

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADIDAS AG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
UNDER ARMOUR, INC. and	)	<b>JURY TRIAL DEMANDED</b>
MAPMYFITNESS, INC.,	)	
	)	
Defendants.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff adidas AG (“Plaintiff” or “adidas”) alleges as follows:

**NATURE OF ACTION**

1. This is an action under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for infringement by Defendants Under Armour, Inc. (“Under Armour” or “UA”) and MapMyFitness, Inc. (“MapMyFitness” or “MMF”) (collectively, “Defendants”) of patents owned by adidas.

**THE PARTIES**

2. Plaintiff adidas is a corporation organized under the laws of the Federal Republic of Germany, with its principal place of business at Adi-Dassler-Strasse 1, 91074 Herzogenaurach, Germany.

3. Defendant Under Armour is a corporation organized under the laws of the State of Maryland with its principal place of business in the United States located at 1020 Hull Street, Baltimore, Maryland 21230.

4. Defendant MapMyFitness is a corporation organized under the laws of Delaware, with its principal place of business at 522 East 6th Street, Austin, Texas 78701 and is a wholly owned subsidiary of Under Armour.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Defendant MapMyFitness's registered agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

7. Defendant Under Armour conducts substantial business in the state of Delaware, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the state of Delaware. Thus, Defendant Under Armour has purposefully availed itself of the benefits of the state of Delaware, and the exercise of jurisdiction over Defendant Under Armour would not offend traditional notions of fair play and substantial justice.

8. Defendant MapMyFitness conducts substantial business in the state of Delaware, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the state of Delaware. Thus, Defendant MapMyFitness has purposefully availed itself of the benefits of the state of Delaware, and the exercise of jurisdiction over Defendant MapMyFitness would not offend traditional notions of fair play and substantial justice.

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

### **THE PATENTS**

10. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,292,867 (“the ’867 patent”), including the right to sue for past damages. The ’867 patent was duly and legally issued by the United States Patent and Trademark Office on November 6, 2007, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’867 patent is attached hereto as Exhibit A.

11. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,805,149 (“the ’149 patent”), including the right to sue for past damages. The ’149 patent was duly and legally issued by the United States Patent and Trademark Office on September 28, 2010, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’149 patent is attached hereto as Exhibit B.

12. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,941,160 (“the ’160 patent”), including the right to sue for past damages. The ’160 patent was duly and legally issued by the United States Patent and Trademark Office on May 10, 2011, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’160 patent is attached hereto as Exhibit C.

13. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,957,752 (“the ’752 patent”), including the right to sue for past damages. The ’752 patent was duly and legally issued by the United States Patent and Trademark Office on

June 7, 2011, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’752 patent is attached hereto as Exhibit D.

14. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,068,858 (“the ’858 patent”), including the right to sue for past damages. The ’858 patent was duly and legally issued by the United States Patent and Trademark Office on November 29, 2011, is active, and is entitled “Methods and computer program products for providing information about a user during a physical activity.” A true and correct copy of the ’858 patent is attached hereto as Exhibit E.

15. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,244,226 (“the ’226 patent”), including the right to sue for past damages. The ’226 patent was duly and legally issued by the United States Patent and Trademark Office on August 14, 2012, is active, and is entitled “Systems and methods for presenting characteristics associated with a physical activity route.” A true and correct copy of the ’226 patent is attached hereto as Exhibit F.

16. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,905,815 (“the ’815 patent”), including the right to sue for past damages. The ’815 patent was duly and legally issued by the United States Patent and Trademark Office on March 15, 2011, is active, and is entitled “Personal data collection systems and methods.” A true and correct copy of the ’815 patent is attached hereto as Exhibit G.

17. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,931,562 (“the ’562 patent”), including the right to sue for past damages. The ’562 patent was duly and legally issued by the United States Patent and Trademark Office on

April 26, 2011, is active, and is entitled “Mobile Data Logging Systems and Methods.” A true and correct copy of the ’562 patent is attached hereto as Exhibit H.

18. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,092,345 (“the ’345 patent”), including the right to sue for past damages. The ’345 patent was duly and legally issued by the United States Patent and Trademark Office on January 10, 2012, is active, and is entitled “Systems and Methods for a Portable Electronic Journal.” A true and correct copy of the ’345 patent is attached hereto as Exhibit I.

19. adidas is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,579, 767 (“the ’767 patent”), including the right to sue for past damages. The ’767 patent was duly and legally issued by the United States Patent and Trademark Office on November 12, 2013, is active, and is entitled “Performance Monitoring Apparatuses, Methods, and Computer Program Products.” A true and correct copy of the ’767 patent is attached hereto as Exhibit J.

### **GENERAL ALLEGATIONS**

20. Defendant Under Armour makes, uses, imports, sells, or offers for sale mobile systems, software, devices, or methods for collecting personal data, including at least the Armour39™ product, peripherals and/or associated devices such as the Armour39™ module, Armour39™ chest strap, Armour39™ watch, supporting software and mobile app, and their respective desktop and/or server software and interfaces (collectively, the “UA Accused Products”) together with related services (the “UA Accused Services”).

21. The UA Accused Products and Services include software for use on a mobile device.

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