

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.

Patent No. 9,278,256

Inter Partes Review No. IPR2023-00189

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a), Petitioner, lululemon athletica canada inc. and lululemon usa inc. (“lululemon”), submits this Request for Oral Argument on all the instituted grounds of patentability for claims 1-20 of U.S. Patent No. 9,278,256 (*see* Decision (Paper 11)), which encompass each of the claim construction and patentability issues addressed in Petitioner’s and Patent Owner’s papers and all exhibits thereto, including declarations and depositions.

The hearing will encompass the instituted grounds and any issues addressed in the parties’ briefing, including:

- Petitioner’s Petition (Paper 2);
- Patent Owner’s Preliminary Response (Paper 8);
- The Board’s Decision Granting Institution (Paper 11);
- Patent Owner’s Response (Paper 18);
- Petitioner’s Reply (Paper 22);
- Patent Owner’s Sur-Reply (Paper 26);
- Any briefings associated with the exclusion of evidence; and
- All exhibits to the above, including declarations and deposition transcripts.

Per the Scheduling Order (Paper 12), Petitioner requests an in-person hearing at the USPTO headquarters in Alexandria, Virginia. Petitioner requests 60 minutes per side for oral argument. For the in-person hearing, Petitioner requests video

IPR2023-00189

equipment to display documents, including a projector to display electronic documents from a computer onto a screen and an ELMO projector to display select pages onto a screen.

Petitioner authorizes the Board or the Commissioner to charge the cost of any fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 57931-00000.08.

Dated: January 3, 2024

Respectfully submitted,

By /Mehran Arjomand/
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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S REQUEST FOR ORAL ARGUMENT was served as of the below date via e-mail (by agreement) to the following counsel of record for the Patent Owner:

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Dated: January 3, 2024

/Mehran Arjomand/
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