UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour, Inc.
Petitioner

v.

adidas AG,
Patent Owner

Case No. IPR2015-01532

Patent No. 8,652,009

JOINT MOTION TO TERMINATE PROCEEDINGS

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.72, and 37 C.F.R § 42.74, Petitioner Under Armour, Inc. and Patent Owner adidas AG (collectively, "the Parties") jointly request termination of this *inter partes* review proceeding of U.S. Patent No. 8,652,009 ("the '009 patent"). The parties have settled their dispute and executed a settlement agreement to terminate this *inter partes* review and the parties' related litigation involving the '009 patent.

The IPR cases currently pending between the Parties are listed below:

Trial Number	Patent No.
IPR2015-00697	7,905,815
IPR2015-00698	8,092,345
IPR2015-00700	8,579,767
IPR2015-01528	8,721,502
IPR2015-01532	8,652,009
IPR2015-01891	8,725,276

On May 4, 2016, the Parties e-mailed the Board to request the Board's authorization to file joint motions to terminate the IPR Proceedings listed above. The Parties also sought the Board's authorization to file with the motions to terminate the IPRs requests to treat the written agreement as business confidential information. On that same day, the Board authorized the Parties to file both a motion to terminate and a request to treat the agreement as business confidential information.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

II. REASONS FOR GRANTING THE MOTION

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The Board authorized filing of the instant motion on May 4, 2016. Guidance as to the content of a motion to terminate is provided in IPR2013-00428, Paper No. 56. There, the Board indicated that a joint motion, such as this one, should (a) include a brief explanation as to why termination is appropriate; (b) identify all parties in any related litigation involving the patent at issue; (c) identify any related proceedings currently before the Office; and (d) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding. *Id.* at 2. This motion satisfies each of the above requirements and is accompanied by an agreement made in connection with this termination of this proceeding ("Agreement"), as required by 35 U.S.C. § 317(b) and 35 C.F.R. § 42.74 (b).

A. Brief Explanation of Why Termination is Appropriate

Termination is appropriate because Patent Owner has not filed its Response to the Petitioner, Petitioner has not filed its Reply to the Petition, the parties have not filed motions to exclude, oral argument has not been held, the Board has not decided the merits of the proceeding, and a final written decision has not been

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

issued. By virtue of the Agreement, the dispute between the Parties has been resolved, including the Parties' related litigation regarding the '009 patent: *adidas AG v. Under Armour, Inc. and MapyMyFitness, Inc.*, 1:14-cv-00130-GMS. Per the Agreement, the Parties have jointly moved to dismiss the litigation.

B. All Parties in Any Pending Related Litigation Involving the Patent at Issue

In addition to Petitioner, Petitioner's subsidiary MapMyFitness, Inc. is a defendant in the above-identified litigation. MapMyFitness, Inc. is also a party to the Agreement. No future litigation amongst the parties or their affiliates involving the '009 patent is contemplated under the terms of the Agreement.

C. Related Proceedings Currently Before the Office

Other than the IPRs identified in Section I, there are no related proceedings pending before the Office.

D. Current Status of Each Such Related Litigation or Proceeding

With Respect to Each Party in the Litigation or Proceeding, Sections II.B and II.C above indicate the status of each related litigation or proceeding with respect to each party to the litigation or proceeding.

III. AGREEMENT

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the Agreement is in writing, and a true and correct copy is being filed concurrently herewith as

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Exhibit 2002.[1] The Parties are also filing concurrently herewith a joint request under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) to treat the Agreement as business confidential information and keep them separate from the files of the '009 patent.

IV. CONCLUSION

For all these reasons, the Parties respectfully request termination of this proceeding.

Respectfully submitted,

Dated: May 5, 2016

/s/ Brian E. Ferguson
Brian E. Ferguson
Reg. No. 36,801

Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005
Phone: 202-682-7000
brian.ferguson@weil.com

Lead Counsel for Petitioner
Under Armour Inc.

/s/ *Mitchell G. Stockwell*
Mitchell G. Stockwell
Reg. No. 39,389

Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
Phone : 404-815-6214
mstockwell@kilpatricktownsend.com

Lead Counsel for Patent Owner
adidas AG

[1] The Agreement is being filed via the Patent Review Processing System (PRPS) with access to the "Parties and Board only."

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.