

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Under Armour, Inc.
Petitioner

v.

adidas AG,
Patent Owner

Case No. IPR2015-01891

Patent No. 8,725,276

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 § C.F.R. 42.107(a)**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE ‘276 PATENT	2
III.	RELATED PROCEEDINGS	4
IV.	LEGAL STANDARDS	5
	A. Petitioner Bears the Burden of Demonstrating That There is a Reasonable Likelihood That at Least One of the Claims Challenged in the Petition is Unpatentable	5
	B. Anticipation	5
	C. The Law of Obviousness	6
V.	CLAIM CONSTRUCTION	9
	A. Legal Standard	9
	B. “information based on athlete position data” (Claims 8 and 9)	9
	C. “route” (Claims 16, 21, and 22)	11
VI.	TRIAL SHOULD NOT BE INSTITUTED ON CLAIMS 1, 3, 6, AND 7	12
VII.	PETITIONER HAS NOT SATISFIED ITS BURDEN UNDER 35 U.S.C. § 314(A) WITH RESPECT TO CLAIMS 8-10, 15-19, AND 21-23	14
	A. Ground 1 – Satava does not Anticipate Claims 8-9, 16-19, or 21-23	14
	1. Satava does not disclose “displaying athletic performance information with a display screen during the athletic activity based on the performance data	

	received by the performance monitor” as required by claim 1.	14
2.	Satava does not disclose “[t]he method of claim 1, further comprising displaying the athletic performance information with information based on the athlete position data on a map” as required by Claim 8.	17
3.	Satava does not disclose “[t]he method of claim 1, further comprising displaying the athletic performance information with information based on the athlete position data on an elevation profile” as required by Claim 9.	21
4.	Satava does not disclose “receiving data related to a route” as required by claim 16.	23
5.	Satava does not disclose “during traversal of the route” or “during the traversal of the route” as required by claim 16.	27
6.	Satava does not disclose “simultaneously displaying the position data and the performance data over a graphical representation of the route data during the traversal of the route with a display screen” as required by Claim 16.	29
7.	Satava does not disclose “wherein the route data comprises map data for the route” as required by claim 21.	31
8.	Satava does not disclose “wherein the route data comprises elevation profile data for the route” as required by claim 22.	32
B.	Ground 2 – Satava does not render Obvious Claims 16 – 19 and 21-23.	34
C.	Ground 3 – The combination of Satava and Garmin eTrex Summit does not render Obvious Claims 9 and 22.	36
1.	Petitioner has not demonstrated a Motivation to Combine Satava and eTrex Summit.	36

2.	Satava in view of eTrex Summit does not render obvious claim 9.....	39
3.	Satava in view of eTrex Summit does not disclose “wherein the route data comprises elevation profile data for the route” as required by claim 22.	39
D.	Ground 4 – Stubbs does not anticipate Claims 10 and 15	41
1.	Stubbs does not disclose “controlling with at least one processor playback of content provided to the individual based at least on the position data when the position data indicates that the individual has fallen outside of a predetermined performance zone having upper and lower limits for a performance characteristic” as required by claim 10.	41
2.	Stubbs does not disclose “wherein the content comprises one of audio and visual content,” as required by claim 15.	44
E.	Ground 5 - Gardner does not anticipate Claims 10 and 15	45
1.	Gardner does not disclose “controlling with at least one processor playback of content provided to the individual based at least on the position data when the position data indicates that the individual has fallen outside of a predetermined performance zone having upper and lower limits for a performance characteristic” as required by claim 10.	45
2.	Gardner does not disclose “wherein the content comprises one of audio and visual content,” as required by claim 15.	48
VIII.	CONCLUSION.....	48

U.S. Pat. No. 8,725,276
IPR2015-01891
Preliminary Response

Patent Owner's Exhibit List

<u>Exhibit Number</u>	<u>Description</u>
2001	Statutory Disclaimer of Claims 1, 3, 6, and 7 of U.S. Patent No. 8,725,276
2002	USPTO Availability Outage

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.