

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 UNOPPOSED MOTION TO SEAL
PURSUANT TO 37 C.F.R. § 42.54**

Patent Owner adidas AG (“Patent Owner”) hereby moves to seal its Motion for Observation Regarding Cross-Examination of Reply Witness Julie Davis, Motion for Observation Regarding Cross-Examination of Reply Witness Joseph Paradiso and Motion to Exclude (“Patent Owner’s Motions”) submitted concurrently with this motion. Patent Owner further moves to seal the following exhibits submitted in support of Patent Owner’s Motions.

1. Exhibit 2025, Deposition Transcript of Julie Davis;
2. Exhibit 2026, Davis Ex. 1, Glode Deposition Excerpts;
3. Exhibit 2027, Davis Ex. 2, Laing Deposition Excerpts;
4. Exhibit 2028, Davis Ex. 3, Page Deposition Excerpts;
5. Exhibit 2029, Davis Ex. 04, Thurston Deposition Excerpts;
6. Exhibit 2039, Deposition Transcript of Joseph Paradiso and
7. Exhibit 2040, Paradiso Ex 01, Quast Deposition Excerpts.

Patent Owner has concurrently filed a redacted version of its Motion to Exclude. Patent Owner’s Motion for Observation Regarding Cross-Examination of Reply Witness Julie Davis, Motion for Observation Regarding Cross-Examination of Reply Witness Joseph Paradiso, and exhibit 2039. Exhibits 2025-2029 and exhibit 2040 are redacted in their entirety and are submitted to the Board with this motion

IPR2015-00698
Patent No. 8,092,345
Patent Owner Motion to Seal

for filing under seal. Patent Owner has served Petitioner with both confidential and redacted versions of the above identified documents.

Patent Owner's Motions and the identified supporting exhibits include information that Petitioner has identified as competitively-sensitive business information. Similar materials have been made available to the opposing party only under similar "CONFIDENTIAL BUSINESS INFORMATION - ATTORNEYS' EYES ONLY" conditions in the related district court litigation.

Petitioner asserts that if this highly-confidential information were disclosed publicly or to the Patent Owner's employees, that information likely would cause competitive business harm. In other inter parties review proceedings, the Board has held that confidential information such as that submitted here should remain under seal. See, e.g., *Greene's Energy Grp., LLC, Inc. v. Oil States Energy Svcs., LLC*, IPR2014-00216, Paper 27, at 5 (PTAB Sept. 23, 2014). In *Greene's Energy Group*, the Board held that portions of an exhibit containing confidential financial information should remain under seal where the proposed redactions were reasonable and the thrust of the underlying argument or evidence was clearly discernable from the redacted versions. *Greene's Energy Grp.*, IPR2014-00216, Paper 27, at 5. Here, Patent Owner has redacted from the public filings only those portions of the documents that reflect competitively sensitive information. Patent

IPR2015-00698
Patent No. 8,092,345
Patent Owner Motion to Seal

Owner submits that the thrust of its underlying arguments and evidence remain clearly discernable from the redacted, public versions of its filings. Patent Owner respectfully submits that good cause exists to seal Patent Owner's Motions and Exhibits 2025, 2026, 2027, 2028, 2029, 2039 and 2040

Patent Owner submits these documents for seal under the Protective Order already in place. The Protective Order was submitted by Petitioner and agreed upon by both parties in Petitioner's Unopposed Motion to Seal and For Entry of a Protective Order Pursuant to 37 C.F.R. § 42.54, filed by Petitioner on February 16, 2016. Paper 25. Patent Owner has met and conferred with Petitioner Under Armour, Inc. "(Petitioner)", who does not oppose this motion to file under seal.

For the foregoing reasons, Patent Owner respectfully requests that the Board grant this unopposed motion to seal.

Dated: April 8, 2016

Respectfully submitted,

/s/ Mitchell G. Stockwell
Mitchell G. Stockwell
Reg. No. 39,389
Lead Counsel for Patent Owner
adidas AG

IPR2015-00698
Patent No. 8,092,345
Patent Owner Motion to Seal

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **PATENT OWNER
ADIDAS AG'S MOTION TO SEAL** was served via email on the date below,
upon the following:

Brian E. Ferguson
Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005
Phone: 202-682-7000
brian.ferguson@weil.com

Anish R. Desai
Christopher T. Marando
W. Sutton Ansley
Weil Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005
Phone: 202-682-7000
anish.desai@weil.com

Dated: April 8, 2016

/s/ Mitchell G. Stockwell
Mitchell G. Stockwell
Reg. No. 39,389
Lead Counsel for Patent Owner
adidas AG