

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour Inc.
Petitioner

v.

adidas AG,
Patent Owner

Case No. IPR2015-00698

Patent No. 8,092,345

**PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED WITH PETITIONER UNDER ARMOUR INC.'S
REPLY TO PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner objects as follows to the admissibility of evidence served with Petitioner Under Armour Inc.'s Reply to Patent Owner's Response in the *Inter Partes* Review of U.S. Patent No. 8,092,345.

U.S. Pat. No. 8,092,345
IPR2015-00698
Patent Owner's Objections to
Admissibility of Evidence
Served with Petitioner's Reply

Evidence	Objections
Exhibit 1011	<p>FRE 402: portions of the exhibit are not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 602: Paragraphs 177-205 and 206-246 of the exhibit include assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p> <p>FRE 701/702/703: Paragraphs 177-205 and 206-246 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p>FRE 801/802: Paragraphs 177-205 and 206-246 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>

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	<p>FRE 805: the exhibit contains improper hearsay within hearsay.</p> <p>FRE 1006: the exhibit provides an improper summary of the evidence.</p> <p>37 C.F.R. § 42.65: the exhibit includes expert testimony that does not disclose the underlying facts or data and improper discussion of patent law.</p>
Exhibit 1012	<p>Patent Owner maintains its objections made during the deposition of William Michalson.</p> <p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>37 C.F.R. § 42.65: the exhibit does not conform to the requirements for taking testimony in an <i>inter partes</i> review proceeding, including, but not limited to, the limitations placed on the scope of deposition testimony and the manner of taking deposition testimony.</p>

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	<p>FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
Exhibit 1013	<p>Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 1014	<p>FRE 402: portions of the exhibit are not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay,</p>

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	<p>wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 602: Paragraphs 12-15, 16-17, and 18-30 of the exhibit include assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p> <p>FRE 701/702/703: Paragraphs 12-15, 16-17, and 18-30 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p>FRE 801/802: Paragraphs 12-15, 16-17, and 18-30 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 805: the exhibit contains improper hearsay within hearsay.</p> <p>FRE 1006: the exhibit provides an improper summary of the evidence.</p> <p>37 C.F.R. § 42.65: the exhibit includes expert testimony that does not disclose the underlying facts or data and improper</p>

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