

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

JOINT NOTICE OF STIPULATION TO MODIFY DUE DATE 3

Further to the Scheduling Order (Paper 12), entered May 15, 2023, Patent Owner Nike, Inc. (“Nike”), and Petitioners lululemon athletica canada inc. and lululemon usa inc. (“lululemon”), have met and conferred and reached an agreement regarding a modification to DUE DATE 3 in the Scheduling Order. The parties agree and hereby stipulate to modify DUE DATE 3¹ from December 11, 2023 until December 18, 2023.

A marked-up copy of the Scheduling Order is attached. As further agreed upon, Patent Owner files this Joint Notice of Stipulation to Modify Due Date 3 on behalf of both parties.

¹ The Scheduling Order (Paper 12) recites that the parties may only stipulate to different dates for a portion of DUE DATE 3. The stipulated change to the Scheduling Order, therefore, applies only to the portion of DUE DATE 3 related to Patent Owner’s Sur-Reply.

Dated: November 16, 2023

Respectfully Submitted,

/s/ Christopher J. Renk

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CERTIFICATE OF SERVICE

The undersigned hereby certifies service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e) and by agreement of counsel, by electronic (e-mail) delivery of a true copy of the foregoing **JOINT NOTICE OF STIPULATION TO MODIFY DUE DATE 3** was served on November 16, 2023 to the following Counsel for Petitioner via e-mail:

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DUE DATE APPENDIX

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|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| DUE DATE 1 | August 7, 2023 |
| Patent Owner's Response to the Petition | |
| Patent Owner's motion to amend the patent | |
| DUE DATE 2 | October 30, 2023 |
| Petitioner's reply to Patent Owner's Response to the Petition | |
| Petitioner's opposition to motion to amend | |
| DUE DATE 3 | December 11, 2023 December 18, 2023 |
| Patent Owner's sur-reply to Petitioner's reply | |
| Patent Owner's reply to Petitioner's opposition to the motion to amend OR Patent Owner's revised motion to amend ⁵ | |
| DUE DATE 4 | January 3, 2024 |
| Request for oral argument (may not be extended by stipulation) | |
| DUE DATE 5 | January 24, 2024 |
| Petitioner's sur-reply to Patent Owner's reply for motion to amend | |
| Motion to exclude evidence | |
| DUE DATE 6 | January 31, 2024 |
| Opposition to motion to exclude | |
| Request for prehearing conference | |
| DUE DATE 7 | February 7, 2024 |
| Reply to opposition to motion to exclude | |
| DUE DATE 8 | February 14, 2024 |
| Oral argument (if requested) | |

⁵ If Patent Owner files neither a reply to Petitioner's opposition to the MTA nor a revised MTA, the parties are directed to Section B(3) above.