

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ADIDAS AG,
Patent Owner.

Case IPR2015-01891
Patent 8,725,276 B2

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

FITZPATRICK, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motion to Accept Preliminary Response
37 C.F.R. § 42.5(c)

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 pursuant to 35 U.S.C. § 311(a). Paper 1. A September 23, 2015, Notice accorded a filing date to the Petition and set a December 23, 2015, deadline for any preliminary response. Paper 3. On December 23, 2015, however, the Patent Review Processing System (PRSP) was unusable due to damage caused by a power outage.

Patent Owner, adidas AG, filed a Preliminary Response pursuant to 35 U.S.C. § 313 on December 28, 2015. Paper 6. Patent Owner also filed a Motion requesting acceptance of the Preliminary Response as timely in light of PRPS being down on December 23, 2015. Paper 7. We grant the Motion.

Accordingly, it is
ORDERED that the Preliminary Response (Paper 6) is accepted.

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