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Paper 8
Date: September 21, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ADIDAS AG,
Patent Owner.

Case IPR2015-01531
Patent 8,725,276 B2

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

FITZPATRICK, *Administrative Patent Judge*.

DECISION
Dismissing Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

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Petitioner, Under Armour, Inc., filed a Petition to institute an *inter partes* review of claims 1, 3, 6–10, 15–19, and 21–23 of U.S. Patent No. 8,725,276 B2 ("the '276 patent") pursuant to 35 U.S.C. § 311(a). Paper 1, "Pet." Prior to any preliminary response from Patent Owner, adidas AG, Petitioner filed an unopposed Motion to Dismiss its Petition. (Paper 7, "Mot.").

Petitioner states that it intends to file a new petition for an *inter partes* review of the '276 patent and seeks dismissal of the instant Petition "without prejudice." Mot. 1. A person, however, generally is not precluded from filing multiple petitions for an *inter partes* review of a single patent. In any event, we construe Petitioner's request that dismissal of its Petition be "without prejudice" as a request for a ruling that would purport to bind a future panel, for example, with respect to application (or not) of 35 U.S.C. § 325(d). We decline to include such language in our order.

Accordingly, it is:

ORDERED that the Petition is dismissed.

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