

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 IPR2017-00621  
Patent D723,781 S

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

OBERMANN, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). In our institution decision, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that the sole challenged claim of U.S. Patent D723,781 S is unpatentable. Paper 13, 37. We modify our institution decision to institute on all challenged claims and all grounds of unpatentability presented in the Petition.

The parties shall confer to discuss the impact, if any, of this Order on the current schedule. If, after conferring, the parties wish to change the schedule or submit further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization for such changes or briefing.

It is

ORDERED that our institution decision is modified to include review of all challenged claims and all grounds of unpatentability presented in the Petition; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any changes to the schedule or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes or briefing within one week of the date of this Order.

IPR2017-00621  
Patent D723,781 S

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