

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Under Armour Inc.  
Petitioner

v.

adidas AG,  
Patent Owner

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Case No. IPR2015-01891

Patent No. 8,725,276

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**PATENT OWNER ADIDAS AG'S OBJECTIONS TO ADMISSIBILITY OF  
EVIDENCE SERVED WITH PETITIONER UNDER ARMOUR INC.'S  
PETITION FOR *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner adidas AG objects as follows to the admissibility of evidence served with Petitioner Under Armour Inc.'s Petition for *Inter Partes* Review of U.S. Patent No. 8,725,276.

Evidence	Objections
Exhibit 1002	FRE 402: the exhibit is not relevant to any ground upon which

U.S. Pat. No. 8,725,276  
IPR2015-01891  
Patent Owner's Objections to  
Admissibility of Evidence

Evidence	Objections
	<p>trial was instituted.</p> <p><b>FRE 403:</b> the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>
<b>Exhibit 1003</b>	<p><b>FRE 402:</b> portions of the exhibit, including but not limited to Paragraphs 61-66, 70-101, 110-115, and 130-144, are not relevant to any ground upon which trial was instituted. <i>See, e.g.</i>, Institution decision, IPR2015-01891, paper 9, at p. 20 (“FURTHER ORDERED that no other ground of unpatentability alleged in the Petition for any claim is authorized for this <i>inter partes</i> review”).</p> <p><b>FRE 403:</b> the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p><b>FRE 602:</b> Paragraphs 12-14, 15-22, 23-26, 27-31, 32-38, and 39-</p>

U.S. Pat. No. 8,725,276  
IPR2015-01891  
Patent Owner's Objections to  
Admissibility of Evidence

Evidence	Objections
	<p>144 of the exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p> <p><b>FRE 701/702/703:</b> Paragraphs 12-14, 15-22, 23-26, 27-31, 32-38, and 39-144 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p><b>FRE 801/802:</b> Paragraphs 12-14, 15-22, 23-26, 27-31, 32-38, and 39-144 of the exhibit includes statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 805:</b> the exhibit contains improper hearsay within hearsay.</p> <p><b>FRE 1006:</b> the exhibit provides an improper summary of the evidence.</p> <p><b>37 C.F.R. § 42.65:</b> the exhibit includes expert testimony that does not disclose the underlying facts or data and improper discussion of patent law.</p>

U.S. Pat. No. 8,725,276  
IPR2015-01891  
Patent Owner's Objections to  
Admissibility of Evidence

<b>Evidence</b>	<b>Objections</b>
<b>Exhibit 1004</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>Additionally, Petitioner has not shown that the exhibit is prior art.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
<b>Exhibit 1005</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>Additionally, Petitioner has not shown that the exhibit is prior art.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
<b>Exhibit 1007</b>	<p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> the exhibit's probative value to any ground upon</p>

U.S. Pat. No. 8,725,276  
IPR2015-01891  
Patent Owner's Objections to  
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Evidence	Objections
	which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.
<b>Exhibit 1008</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
<b>Exhibit 1009</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>

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