Trials@uspto.gov
571-272-7822

Paper: 12
Date: September 3, 2026

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.

IPR2026-00373 (Patent 12,274,325 B2)
IPR2026-00443 (Patent 12,121,096 B1)
IPR2026-00444 (Patent D1,037,641 S)[1]

Before KALYAN K. DESHPANDE, *Chief Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

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[1] The cases are related but not joined. This Order resolves issues common to these proceedings. The parties are not authorized to use this style heading in any papers without the Board's prior authorization.

In each of the above-captioned proceedings, Skechers U.S.A., Inc. ("Petitioner") filed a Petition for *inter partes* review (Paper 1) of a patent owned by Fast IP, LLC ("Patent Owner"), along with a series of accompanying documents (Exs. 1001–1039).[2] On a later date, in two related proceedings involving the same parties,[3] Patent Owner alleged deficiencies in Petitioner's translation certificate documents submitted with those petitions. IPR2026-00342, Paper 13, 9–13; IPR2026-00343, Paper 14, 10–12. In response, on August 4, 2026, Petitioner filed updated translation certificates and a supplemental expert declaration with formal perjury statements as well as an updated exhibit list in the related proceedings *and* in each of the above-captioned proceedings. Paper 5; Exs. 1042–1045; *see* IPR2026-00342, Paper 17, Exs. 1061–1066; IPR2026-00343, Paper 18, Exs. 1053–1055. Patent Owner moves to strike the late-filed paper and exhibits. Paper 16 ("Motion"). Petitioner filed an opposition to Patent Owner's Motion. Paper 17 ("Opposition").

In its Motion, Patent Owner argues that Petitioner's late-filed paper and exhibits should be stricken from the record because "Petitioner simply filed the unauthorized and untimely documents" without "request[ing] or receiv[ing] authorization from the Board for this filing" or "even confer[ring] with PO prior to filing," and "Petitioner has not identified any regulatory or statutory basis that allows them to file additional evidence *at*

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[2] Citations are to the record in IPR2026-00373. Similar papers and exhibits were filed in IPR2026-00443 and IRP2026-00444.
[3] The related proceedings, IPR2026-00342 and IPR2026-00343, have since been discretionarily denied. IPR2026-00342, Paper 25; IPR2026-00343, Paper 32.

this stage of the proceeding." Motion 2–3. According to Patent Owner, "Petitioner's 'self-help strategy frustrates the Board's ability to manage the record of the proceeding,'" so "[t]he Board should discourage such behavior and strike the unauthorized documents." *Id.* at 4 (citing *Ice Castles, LLC v. Youngstrom*, IPR2021-01179, Paper 8 at 2 (PTAB Oct. 26, 2021)). Patent Owner also asserts that "proving translations are properly certified should . . . be incurable post-Petition filing, and thus for this additional reason the new exhibits should be stricken." *Id*.

In its Opposition, Petitioner responds that "the Board should deny Patent Owner's motion to strike and should expressly permit Petitioner's August 4 submission" because its "August 4, 2026 exhibits make no changes whatsoever to any prior art translations nor to any expert opinions compared to the originally-filed exhibits," and "[t]he sole change, addressing perjury statements, is entirely of a clerical nature and therefore does not prejudice either party." Opposition 1, 4; *see id.* at 2–4. Petitioner also points out—in an email exchange resulting in Board authorization to brief this issue—that the additional exhibits "do not introduce any new evidence or arguments," and that "Patent Owner did not dispute the accuracy of the translations." Ex. 2023, 2.

The Board's rules provide that a "late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice." 37 C.F.R. § 42.5(c)(3). Having considered Patent Owner's Motion and Petitioner's Opposition, it is determined that Petitioner's late action will be excused because, although good cause for the late action has not been shown, consideration on the

merits would be in the interests of justice. Petitioner asserts that its failure to file properly executed translation certificates and expert declarations with the Petition is merely a "clerical oversight," but Petitioner does not offer any persuasive explanation as to why it happened, or why it could not seek entry of the corrections according to the Board's rules. *See* 37 C.F.R. § 42.20 (a), (b) ("Relief, other than a petition requesting the institution of a trial, must be requested in the form of a motion," which "will not be entered without Board authorization.").

Nevertheless, it would be in the interests of justice to consider the merits of Petitioner's prior art translations and expert declaration, before deciding whether to institute trial, because it would provide a more complete record for review. *See* Paper 17, 3 (citing *Google LLC v. CyWee Group Ltd.*, IPR2018-01257, Paper 69 at 4 (PTAB Sept. 6, 2019). And importantly, as Petitioner argues, allowing its late-filed corrections will not unduly burden or prejudice Patent Owner because there are no substantive changes involved, and the accuracy of the translations themselves is not in dispute. *See id.* at 1–3; Ex. 2023, 2.

For the reasons above, Petitioner's late actions of filing updated translation certificates (Ex. 1043–1045), a supplemental expert declaration (Ex. 1042), and an updated exhibit list (Paper 5), are excused. Because Petitioner's late actions are permitted, Patent Owner's Motion to Strike is dismissed as moot.

It is:

ORDERED that Petitioner's late actions of filing Paper 13 and Exhibits 1042 to 1045 in IPR2026-00373, Paper 5 and Exhibits 1040 to

1043 in IPR2026-00443, and Paper 5 and Exhibit 1060 in IPR2026-00444 on August 4, 2026 are excused; the Papers and Exhibits are accepted and will be considered in due course; and

FURTHER ORDERED that Patent Owner's Motion to Strike is *denied as moot*.

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FOR PETITIONER:

Samuel Lu
Benjamin Hattenbach
Kamran Vakili
IRELL & MANELLA LLP
slu@irell.com
bhattenbach@irell.com
kvakili@irell.com

FOR PATENT OWNER:

Jason Eisenberg
Christopher O'Brien
Kristina Kelly
Melissa Haapala
Jennifer Chagnon
STERNE KESSLER GOLDSTEIN & FOX
jasone-ptab@sternekessler.com
cobrien-ptab@sternekessler.com
kckelly-ptab@sternekessler.com
mhaapala-ptab@sternekessler.com
jchagnon-ptab@sternekessler.com