

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKECHERS U.S.A., INC.,
Petitioner,

v.

NIKE, INC.,
Patent Owner.

Case IPR2017-00620 (Patent D723,783 S)
Case IPR2017-00621 (Patent D723,781 S)¹

Before KEN B. BARRETT, GRACE KARAFFA OBERMANN, and
SCOTT A. DANIELS, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Re-designating Paper 51 for Public Availability without Redaction
37 C.F.R. § 42.5(a)

¹ This order addresses issues common to both cases, therefore, we issue a single order to be entered in each case. The parties are authorized to use this style heading when filing an identical paper in both proceedings, provided that such heading includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the heading.”

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On February 1, 2018, in each proceeding, Petitioner filed a Reply. Paper 51². Petitioner filed the Reply publicly without any confidential designation. About two months later, on March 29, 2018, by email to the Board, Petitioner requested re-designation of the Reply as “Board and Parties Only” but did not file a redacted, public version of the document. *See* Ex. 3002 (email communication). The Board complied with Petitioner’s request and re-designated Paper 51 that same day.

On April 6, 2018, we issued an Order instructing Petitioner to file a motion to seal Paper 51 as well as a redacted, public version in each proceeding. Paper 71, 4; Paper 70, 4.³ On April 10, 2018, in both proceedings, Petitioner filed a paper styled as a Response to the Board’s Order. Paper 73, Paper 72 (“Response”). The Response pertains to our instructions for filing a motion to seal Paper 51. *See generally* Response.

This Order addresses that Response. Petitioner indicates that, in view of certain circumstances set forth in the Response, “it is no longer necessary for Petitioner to file a motion to seal or to file a redacted version of Paper 51.” Response, 1. Specifically, Petitioner avers that the parties “reached a compromise on March 30, 2018,” which included “restoring Paper 51 to ‘public’ status.” *Id.*

On April 12, 2018, a combined final hearing was conducted in these proceedings. A transcript of that hearing shall be entered in due course. During the final hearing, as a preliminary matter, we asked counsel for each party whether Paper 51 should be re-designated in the Board’s filing system

² Petitioner’s Reply is designated as Paper 51 in both proceedings.

³ Unless otherwise indicated, we refer sequentially to paper numbers corresponding to documents filed in IPR2017-00620 and IPR2017-00621.

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to permit public access. Counsel for both parties confirmed that Paper 51 should be made publicly available, without redaction, in the record of each proceeding.

ORDER

Accordingly, it is

ORDERED that Paper 51 is re-designated and made available for public access, without redaction, in the record of each proceeding.

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