

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNDER ARMOUR, INC.  
Petitioner,

v.

ADIDAS AG,  
Patent Owner.

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Case No. IPR2015-00698  
U.S. Patent No. 8,092,345

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**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE  
SERVED WITH PATENT OWNER ADIDAS AG'S RESPONSE TO  
PETITION FOR *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Under Armour, Inc., hereby objects as follows to the admissibility of evidence with Patent Owner adidas AG's Response to Petition for *Inter Partes* review of U.S. Patent No. 8,092,345.

<b>Evidence</b>	<b>Objections</b>
<b>Exhibit 2001</b>	<p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> 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 cumulative evidence.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
<b>Exhibit 2002</b>	<p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 602:</b> Paragraphs 20, 21-27, 28, 29-32, 38-86, and 87 of the exhibit include assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p>

Evidence	Objections
	<p><b>FRE 701/702/703:</b> Paragraphs 20, 21-27, 28, 29-32, 33-37, 38-86, and 87 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p><b>FRE 801/802:</b> Paragraphs 20, 21-27, 28, 29-32, 33-37, and 38-86, and 87 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 805:</b> the exhibit contains improper hearsay within hearsay.</p> <p><b>FRE 1006:</b> the exhibit provides an improper summary of the evidence.</p> <p><b>FRE 705 / 37 C.F.R. § 42.65:</b> the exhibit includes expert testimony that does not disclose the underlying facts or data and improper discussion of patent law.</p>
<p><b>Exhibit 2003</b></p>	<p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 602:</b> Paragraphs 14-17, 18, 19, 23-28, and 29 of the exhibit include assertions for which evidence has not been</p>

Evidence	Objections
	<p>introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p> <p><b>FRE 701/702/703:</b> Paragraphs 14-17, 18, 19, 20-28, and 29 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p><b>FRE 801/802:</b> Paragraphs 14-17, 18, 19, 20-28, and 29 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 805:</b> the exhibit contains improper hearsay within hearsay.</p> <p><b>FRE 1006:</b> the exhibit provides an improper summary of the evidence.</p> <p><b>FRE 705 / 37 C.F.R. § 42.65:</b> the exhibit includes expert testimony that does not disclose the underlying facts or data and improper discussion of patent law.</p>
<b>Exhibit 2004</b>	Petitioner maintains its objections made during the deposition of Joseph Paradiso.

Evidence	Objections
	<p><b>FRE 1006:</b> the exhibit provides an improper summary of the evidence.</p>
<p><b>Exhibit 2005</b></p>	<p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> 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 cumulative evidence.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p><b>Exhibit 2006</b></p>	<p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p>

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