

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4

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Under Armour, Inc.,

6

Petitioner

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v.

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Adidas AG,

9

Patent Owner

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Case No. IPR2015-00700

12

Patent No. 8,579,767

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- - -

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16 DEPOSITION OF WILLIAM R. MICHALSON, Ph.D.

17

FEBRUARY 5, 2016  
19:26 A.M.

18

19

KILPATRICK TOWNSEND & STOCKTON LLP  
1100 PEACHTREE STREET, N.E.  
SUITE 2800  
ATLANTA, GEORGIA

20

21

22 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

23

24

SUZANNE BEASLEY, RPR  
CCR-B-1184

25

1 (The signature of the witness to the  
2 deposition was reserved.)

3 WILLIAM R. MICHALSON, Ph.D.,  
4 having been duly sworn, was examined and testified  
5 as follows:

6 EXAMINATION

7 BY MR. ANSLEY:

8 Q. Hello again for the third time,  
9 Dr. Michalson.

10 A. Hello.

11 Q. We've now concluded two other IPRs, the  
12 IPRs related to what we call the '815 and the '345  
13 patent. And again, the same rules that applied to  
14 those two depositions will apply here. Do you  
15 understand?

16 A. I do.

17 (Exhibit 2002 was marked for  
18 identification.)

19 BY MR. ANSLEY:

20 Q. So in front of you, you should have what's  
21 marked Exhibit 2002. Are you familiar with this  
22 document?

23 A. Yes.

24 Q. Now, since this is a separate deposition,  
25 unfortunately we have to go through some of the same

1           successful, so I do have some experience in  
2           that area.

3       BY MR. ANSLEY:

4           Q.       And again, I understand that you believe  
5           you have experience in that area, but can you today  
6           sitting here state affirmatively whether or not  
7           you're an expert in evaluating whether or not a  
8           product is a commercial success?

9                   MR. OLINGER:   Objection.   Form.

10                  THE WITNESS:   I'm not offering myself  
11                  as an expert in that topic.  I'm providing,  
12                  you know, my opinion based on certain  
13                  things.  In paragraph 91, 92, it's an  
14                  indicator of success that there's a large  
15                  number of users and there was a substantial  
16                  purchase price.  I do also identify other  
17                  things that may indicate commercial success  
18                  in other paragraphs.

19       BY MR. ANSLEY:

20           Q.       Let's turn to paragraph 101.  Now, here  
21           you begin discussing your opinion that the miCoach  
22           products are commercially successful; is that  
23           correct?

24                  A.       Yes.

25           Q.       And below in paragraph 102 near the bottom

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E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e) any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, WILLIAM R. MICHALSON, Ph.D., do hereby certify that I have read the foregoing deposition and that to the best of my knowledge said deposition is true and accurate (with the exception of the following corrections listed below).

Page\_\_\_\_\_ Line\_\_\_\_\_should read:\_\_\_\_\_

Reason for change:\_\_\_\_\_

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16 Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

17 Reason for change:\_\_\_\_\_

18 \_\_\_\_\_  
Signature

19

Sworn to and Subscribed before me

20

\_\_\_\_\_, Notary Public.

21 This\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
My Commission Expires:

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25

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