

Arnold & Porter

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MEMO ENDORSED

June 29, 2022

VIA ECF

Honorable Ona T. Wang
United States Magistrate Judge, S.D.N.Y.
500 Pearl Street
New York, NY 10007

Application **GRANTED**.



Ona T. Wang 07/29/2022
U.S.M.J.

Re: *Nike, Inc. v. lululemon athletica inc. et al*, 1:22-cv-00082-RA-OTW
Stipulation Regarding Amended Pleadings

Dear Judge Wang:

The Parties are jointly writing the Court to inform it that they have agreed to substitute lululemon USA inc. as a defendant in place of lululemon athletica inc. and to request, by stipulation, that the Court enter an order directing as follows:

- (1) Nike's claims against lululemon athletica inc. are dismissed and lululemon usa inc. be substituted as a defendant in place of lululemon athletica inc.;
- (2) The case caption be changed to reflect that lululemon athletica inc. is no longer a party and that lululemon usa inc. has been added as a defendant;
- (3) Nike's allegations in its First Amended Complaint (ECF No. 34) against lululemon athletica inc. shall be deemed allegations against lululemon usa inc.; and lululemon athletica inc.'s response and defenses to those allegations in its Answer (ECF No. 35) shall be deemed the responses and defenses of lululemon usa inc.; and
- (4) the motion for judgment on the pleadings filed by MIRROR and lululemon athletica inc. shall be deemed filed by MIRROR and lululemon usa inc., and that that motion which is fully briefed and currently pending before the Court shall be unaffected by the relief sought herein.

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The Parties have further agreed that lululemon usa inc.'s substitution as a defendant is not intended as, and shall not be, a concession that Nike has pleaded any valid claims of infringement against it.

Respectfully Submitted,

ARNOLD & PORTER
KAYE SCHOLER LLP

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