



Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
+1 212 909 6000

October 17, 2022

The Hon. Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

***Nike, Inc. v. StockX LLC*, No. 22 CV 00983 (S.D.N.Y.) – Joint Status Update**

Dear Judge Caproni:

Pursuant to the Court’s April 11, 2022, Civil Case Management Plan and Scheduling Order (Dkt. No. 25), Plaintiff Nike, Inc. (“Nike”) and Defendant StockX LLC (“StockX” and together with Nike, the “Parties”) respectfully submit this joint letter to update the Court on the status of discovery.

The Parties are proceeding through fact discovery, now scheduled to end on January 20, 2023. The Parties thank the Court for the extension of the discovery schedule and are working diligently through the remaining discovery tasks. Since our September update, StockX served its Fifth Set of Requests for Production on September 30, 2022. In addition, StockX served its Responses and Objections to Nike’s Third Set of Interrogatories on September 26, 2022. Nike served its Fifth Set of Requests for Production on October 12, 2022. Nike also served its Responses and Objections to StockX’s Third Set of Requests for Production and Interrogatories on September 19, 2022, and to StockX’s Fourth Set of Requests for Production on September 30, 2022.

The Parties continue to produce documents on a rolling basis. On September 23, 2022, Nike produced to StockX additional Nike documents, as well as documents Nike received from third-party Michael Malekzadeh, and on October 14, 2022, Nike produced to StockX documents Nike received from third-party PUMA North America, Inc. StockX produced to Nike additional StockX documents on September 20, 21, and 27.

The Parties have begun identifying deposition witnesses. To date, Nike has sent deposition notices for six StockX witnesses, and StockX has preliminarily identified eight potential Nike witnesses for scheduling purposes. The Parties also expect to notice 30(b)(6) depositions. The Parties expect to confer in the coming days to schedule depositions during the remainder of the fact discovery period.

In addition, the Parties continue to meet and confer to attempt to resolve issues surrounding the scope of responses and objections to the Parties’ discovery requests, confidentiality designations pursuant to the Stipulated Protective Order entered on July 14, 2022 (ECF No. 52), and claims of attorney-client privilege and attorney-work-product protection. However, the Parties expect to require the assistance of the Court in resolving certain disputes prior to the next scheduled status update. The Parties expect to contact the Court in the coming days pursuant to Section 3(B) of the Court’s Individual Practices in Civil Cases.

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The Parties thank the Court for its continued attention to this matter.

Respectfully submitted,

/s/ Tamar Y. Duvdevani

DLA PIPER LLP (US)

Tamar Y. Duvdevani
Marc E. Miller
Andrew J. Peck
Jared Greenfield
1251 Avenue of The Americas, 27th Fl.
New York, NY 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

Michael Fluhr
555 Mission Street, Suite 2400
San Francisco, CA 94105
Telephone: (415) 836-2500
Facsimile: (415) 836-2501

Melissa Reinckens
401 B Street, Suite 1700
San Diego, CA 92101
melissa.reinckens@us.dlapiper.com

Jane W. Wise
500 Eighth Street, NW
Washington, D.C. 20004
Telephone: (202) 799-4149
Facsimile: (202) 863-7849

Attorneys for Plaintiff Nike, Inc

/s/ Megan K. Bannigan

Megan K. Bannigan
David H. Bernstein
Jyotin Hamid
Justin C. Ferrone
Kathryn C. Saba
Debevoise & Plimpton LLP
919 Third Avenue
New York, New York, 10022
Telephone: (212) 909-6000

Christopher S. Ford
Debevoise & Plimpton LLP
650 California Street
San Francisco, CA 94108
Telephone: (415) 738-5700

David Mayberry
Rob Potter
Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas
New York, New York 10036
Telephone: (212) 775-8733

Jeffrey B. Morganroth
Morganroth & Morganroth, PLLC
344 N. Old Woodward Ave, #200
Birmingham, MI 48075
Telephone: (248) 864-4001

Attorneys for Defendant StockX LLC