

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'S OPPOSITION TO
PATENT OWNER'S MOTION TO EXCLUDE**

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 Opposition to Patent Owner's Motion to Exclude 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 Opposition to Motion to Exclude

Evidence	Objections
Exhibit 1017 - Transcript of October 21-22, 2015 deposition of Dr. William Michalson (Part I)	FRE 402: the exhibit is not relevant to any ground upon which trial was instituted. 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. 37 C.F.R. § 42.53: 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.
Exhibit 1018 - Transcript of October 21-22, 2015 deposition of Dr. William Michalson (Part II)	FRE 402: the exhibit is not relevant to any ground upon which trial was instituted. 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,

U.S. Pat. No. 8,092,345

IPR2015-00698

Patent Owner's Objections to Admissibility of Evidence
Served with Petitioner's Opposition to Motion to Exclude

Evidence	Objections
	<p>wasting time, or needlessly presenting cumulative evidence.</p> <p>37 C.F.R. § 42.53: 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>
<p>Exhibit 1019 - Petitioner's September 9, 2015 Responses to Patent Owner's Objections to Admissibility of Evidence</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>Exhibit 1020 <i>Santarus, Inc. v. Par Pharmaceutical, Inc.</i>, No. 07-551 (GMS), Document 163 (D. Del. June 26, 2009)</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,</p>

U.S. Pat. No. 8,092,345

IPR2015-00698

Patent Owner's Objections to Admissibility of Evidence
Served with Petitioner's Opposition to Motion to Exclude

Evidence	Objections
	wasting time, or needlessly presenting cumulative evidence.

Dated: April 27, 2016

Respectfully submitted,

/s/ Mitchell G. Stockwell

Mitchell G. Stockwell

Reg. No. 39,389

Lead Counsel for Patent Owner

adidas AG

U.S. Pat. No. 8,092,345

IPR2015-00698

Patent Owner's Objections to Admissibility of Evidence
Served with Petitioner's Opposition to Motion to Exclude

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE SERVED WITH PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO EXCLUDE** 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
Weil Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005
Phone: 202-682-7103
anish.desai@weil.com

Dated: April 27, 2016

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