

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LULULEMON ATHLETICA CANADA INC. and LULULEMON USA INC.
Petitioners

v.

NIKE, INC.
Patent Owner

Case IPR2023-00189
Patent 9,278,256

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order dated May 15, 2023 (Paper 12), Patent Owner, Nike, Inc. (“Nike”) requests Oral Argument on issues related to patentability of claims 1–20 of U.S. Patent No. 9,278,256 B2 (“the ’256 patent”). Nike wishes to present oral argument on the following issues:

- The patentability of the claims of the ’256 patent based on the grounds raised in the Petition (Paper 2);
- Those issues raised in the Board’s Institution Decision dated May 15, 2023 (Paper 11);
- Issues raised in Patent Owner’s Response dated August 7, 2023 (Paper 18);
- Issues raised in Patent Owner’s Sur-Reply to Petitioner’s Reply dated December 18, 2023 (Paper 26);
- Issues raised in Petitioner’s Reply to Patent Owner’s Response dated October 30, 2023, 2023 (Paper 22);
- Response to any issues specified by the Petitioner in its motion to exclude evidence (if applicable);
- Any other issues raised in the briefing pursuant to the schedule;
- Procedural, evidentiary, or other issues raised by the parties or the Board; and
- Any other outstanding motions and pleadings, and other issues that the

Board deems necessary to issue a Final Written Decision.

Patent Owner prefers that oral argument be held in person at USPTO headquarters in Alexandria, VA. Patent Owner believes the parties need sixty (60) minutes per side for oral argument, and respectfully requests the opportunity to reserve a portion of time for rebuttal. Patent Owner also requests permission to display demonstratives and exhibits during the Oral Argument.

Dated: January 3, 2024

/s/ Christopher J. Renk

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on January 3, 2024, I caused a true and correct copy of **PATENT OWNER’S REQUEST FOR ORAL ARGUMENT** to be served by electronic mail on Petitioners’ counsel at the following email addresses:

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