

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LULULEMON ATHLETICA CANADA INC. and LULULEMON USA INC.  
Petitioners

v.

NIKE, INC.  
Patent Owner

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Case IPR2023-00189  
Patent 9,278,256

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**PATENT OWNER'S OBJECTIONS TO PETITIONER'S  
DEMONSTRATIVES**

Pursuant to the Order Setting Oral Argument (Paper 30, “Order”), Patent Owner submits the below objections to certain of Petitioner’s demonstratives. The parties have met and conferred in good faith concerning the demonstratives, as required by the Order, and timely submits these unresolved objections. A copy of the objected-to demonstratives is attached hereto as Exhibit A.

**Slides 16, 17, 27, 28, 48** (Objection to citation to Ex. 2013.) Patent Owner objects because the portions of Ex. 2013 (12/14/2023 Lynch Deposition Transcript) that Petitioner cites do not appear within any papers and are improper new evidence.

**Slides 46–47** (Objection to annotated Figure 17 of Ex. 1001.) Patent Owner objects because Petitioner’s annotations to Figure 17 of Ex. 1001 on each of these slides do not appear within any papers and are improper new argument.

Dated: February 13, 2024

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on February 13, 2024, I caused a true and correct copy of **PATENT OWNER'S OBJECTIONS TO PETITIONERS' DEMONSTRATIVES** to be served by electronic mail on Petitioners' counsel at the following email addresses:

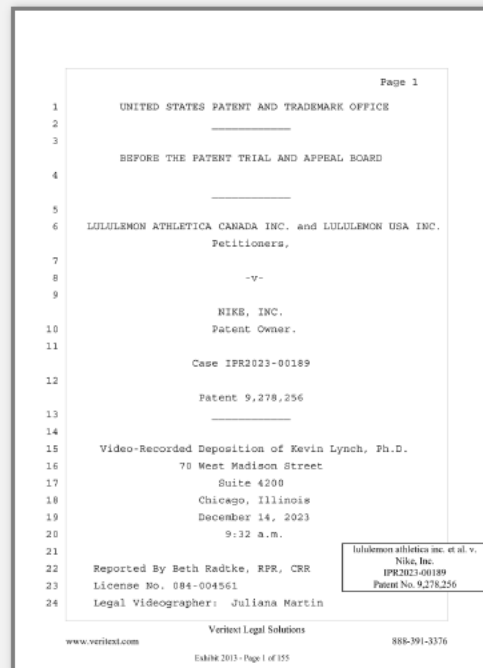
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/s/ Timothy Haugh  
Timothy Haugh

# **Exhibit A**

# Patent Owner's New Construction of Limitation 1[G]

## Testimony by Dr. Lynch



**Q.** Would providing constant updates require updates to be provided at some time interval?

**A.** No.

**Q.** What's another way that a system could provide constant updates?

**A.** For instance, updating when there's something to be updated.

**Q.** That would be a constant update, in your opinion?

**A.** Yes. There's nothing to update, then don't update until there's something new to say.

*12/14/2023 Lynch Tr. (Ex. 2013), 67:24-68:13 (objection omitted)*

# Patent Owner's New Construction of Limitation 1[G]

## Testimony by Dr. Lynch

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10 NIKE, INC.  
11 Patent Owner.  
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13 Case IPR2023-00189  
14  
15 Patent 9,278,256  
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17 Video-Recorded Deposition of Kevin Lynch, Ph.D.  
18 78 West Madison Street  
19 Suite 4200  
20 Chicago, Illinois  
21 December 14, 2023  
22 9:32 a.m.  
23  
24 Reported By: Beth Radtke, RPR, CRR  
License No. 084-004561  
Legal Videographer: Juliana Martin

lululemon athletica inc. et al. v.  
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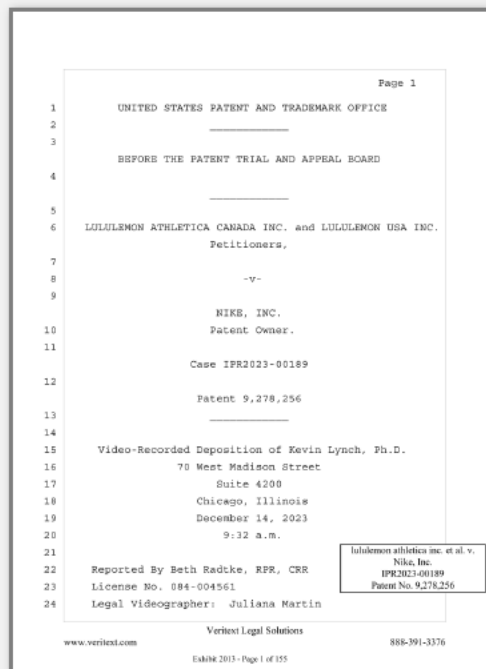
Veritext Legal Solutions  
www.veritext.com 888-391-3376  
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- Q.** What's an example of an interface that's working properly and is not being continuously generated?
- A.** I could imagine an interface that displays buttons that I push, and it never changes its display, but the keystrokes that I apply are recorded.

*12/14/2023 Lynch Tr. (Ex. 2013), 80:2-8*

# Arrasvuori: “continuously generat[e/ing]” (Claims 1, 11)

## Dr. Lynch's Computer Networking Expertise



**Q.** Dr. Lynch, are you an expert in computer networks?

**A.** Yes.

**Q.** And do you have expertise in how devices on computer networks monitor and provide feedback?

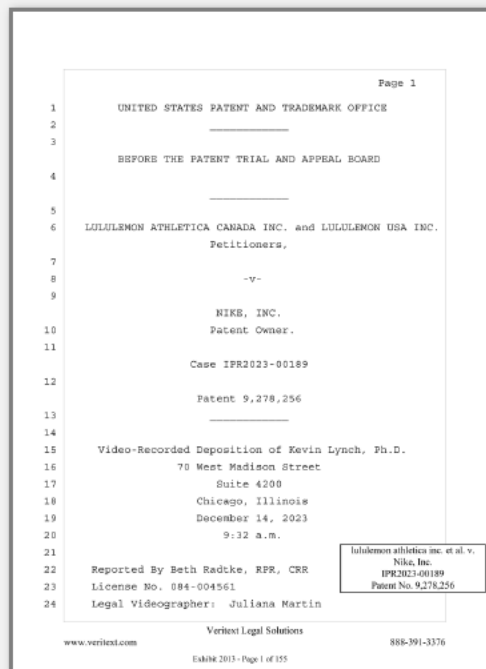
**A.** Yes.

*12/14/2023 Lynch Tr. (Ex. 2013), 118:15-20*



# Arrasvuori: “continuously generat[e/ing]” (Claims 1, 11)

## Dr. Lynch’s Computer Networking Expertise

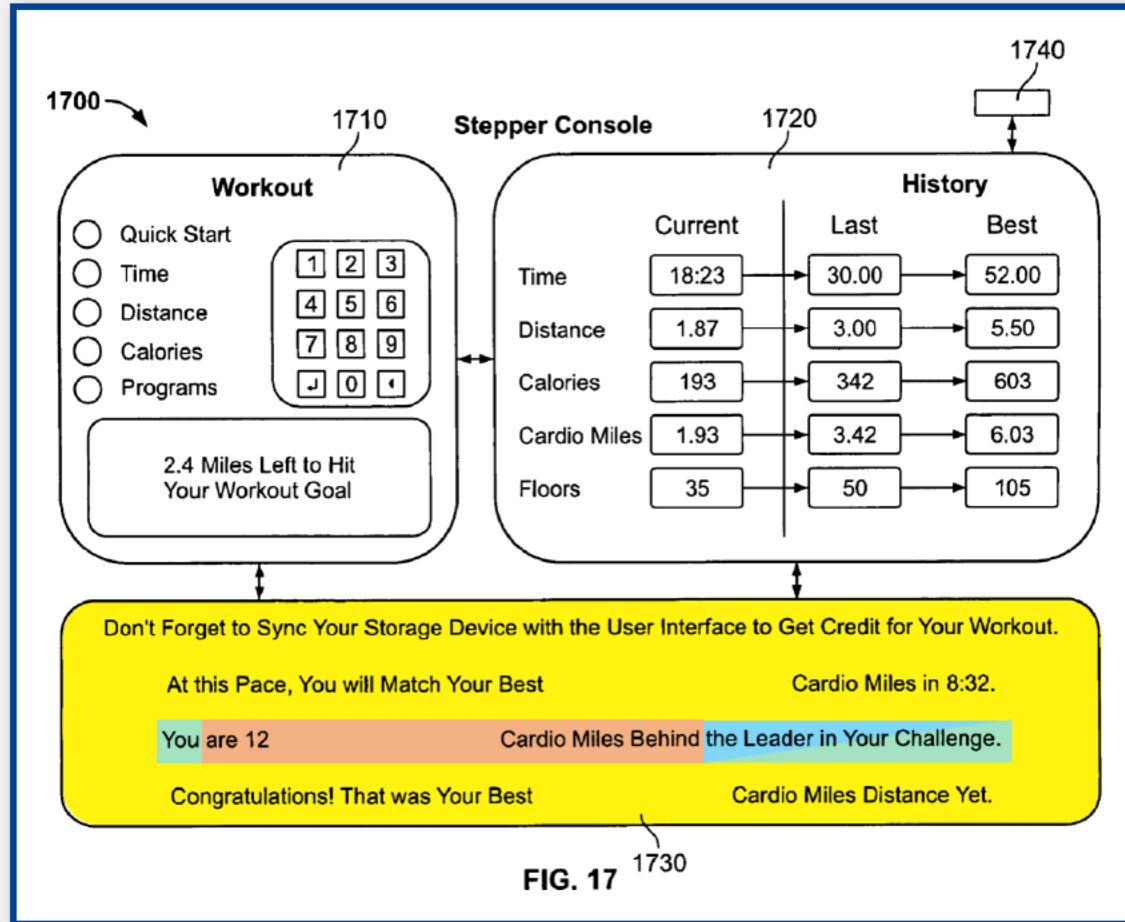


- Q.** Aside from those experience -- experiments in your lab that you described, have you written any other code for video games?
- A.** Yes. Starting in sixth grade when I got my first computer, what I usually programmed it to do was to play video games. That's how I learned to code, by creating my own video games.

*12/14/2023 Lynch Tr. (Ex. 2013), 19:19-20:1*

# Tagliabue: Limitation 1[G]

## Interface 1700



## Tagliabue

ration device 601, etc. For example, the athletic data display configuration device 601 may configure and provide a user interface showing each participant's progress toward the goal of the challenge using, e.g., bar graphs for each participant of the type previously described with regard to monitoring individual goals.

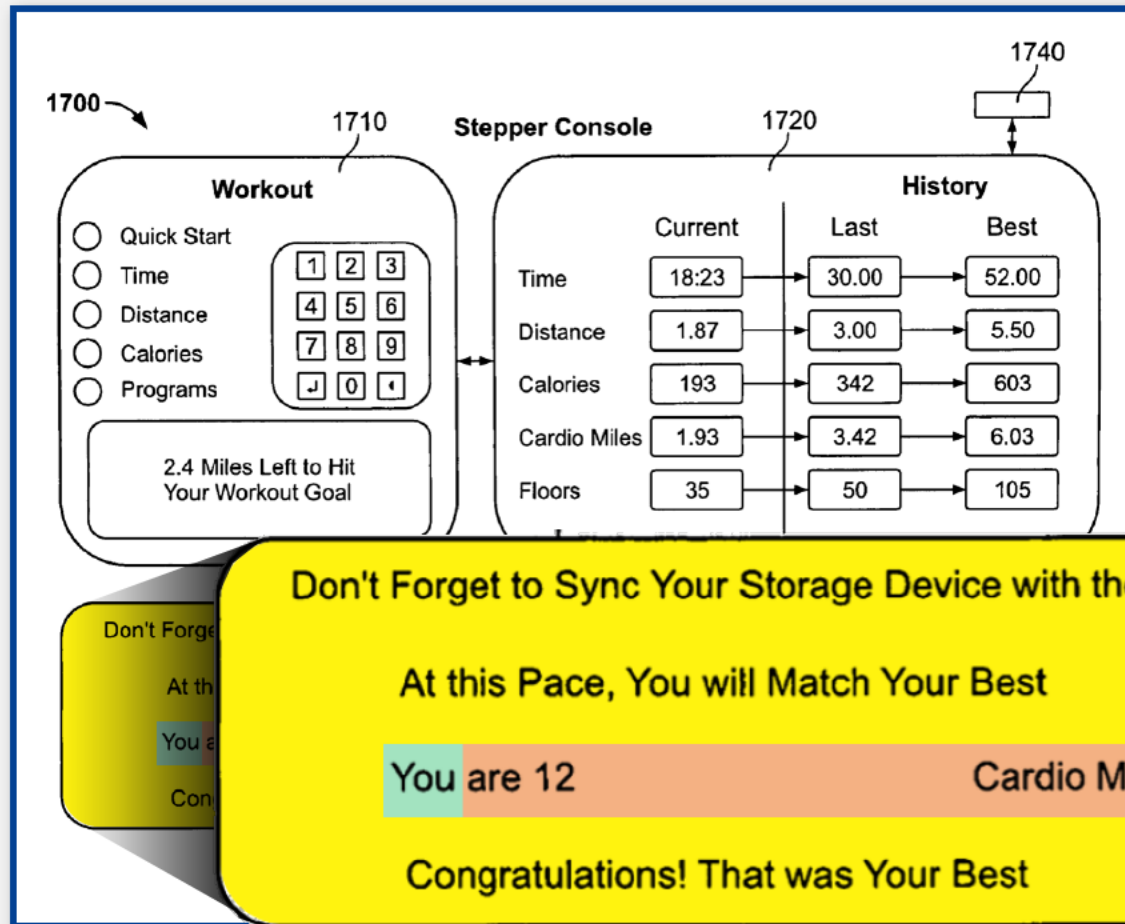
Returning now to FIG. 13A, if a user wishes to establish a challenge regarding who can run the most miles in a given period of time, then the user activates the "Most Miles" button 1305. In response, the athletic data display configuration

*Tagliabue (Ex. 1004), 22:60-23:2*

'256 Patent  
(Ex. 1001), Fig. 17

# Tagliabue: Limitation 1[G]

## Interface 1700



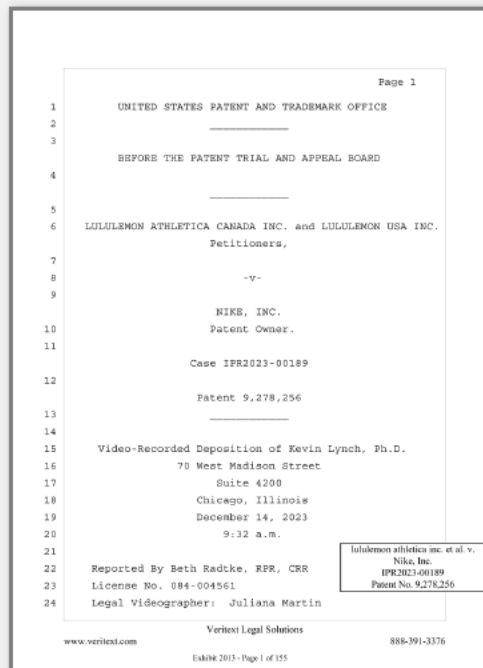
## Tagliabue

ration device 601, etc. For example, the athletic data display configuration device 601 may configure and provide a user interface showing each participant's progress toward the goal of the challenge using, e.g., bar graphs for each participant of the type previously described with regard to monitoring individual goals.

Returning now to FIG. 13A, if a user wishes to establish a challenge regarding who can run the most miles in a given period of time, then the user activates the "Most Miles" button 1305. In response, the athletic data display configuration

x. 1004), 22:60-23:2

# Limitation 1[G]: “continuously generat[e/ing]”



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**Q.** What's another way that a system could provide constant updates?

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