

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

NIKE, INC.,  
Patent Owner.

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Case IPR2017-00620 (Patent D723,783 S)  
Case IPR2017-00621 (Patent D723,781 S)<sup>1</sup>

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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)

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<sup>1</sup> 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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IPR2017-00621 (Patent D723,781 S)

On February 1, 2018, in each proceeding, Petitioner filed a Reply. Paper 51<sup>2</sup>. 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.<sup>3</sup> 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

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<sup>2</sup> Petitioner’s Reply is designated as Paper 51 in both proceedings.

<sup>3</sup> 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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