

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIKE, INC.
Petitioner

v.

MAYFONK ATHLETIC, LLC
Patent Owner

U.S. Patent No. 8,860,584
Issue Date: October 14, 2014
Title: Athletic-Wear Having Integral Measuring Sensors

Inter Partes Review Case No. **Unassigned**

PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1-80, 42.100 *et seq.*

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TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,860,584 (“’584 patent”)
1002	U.S. Patent No. 8,860,584 prosecution history
1003	U.S. Patent No. 8,860,584 – Infringement Contentions of Patentee dated Jan. 20, 2015, against Nike, Inc., in Case No. 3:14-cv-00423
1004	Declaration of Dr. Darrin Young
1005	U.S. Patent No. 7,689,437 (“Teller”)
1006	U.S. Patent No. 7,454,002 (“Gardner”)
1007	U.S. Patent Application Publication No. 2007/0247306 (“Case ’306”)
1008	U.S. Patent No. 8,172,722 (“Molyneux”)
1009	U.S. Patent No. 8,172,722 Priority Application 61/200,953 filed Dec. 5, 2008 (“Molyneux”)
1010	U.S. Patent No. 7,171,331 (“Vock”)
1011	U.S. Patent Application Publication No. 2007/0021269 (“Shum”)
1012	U.S. Patent No. 6,013,007 (“Root”)
1013	U.S. Patent Application Publication 2007/0260421A1 (“Berner”)

I. INTRODUCTION

Nike, Inc. (“NIKE” or “Petitioner”) petitions the Board to institute an *inter partes* review of, and to cancel as unpatentable, claims 3-4, 6-13, 15-27 of U.S. Patent No. 8,860,584 (“the ’584 patent”) (Ex. 1001). NIKE demonstrates in this petition a reasonable likelihood that it will prevail on each of the challenged claims based on prior art references the USPTO did not have before it during prosecution.

II. MANDATORY NOTICES

A. REAL PARTY-IN-INTEREST UNDER 37 C.F.R. § 42.8(B)(1)

Nike, Inc. is the real party-in-interest for this petition.

B. RELATED MATTERS UNDER 37 C.F.R. § 42.8(B)(2)

The ’584 patent is a related divisional patent of U.S. 8,253,586. Both the ’584 and ’586 patents are presently the subject of the following lawsuit which may affect or be affected by a decision in this proceeding: *Mayfonk, Inc. v. Nike, Inc.*, D. Ore., Case No. 3:14-cv-00423-MO.

C. LEAD AND BACK-UP COUNSEL UNDER 37 C.F.R. § 42.8(B)(3)

Petitioner provides the following designation of counsel. Lead counsel is Edward H. Sikorski (Reg. No. 39,478), backup counsel is James M. Heintz (Reg. No. 41,828), both at email address: **Nike-Mayfonk-IPR@dlapiper.com**. Postal and hand delivery for both is DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297. Telephone for Mr. Sikorski is (619) 699-2645; telephone for Mr. Heintz is (703) 773-4148; the fax for both is (619) 764-6645.

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