

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ADIDAS AG,
Patent Owner.

Case IPR2015-00697 (Patent 7,905,815 B2)
Case IPR2015-00698 (Patent 8,092,345 B2)
Case IPR2015-00700 (Patent 8,579,767 B2)
Case IPR2015-01528 (Patent 8,721,502 B2)
Case IPR2015-01532 (Patent 8,652,009 B2)
Case IPR2015-01891 (Patent 8,725,276 B2)

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

BUSCH, *Administrative Patent Judge*.

TERMINATION

35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74

On May 6, 2016, Petitioner, Under Armour, Inc., and Patent Owner, adidas AG, filed a Joint Motion to Terminate in each of the proceedings identified in the caption of this Judgment. IPR2015-00697, Paper 42; IPR2015-00698, Paper 66; IPR2015-00700, Paper 78; IPR2015-01528,

IPR2015-00697 (Patent 7,905,815 B2)
IPR2015-00698 (Patent 8,092,345 B2)
IPR2015-00700 (Patent 8,579,767 B2)
IPR2015-01528 (Patent 8,721,502 B2)
IPR2015-01532 (Patent 8,652,009 B2)
IPR2015-01891 (Patent 8,725,276 B2)

Paper 22; IPR2015-01532, Paper 23; IPR2015-01891, Paper 12. In each proceeding, along with the Joint Motion to Terminate, the parties filed a copy of their settlement agreement (“the Agreement”), made in connection with the termination of these proceedings and the related district court proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). IPR2015-00697, Ex. 2007; IPR2015-00698, Ex. 2046; IPR2015-00700, Ex. 2066; IPR2015-01528, Ex. 2002; IPR2015-01532, Ex. 2002; IPR2015-01891, Ex. 2003. In each proceeding, the parties also submitted a Joint Motion requesting that the Agreement be treated as business confidential information and be kept separate from the files of the patents at issue under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2015-00697, Paper 43; IPR2015-00698, Paper 67; IPR2015-00700, Paper 79; IPR2015-01528, Paper 23; IPR2015-01532, Paper 24; IPR2015-01891, Paper 13.

In each Joint Motion to Terminate, the parties indicate that the Agreement resolves all disputes between the parties and their affiliates involving the patents-at-issue in these proceedings. *E.g.*, IPR2015-00697, Paper 42, 3–4. Upon consideration of the facts before us, it is appropriate to terminate these proceedings without rendering final written decisions. *See* 37 C.F.R. § 42.72. Accordingly, we grant the Joint Motion to Terminate in each proceeding.

We also grant the Joint Motion to File Agreement as Business Confidential Information in each proceeding.

IPR2015-00697 (Patent 7,905,815 B2)
IPR2015-00698 (Patent 8,092,345 B2)
IPR2015-00700 (Patent 8,579,767 B2)
IPR2015-01528 (Patent 8,721,502 B2)
IPR2015-01532 (Patent 8,652,009 B2)
IPR2015-01891 (Patent 8,725,276 B2)

ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-00697, Paper 43) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-00697, Paper 42) is *granted*, and IPR2015-00697 is terminated;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-00698, Paper 67) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-00698, Paper 66) is *granted*, and IPR2015-00698 is terminated;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-00700, Paper 79) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-00700, Paper 78) is *granted*, and IPR2015-00700 is terminated;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-01528, Paper 23) is *granted*;

IPR2015-00697 (Patent 7,905,815 B2)
IPR2015-00698 (Patent 8,092,345 B2)
IPR2015-00700 (Patent 8,579,767 B2)
IPR2015-01528 (Patent 8,721,502 B2)
IPR2015-01532 (Patent 8,652,009 B2)
IPR2015-01891 (Patent 8,725,276 B2)

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-01528, Paper 22) is *granted*, and IPR2015-01528 is terminated;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-01532, Paper 24) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-01532, Paper 23) is *granted*, and IPR2015-01532 is terminated;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2015-01891, Paper 13) is *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2015-01891, Paper 12) is *granted*, and IPR2015-01891 is terminated.

IPR2015-00697 (Patent 7,905,815 B2)
IPR2015-00698 (Patent 8,092,345 B2)
IPR2015-00700 (Patent 8,579,767 B2)
IPR2015-01528 (Patent 8,721,502 B2)
IPR2015-01532 (Patent 8,652,009 B2)
IPR2015-01891 (Patent 8,725,276 B2)

PETITIONER:

Brian Ferguson
Anish Desai
Christopher T. Marando
W. Sutton Ansley
Robert T. Vlasis
Zachary C. Garthe
WEIL GOTSHAL & MANGES LLP
brian.ferguson@weil.com
anish.desai@weil.com
christopher.marando@weil.com
sutton.ansley@weil.com
robert.vlaslis@weil.com
zachary.garthe@weil.com

PATENT OWNER:

Mitchell Stockwell
Wab Kadaba
Jonathan Olinger
KILPATRICK TOWNSEND & STOCKTON LLP
mstockwell@kilpatricktownsend.com
wkadaba@kilpatricktownsend.com
jolinger@kilpatricktownsend.com