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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NIKE. INC.  
Petitioner

v.

MAYFONK ATHLETIC, LLC  
Patent Owner

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Case IPR2015-00655  
Patent 8,860,584

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**Patent Owner's Preliminary Response  
to Petition for *Inter Partes* Review  
of U.S. Patent No. 8,860,584**

**Table of Contents**

	<b>Page</b>
I. Introduction.....	1
II. The Board Should Not Institute Based on the Petitioner's Redundant Grounds.....	2
III. Petitioner Advances Flawed Claim Constructions That the Board Should Reject .....	6
A. Overview of the '584 Patent.....	7
B. Person of Ordinary Skill in the Art .....	11
C. “specifically paired, defined by at least one of a wired serial connection and wireless bonding which enables the computing unit to authenticate the identity of the external computing device prior to communicating electrical signals therewith” (Claims 3 and 12) .....	12
D. “Real Time Conditioning of Signals" (Claims 4, 6, 13 and 15) .....	17
E. “Peak Performance Quantity" (Claims 4, 6, 13, and 15) .....	20
F. “Activity Programs" (Claims 21 and 23).....	25
IV. Petitioner Advances Incomplete and Flawed Obviousness Arguments.....	29
V. Conclusion .....	31

**Table of Authorities**

	<b>Page(s)</b>
<b>FEDERAL CASES</b>	
<i>C.R. Bard, Inc. v. U.S. Surgical Corp.</i> , 388 F.3d 858 (Fed. Cir. 2004) .....	21
<i>In re Cuozzo Speed Techs., LLC</i> , 778 F.3d 1271 (Fed. Cir. 2015) .....	6, 21
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966).....	29
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006) .....	30
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	29, 30
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc) .....	7, 21
<i>SRI Int’l v. Matsushita Elec. Corp. of Am.</i> , 775 F.2d 1107 (Fed. Cir. 1985) .....	21
<i>Unique Concepts v Brown</i> , 939 F.2d 1558 (Fed. Cir. 1991) .....	13
<i>In re Zletz</i> , 893 F.2d 319 (Fed. Cir. 1989) .....	7
<b>ADMINISTRATIVE PROCEEDINGS</b>	
<i>EMC Corp. v. Personal Web Techs.LLC</i> , IPR2013-00087, Paper No. 25 (June 5, 2013).....	3
<i>Heart Failure Techs., LLC v. Cardiokinetix, Inc.</i> , IPR2013-00183, Paper No. 12 (July 31, 2013) .....	30
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.</i> , IPR2012-00027, Paper No. 26 (June 11, 2013).....	2, 3

*LaRose Indus., LLC v. Capriola Corp.*,  
IPR2013-00120, Paper No. 20 (July 22, 2013) .....2

*Liberty Mut. Ins. Co. v. Progressive Cas. Ins. Co.*,  
CBM2012-00003, Paper No. 7 (Oct. 25, 2012).....2, 3, 5

*Moses Lake Indus. v. Enthone, Inc.*,  
IPR2014-00243, Paper No. 6 (June 18, 2014).....31

*ScentAir Techs., Inc. v. Prolitec, Inc.*,  
IPR2013-00180, Paper No. 18 (Aug. 26, 2013) .....3

**STATUTES**

35 U.S.C. § 103(a) .....29

35 U.S.C. § 313 .....1

**OTHER AUTHORITIES**

37 C.F.R. § 42.100(b)(2014).....6

37 C.F.R. § 42.107 .....1

## I. Introduction

Patent Owner Mayfonk Athletic, LLC (“Mayfonk” or “Patent Owner”) respectfully submits this Preliminary Response in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107, responding to the Petition for *Inter Partes* Review of Mayfonk’s U.S. Patent No. 8,860,584 (“the ’584 patent”) filed by Nike, Inc. (“Nike” or “Petitioner”). Mayfonk requests that the Board not institute *inter partes* review for at least three reasons.

First, the Petition fails to comply with the rules and regulations regarding content of petitions. Specifically, the Petition proposes horizontally and vertically redundant grounds without identifying how any one ground improves on any other, violating Board precedent requiring petitioners to identify differences in the proposed rejections. Second, Nike proposes unreasonable claim constructions. Because its patentability challenges are premised on incorrect claim constructions and terms that it failed to construe, Nike has not met its burden of demonstrating a reasonable likelihood of prevailing in proving unpatentability of any ’584 patent claim. Finally, Petitioner advances incomplete and flawed obviousness arguments.

For these reasons, the Board should reject Nike’s Petition and not institute *inter partes* review.

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