

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs adidas AG and adidas America, Inc. (collectively “Plaintiff” or “adidas”) allege as follows:

NATURE OF ACTION

1. This is an action under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for infringement by Defendants Under Armour, Inc. (“Under Armour” or “UA”) and MapMyFitness, Inc. (“MapMyFitness” or “MMF”) (collectively, “Defendants”) of patents owned by adidas.

THE PARTIES

2. Plaintiff 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.

3. Plaintiff 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 USA.

4. Defendant Under Armour is a corporation organized under the laws of the State of Maryland with its principal place of business in the United States located at 1020 Hull Street, Baltimore, Maryland 21230.

5. Defendant MapMyFitness is a corporation organized under the laws of Delaware, with its principal place of business at 522 East 6th Street, Austin, Texas 78701 and is a wholly owned subsidiary of Under Armour.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Defendant MapMyFitness's registered agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

8. Defendant Under Armour conducts substantial business in the State of Delaware, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the State of Delaware. Thus, Defendant Under Armour has purposefully availed itself of the benefits of the State of Delaware, and the exercise of jurisdiction over Defendant Under Armour would not offend traditional notions of fair play and substantial justice.

9. Defendant MapMyFitness conducts substantial business in the State of Delaware, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the State of Delaware. Thus,

Defendant MapMyFitness has purposefully availed itself of the benefits of the State of Delaware, and the exercise of jurisdiction over Defendant MapMyFitness would not offend traditional notions of fair play and substantial justice.

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

THE PATENTS

11. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,292,867 (“the ’867 patent”), including the right to sue for past damages. The ’867 patent was duly and legally issued by the United States Patent and Trademark Office on November 6, 2007, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’867 patent is attached hereto as Exhibit A.

12. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,805,149 (“the ’149 patent”), including the right to sue for past damages. The ’149 patent was duly and legally issued by the United States Patent and Trademark Office on September 28, 2010, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’149 patent is attached hereto as Exhibit B.

13. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,941,160 (“the ’160 patent”), including the right to sue for past damages. The ’160 patent was duly and legally issued by the United States Patent and Trademark Office on May 10, 2011, is active, and is entitled “Location-aware fitness training

device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’160 patent is attached hereto as Exhibit C.

14. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,957,752 (“the ’752 patent”), including the right to sue for past damages. The ’752 patent was duly and legally issued by the United States Patent and Trademark Office on June 7, 2011, is active, and is entitled “Location-aware fitness training device, methods, and program products that support real-time interactive communication and automated route generation.” A true and correct copy of the ’752 patent is attached hereto as Exhibit D.

15. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,068,858 (“the ’858 patent”), including the right to sue for past damages. The ’858 patent was duly and legally issued by the United States Patent and Trademark Office on November 29, 2011, is active, and is entitled “Methods and computer program products for providing information about a user during a physical activity.” A true and correct copy of the ’858 patent is attached hereto as Exhibit E.

16. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,244,226 (“the ’226 patent”), including the right to sue for past damages. The ’226 patent was duly and legally issued by the United States Patent and Trademark Office on August 14, 2012, is active, and is entitled “Systems and methods for presenting characteristics associated with a physical activity route.” A true and correct copy of the ’226 patent is attached hereto as Exhibit F.

17. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,905,815 (“the ’815 patent”), including the right to sue for past damages. The ’815 patent was duly and legally issued by the United States Patent and Trademark Office on March 15, 2011, is active, and is entitled “Personal data collection systems and methods.” A true and correct copy of the ’815 patent is attached hereto as Exhibit G.

18. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,931,562 (“the ’562 patent”), including the right to sue for past damages. The ’562 patent was duly and legally issued by the United States Patent and Trademark Office on April 26, 2011, is active, and is entitled “Mobile Data Logging Systems and Methods.” A true and correct copy of the ’562 patent is attached hereto as Exhibit H.

19. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,092,345 (“the ’345 patent”), including the right to sue for past damages. The ’345 patent was duly and legally issued by the United States Patent and Trademark Office on January 10, 2012, is active, and is entitled “Systems and Methods for a Portable Electronic Journal.” A true and correct copy of the ’345 patent is attached hereto as Exhibit I.

20. adidas AG is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,579,767 (“the ’767 patent”), including the right to sue for past damages. The ’767 patent was duly and legally issued by the United States Patent and Trademark Office on November 12, 2013, is active, and is entitled “Performance Monitoring Apparatuses, Methods, and Computer Program Products.” A true and correct copy of the ’767 patent is attached hereto as Exhibit J.

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.