART

For purposes of this Preliminary Response only, Patent Owner does not dispute Petitioner's definition of a person of ordinary skill in the art ("POSITA"). Patent Owner reserves the right to challenge Petitioner's proposed level of ordinary skill and to present a different definition should this decision be instituted.

V. THE PETITION FAILS ON THE MERITS.

In an IPR, “the burden of proving a proposition of unpatentability” is borne by (and remains at all times with) the petitioner. 35 U.S.C. §§ 314(a), 316(e); *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1375 (Fed. Cir. 2016). To satisfy its burden, a petitioner must “articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness”—“mere conclusory statements” will not suffice. *Id.* at 1380. Indeed, “[i]t is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify ‘with particularity’ the ‘evidence that supports the grounds for the challenge to each claim.’” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016) (quoting 35 U.S.C. § 312(a)(3)).

Here, the Petitioner falls far short of its burden of demonstrating that there is a reasonable likelihood that at least one claim of the 9 challenged claims of the ’325 patent is unpatentable. First, Petitioner’s anticipation grounds fall short of disclosing all elements of the claims and especially do not teach the features as arranged in the claims. Second, Petitioner fails to articulate multiple grounds with particularity. Third, Petitioner’s obviousness grounds fail to establish a motivation to combine.

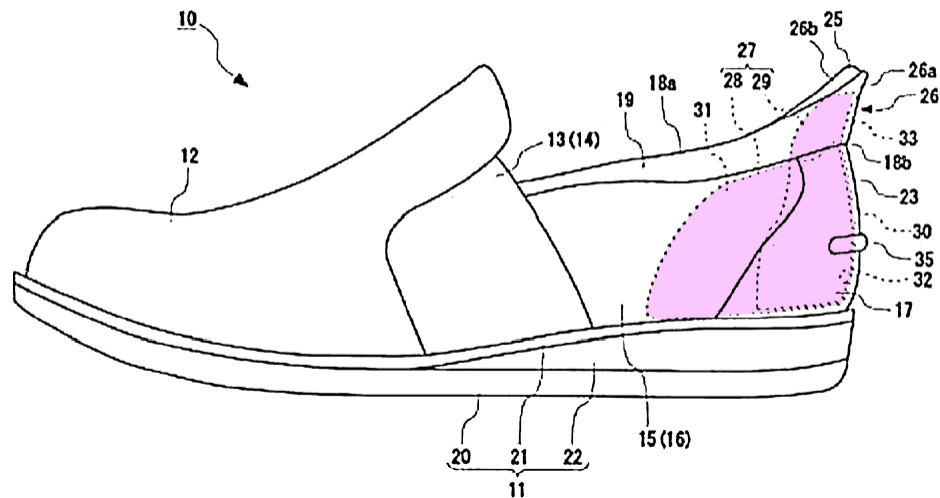
A. The Petition fails to show all limitations of the claim in the prior art.

Multiple Grounds of the Petition fail to identify all of the claim limitations in the prior art and therefore cannot show any likelihood of unpatentability. Because the Board may not institute on fewer than all grounds and all claims, the better use of the Board's resources here, where such a large majority of the Petition is fatally flawed, would be to deny institution. *See BioDelivery Scis. Int'l, Inc. v. Aquestive Therapeutics, Inc.*, IPR2015-00165, Paper 91 at 27-28 (P.T.A.B. Feb. 7, 2019) (denying institution where Petitioner had shown a reasonable likelihood of success on fewer than all asserted grounds); *cf. also Chevron Oronite Co. LLC v. Infineum USA L.P.*, IPR2018-00923, Paper 9 (DI) at 11. (P.T.A.B. Nov. 7, 2018) (denying institution where Petitioner had shown reasonable likelihood of success on fewer than all challenged claims).

1. Ground 1 – Takahashi does not anticipate element 1[c]

Takahashi fails to teach or suggest the claimed “stabilizer provided at a rear portion of the sole and comprised of a rigid material,” as recited in claim element 1[c]. The Petition maps the claimed “stabilizer” to Takahashi's counter 27 as shown below in pink. Pet., 22-23.

[FIG. 1]



Pet., 23 (EX1007, FIG. 1 (annotated)).

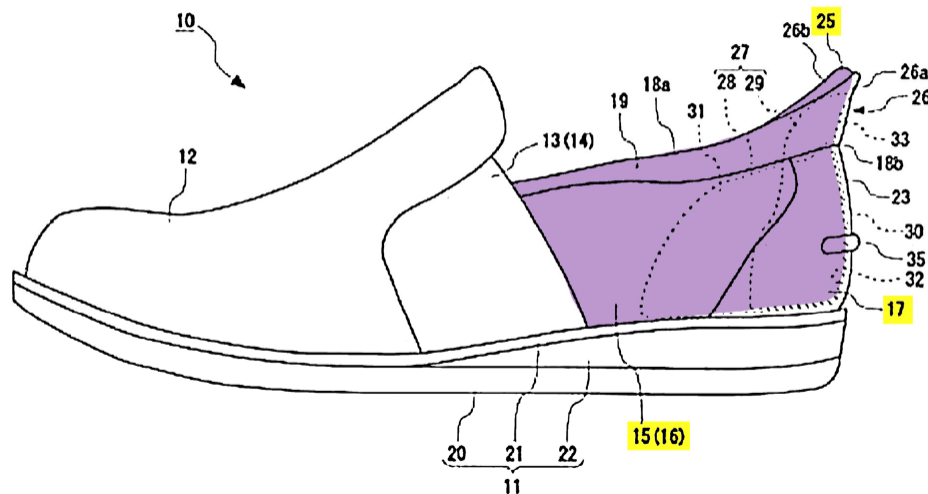
But Takahashi's counter 27 is not a "rigid material" as recited by claim 1. In contrast, Takahashi expressly states that the "second counter 29" of counter 27 (highlighted by Petitioner in pink above) "is soft." EX1007, ¶67. Indeed, Takahashi explains that "by having a second counter that includes the guide core portion and whose hardness is soft," "the shape of the curved surface of the heel portion can be easily ensured, and the deformation of the guide core portion can be allowed to improve the ease of putting on the shoe." EX1007, ¶32. For this reason alone, the Petition should be denied.

2. Ground 1 – Takahashi does not anticipate element 1[l]

Takahashi fails to teach or suggest the claimed “a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe,” as recited in claim element 1[l] for three independent reasons. Each reason separately warrants denial of this Petition.

First, Takahashi does not disclose “a *foam* liner.” The Petition relies on Takahashi’s lining 25 as allegedly anticipating the claimed “foam liner,” shown below in Petitioner’s annotated Figure 1 in purple. Pet., 43-46.

[FIG. 1]



Pet., 46. (EX1007, FIG. 1(annotated)).

But Takahashi simply discloses that the “material and thickness of the lining 25 are set to have an appropriate cushioning property” such as a sponge or pigskin. EX1007, ¶54. Nowhere does Takahashi disclose that the lining 25 is actually a “*foam* liner” as required for anticipation. Indeed, Petitioner acknowledges that Takahashi does not disclose a “*foam* liner” by relying not on Takahashi’s actual teachings and instead asserting, without support, that a “POSITA would have understood that ‘sponge’ is one type of foam.” Pet., 45.¹ A mere possibility that Takahashi’s sponge *could* be a foam is not sufficient for anticipation.² To demonstrate anticipation, “each and every element as set forth in the claim is found, either *expressly or inherently described*, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

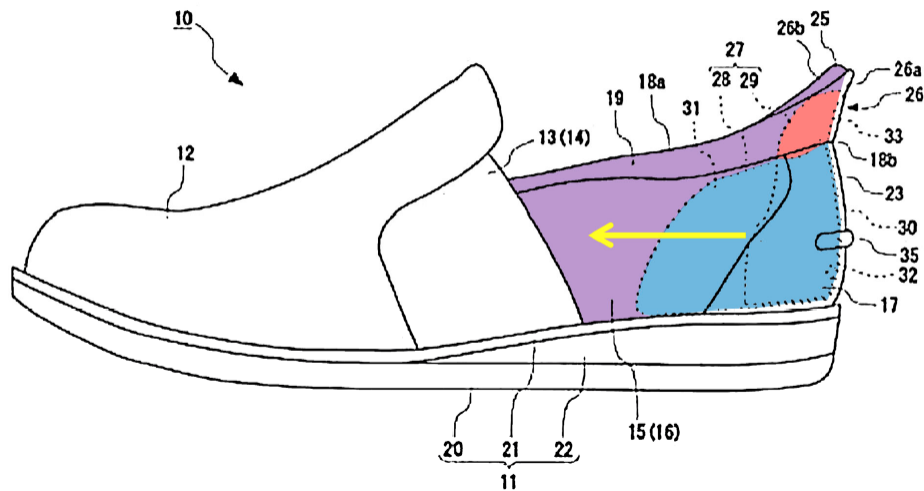
¹ Notably, Petitioner did not argue that Takahashi’s sponge lining 25 inherently meets the claimed “*foam* liner,” because it does not.

² *See* Section V.B. for further discussion of why Petitioner’s reliance on POSITA-based assertions cannot supply limitations missing from an asserted anticipating reference.

Second, Takahashi's lining 25 fails to meet the claimed "a portion of the foam liner *extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole.*" That is, claim 1 recites that the same "portion of the foam liner" both "extend[] beyond at least one of the medial portion of the base portion and the lateral portion of the base portion **and** [be] oriented downward toward the sole such." Yet the Petition relies on two different "portions" of the liner 25 to allegedly meet this limitation, demonstrating that Takahashi does not anticipate claim 1.

The Petition first cites Takahashi's statement that the "inner surfaces of the sides 15, 16 and the heel portion 17 are provided with [the] lining (covering for inside surface) 25." Pet., 47-48 (citing EX1007, ¶54). And then argues that "[t]his makes clear that Takahashi's 'foam liner' (lining 25, highlighted purple) '*extend[s] beyond at least one of the medial portion of the base portion and the lateral portion of the base portion*' (the lateral and medial sides of counter 27's base portion, highlighted blue)." Pet., 48 (emphasis added).

[FIG. 1]

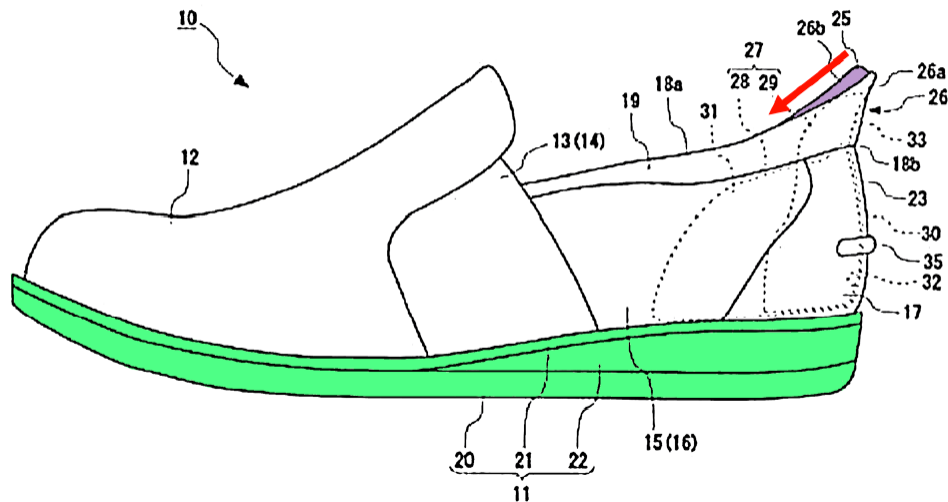


Pet., 48 (EX1007, FIG. 1 (annotated)).

The Petition thus relies on the portion of liner 25 (in purple) extending towards the toe of the shoes to the left of the counter 27 (identified by Petitioner's yellow arrow) as allegedly meeting the “a portion of the foam liner *extending beyond at least one of the medial portion of the base portion*” of claim 1.

Yet the Petition then points to an entirely different “portion” of Takahashi's liner 25 as allegedly teaching the second requirement that the “*portion*” be “*oriented downward toward the sole.*” Specifically, Petitioner highlights a different part of liner 25 in Figure 1 at the heel (in purple) to argue that it is “oriented downwards toward the sole (green).” Pet. 49-50.

[FIG. 1]

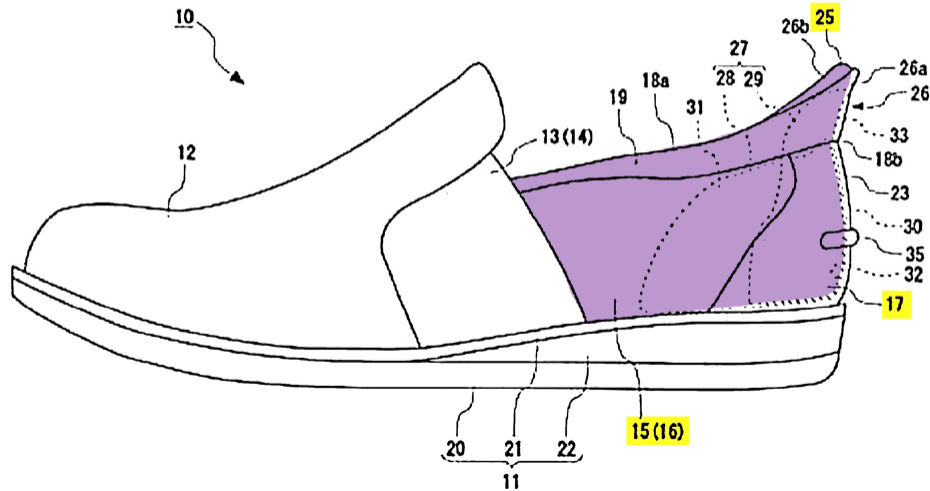


Pet., 50 (EX1007, FIG. 1 (annotated)).

But this other “portion” of Takahashi’s liner 25 does not “extend[] beyond at least one of the medial portion of the base portion and the lateral portion of the base portion.” That is, the Petition fails to identify any teaching in Takahashi that meets “a portion of the foam liner *extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole.*”

This is not surprising because, as the Petition itself demonstrates, the inner 25 (highlighted by Petitioner in purple) is simply a continuous material that lines the sides 15/16 and heel 17 and does not include “a portion *extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole.*” Pet., 45-46.

[FIG. 1]



Pet., 46 (EX1007, FIG. 1 (annotated)).

Third, Takahashi does not disclose “at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole *such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.*” Takahashi discloses that “the heel portion [17] is provided with the heel curve [23] sloping inward as it approaches the rear edge [18b] in order to hold a person’s heel and make it difficult for the shoe to slip off.” EX1007, ¶24. Based solely on this, Petitioner contends that a “POSITA would have understood that Takahashi’s foam liner provided on the inside of the heel portion would facilitate heel retention.” Pet., 50. But this sole paragraph cited by Petitioner does not even refer to the liner 25. Nowhere does Takahashi actually disclose that the liner 25, which is not even foam, “acts to retain a heel within the heel portion of the rapid-

entry shoe.” And Petitioner’s unsupported reliance on what a POSITA would have allegedly understood fails to demonstrate anticipation. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008); *see also Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Takahashi simply does not anticipate element 1[I] and the Petition should be denied.

3. Ground 2 – Takahashi in view of Doenges fails to disclose all features of claim 1, from which claims 8 and 9 depend

Claims 8 and 9 depend from claim 1 and Ground 2 relies on Takahashi for teaching all limitations of claim 1. For at least the same reasons explained above with respect to Ground 1, Ground 2 fails to teach claims 8 and 9. *See supra* Sections V.A.1-2.

4. Ground 3 – Shin does not anticipate element 1[I]

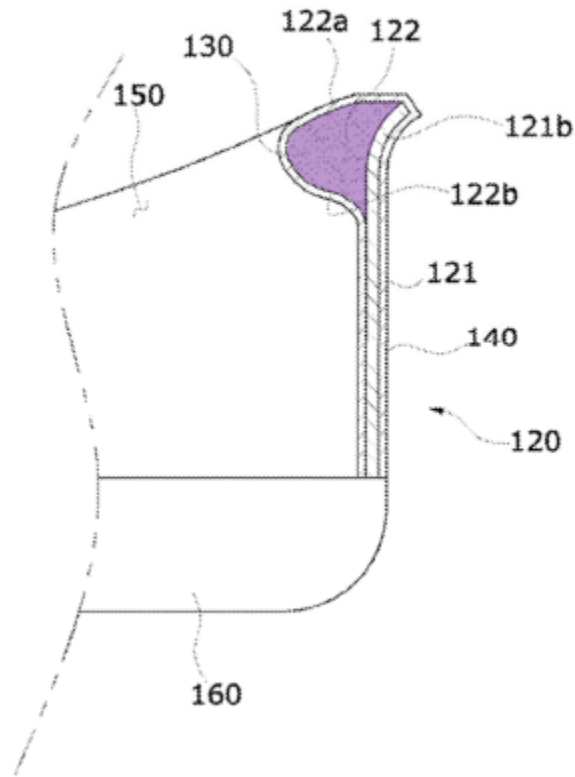
As an initial matter, Shin was previously presented to the Office and considered by the Examiner before issuing the Notice of Allowance. EX2012, 450. Petitioner does not articulate any “material error” by the Examiner or even attempt to identify any disclosure in Shin that the Examiner allegedly overlooked. *See generally* Pet. Petitioner instead just notes that Shin was included on an IDS with other references. Pet., 2. But Patent Owner’s IDS was “not tantamount to a voluminous IDS that may have impaired the examiner’s ability to consider the

listed references” and instead “applicant’s good faith effort to meet its duty of disclosure.” *Microsoft Corp. v. Sandpiper CDN, LLC*, IPR2026-00190, Paper 13 at 3-4 (P.T.A.B. May 15, 2026) (Squires, Director). For that reason alone, the Board need not even consider Ground 3 and should deny this Petition.

But even if the Board were to consider Ground 3, Shin fails to teach or suggest at least the claimed “a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe,” as recited in claim element 1[1] for at least three independent reasons.

First, Shin fails to disclose “a *foam* liner” just like Takahashi. Petitioner argues that Shin’s elastic member 122, which Petitioner has highlighted in purple below, teaches the claimed “foam liner.” Pet., 91-92.

[FIG. 11]



Pet., 92 (EX1010, FIG. 11 (annotated)).

But Shin merely discloses that the elastic member 122 “may be made of a rubber material” or “urethane.” EX1010, 5:34-37. Nowhere does Shin actually disclose that the elastic member 122 is a “*foam* liner” as required for anticipation.³ That is, the mere possibility that Shin’s elastic member 122 *could* be foam is not sufficient

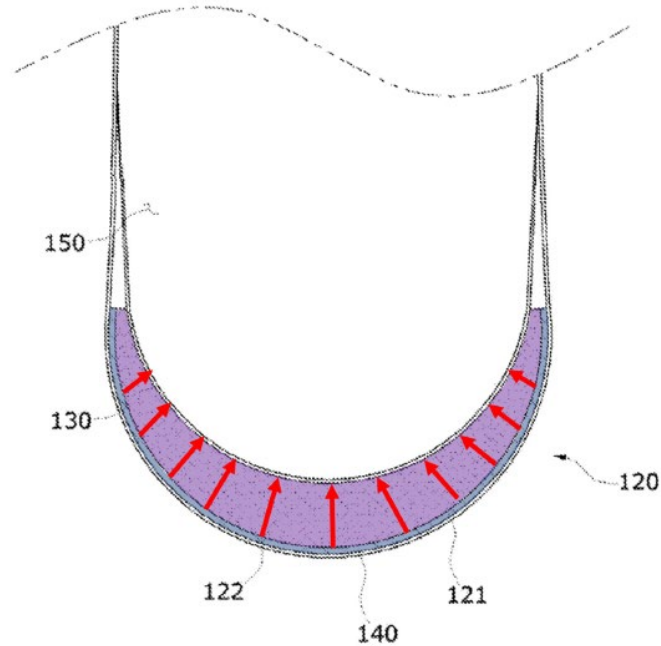
³ Notably, Petitioner did not argue that Shin’s elastic member 122 necessarily meets the claimed “*foam* liner” limitation.

for anticipation.⁴ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Second, Shin does not teach “at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion.” Petitioner argues that because Shin’s elastic member 122 “protrudes from the support member 121 in an inward direction,” the elastic member 122 protrudes inward beyond the medial and lateral portion of the base portion. Pet., 95.

⁴ See Section V.B. for further discussion of why Petitioner’s reliance on POSITA-based assertions cannot supply limitations missing from an asserted anticipating reference.

[FIG. 3]



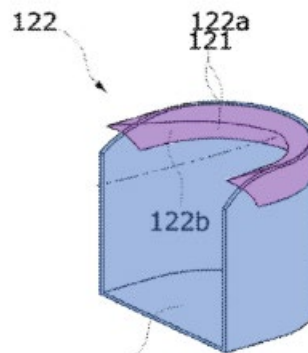
Pet., 95 (EX1010, FIG. 3 (annotated)).

But this does not teach “a portion of the foam liner extending beyond at least one of the medial portions of the base portion and the lateral portion of the base portion.” Nowhere does Shin disclose that the elastic member 122 extends beyond either side. In fact, Petitioner’s annotated Fig. 3 (above) shows that the medial and lateral portion of elastic member 122 does the opposite—ending exactly where the medial and lateral portion of support member 121 end.

Petitioner further relies on fabricated drawings (below) in a failed attempt to show that Shin teaches this element. But these drawings cannot be found in Shin. Petitioner, instead, manipulated and repositioned components from Shin’s figures to create an arrangement that Shin’s actual figures simply do not depict. Petitioner

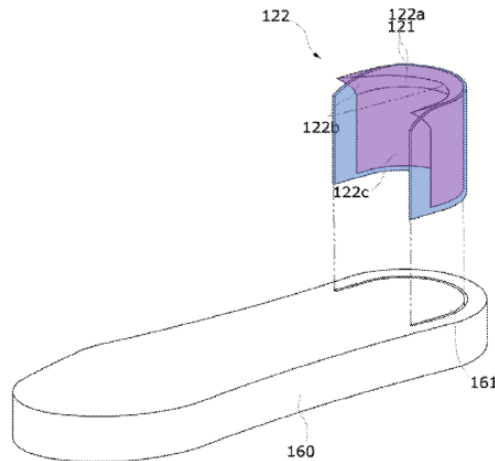
cannot cure the absence of disclosure by creating new illustrations that attempt to supply the very spatial relationship Petitioner must establish is disclosed by Shin. And importantly, Shin neither indicates that its drawings are to scale nor discloses dimensions or other information from which the relative medial and lateral extensions of elastic member 122 and support member 121 could be determined. “[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.” *Hockerson-Halberstadt, Inc. v. Avia Group Int’l*, 222 F.3d 951, 956, 55 U.S.P.Q.2d 1487, 1491 (Fed. Cir. 2000). Regardless, even these fabricated drawings do not show elastic member 122 extending beyond a medial or lateral portion of support member 121. Instead, the fabricated drawings again show the opposite—elastic member 122 does not extend farther medially or laterally than support member 121. Pet., 96-98.

[FIG. 10]



Pet., 97 (EX1010, FIG. 10 (annotated)).

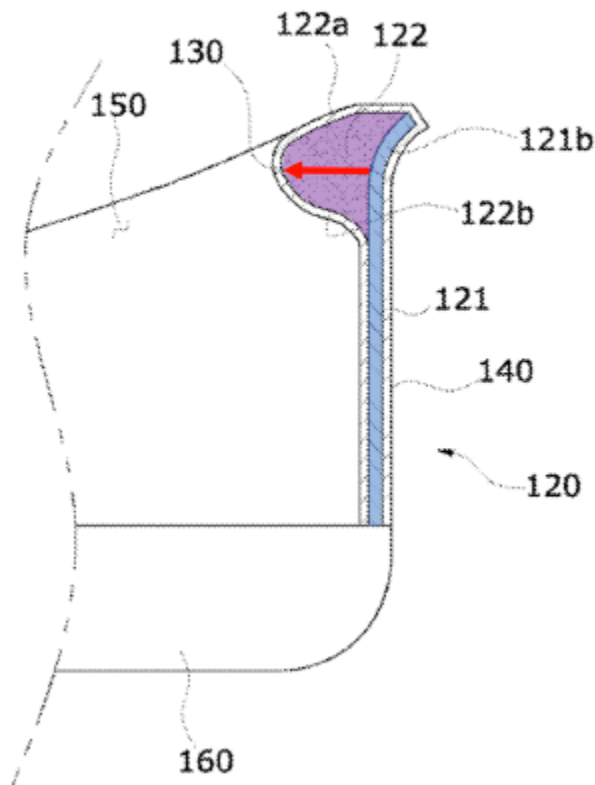
[FIG. 9]



Pet., 98 (EX1010, FIG. 9 (annotated)).

Third, Shin does not teach that elastic element 122 is “oriented downward toward the sole.” In contrast, Shin expressly states that “[t]he elastic member protrudes from the support member 121 in an inward direction” and that the “inward direction refers to an inner side on which the wearing groove 150 is located.” EX1010, 4:40-44; *see also* Pet., 95. That disclosure describes an inward protrusion toward the wearing groove (as shown by the red arrow below), *not* a downward orientation toward the sole. Nothing in Shin describes elastic member 122 as extending or being oriented downward toward the sole as required by limitation 1[1]. Indeed, the Petition admits that elastic element 122 is not “oriented downward toward the sole” but instead “Shin’s foam liner protrudes inward” as shown with its own annotations to Figure 11. Pet., 95, 98.

[FIG. 11]



Pet., 96 (EX1010, FIG. 11 (annotated)).

For at least these reasons, Shin fails to disclose element 1[l] and the Petition should be denied.

5. Ground 4 – Shin in view of Takahashi fails to disclose element 1[l]

As described above, Takahashi and Shin individually fail to teach or suggest at least “a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented

downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe” as recited in claim element 1[l]. Because of this, Shin in view of Takahashi also fails to teach claims 1-7.

6. Ground 5 – Shin in view of Doenges, and if necessary, Takahashi fails to disclose element 1[l]

Claims 8 and 9 depend from claim 1, and Ground 5 contends that “claims 8 and 9 are obvious over Shin, Doenges, and if necessary, Takahashi.” Pet., 122. For at least the same reasons explained above with respect to Grounds 3 and 4, Ground 5 fails to teach claims 8 and 9. *See supra* Sections V.A.3-4.

B. The Petition fails to establish anticipation because it does not identify a single embodiment that discloses all claimed limitations as arranged in the claims.

Anticipation requires more than identifying isolated claim elements somewhere within a prior art reference. “[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). *See also Advanced, Display Sys., Inc. v. Kent State Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000).

Consistent with that principle, anticipation cannot be established by selectively picking and choosing from different disclosures within a reference. A

reference “must *clearly and unequivocally* disclose the claimed compound or direct those skilled in the art to the compound *without any need for picking, choosing, and combining various disclosures* not directly related to each other by the teachings of the cited reference. Such picking and choosing may be entirely proper in the making of a 103, obviousness rejection, where the applicant must be afforded an opportunity to rebut with objective evidence any inference of obviousness which may arise from the similarity of the subject matter which he claims to the prior art, but it has no place in the making of a 102, anticipation rejection.” *In re Arkley*, 455 F.2d 586, 587-88 (C.C.P.A. 1972). The Petition fails to make this showing for multiple reasons.

First, for both anticipation Grounds 1 and 3, Petitioner repeatedly attempts to fill gaps in the prior art, Takahashi and Shin, using POSITA-based assertions. Pet., 24, 29, 30, 32, 37, 40, 45, 47, 50, 92; *see also* Sections V.A.2 and V.A.4. But anticipation requires the prior art itself to disclose every claimed limitation, either expressly, implicitly, or inherently. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). A limitation is not disclosed for purposes of anticipation merely because a POSITA allegedly would have understood that the reference could be modified, could be implemented in a particular way, or could include a particular material. If Petitioner intended to rely on inherency, it was required to show that the missing

feature is necessarily present in the cited disclosure using corroborating evidence, not merely that the feature would have been possible or obvious. Petitioner makes no such argument for either Takahashi or Shin. Instead, Petitioner relies on declarant assertions to supply missing features, including the alleged “foam” material, and the heel-retention function of the foam liner. Pet., 45, 50, 92 That is insufficient to establish anticipation.

Second, Petitioner argues that the ’325 patent is anticipated by Shin but does not identify a single embodiment of Shin that discloses every feature of claim 1 as arranged in the claim. Pet., 71-102. A reference must disclose the claimed subject matter “without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *In re Arkley*, 455 F.2d 586, 587-88 (C.C.P.A. 1972). Likewise, “it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes *multiple, distinct teachings that the artisan might somehow combine* to achieve the claimed invention.” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). Rather, the reference must disclose “of all elements of a claimed invention arranged as in the claim.” *Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010). Yet Petitioner moves back and forth among multiple embodiments of Shin in a failed attempt to map Shin to claim 1. EX1010, 2:61-

3:33.

In particular, Shin discloses six discrete configurations of its shoe across two embodiments “families” and four “modifications” to those embodiments, as shown in the table below:

Shin Embodiment or Modification	Shin Figure(s)
First embodiment family (EX1010, 2:61-63, 2:66-67, 3:4-10)	Figs. 1, 3, and 5-8
Modification of the elastic member in the first embodiment family (EX1010, 3:11-13)	Fig. 9
Modification of the support member in the first embodiment family (EX1010, 3:14-16)	Fig. 10
Second embodiment family (EX1010, 3:17-24)	Figs. 11-12
Modification of the elastic member in the second embodiment family (EX1010, 3:25-27)	Fig. 13
Modification of the support member in the second embodiment family (EX1010, 3:28-34)	Fig. 14-15

Petitioner does not map claim 1 to any single disclosed configuration within either embodiment family or modification of Shin. Instead, as summarized below, Petitioner repeatedly moves between the first and second embodiment families and among separate component modifications:

Element	Embodiment(s) Cited by Petitioner
1[a]: a sole;	First embodiment family. Pet., 74-75.
1[b]: an upper;	First embodiment family. Pet., 75-76.
1[c]: a stabilizer provided at a rear portion of the sole and comprised of a rigid material, the stabilizer comprising:	Second embodiment family. Pet., 76-77.
1[d]: a base portion; and	Second embodiment family; Modifications to second embodiment family. Pet., 77-79.
1[e]: an elevated portion extending upward from the base portion, wherein:	Second embodiment family; Modifications to second embodiment family. Pet., 79-81.
1[f]: the base portion is proximate the sole and comprises:	First embodiment family; Second embodiment family; Modifications to second embodiment family. Pet., 81-83.
1[g]: a lateral portion extending from a lateral side of the sole to a midportion of the base portion; and	First embodiment family; Second embodiment family. Pet., 84-85.
1[h]: a medial portion extending from the midportion of the base portion to a medial side of the sole;	First embodiment family; Second embodiment family. Pet., 85-86.
1[i]: wherein the lateral portion of the base portion, the midportion of the base portion and the medial portion of the base portion form a convex structure;	First embodiment family; Second embodiment family. Pet., 87-88.
1[j]: wherein the midportion of the base portion of the stabilizer extends upward from the sole continuously between the	Second embodiment family. Pet., 88-89.

Element	Embodiment(s) Cited by Petitioner
sole and the elevated portion and at least partially surrounds a heel portion of the rapid-entry shoe, and wherein:	
1[k]: the elevated portion extends rearward from a rear portion of the convex structure and acts as a shoehorn; and	Second embodiment family. Pet., 89-91.
1[l]: a foam liner coupled to the stabilizer between the medial portion of the base portion and the lateral portion of the base portion along the convex structure, at least a portion of the foam liner extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion and oriented downward toward the sole such that the foam liner acts to retain a heel within the heel portion of the rapid-entry shoe.	First embodiment family; Second embodiment family; Modifications to first embodiment family; Modifications to second embodiment family. Pet., 91-102.

Petitioner thus relies not just on the first and second embodiment families of Shin for claim 1 but also relies on separate modifications to those embodiments. Petitioner does not, and cannot, clearly identify a single embodiment in Shin that contains all of the limitations arranged as required by claim 1, which is insufficient to establish anticipation. *In re Arkley*, 455 F.2d 586, 587-88 (C.C.P.A. 1972).

Petitioner's Ground 5 further confirms this deficiency. As noted above, Ground 5 asserts an obviousness theory based on "Shin, Doenges, and *if necessary*,

Takahashi[.]” Pet., 122.⁵ Petitioner, in particular, argues that “if the Board disagrees that Shin discloses 1[I]’s limitation,” then “a POSITA would have found it obvious to incorporate Takahashi’s lining 25[.]” *Id.* That conditional formulation underscores that Petitioner has not clearly identified Shin as disclosing every limitation of claim 1 arranged as claimed. Instead, Petitioner preserves a fallback obviousness theory to supply a limitation that Shin may not disclose. But a conditional obviousness theory cannot cure the failure of an anticipation ground to identify a single anticipating disclosure.

For at least these reasons, the Petition should be denied.

C. The Petition fails to articulate the grounds with particularity.

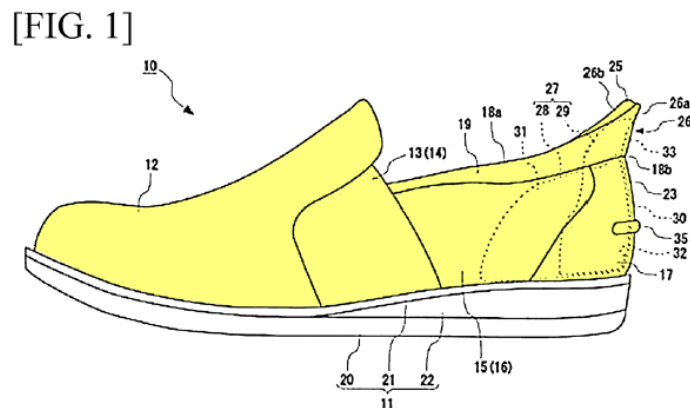
The Petition must establish, with particularity, the grounds and evidence that support invalidating the patented claims. 35 U.S.C. § 312(a)(3). Petitioner “must ‘specify where each element of the claim is found in the [relied upon] prior art patents.’” *In-Depth Geophysical, Inc. v. ConocoPhillips Co.*, IPR2019-00850, Paper 56 at 27 (P.T.A.B. Sept. 3, 2020) (quoting 37 C.F.R. § 42.104(b)(4)). The Petition repeatedly fails to satisfy that basic requirement.

⁵ The separate deficiency arising from Petitioner’s failure to articulate this conditional obviousness theory with particularity is addressed in Section V.C.2.

1. Ground 1 – Petitioner fails to plead its anticipation theory with particularity

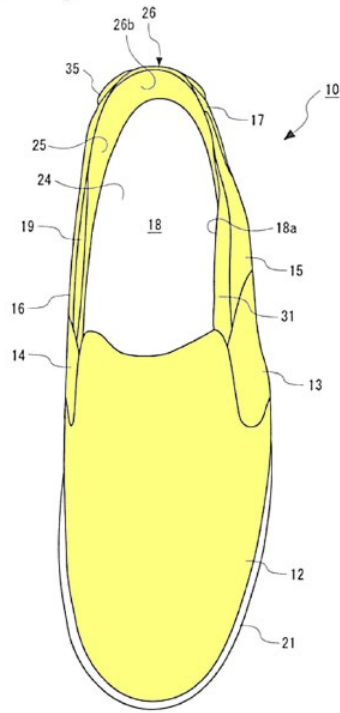
Ground 1 fails to identify, with the required particularity, where Takahashi allegedly discloses each feature of the challenged claims. In several instances, Petitioner relies on annotated figures and overlapping structural identifications without clearly explaining which structure allegedly satisfies each claim feature, leaving the Board to try to piece together Petitioner’s theory from inconsistent annotations and shifting references to different components.

For example, Petitioner maps Takahashi’s “counter 27” and “lining 25” to both the claimed “upper” (as shown by Petitioner’s yellow annotations to Figures 1 and 2 below) *and* the separate “foam liner” (as shown by Petitioner’s purple annotations to Figures 1 and 2 below). Pet., 21-22, 43-49. In this manner, Petitioner fails to articulate its anticipation theory with particularity.



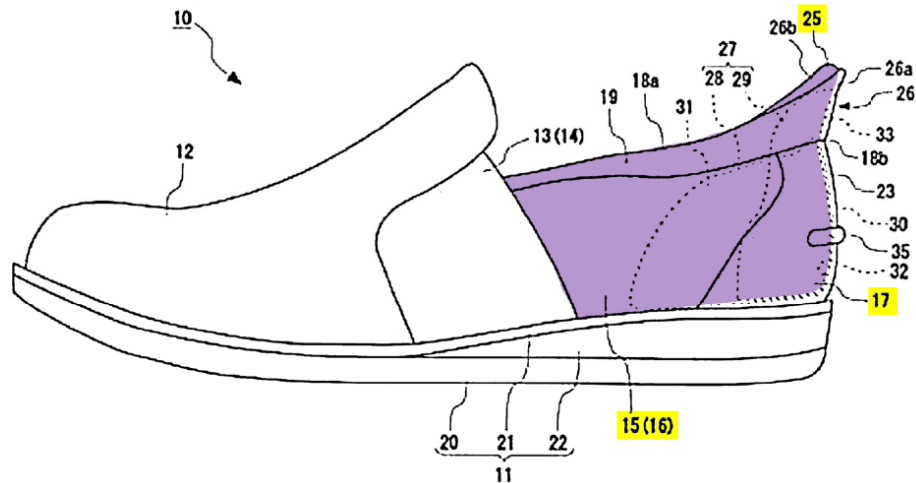
Pet., 21 (EX1007, FIG. 1 (annotated)).

[FIG. 2]



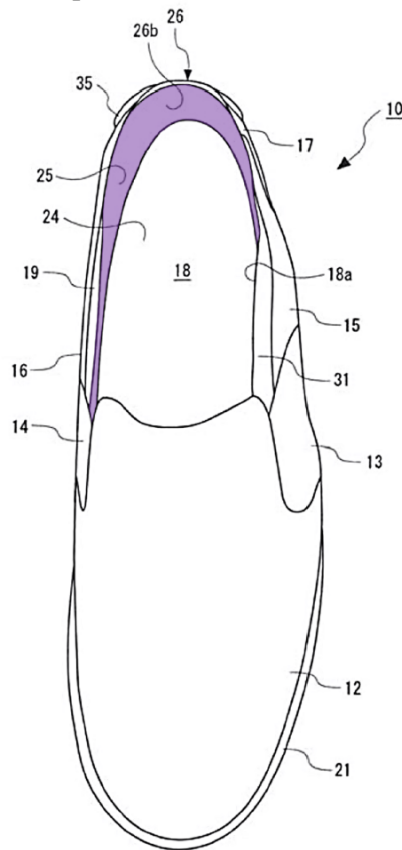
Pet., 22 (EX1007, FIG. 2 (annotated)).

[FIG. 1]



Pet., 46 (EX1007, FIG. 1 (annotated)).

[FIG. 2]



Pet., 49 (EX1007, FIG. 2 (annotated)).

For at least this reason, the Petition fails to articulate with particularity the grounds for a finding of anticipation based on Takahashi.

2. Ground 5 – Shin in view of Doenges, *and if necessary*, in further view of Takahashi fails to plead its obviousness theory with particularity

Further, Petitioner fails to articulate the obviousness ground based on “Shin Doenges, *and if necessary*, Takahashi” with the particularity required by 35 U.S.C. § 312(a)(3) and 37 C.F.R. § 42.104(b)(4). Petitioner relies on Takahashi only “if the Board disagrees that Shin discloses 1[1]’s requirement of a ‘foam liner

extending beyond at least one of the medial portion of the base portion and the lateral portion of the base portion.” Pet., 107-108. But here, Petitioner does not clearly identify whether, under Ground 5, element 1[l] is allegedly satisfied by Shin alone, or by Shin as modified by Takahashi. Instead, Petitioner presents Takahashi as a conditional fallback without clearly explaining the resulting combination.

This conditional presentation is insufficient. An obviousness ground must identify the specific combination being asserted and explain how the asserted combination satisfies each claim limitation. *In-Depth Geophysical, Inc. v. ConocoPhillips Co.*, IPR2019-00850, Paper 56 at 27 (P.T.A.B. Sept. 3, 2020). Petitioner cannot preserve multiple alternative theories by stating that Takahashi may be used “if necessary.” For at least these reasons, the Petition fails to articulate Ground 5 with particularity.

D. The Petition fails to show a simple, predictable, reasonable motivation to combine across all of its obviousness grounds.

In an IPR, “the burden of proving a proposition of unpatentability” is borne by (and remains at all times with) the petitioner. *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1375 (Fed. Cir. 2016). To satisfy its burden, a petitioner must “articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness”—“mere conclusory statements” will not suffice. *Id.* at 1380. Additionally, obviousness requires showing not that a POSITA could have

combined the asserted teachings, but that a POSITA would have actually been motivated to do so with a reasonable expectation of success.

Regents of the Univ. of Cal. v. Broad Inst., Inc., 903 F.3d 1286, 1291 (Fed. Cir. 2018); *Intelligent Bio-Sys.*, 821 F.3d at 1367-68; *see also, e.g., NJOY, LLC v. JUUL Labs, Inc.*, IPR2024-00536, Paper 17 (P.T.A.B. Aug. 12, 2024) (denying institution where petitioner did not show a reasonable expectation of success in combining the asserted references); *Honeywell Int’l Inc. v. DSM IP Assets B.V.*, IPR2024-00493, Paper 7 (P.T.A.B. Aug. 21, 2024) (same); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015); *In re Gordon*, 733 F.2d 900, 902-03 (Fed. Cir. 1984).

The Petition fails to establish that a POSITA would have been motivated to make the asserted combinations. Each reference teaches a complete footwear design in which the disclosed components are intended to function together as part of an integrated whole to solve a unique problem. EX1007, Abstract, ¶¶5-20; EX1009, ¶¶26-29; EX1010, 4:1-6. Yet Petitioner treats the sole, upper, stabilizer, foam liner, elastic element, and other features as interchangeable components that a POSITA would have extracted from materially different shoes and rearranged into the intentionally constructed claimed configuration. *See, e.g., Pet.*, 66-71, 119-122, 124-127. Petitioner does not identify an evidence-based reason why a POSITA would have disturbed the integrated design disclosed in each reference,

selected the particular features identified in the Petition, and modified their structure and relationships to surrounding components in the precise manner covered by the intentional construction recited by the claims. *Id.* Nor does Petitioner account for the surrounding structures with which those features interact in the references or explain why the resulting combination would preserve the functionality of the original designs of the references. *Id.* Prior art must be considered “as a whole,” rather than selectively combined without accounting for the context in which its features are disclosed. *Henny Penny Corp. v. Frymaster LLC*, 938 F.3d 1324, 1331-32 (Fed. Cir. 2019). Petitioner’s piecemeal combination of isolated features reflects impermissible hindsight rather than an evidence-based reason why a POSITA would have made the proposed combinations to meet the intentional construction of the claims.

VI. CONCLUSION

The Board should deny institution of this IPR because Petitioner fails to show all the features of the challenged claims in the prior art, fails to identify a single anticipating embodiment that discloses all claimed features arranged as claimed, fails to articulate multiple grounds with particularity, and fails to establish a simple, predictable, and reasonable motivation to combine across its obviousness grounds.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg, Registration No. 43,447
Christopher R. O'Brien, Registration No. 63,208
Melissa Haapala, Registration No. 47,622
Kristina C. Kelly (Reg. No. 58,164)
Jennifer Meyer Chagnon (Reg No. 55,440)
Attorneys for Patent Owner Fast IP, LLC

Date: September 4, 2026

1101 K Street, NW
10th Floor
Washington, DC 20005
(202) 371-2600

CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))

1. This Patent Owner Preliminary Response complies with the type-volume limitation of 14,000 words, comprising 6,594 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Patent Owner Preliminary Response complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg
Registration No. 43,447
Attorney for Patent Owner FAST IP, LLC

Date: September 4, 2026

1101 K Street, NW
10th Floor
Washington, DC 20005
(202) 371-2600

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

I certify that the above-captioned **PATENT OWNER'S PRELIMINARY RESPONSE** and all associated Exhibits were served in their entirety on September 4, 2026, upon the following parties via electronic mail:

Jonathan M. Lindsay (Lead Counsel)
Samuel K. Lu (Backup Counsel)
Benjamin Hattenbach (Backup Counsel)
Ian Washburn (Backup Counsel)
Christopher Abernethy (Backup Counsel)
Kamran Vakili (Backup Counsel)
Aron Berger (Backup Counsel)
IRELL & MANELLA LLP
SkechersHFLIPRs@irell.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg
Registration No. 43,447
Attorney for Patent Owner FAST IP, LLC

Date: September 4, 2026

1101 K Street, NW
10th Floor
Washington, DC 20005
(202) 371-2600