

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNDER ARMOUR, INC.,  
Petitioner,

v.

ADIDAS AG,  
Patent Owner.

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Case IPR2015-00697  
Patent 7,905,815 B2

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Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and JUSTIN BUSCH,  
*Administrative Patent Judges.*

BISK, *Administrative Patent Judge.*

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Petitioner, Under Armour, Inc., filed a Petition to institute an *inter partes* review of claims 1–15 of U.S. Patent No. 7,905,815 B2 (Ex. 1001, “the ’815 patent”). Paper 1 (“Pet.”). Patent Owner, adidas AG, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 6 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, and for the reasons explained below, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail with respect to at least one claim. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review.

### A. Related Matters

Patent Owner has asserted the ’815 patent along with additional patents, against Petitioner in *adidas AG, et. al. v. Under Armour, Inc. and MapMyFitness, Inc.*, Case No. 14-130-GMS (D. Del.). Pet. 1; Paper 4, 1. Petitioner has filed petitions to institute *inter partes* reviews of related patents, U.S. Patent No. 8,092,345 B2 and U.S. Patent No. 8,579,767 B2. *See* Paper 8, 2–3 (citing IPR2015-00698; IPR2015-00700).

*B. The Asserted Grounds*

Petitioner identifies the following as asserted grounds of unpatentability:

<b>References</b>	<b>Basis</b>	<b>Claims Challenged</b>
Mault (Ex. 1004) <sup>1</sup> and Guck (Ex. 1006) <sup>2</sup>	§ 103	1–15
Newell (Ex. 1005) <sup>3</sup> and Guck	§ 103	1–15

Pet. 5.

*C. The '815 Patent*

The '815 patent describes a system of individual portable personal devices such as mobile phones, personal digital assistants (PDAs), medical monitoring devices, personal entertainment systems, and athletic monitoring systems, used in conjunction with a wireless personal network to provide flexibility in features, capabilities, and extensibility. Ex. 1001, 1:27–52, 3:30–4:26. Figure 100 of the '815 patent is reproduced below.

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<sup>1</sup> U.S. Patent No. 6,513,532 B2 (“Mault”).

<sup>2</sup> U.S. Patent No. 5,864,870 (“Guck”).

<sup>3</sup> U.S. Patent No. 6,466,232 B1 (“Newell”).

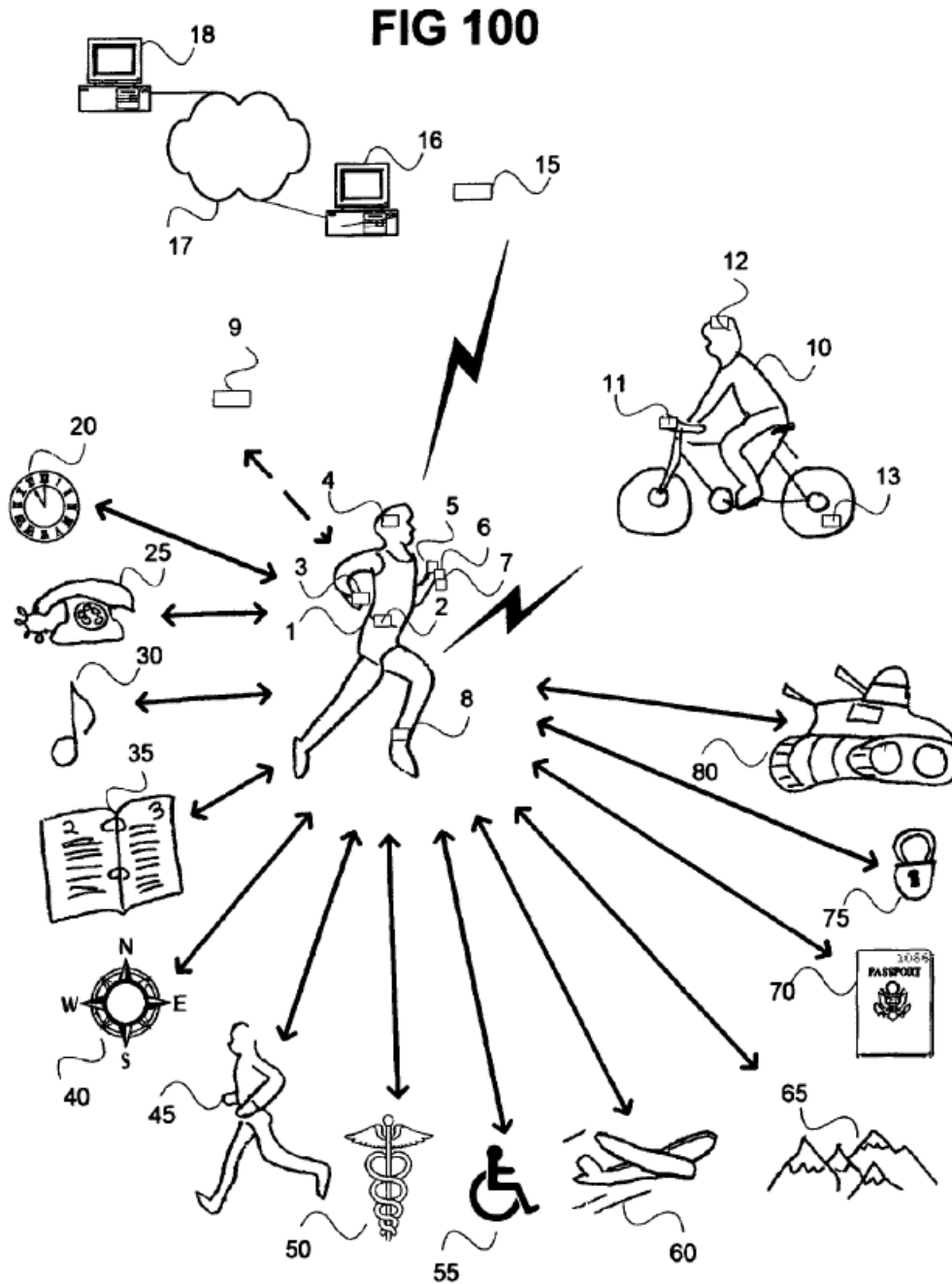


Figure 100 is an overview of a “modular personal network (MPN)” that “allows multiple individual network components (INCs), each with one or more primary functions, to be used in a wireless personal network, and that INCs may be added and removed modularly to add or remove functions of the MPN.” *Id.* at

15:34, 3:32–38. The INCs “may be worn, carried, mounted on personal equipment, or otherwise used in proximity to the person associated with the MPN.” *Id.* at 3:40–42. The MPN is associated with user 1 and “[e]ach INC may include a wireless transceiver for communicating with other INCs in the MPN.” *Id.* at 15:40–45.

Base station 15, a device more stationary than other INCs, may act as part of the MPN when the MPN is within range and may include a wireless communication device to communicate with one or more of the INCs in the MPN—or by alternative means. *Id.* at 16:33–40. Personal computer 16 may communicate with base station 15 or directly with one or more INCs, acting as a base station. *Id.* at 16:40–43. The base station may download software, data, settings, and other information to one or more INCs. *Id.* at 16:43–47. Data may also be uploaded to personal computer 16 to be stored, displayed, saved in a database, analyzed, or shared, for example, over the internet. *Id.* at 16:53–60, 41:8–17.

#### *D. The Challenged Claims*

Petitioner challenges claims 1–15. Pet. 2. Claims 1 and 15 are independent. Claim 1 is illustrative and is reproduced below (line breaks and indentation added):

1. A personal data collection system comprising
  - a media recording device configured to be worn or carried by a user,
  - a personal data collection device configured to be worn or carried by the user,
  - a storage device configured to be worn or carried by the user for storing media collected by the media recording device and data collected by the personal data collection device,

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