

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour, Inc.,
Petitioner,

v.

adidas AG,
Patent Owner

Case No. IPR2015-01531

U.S. Patent No. 8,725,276

**PETITIONER'S UNOPPOSED MOTION TO DISMISS
PROCEEDING NO. IPR2015-01531 WITHOUT PREJUDICE**

Pursuant to the Board's September 8, 2015 email to Petitioner and Patent Owner (Exhibit 1, attached) permitting Petitioner to withdraw its Petition in IPR2015-01531 and to file a new Petition as to the same patent, U.S. Patent No. 8,725,276 ("the '276 patent"), on or before September 11, 2015, Petitioner hereby requests dismissal of the pending Petition and termination of proceeding number IPR2015-01531 without prejudice.

Petitioner met and conferred with Patent Owner and Patent Owner has informed Petitioner that Patent Owner does not object to Petitioner filing this motion, and does not oppose dismissal of IPR2015-01531 without prejudice to Petitioner filing a new Petition as to the '276 patent. Petitioner will concurrently file a new Petition for *inter partes* review of the '276 patent on or before September 11, 2015.

Petitioner respectfully submits that the current status of the present proceedings and the lack of prejudice to Patent Owner support granting this motion. Proceeding number IPR2015-01531 is still in a preliminary stage—the Petition was verified and afforded a filing date on July 23, 2015, Patent Owner has not filed a preliminary response, and the Board has not made any rulings concerning the merits of the Petition. The filing of a new Petition on or before September 11, 2015 is within the time permitted under the rules. 35 U.S.C. § 315(b). Patent Owner will not be prejudiced by the dismissal of the original

Petition because the claims that will be the subject of the new Petition will be the same, no new prior art will be identified, and the Patent Owner will have the full statutorily-authorized time to prepare a response based on the filing date accorded the new Petition. Under these circumstances, Petitioner submits that it is appropriate to dismiss the pending Petition pursuant to the Board's authority under at least 37 C.F.R. §§ 42.5(a) and 42.71(a).

Therefore Petitioner respectfully requests that the Board grant Petitioner's motion to dismiss, and terminate proceeding number IPR2015-01531 without prejudice.

Dated: September 10, 2015

Respectfully submitted,

/s/ Brian E. Ferguson

Brian E. Ferguson (Reg. No. 36,801)
Weil Gotshal & Manges LLP
1300 Eye Street NW Suite 900
Washington, DC 20005
T: 202-682-7516
brian.ferguson@weil.com

Anish Desai (Reg. No. 73,760)
Weil Gotshal & Manges LLP
1300 Eye Street NW Suite 900
Washington, DC 20005
T: 202-682-7103
anish.desai@weil.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 10, 2015, the foregoing

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was served via electronic mail, upon the following counsel of record:

Mitchell G. Stockwell
Wab P. Kadaba
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309

mstockwell@kilpatricktownsend.com
wkadaba@kilpatricktownsend.com

/s/ 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

EXHIBIT 1

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