

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ADIDAS AG,)	
)	
Plaintiff,)	
)	C.A. No. 14-130-GMS
v.)	
)	JURY TRIAL DEMANDED
UNDER ARMOUR, INC. and)	
MAPMYFITNESS, INC.,)	
)	
Defendants.)	

**MAPMYFITNESS, INC.’S ANSWER, DEFENSES, AND COUNTERCLAIMS TO
PLAINTIFF’S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

MapMyFitness, Inc., (“MMF”) through its undersigned counsel, hereby responds to the Second Amended Complaint for Patent Infringement and Demand for Jury Trial (“the Complaint”) filed by adidas AG (“adidas” or “Plaintiff”) as follows:

I. ANSWER

GENERAL DENIAL

Unless expressly admitted below, MMF denies each and every allegation set forth in the Complaint. MMF further specifically responds to the allegations asserted by adidas in the paragraphs below, which correspond to the paragraph numbers of the Complaint:

NATURE OF ACTION

1. MMF admits that Plaintiff has brought an action for patent infringement under 35 U.S.C. § 1, *et seq.*, but denies any wrongdoing or liability for the reasons stated herein. MMF is without knowledge or information sufficient to form a belief as to the truth of the allegation that adidas owns the patents it has asserted, and on that basis, denies the allegation.

THE PARTIES

2. MMF admits that the Complaint alleges that adidas AG is a corporation organized under the laws of the Federal Republic of Germany, with its principal place of business at Adi-Dassler-Strasse 1, 91074 Herzogenaurach, Germany. MMF is without knowledge or information sufficient to form a belief as to the truth of the allegation, and on that basis, denies the allegation.

3. MMF admits that the Complaint alleges that adidas America, Inc. is a corporation organized under the laws of Delaware, with its principal place of business at 5055 North Greeley Avenue, Portland, OR, 97217-3524. MMF is without knowledge or information sufficient to form a belief as to the truth of the allegation, and on that basis, denies the allegation.

4. MMF admits the facts alleged in Paragraph 4 of the Complaint.

5. MMF admits that it is a corporation organized under the laws of Delaware and a subsidiary of Under Armour, but notes that its principal place of business is located at 619 West 5th Street, Austin, TX.

JURISDICTION AND VENUE

6. MMF admits that the Complaint purports to be an action that arises under the patent laws of the United States, Title 35 of the United States Code, and that this court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a), but denies any wrongdoing or liability for the reasons stated herein.

7. MMF admits the facts alleged in Paragraph 7 of the Complaint.

8. MMF is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 and, on that basis, denies the allegations.

9. MMF admits that this Court has personal jurisdiction over MMF. MMF admits that it offers for sale and has sold its products throughout the United States, including to

individuals in this District. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 9.

10. MMF admits that Venue is proper as to MMF under 28 U.S.C. §§ 1391 and 1400(b), but denies that it has committed any acts of infringement within this District and specifically denies any wrongdoing, infringement, inducement of infringement, or contribution to infringement.

THE PATENTS

11. MMF admits that U.S. Patent No. 7,292,867 (“the ’867 patent”) on its face recites an issue date of November 6, 2007 and bears the title “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” MMF admits that a copy of the ’867 patent was attached to the Complaint as Exhibit A. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’867 patent. MMF denies that the ’867 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 11.

12. MMF admits that U.S. Patent No. 7,805,149 (“the ’149 patent”) on its face recites an issue date of September 28, 2010 and bears the title “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” MMF admits that a copy of the ’149 patent was attached to the Complaint as Exhibit B. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’149 patent. MMF denies that the ’149 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 12.

13. MMF admits that U.S. Patent No. 7,941,160 (“the ’160 patent”) on its face recites an issue date of May 10, 2011 and bears the title “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” MMF admits that a copy of the ’160 patent was attached to the Complaint as Exhibit C. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’160 patent. MMF denies that the ’160 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 13.

14. MMF admits that U.S. Patent No. 7,957,752 (“the ’752 patent”) on its face recites an issue date of June 7, 2011 and bears the title “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” MMF admits that a copy of the ’752 patent was attached to the Complaint as Exhibit D. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’752 patent. MMF denies that the ’752 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 14.

15. MMF admits that U.S. Patent No. 8,068,858 (“the ’858 patent”) on its face recites an issue date of November 29, 2011 and bears the title “Methods and computer program products for providing information about a user during physical activity.” MMF admits that a copy of the ’858 patent was attached to the Complaint as Exhibit E. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’858 patent. MMF denies that the ’858 patent was duly and legally issued. MMF denies that

Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 15.

16. MMF admits that U.S. Patent No. 8,244,226 (“the ’226 patent”) on its face recites an issue date of August 14, 2012 and bears the title “Systems and methods for presenting characteristics associated with a physical activity route.” MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’226 patent. MMF denies that the ’226 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 16.

17. MMF admits that U.S. Patent No. 7,905,815 (“the ’815 patent”) on its face recites an issue date of March 15, 2011 and bears the title “Personal data collection systems and methods.” MMF admits that a copy of the ’815 patent was attached to the Complaint as Exhibit G. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’815 patent. MMF denies that the ’815 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 17.

18. MMF admits that U.S. Patent No. 7,931,562 (“the ’562 patent”) on its face recites an issue date of April 26, 2011 and bears the title “Mobile data logging systems and methods.” MMF admits that a copy of the ’562 patent was attached to the Complaint as Exhibit H. MMF lacks information sufficient to form a belief as to the truth of the allegation concerning Plaintiff’s purported ownership of the ’562 patent. MMF denies that the ’562 patent was duly and legally issued. MMF denies that Plaintiff is entitled to any damages. Except as so expressly admitted herein, MMF denies the allegations in Paragraph 18.

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