

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

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED WITH PATENT OWNER ADIDAS AG'S NOTICE OF
SUPPLEMENTAL EVIDENCE ON DECEMBER 9, 2015**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Under Armour, Inc., hereby objects as follows to the admissibility of evidence served with Patent Owner adidas AG's Notice of Supplemental Evidence on December 9, 2015.

Petitioner objects to Patent Owner filing Exhibits 2023 and 2024 before the Board. A party relying on evidence to which an objection is timely served may respond to the objection by *servicing* supplemental evidence on the *objecting party* within ten business days of service of the objection. 37 C.F.R. § 42.64(b)(2); *see also Avocent Hunstville Corp. v. Cyber Switching Patents, LLC*, IPR 2015-00690; IPR2015-00725 (Oct. 2, 2015) (denying motion to submit supplemental information). Patent Owner filed the supplemental evidence, in violation of the Rules. In addition, Petitioner makes the following specific objections:

Evidence	Objections
Exhibit 2023	<p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 602: Paragraphs 9-11 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> <p>FRE 701/702/703: Paragraphs 10-11 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>

Evidence	Objections
	<p>FRE 801/802: Paragraphs 9-11 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 805: the exhibit contains improper hearsay within hearsay.</p>
Exhibit 2024	<p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 602: Paragraphs 3-17 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> <p>FRE 801/802: Paragraphs 3-17 of the exhibit include statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>

Dated: December 15, 2015

Respectfully submitted,

/Brian E. Ferguson/

Brian E. Ferguson (Reg No. 36,801)

Anish R. Desai (Reg. No. 73,760)

Christopher T. Marando (Reg. No. 67,898)

W. Sutton Ansley (Reg. No. 67,828)

Weil, Gotshal & Manges LLP

1300 Eye Street NW, Suite 900

Washington, DC 20005

T: 202-682-7000

brian.ferguson@weil.com

anish.desai@weil.com

christopher.marando@weil.com

sutton.ansley@weil.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 15, 2015, the foregoing
**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED WITH PATENT OWNER ADIDAS AG'S NOTICE OF
SUPPLEMENTAL EVIDENCE ON DECEMBER 9, 2015** was served via
electronic mail, upon the following:

Mitchell G. Stockwell
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
mstockwell@kilpatricktownsend.com

Wab P. Kadaba
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
wkadaba@kilpatricktownsend.com

Jonathan D. Olinger
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
jolinger@kilpatricktownsend.com

/Timothy J. Andersen/
Timothy J. Andersen
Case Manager
Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005
T: 202-682-7000
timothy.andersen@weil.com