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Filed on behalf of: Mayfonk Athletic, LLC

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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 IPR2015-00656  
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**

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## 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 legally improper inherency arguments.

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

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