

From: [Trials](#)
To: [Micah Drayton](#); [Trials](#); todd.baker@kirkland.com; [#Nike-SherryWear](#)
Subject: RE: Nike, Inc. v. SherryWear, LLC, IPR2024-01122 et al.
Date: Tuesday, November 26, 2024 8:42:47 AM
Attachments: [image001.png](#)

Counsel,

From the Board –

The request to refile the Patent Owner Preliminary Response (“POPR”) and the Exhibits to correct inadvertent clerical errors, as listed in Patent Owner’s November 22, 2024 email, is granted. Patent Owner shall make no substantive changes to the content of the POPR. The exhibit numbers of the corrected exhibits must not change and should correspond to the exhibit numbers cited in the POPR.

Please remember that, under Board practice, motions to seal are directed to confidential information contained in the papers and exhibits. For any paper or exhibit that is the subject of a motion to seal and filed as “Board and Parties Only,” Patent Owner should file a public version with any confidential information redacted.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Micah Drayton <mdayton@caldwellllaw.com>
Sent: Friday, November 22, 2024 4:39 PM
To: [Trials](#) <Trials@USPTO.GOV>; todd.baker@kirkland.com; [#Nike-SherryWear](#) <Nike-SherryWear@kirkland.com>
Subject: Re: Nike, Inc. v. SherryWear, LLC, IPR2024-01122 et al.

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Hi Tina.

SherryWear has agreed to acknowledge, in addition to the signature and certificate block omissions, that:

1. Each POPR and exhibit was designated as available to "Parties and Board only"
2. The POPRs lacked word count certifications per 37 CFR 42.24(d)
3. The Exhibits were not labeled as required in 37 CFR 42.63(d).

SherryWear will also make corrections for all of the above in a refile and file a motion to seal pursuant to 37 CFR 42.54.

Nike has indicated through counsel that they will not oppose SherryWear's request to refile given the above.

Best,

Micah

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Micah Drayton

Partner & Director, Technology Practice Group | 857.990.4942
200 Clarendon Street, 59th floor, Boston, MA 02116



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From: Micah Drayton <mdrayton@caldwelllaw.com>

Sent: Thursday, November 21, 2024 2:55 PM

To: Trials <Trials@USPTO.GOV>; todd.baker@kirkland.com <todd.baker@kirkland.com>; #Nike-SherryWear <Nike-SherryWear@kirkland.com>

Subject: Re: Nike, Inc. v. SherryWear, LLC, IPR2024-01122 et al.

Hi Tina.

Thank you for your communication. I have reached out to counsel for the Petitioner, and will advise promptly when I hear back.

Best,
Micah

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Micah Drayton

Partner & Director, Technology Practice Group | 857.990.4942
200 Clarendon Street, 59th floor, Boston, MA 02116



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From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, November 20, 2024 1:03 PM

To: Micah Drayton <mdrayton@caldwelllaw.com>; todd.baker@kirkland.com <todd.baker@kirkland.com>; #Nike-SherryWear <Nike-SherryWear@kirkland.com>

Cc: Trials <Trials@USPTO.GOV>

Subject: RE: Nike, Inc. v. SherryWear, LLC, IPR2024-01122 et al.

Counsel,

Our Rule 42.104 provides that “[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.” Based on Patent Owner’s assertion that the error was an “inadvertent clerical error,” the Board is inclined to grant Patent Owner’s request to file a corrected version, without the necessity of filing a motion and reply. However, Patent Owner’s email does not indicate whether Petitioner opposes the request. Please confer with the Petitioner to determine whether or not Petitioner opposes the request and then email the Board to renew the request.

Regards,

Tina Lee

Supervisory Paralegal Specialist

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

From: Micah Drayton <mdayton@caldwellllaw.com>

Sent: Tuesday, November 19, 2024 9:39 AM

To: Trials <Trials@USPTO.GOV>

Cc: todd.baker@kirkland.com; #Nike-SherryWear <Nike-SherryWear@kirkland.com>

Subject: Nike, Inc. v. SherryWear, LLC, IPR2024-01122 et al.

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Dear Sir or Madam Clerk,

With respect to the above-referenced IPR, and the related IPRs as referenced below, I omitted a signature block and certificate of service from the POPR filings on November 13 and November 14, per 37 CFR § 42.6(a) and (e). This was an inadvertent clerical error.

Can you please confirm whether I can enter corrected versions with signature block referencing the filing dates of the POPR filings and certificates of service?

The filings are POPR filings for IPR2024-01122, IPR2024-01123, IPR2024-01124, IPR2024-01125, IPR2024-01126, IPR2024-01127, IPR2024-01128, and IPR2024-01129.

Best,

Micah T. Drayton

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Micah Drayton

Partner & Director, Technology Practice Group | 857.990.4942

200 Clarendon Street, 59th floor, Boston, MA 02116



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