

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ADIDAS AG,
Patent Owner.

Case IPR2015-00698 (Patent 8,092,345 B2)
Case IPR2015-00700 (Patent 8,579,767 B2)

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

BUSCH, *Administrative Patent Judge*.

DECISION
Petitioner's Unopposed Motion to Strike
37 C.F.R. § 42.5

Case IPR2015-00698 (Patent 8,092,345 B2)

Case IPR2015-00700 (Patent 8,579,767 B2)

In each case Petitioner, Under Armour, Inc., filed Motions to strike certain paragraphs of its declarants' testimony and to withdraw argument in its briefs corresponding to that testimony. IPR2015-00698 Paper 48; IPR2015-00700 Paper 59. Specifically, Petitioner moves to strike paragraphs 23–27 of Exhibit 1014 in IPR2015-00698, paragraph 36 of Exhibit 1014 in IPR2015-00700, and paragraphs 24–28 of Exhibit 1016 in IPR2015-00700. Petitioner seeks to withdraw from consideration the last sentence on page 22 of Petitioner's Reply in IPR2015-00698 and the third and fourth sentences on page 21 of Petitioner's Reply in IPR2015-00700. Petitioner's Motions are unopposed. Upon reviewing Petitioner's Motions as well as the identified testimony and argument, we grant the Motions.

Accordingly, it is:

ORDERED that paragraphs 23–27 of Exhibit 1014 (the Declaration of Julie Davis) are stricken;

FURTHER ORDERED that the last sentence on page 22 of Petitioner's Reply (Paper 27), which begins "MMF has continued . . .," is withdrawn from consideration;

FURTHER ORDERED that paragraph 36 of Exhibit 1014 (the Second Declaration of Shawn Burke) is stricken;

FURTHER ORDERED that paragraphs 24–28 of Exhibit 1016 (the Declaration of Julie Davis) are stricken; and

FURTHER ORDERED that the third and fourth sentences on page 21 of Petitioner's Reply (Paper 31), which begin "Since acquisition by Under Armour . . .," and "Under Armour's revenue," respectively, are withdrawn from consideration.

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