

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 IPR2015-01528  
Patent 8,721,502 B2

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Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and JUSTIN  
BUSCH, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Petitioner, Under Armour, Inc., filed a Petition to institute an *inter partes* review of claims 10–16 of U.S. Patent No. 8,721,502 B2 (Ex. 1001, “the ’502 patent”). Paper 1 (“Pet.”). Patent Owner, adidas AG, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 8 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, and for the reasons explained below, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail with respect to at least one claim. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review.

### A. Related Matters

Patent Owner has asserted the ’502 patent along with additional patents, against Petitioner in *adidas AG, et. al. v. Under Armour, Inc. and MapMyFitness, Inc.*, Case No. 14-130-GMS (D. Del.). Pet. 2; Paper 5, 1. Petitioner has filed several petitions to institute *inter partes* reviews of related patents. *See* Paper 5, 1.

*B. The Asserted Grounds*

Petitioner identifies the following as asserted grounds of unpatentability:

References	Basis	Claims Challenged
Fry (Ex. 1006) <sup>1</sup>	§ 102	10–15
Fry and Ohlenbusch (Ex. 1007) <sup>2</sup>	§ 103	10–16

*C. The '502 Patent*

The '502 patent describes computer-based systems that track and map an individual's performance during physical activities. Ex. 1001 Abstract, 1:6–11. Sports-related measurement devices available in the prior art included “modern electronic units capable of monitoring and displaying a number of performance characteristics.” *Id.* at 1:15–20. The '502 patent describes adding a global positioning satellite (GPS) receiver along with other sensors, including heart-rate sensors and weather condition sensors, to such prior art devices. *Id.* at 2:5–50, 3:7–12. The resulting device is capable of interfacing with an external computer so that the data collected may be displayed on the screen of that computer. *Id.* 2:64–3:6. Figure 46 of the '502 patent is reproduced below.

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<sup>1</sup> U.S. Patent No. 6,002,982 (“Fry”).

<sup>2</sup> U.S. Patent No. 6,882,955 B1 (“Ohlenbusch”).

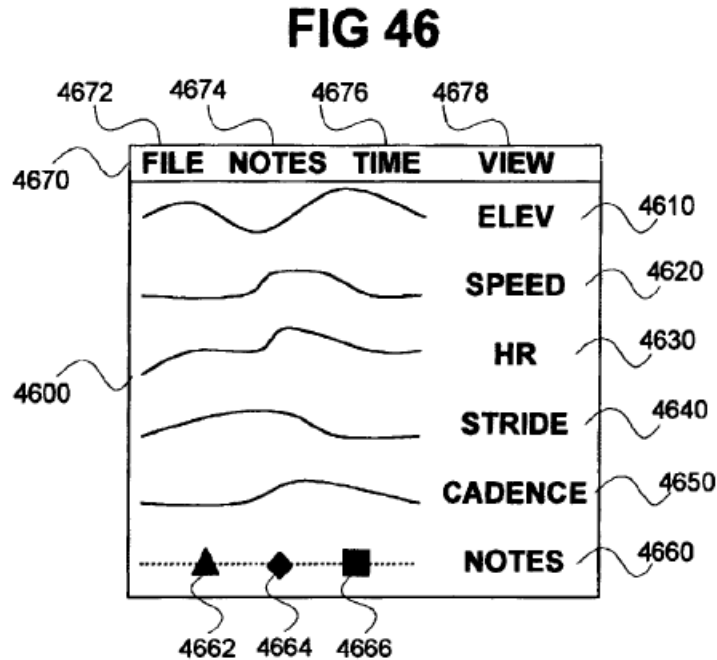


Figure 46 shows an illustrative overview display, including collected position, performance, and annotation data for a workout session. *Id.* at 43:9–11. Graphs 4610–4650 are displayed relative to a common time line. *Id.* at 43:11–13. The graphs display the following performance parameters for a particular workout session: Graph 4610—elevation versus time; Graph 4620—speed versus time; Graph 4630—heart rate versus time; Graph 4640—stride length versus time; and Graph 4650—cadence versus time. *Id.* at 43:13–19. Figure 47 of the '502 patent is reproduced below.

**FIG 47**

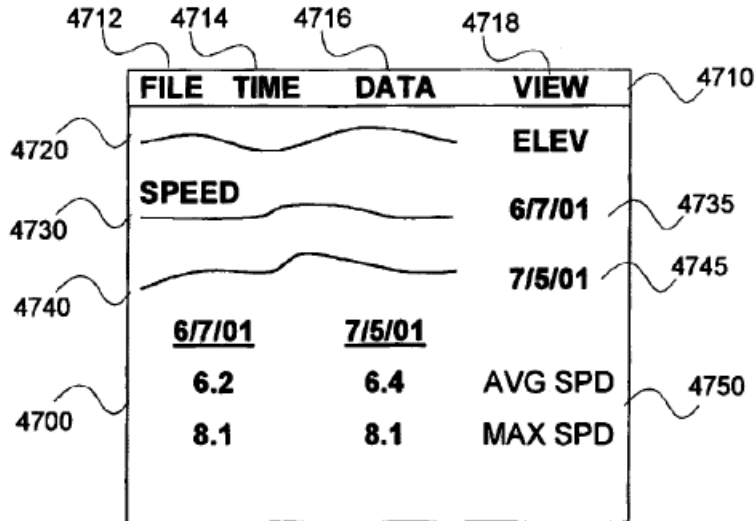


Figure 47 shows an illustrative comparison display, including collected position, performance, and annotation data for multiple workout sessions in which the user followed the same route. *Id.* at 43:50–53. Graphs 4720, 4730, and 4740 are displayed relative to a common distance line. *Id.* at 43:53–54. The graphs show the following performance parameters for the common route or portion of the route: Graph 4720—elevation versus distance; Graph 4730—speed versus distance for the first session or portion of the session on date 4735; Graph 4740— speed versus distance for the second session or portion of the session on date 4745. *Id.* at 43:55–59. Figure 48 of the '502 patent is reproduced below.

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