

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LULULEMON ATHLETICA CANADA INC. and LULULEMON USA INC.
Petitioner

v.

NIKE, INC.
Patent Owner

Case IPR2023-00189
Patent 9,278,256

PATENT OWNER'S OBJECTIONS TO EVIDENCE
37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Nike, Inc. (hereafter, “Nike”), respectfully submits the following objections to evidence submitted by Petitioners lululemon athletica canada inc. and lululemon usa inc. (hereafter, “lululemon”) in the preliminary proceedings of this *inter partes* review. These objections to evidence submitted during a preliminary proceeding have been timely filed and served within ten business days of the institution of the trial.

Nike objects to each of Exhibits 1010–1012 in their entireties, and at least to their portions related to the aspects mentioned below.

**I. EXHIBIT 1010 – KURIKO MIYAKE, IS THAT A PC ON YOUR WRIST?, CNN, (OCT. 14, 2001)
WWW.CNN.COM/2001/TECH/PTECH/10/14/PC.WRIST.IDG/**

Nike objects to Exhibit 1010 under Fed. R. Evid. 901/902 (Inadmissible as not authenticated or self-authenticated). Exhibit 1010 lacks authentication. The exhibit is not self-authenticating as it does not fall within any of the categories provided in Fed. R. Evid. 902(6) and 803(18). Nike objects to Exhibit 1010 under Fed. R. Evid. 802 (Inadmissible as improper hearsay): To the extent that lululemon relies on Exhibit 1010, the evidence contains inadmissible hearsay if offered to prove the truth of any matter asserted in this action, including statements related to a purported date of publication.

**II. EXHIBIT 1011 – PRINTOUT OF IBM WEBSITE PAGE,
HTTPS://RESEARCHER.WATSON.IBM.COM/RESEARCHER/VIEW_GROUP_SUBPAGE.PHP?ID=5622**

Nike objects to Exhibit 1011 under Fed. R. Evid. 901/902 (Inadmissible as not authenticated or self-authenticated). Exhibit 1011 lacks authentication. The exhibit is not self-authenticating as it does not fall within any of the categories provided in Fed. R. Evid. 902(6) and 803(18). Nike objects to Exhibit 1011 under Fed. R. Evid. 802 (Inadmissible as improper hearsay): To the extent that lululemon relies on Exhibit 1011, the evidence contains inadmissible hearsay if offered to prove the truth of any matter asserted in this action, including statements related to a purported date of publication. Nike further objects to the use of Exhibit 1011 to the extent that it has no publication date.

III. EXHIBIT 1012 – CHUCK SLATE, GOING FOR A GOLD MEDAL AS AN IRONMAN, THE NEW YORK TIMES (AUG. 25, 1996)

Nike objects to Exhibit 1012 under Fed. R. Evid. 802 (Inadmissible as improper hearsay): To the extent that lululemon relies on Exhibit 1012, the evidence contains inadmissible hearsay if offered to prove the truth of any matter asserted in this action, including statements related to a purported date of publication.

Dated: May 30, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned
Certifies that on May 30, 2023, a true and entire copy of **Patent Owner's**
Objections to Evidence was served via e-mail upon Petitioners' correspondence
address of record, indicated below.

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