

U.S. Pat. No. 8,092,345
IPR2015-00698
Patent Owner's Response

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour Inc.,
Petitioner

v.

adidas AG,
Patent Owner

Case No. IPR2015-000698

Patent No. 8,092,345

**PATENT OWNER ADIDAS AG'S RESPONSE TO
PETITION FOR INTER PARTES REVIEW**

Table of Contents

I.	INTRODUCTION	1
II.	LEGAL STANDARD	4
III.	CLAIM CONSTRUCTION	5
IV.	THE INSTITUTED CLAIMS ARE PATENTABLE OVER THE REFERENCES UPON WHICH TRIAL WAS INSTITUTED	6
A.	The Instituted Claims are Patentable over Mault in view of DeLorme	6
1.	Petitioner has not demonstrated a Sufficient Motivation to Combine Mault and DeLorme	6
2.	Petitioner has not demonstrated that Mault in view of DeLorme renders obvious the claim limitations “software with which a user interacts and creates a new journal” or “creating a new journal using an interface with which the user interacts.”	15
3.	Petitioner has not demonstrated that Mault in view of DeLorme renders obvious the claim limitations “software to format the journal entries to a common file format” or “formatting the journal entry to a common file format.”	18
4.	Petitioner has not demonstrated that Mault in view of DeLorme renders obvious the claim limitation “[t]he journal of claim 1 further comprising a database comprising a plurality of database entries wherein a journal entry may be tagged with one of the plurality of database entries.”	22
B.	Petitioner Ignores Evidence of Secondary Considerations	26
V.	CONCLUSION.....	52

Patent Owner's Exhibit List

<u>Exhibit Number</u>	<u>Description</u>
2001	Biography of Jonathan D. Olinger
2002	Declaration of William R. Michalson, Ph.D.
2003	Declaration of Mark T. Jones, Ph.D.
2004	Deposition Transcript of Dr. Joseph Paradiso
2005	MapMyFitness, <u>About Us</u> (last visited November 15, 2015) http://about.mapmyfitness.com/about/company-history/
2006	Running USA, 2014 State of the Sport – Part II: Running Industry Report June 15, 2014 http://www.runningusa.org/2014-running-industry-report?returnTo=annual-reports
2007	Bloomberg, <u>Company Overview of MapMyFitness, Inc.</u> (November 15, 2015) http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=60835454
2008	Under Armour, Inc. SEC Form 10-K, for the fiscal year ended December 31, 2013
2009	Sterne Agee company Report, “Under Armour Inc.: 2Q15 Preview,”
2010	MapMyFitness Help and Support, <u>Getting Started</u> , (last visited November 19, 2015) https://support.mapmyfitness.com/hc/en-us/articles/200118014-Getting-started-with-the-app
2011	MapMyFitness Help and Support, <u>Change Profile Photo</u> , (last visited November 19, 2015) https://support.mapmyfitness.com/hc/en-us/articles/200117694-Change-Profile-Photo
2012	MapMyFitness Help and Support, <u>How to Save and View Photos using the In-App Camera</u> (last visited November 19, 2015) https://support.mapmyfitness.com/hc/en-us/articles/200118494-How-to-save-and-view-photos-using-the-in-app-camera
2013	MapMyFitness Help and Support, <u>Where are my Workouts and Routes</u> , (last visited November 19, 2015) https://support.mapmyfitness.com/hc/en-us/articles/200118224-Where-are-my-workouts-and-routes

U.S. Pat. No. 8,092,345
IPR2015-00698
Patent Owner's Response

2014	Under Armour Connected Fitness, <u>DOCS</u> , (last visited November 19, 2015) https://developer.underarmour.com/docs
2015	Under Armour Connected Fitness, <u>Activity Type</u> , (last visited November 19, 2015) https://developer.underarmour.com/docs/read/v71_Activity_Type
2016	MapMyFitness, <u>Incorrect Calorie Calculations</u> (last visited November 16, 2015) https://support.mapmyfitness.com/hc/en-us/articles/200118084-Incorrect-Calorie-Calculations
2017	MobiHealthNews, “MapMyFitness Activity Feed Enables Social Sharing Across Devices” (Jan. 20, 2014)
2018	Google, “Mobile App Marketing Insights: How Consumers Really Find and Use Your Apps” (May 2015)
2019	Adobe Digital Index, “Social Intelligence Report” (Q1 2014)
2020	Running Shoes Guru, <u>The 10 Best Running Apps for Android for 2015</u> (December 26, 2014) www.runningshoesguru.com/2014/12/the-10-best-running-apps-for-android-for-2015
2021	<i>adidas AG v. Under Armour, Inc. and MapMyFitness, Inc.</i> , Case No. 14-cv-130 (D. Del.) D.I. 170 ¶ 227
2022	MapMyFitness Help and Support, <u>Mobile App Questions</u> , (last visited November 19, 2015) https://support.mapmyfitness.com/hc/en-us/categories/200003344-Mobile-App-Questions

I. INTRODUCTION

Petitioner attempts to combine two references, Mault and DeLorme, to show that the claims of the '345 patent are unpatentable. However, in doing so, Petitioner mischaracterized various embodiments of the references to manufacture some motivation to combine the two.

The '345 patent describes a customizable, modular personal network system wherein the individual components are designed to be worn, carried or used on or about the user. Ex. 1001 at Abstract. In particular, the '345 patent claims a portable electronic journal designed to be worn or carried by a user and a method of providing said portable electronic journal. Ex. 1001 at 71:30-72:57. Independent claim 1 is an exemplary claim of the '345 patent:

A portable electronic journal configured to be worn or carried by a user comprising a memory to store journal entries, journal software with which a user interacts and creates a new journal and is capable of creating individual text or audio journal entries for the journal and optionally linking one or more images to the journal, a user input device that is used in creating journal entries, wherein the user input device is selected from the group consisting of a voice input device and a text input device to create journal entries, a digital

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.