

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Elite Performance Footwear, LLC,

Petitioner

v.

Reebok International Limited,

Patent Owner

Case No. IPR2017-01689

Patent No. 8,020,320

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Reebok International Limited objects as follows to the admissibility of evidence served with Petitioner Elite Performance Footwear, LLC's Petition for *Inter Partes* Review of U.S. Patent No. 8,020,320.

Exhibit	Objections
Exhibit 1009 – Reebok Footwear Q4 2000 Catalog (“ <i>Reebok 2000</i> ”)	FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is. Petitioner has not established when, where, and how the exhibit was published.
Exhibit 1010 – Nike Men’s Women’s and Kids’ Holiday Footwear 1995 Catalog (“ <i>Nike H1995</i> ”)	FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is. Petitioner has not

Exhibit	Objections
	established when, where, and how the exhibit was published.
Exhibit 1011 – Nike Footwear Spring 1997 Catalog (“ <i>Nike S1997</i> ”)	FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is. Petitioner has not established when, where, and how the exhibit was published.
Exhibit 1012 – U.S. Design Patent No. D294,537 (“ <i>Le</i> ”)	FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. ¹

¹ Reebok reserves the right to assert additional objections to this exhibit to the extent Petitioner attempts to rely on this reference at a later date for any purpose.

Exhibit	Objections
Exhibit 1013 – U.S. Patent No. 4,364,190 (“ <i>Yonkers</i> ”)	Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
Exhibit 1014 – U.S. Design Patent No. D388,241 (“ <i>Merceron '241</i> ”)	FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. ²

² Reebok reserves the right to assert additional objections to this exhibit to the extent Petitioner attempts to rely on this reference at a later date for any purpose.

Exhibit	Objections
Exhibit 1015 – U.S. Design Patent No. D397,546 (“ <i>Merceron</i> ’546”)	FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. ³
Exhibit 1016 – U.S. Design Patent No. D133,176 (“ <i>Gregg</i> ”)	FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. ⁴
Exhibit 1017 – U.S. Patent No. 4,241,524 (“ <i>Sink</i> ”)	FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. ⁵

³ Reebok reserves the right to assert additional objections to this exhibit to the extent Petitioner attempts to rely on this reference at a later date for any purpose.

⁴ Reebok reserves the right to assert additional objections to this exhibit to the extent Petitioner attempts to rely on this reference at a later date for any purpose.

⁵ Reebok reserves the right to assert additional objections to this exhibit to the extent Petitioner attempts to rely on this reference at a later date for any purpose.

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.