Transcript of Grant Delgatty

Date: December 19, 2024
Case: Under Armour, Inc. -v- Athalonz, LLC (PTAB)

Planet Depos
Phone: 888.433.3767 | **Email:** transcripts@planetdepos.com
www.planetdepos.com
Michigan #8598 | Nevada #089F | New Mexico #566

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

1

2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 _____

4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5 _____

6 UNDER ARMOUR, INC.,

7 Petitioner,

8 v.

9 ATHALONZ, LLC,

10 Patent Owner.

11 _____

12 IPR2024-00636 (Patent 10,674,786 B2)

13 IPR2024-00637 (Patent 11,013,291 B2)

14 IPR2024-00638 (Patent 11,064,760 B2)

15 IPR2024-00639 (Patent 11,375,768 B2)

16 IPR2024-00640 (Patent 11,510,456 B2)

17 _____

18 Deposition of GRANT DELGATTY

19 Conducted Virtually

20 Thursday, December 19, 2024

21 11:17 a.m. Eastern Standard Time

22

1
2 Job No.: 563286
3 Pages: 1 - 127
4 Reported By: Michelle Keegan, RMR, CRR, CSR
5
6
7 Deposition of GRANT DELGATTY, conducted
8 virtually, before Michelle Keegan, Registered
9 Merit Reporter and Notary Public in and for the
10 Commonwealth of Massachusetts.
11
12
13
14
15
16
17
18
19
20
21
22

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A P P E A R A N C E S
2
3 ON BEHALF OF PETITIONER UNDER ARMOUR, INC.:
4 ROBERT E. BUGG, ESQ.
5 VENABLE LLP
6 151 West 42nd Street
7 New York, New York 10036
8 (212) 307-5500
9
10 ON BEHALF OF PATENT OWNER ATHALONZ, LLC:
11 CONNOR HOUGHTON, ESQ.
12 REICHMAN JORGENSEN LEHMAN & FELDBERG
13 1909 K Street, NW, Suite 800
14 Washington, D.C. 20006
15 (202) 894-7310
16
17
18
19
20
21
22

C O N T E N T S

EXAMINATION OF GRANT DELGATTY PAGE
By Mr. Houghton 5

E X H I B I T S

(Attached to transcript.)

DELGATTY DEPOSITION EXHIBITS PAGE
Exhibit 2020 Illustration, "Foot Supination and Pronation," one page without Bates numbering 115

PREVIOUSLY MARKED EXHIBITS

(NOT ATTACHED TO TRANSCRIPT.)

EXHIBIT 1002 19
EXHIBIT 1003 9
EXHIBIT 1005 78
EXHIBIT 1006 102
EXHIBIT 1007 108
EXHIBIT 1017 42

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 P R O C E E D I N G S
2 GRANT DELGATTY,
3 having been duly sworn by the Notary Public, was
4 examined and testified as follows:
5 EXAMINATION BY COUNSEL FOR
6 PATENT OWNER ATHALONZ, LLC 11:17:08
7 BY MR. HOUGHTON: 11:17:08
8 Q. Good morning. My name is Connor Houghton. 11:17:10
9 I'm with Reichman Jorgensen Reedman & Feldberg, 11:17:12
10 and I'm representing Athalonz. 11:17:16
11 Could you please state your full name for 11:17:18
12 the record. 11:17:19
13 A. My name is Grant Delgatty. 11:17:20
14 Q. Okay. And, Mr. Delgatty, this is not your 11:17:23
15 first time being an expert witness. Right? 11:17:26
16 A. That's correct. 11:17:29
17 Q. Do you have an estimate of how many cases 11:17:30
18 you've worked on as an expert witness? 11:17:34
19 A. I believe this is -- I think this might be 11:17:35
20 my seventh or eighth case. 11:17:41
21 Q. Okay. And how many times have you been 11:17:45
22 deposed? 11:17:47

1 A. Probably eight to ten times, I would say. 11:17:48
2 Q. Okay. And how many of the cases that 11:17:55
3 you've worked on have been IPR proceedings? 11:17:58
4 A. I would say that, if I remember correctly, 11:18:01
5 I believe there was probably four. Around four 11:18:06
6 cases. 11:18:12
7 Q. Okay. 11:18:13
8 A. There might be more than that, actually. 11:18:14
9 It might be four to six, something like that. 11:18:16
10 Q. And were the other cases that were not 11:18:18
11 IPRs patent litigation cases? 11:18:21
12 A. Yes. 11:18:24
13 Q. Okay. Have you ever testified at a trial 11:18:25
14 before? 11:18:29
15 A. I came close, but no, I have not. I was 11:18:29
16 one day away. But yeah, no. 11:18:34
17 Q. Happens a lot. 11:18:37
18 A. Yeah. 11:18:39
19 Q. Okay. So I think you generally know how 11:18:40
20 this works. 11:18:43
21 Have you done a Zoom deposition before? 11:18:43
22 A. I have. 11:18:46

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. And so you understand that you're under 11:18:46
2 oath today? 11:18:49
3 A. I do. 11:18:49
4 Q. Is there any reason you can't give full 11:18:50
5 and accurate testimony? 11:18:53
6 A. No, there is not. 11:18:54
7 Q. Okay. We can take a break any time you 11:18:56
8 want, but just before we go out please finish 11:19:00
9 answering my questions unless there is a privilege 11:19:02
10 objection or something like that. Okay? 11:19:05
11 A. Will do. 11:19:07
12 Q. And I understand you and Rob are in the 11:19:07
13 same room today. Right? 11:19:11
14 A. That's correct. 11:19:12
15 Q. Is there anyone else in the room with you? 11:19:13
16 A. No, there's not. 11:19:16
17 Q. Okay. Do you have any documents printed 11:19:17
18 out with you? 11:19:21
19 A. I have my five declarations printed out. 11:19:21
20 Q. Okay. Are there any marks or notes on 11:19:25
21 those? 11:19:29
22 A. No, there are not. 11:19:29

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. And do you have any documents 11:19:30
2 besides those? 11:19:34
3 A. I don't. 11:19:38
4 Q. Okay. And so if you are referring to 11:19:38
5 anything in your declarations when answering my 11:19:43
6 question, just let me know. Okay? 11:19:45
7 A. Sure. 11:19:47
8 Q. Do you have any other computer programs 11:19:47
9 open besides this Zoom? 11:19:52
10 A. I'm on a -- on their system here. It 11:19:54
11 looks like there's some -- what is this? 11:20:00
12 MR. BUGG: That's my inbox. You can close 11:20:03
13 that if you want to. Just hit that X in the top 11:20:06
14 corner. 11:20:08
15 A. Now I'm looking at just a screen with you 11:20:15
16 on it. 11:20:17
17 Q. So if you do look at anything else besides 11:20:18
18 the documents in front of you or this Zoom, just 11:20:20
19 let me know. But try not to do that if possible. 11:20:24
20 Okay? 11:20:27
21 A. Understood. 11:20:28
22 Q. I'm going to drop exhibits in the chat as 11:20:28

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 we go. If you have them already, like if we're 11:20:36
2 using your declarations, you can just refer to the 11:20:39
3 printed one if that's easier. 11:20:41
4 But for the court reporter, I'm going to 11:20:43
5 put every exhibit that I talk about into the chat. 11:20:45
6 So if it's easier for you to open it that way, 11:20:47
7 feel free. 11:20:50
8 I might also share my screen sometimes. 11:20:55
9 You can feel free to look at that or look at the 11:20:58
10 actual document. Whatever is easier. 11:21:01
11 Right now I'm going to put the first 11:21:02
12 exhibit in the chat. This is Exhibit 1003 in all 11:21:04
13 five of the IPRs. 11:21:08
14 (Exhibit 1003, previously marked, is not
15 attached to the transcript.) 11:21:13
16 Q. This is a copy of your CV. Let me know 11:21:13
17 when you have that open. 11:21:15
18 A. Do I have to down -- I clicked on it, but 11:21:18
19 it looks like I have to download it. 11:21:22
20 Q. I think you might have to download it and 11:21:25
21 then open it up. 11:21:27
22 A. So I hit save? 11:21:28

1 MR. BUGG: That's fine. 11:21:32
2 A. And then what, I just click on it again? 11:21:39
3 Okay. 11:21:45
4 So now it's fully on my screen. I can't 11:21:46
5 see it. 11:21:51
6 Q. Okay. 11:21:53
7 MR. BUGG: If you want to pull it up on 11:21:55
8 that screen, maybe you can have both open. Grab 11:21:57
9 that top and then pull it onto your screen and 11:22:01
10 then you can -- there you go. 11:22:04
11 A. Let's do it like this. No. Shoot. There 11:22:12
12 it is. Okay. 11:22:14
13 All right. I've got it. 11:22:15
14 Q. Okay. So hopefully we can do it this way 11:22:16
15 for exhibits and it will work now. 11:22:21
16 Just for the record, we're taking your 11:22:23
17 deposition here for the five IPR proceedings that 11:22:26
18 Under Armour filed against Athalonz's patents. 11:22:30
19 Those are IPR 2024-00636, -637, -638, -639, and 11:22:34
20 -640. And so you submitted an expert declaration 11:22:47
21 in each of those IPR proceedings. Right? 11:22:53
22 A. Correct. 11:22:55

1 Q. Okay. And this copy of your CV is the 11:22:56
2 same in all five proceedings. Right? 11:23:00
3 A. I believe it is. Yes. 11:23:02
4 Q. Okay. So this was filed back I think in 11:23:04
5 March of this year. Is this CV still generally 11:23:09
6 accurate or do you have any changes to it? 11:23:12
7 A. No. I'd say it's probably generally 11:23:14
8 accurate at this point. 11:23:19
9 Q. Okay. And so are you still the chair of 11:23:20
10 product innovation and an associate professor at 11:23:24
11 USC? 11:23:27
12 A. Yes. 11:23:27
13 Q. And you're still working on Project X? 11:23:28
14 A. That -- let me see. It's sort of on the 11:23:40
15 back burner right now. We might pick it back up. 11:23:50
16 Q. Okay. Do you have any other current 11:23:53
17 positions that are not listed on your CV? 11:23:54
18 A. I'm an entrepreneur as well. I'm doing a 11:23:57
19 little bit of work in a field. I'm designing some 11:24:06
20 Pilates machines currently. Yeah. 11:24:12
21 Q. Okay. 11:24:16
22 A. Nothing -- at this point, nothing shoe 11:24:20

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 related except for the project. 11:24:24
2 Q. Okay. Do you have any patents of your 11:24:27
3 own? 11:24:29
4 A. Well, I don't personally own any patents, 11:24:29
5 but I'm listed as the lead inventor on a number of 11:24:36
6 patents. 11:24:39
7 Q. About how many? 11:24:39
8 A. I believe it's about 20. 11:24:41
9 Q. Okay. What's the general subject matter 11:24:45
10 of those patents? 11:24:47
11 A. That's varied from footwear, athletic 11:24:53
12 footwear and footwear concepts, both utility and 11:24:57
13 design, I believe. 11:25:01
14 I founded a company a few years ago that's 11:25:05
15 made a foldable electric scooter. We have a 11:25:09
16 number of patents with regard to that company, 11:25:13
17 both design and utility, some -- I believe I'm 11:25:17
18 listed as an inventor on a delivery scooter-type 11:25:26
19 device. 11:25:34
20 I'm trying to think what else. Oh, 11:25:35
21 there's a pending patent on the Pilates machine 11:25:39
22 that I just mentioned prior to this. 11:25:44

1 Q. Okay. None of the athletic 11:25:47
2 footwear-related patents that you just mentioned 11:25:52
3 that you're an inventor on are being asserted as 11:25:54
4 prior art in this case. Right? 11:25:57
5 A. That's correct. 11:25:59
6 Q. Okay. You have a bachelor of science 11:26:01
7 degree in industrial design from the Art Center 11:26:05
8 College of Design. Correct? 11:26:10
9 A. That's correct. 11:26:10
10 Q. Do you know if that degree is still 11:26:11
11 offered? 11:26:16
12 A. It's offered. My major that I took in -- 11:26:16
13 at Art Center was technically considered 11:26:29
14 environmental design. And that program has sort 11:26:33
15 of shifted to a new way to describe it. I believe 11:26:40
16 they call it spatial experience design, but it's 11:26:45
17 essentially the same program. But yes, the degree 11:26:48
18 of industrial design at Art Center is still 11:26:52
19 available. 11:26:55
20 Q. Okay. As part of your degree at Art 11:26:56
21 Center, did you take courses in physics or 11:27:00
22 engineering? 11:27:03

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I would say I took courses that -- I'm not 11:27:03
2 sure if they would be considered actual physics or 11:27:12
3 engineering courses, but they were -- there was 11:27:15
4 courses that I took. I believe the name of the 11:27:20
5 class was "The Way Things Work," where we would 11:27:24
6 dissect different types of machinery and 11:27:27
7 structures and understand the physics of how they 11:27:32
8 go together, how they're disassembled, how they're 11:27:37
9 assembled. So yeah. 11:27:41
10 Q. Okay. Did you take a traditional 11:27:42
11 Physics 1 class that went through a textbook on 11:27:45
12 physics? 11:27:49
13 A. I don't believe so. 11:27:49
14 Q. Okay. And you also have a diploma in 11:27:52
15 graphic design and illustration. Correct? 11:27:56
16 A. Correct. 11:27:59
17 Q. Okay. And as part of that degree, did you 11:28:00
18 take a traditional physics or engineering course? 11:28:03
19 A. No, I did not. 11:28:05
20 Q. Okay. You've designed a number of 11:28:07
21 different shoes in your career. Right? 11:28:12
22 A. Yes, I have. 11:28:13

1 Q. Have you ever designed a golf shoe? 11:28:14
2 A. I actually -- I gave some input on a 11:28:17
3 special project that we did at Vans that wasn't 11:28:27
4 really ever commercially offered for sale. It was 11:28:30
5 a promotional product that we made. 11:28:37
6 So yes, it was a golf shoe, but it was a 11:28:42
7 pretty -- we did it for a golf tournament. It was 11:28:45
8 kind of fun. It was black-and-white checkerboard 11:28:49
9 golf shoes. But that's -- technically, anything 11:28:53
10 that went to market, no, I haven't done any golf 11:28:55
11 shoes per se. 11:29:01
12 Q. I asked this about your patents already, 11:29:01
13 but none of the shoes that you designed in your 11:29:09
14 career are being asserted as prior art to any of 11:29:12
15 the Athalonz patents. Correct? 11:29:15
16 A. They are not. 11:29:18
17 Q. And your hourly rate on the IPR work is 11:29:22
18 $400 an hour. Correct? 11:29:26
19 A. Yes, it is. 11:29:27
20 Q. Do you have an estimate of how many hours 11:29:27
21 of work you did prior to the petitions being 11:29:29
22 filed? 11:29:31

1 A. I don't have a specific number at this 11:29:31
2 point. I haven't done the latest addition or I 11:29:40
3 haven't added up the hours over the last month or 11:29:43
4 so, so I can't give you a specific number. 11:29:47
5 Q. Okay. My question was about before the 11:29:53
6 petitions were filed, so that's back in the March 11:29:55
7 time frame. 11:29:58
8 Do you know how long you worked on your 11:29:59
9 expert declarations and other associated tasks 11:30:00
10 prior to the petitions being filed? 11:30:04
11 A. I don't have a specific number. I can't 11:30:05
12 remember exactly how many hours I put into it. It 11:30:12
13 was a number of hours. I can't recall. I'm 11:30:14
14 sorry. 11:30:19
15 Q. Was it more than 100 hours? 11:30:19
16 A. It might have been. It might have been 11:30:21
17 around that, maybe less. I'm not sure. 11:30:29
18 Q. Okay. Was it more than 200 hours? 11:30:31
19 A. I don't think so. 11:30:33
20 Q. Okay. Did you personally write the expert 11:30:41
21 declarations? 11:30:46
22 MR. BUGG: Objection just to the extent 11:30:49

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 this calls for any privileged information or 11:30:51
2 information pertaining to the actual production of 11:30:53
3 the declarations. 11:30:58
4 I'll just caution you not to share that 11:30:59
5 information, but you can otherwise answer the 11:31:01
6 question. 11:31:03
7 A. I would say that the declarations are my 11:31:04
8 thoughts and that I participated. It was a 11:31:12
9 collaborative -- it was collaborative with my 11:31:15
10 counsel that I'm working with on actually doing 11:31:21
11 the wording. But yeah, I was part of the team 11:31:24
12 that wrote these declarations. 11:31:31
13 Q. Okay. Are you also working on the 11:31:34
14 district court case between Athalonz and Under 11:31:40
15 Armour? 11:31:42
16 A. I believe at this point that is not 11:31:42
17 active. So I might be working if that moves 11:31:50
18 forward, but right now I've just been working on 11:31:57
19 these. 11:31:59
20 Q. Have you billed any time to work on the 11:31:59
21 district court case so far? 11:32:01
22 A. I don't believe -- I'm not sure. I don't 11:32:03

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 believe that any of the work that we've been doing 11:32:10
2 has been towards that at this point. 11:32:12
3 Q. Okay. Have you looked at any of the Under 11:32:15
4 Armour shoes that Athalonz contends infringe the 11:32:21
5 patents that are at issue in this IPR? 11:32:24
6 A. I have not physically looked at the shoes, 11:32:26
7 but I have seen the images of -- some of the 11:32:30
8 images of the shoes. Yes. 11:32:37
9 Q. Were those the infringement contentions? 11:32:38
10 A. Yes. 11:32:41
11 Q. Okay. And you cite some of those in your 11:32:41
12 declaration. Right? 11:32:45
13 A. Yes, I do. 11:32:45
14 Q. Okay. Have you reviewed Under Armour's 11:32:47
15 invalidity contentions from the district court? 11:32:50
16 A. I'm trying to remember if I have or not. 11:32:52
17 Yeah. I believe so. 11:33:08
18 Q. Okay. Have you reviewed any other 11:33:10
19 Athalonz or Under Armour documents that were 11:33:14
20 produced in the district court case? 11:33:15
21 A. I've looked at the -- some of the 11:33:17
22 prosecution history. So yeah, I would say so. 11:33:25

1 Q. Okay. Have you looked at any internal 11:33:27
2 Under Armour or Athalonz documents? 11:33:31
3 A. "Internal" meaning what? 11:33:38
4 Q. Not something that was publicly filed at 11:33:40
5 the Patent Office or that is being called prior 11:33:42
6 art. 11:33:45
7 A. I'm not sure. I don't believe so, but I 11:33:45
8 don't know what was -- I'm not completely sure. I 11:33:52
9 don't think so. 11:33:55
10 Q. So you haven't looked at any, for example, 11:33:56
11 Under Armour PowerPoint presentations? 11:33:59
12 A. No. 11:34:01
13 Q. Okay. So I understand you have a copy of 11:34:02
14 the five expert declarations that you filed in 11:34:09
15 this case. And so those were all marked 11:34:12
16 Exhibit 1002. Correct? 11:34:16
17 A. Yes. 11:34:17
18 Q. So I'm going to put the five declarations 11:34:19
19 in the chat. You don't need to download them if 11:34:23
20 you'd prefer to look on paper. But if you do want 11:34:26
21 an electronic copy, they're there. 11:34:29
22 (Exhibit 1002, previously marked, is not

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 attached to the transcript.) 11:34:31
2 A. Sure. 11:34:31
3 Q. And I'm going to kind of have to flip back 11:34:35
4 and forth between these a little bit as we go. So 11:34:38
5 bear with me on that. 11:34:41
6 You're comfortable referring to the patent 11:34:46
7 numbers by the last three digits. Correct? 11:34:48
8 A. Yes. 11:34:50
9 Q. Okay. So for the '291, the '786, and the 11:34:51
10 '760 patents, I might refer to those as "the slope 11:35:01
11 patents" during the deposition. Will you 11:35:05
12 understand what I mean by that? 11:35:06
13 A. Yes. 11:35:08
14 Q. And then the '768 and the '456 patents, I 11:35:08
15 might refer to those as "the density patents." 11:35:14
16 Will you understand what I mean by that? 11:35:18
17 A. Yes. 11:35:19
18 Q. Okay. And sometimes I'll refer to the 11:35:20
19 individual patents, but other times I might refer 11:35:24
20 to them as a group. So if you're ever confused, 11:35:26
21 just let me know. 11:35:29
22 Okay. Can you pull out the expert 11:35:36

1 declaration from the '291 patent. And so this is 11:35:38
2 in IPR 2024-637. 11:35:43
3 Let me know when you have that. 11:35:52
4 A. I have it in front of me. 11:35:53
5 Q. Okay. So just a general question about 11:35:54
6 your opinions. You opined on what the level of 11:35:59
7 ordinary skill in the art was in these 11:36:03
8 proceedings. Right? 11:36:06
9 A. I did. 11:36:06
10 Q. Okay. And you applied the same definition 11:36:08
11 for all five of the patents. Right? 11:36:11
12 A. Yes, I did. 11:36:13
13 Q. Okay. And for the '291 patent, as an 11:36:15
14 example, but this would be the same in all of 11:36:19
15 them, you did this in Paragraph 31, which is on 11:36:22
16 page 12 of your declaration. Let me know when 11:36:26
17 you're there. 11:36:30
18 A. I have it in front of me. 11:36:31
19 Q. Okay. And you agree that this definition 11:36:32
20 that's listed in Paragraph 31 is your opinion 11:36:39
21 about what the level of ordinary skill is in this 11:36:41
22 case. Right? 11:36:43

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I do. 11:36:44
2 Q. Okay. Let's see. You also opined on the 11:36:45
3 level of skill in the art and you based your 11:36:53
4 opinions as of the invention date. Correct? 11:36:56
5 A. Yes, I did. 11:36:58
6 Q. Okay. And in Paragraph 28, you say that 11:37:00
7 that is March 8, 2011, the filing date of 11:37:03
8 Provisional Application 61/450,458? 11:37:07
9 A. Yes. 11:37:15
10 Q. And that's the same for all five patents 11:37:16
11 too. Correct? 11:37:25
12 A. Correct. 11:37:25
13 Q. In Paragraph 29 you list some factors that 11:37:26
14 you look to in determining the ordinary skill in 11:37:28
15 the art. Correct? 11:37:31
16 A. Yes. 11:37:32
17 Q. Where did you get that list? 11:37:33
18 A. Let me refresh my memory. I'm going to 11:37:36
19 read it real quick. 11:37:41
20 So my counsel informed me of these. 11:38:07
21 Q. Okay. So you list factors that include 11:38:10
22 the level of education and experience of persons 11:38:16

1 working in the field, the types of problems 11:38:21
2 encountered in the field, the teachings of the 11:38:24
3 prior art, and the sophistication of the 11:38:26
4 technology at the time of the alleged invention. 11:38:30
5 Correct? 11:38:33
6 A. Yes. 11:38:33
7 Q. You don't list the education level of the 11:38:34
8 inventor in this list in Paragraph 29, do you? 11:38:38
9 A. It doesn't -- I mean, it talks about the 11:38:41
10 level of education, but it doesn't specify that in 11:38:50
11 that paragraph. 11:38:57
12 Q. Okay. Are you aware that the Federal 11:38:57
13 Circuit has said that there are six factors that 11:38:59
14 you should look to and one of those is the 11:39:02
15 education level of the inventor? 11:39:04
16 A. I'm not an attorney, so I don't know 11:39:06
17 exactly the rules of what the -- how many factors 11:39:17
18 there should be. So I would -- I didn't -- I 11:39:24
19 wasn't aware that there had to be six. It does 11:39:27
20 say level of education in here, though. So I'm 11:39:31
21 not sure if that is not the same thing. 11:39:33
22 Q. Okay. I'm quoting from a Federal Circuit 11:39:35

1 case from 2022, Best Medical International versus 11:39:40
2 Elekta. 11:39:44
3 And it says, "These factors include, one, 11:39:45
4 the educational level of the inventor; two, types 11:39:48
5 of problems encountered in the art; three, prior 11:39:52
6 art solutions to those problems; four, rapidity 11:39:55
7 with which inventions are made; five, 11:40:01
8 sophistication of the technology; and six, 11:40:03
9 educational level of active workers in the field." 11:40:06
10 Now, that list I think overlaps exactly 11:40:11
11 with your list except that it also includes the 11:40:14
12 educational level of the inventor. Do you agree? 11:40:16
13 A. Yes. I would say that that is not 11:40:18
14 specifically listed in this paragraph. 11:40:29
15 Q. Okay. Was there a reason you didn't 11:40:30
16 include the education level of the inventor in the 11:40:34
17 list of factors in Paragraph 29? 11:40:37
18 A. Well, it does state it in Paragraph 31. 11:40:38
19 So I guess I would say that the information is in 11:40:51
20 my declaration, two paragraphs down. So I'm not 11:40:59
21 sure why, you know, it wasn't put in Paragraph 29. 11:41:03
22 Q. Okay. And when you say it says it in 11:41:08

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Paragraph 31, I don't see the word "inventor" in 11:41:10
2 there. Is it there? 11:41:13
3 A. Yeah. It's a person of ordinary skill in 11:41:14
4 the art would have a certain level of education. 11:41:26
5 Q. Right. But you don't talk about the level 11:41:31
6 of education of the inventor in Paragraph 31, do 11:41:35
7 you? 11:41:38
8 A. I don't believe so. 11:41:38
9 Q. Okay. Do you know what the education 11:41:43
10 level of the inventors of the five Athalonz 11:41:46
11 patents was? 11:41:49
12 A. I do not. 11:41:50
13 Q. Do you know who the inventors are? 11:41:53
14 A. I don't have the patents in front of me. 11:41:55
15 Q. Okay. But generally, do you know -- like, 11:42:00
16 personally know them? 11:42:05
17 A. No, I don't personally know them. 11:42:06
18 Q. And did you do anything to look into what 11:42:08
19 their education level was? 11:42:11
20 A. No, I did not. 11:42:12
21 Q. Would it be relevant to your analysis of 11:42:15
22 the correct level of skill in the art what the 11:42:20

1 education level of the inventor was? 11:42:21
2 MR. BUGG: Objection, vague, calls for 11:42:25
3 speculation. 11:42:27
4 You can answer if you can. 11:42:28
5 A. I'm not quite sure what you mean by the 11:42:29
6 question. Can you rephrase it? 11:42:31
7 Q. Well, let me put it this way: You didn't 11:42:33
8 talk about what the education level of the 11:42:36
9 inventor was in giving your opinion on the level 11:42:39
10 of ordinary skill in the art. Right? 11:42:43
11 A. I did not talk about it. No. 11:42:44
12 Q. And so since you didn't talk about it, you 11:42:47
13 didn't think it was relevant to your analysis, did 11:42:49
14 you? 11:42:52
15 MR. BUGG: Objection, vague. 11:42:52
16 A. I don't know if it is relevant or not. I 11:42:53
17 believe an inventor can come up with ideas with 11:43:01
18 many different levels of education. 11:43:06
19 Q. Okay. And so if the inventor did not have 11:43:08
20 the education level that you proposed in 11:43:11
21 Paragraph 31, does that mean they can't be a 11:43:15
22 person of ordinary skill in the art? 11:43:18

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 MR. BUGG: Objection, vague, calls for 11:43:20
2 speculation. 11:43:21
3 A. Are you asking -- I'm sorry. I'm not 11:43:26
4 quite sure what your question is on that. Can you 11:43:30
5 restate it? You're saying that the inventor would 11:43:33
6 have to have the same level of knowledge as the 11:43:39
7 person having a skill -- a person of ordinary 11:43:42
8 skill in the art? 11:43:48
9 Q. I'm saying if the inventor did not have 11:43:48
10 the level of education you put in Paragraph 31, 11:43:50
11 then to you does that mean that they're not a 11:43:54
12 person of ordinary skill in the art? 11:43:56
13 MR. BUGG: Same objections. 11:43:59
14 A. I don't know if that would apply. 11:44:00
15 Q. Okay. So you don't have an opinion on 11:44:09
16 that one way or the other? 11:44:14
17 A. I haven't done an analysis on that. I 11:44:15
18 haven't thought that through, so no, I don't have 11:44:18
19 an opinion at this point. 11:44:21
20 Q. Okay. I'd like to turn to your opinions 11:44:22
21 about conventional shoes. That's a section in 11:44:28
22 your declaration that starts on page 17 of the 11:44:32

1 '291 patent declaration. 11:44:40
2 Let me know when you have that. 11:44:48
3 A. I'm here. 11:44:50
4 Q. Okay. You have a section about 11:44:51
5 conventional shoes in each of your five 11:44:54
6 declarations. Right? 11:44:57
7 A. I do. 11:44:58
8 Q. Okay. You say here in Paragraph 47 that 11:44:58
9 "Having a heel section of consistent height 11:45:10
10 throughout is standard shoe design." Right? 11:45:13
11 A. Yes. 11:45:17
12 Q. And then you say, "the vast majority, if 11:45:19
13 not all, of the shoes I designed or oversaw the 11:45:22
14 design of had this feature." Correct? 11:45:26
15 A. Yes. 11:45:28
16 Q. Okay. And then you go on and you talk 11:45:30
17 about several different shoes here. I think there 11:45:33
18 are six or seven total. Right? 11:45:36
19 A. Yes. 11:45:38
20 Q. And none of those shoes are actually being 11:45:40
21 asserted as prior art in this case. Correct? 11:45:44
22 MR. BUGG: Objection, vague. 11:45:48

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 But you can answer. 11:45:52
2 A. I don't believe we have officially 11:45:56
3 asserted them, but I would say that some of these 11:45:57
4 shoes -- for instance, the Cortez that was 11:46:01
5 designed in 1971 -- would qualify as prior art. 11:46:04
6 Q. Okay. But you understand as part of the 11:46:07
7 IPR you have to identify grounds with specific 11:46:10
8 prior art as part of those grounds. Right? 11:46:13
9 A. I believe these were used as examples, not 11:46:14
10 as official prior art examples. 11:46:19
11 Q. Okay. So I understand your position is 11:46:24
12 that these shoes are literally prior art and that 11:46:28
13 they existed before the patents, but you're not 11:46:31
14 actually using these as a ground of invalidity for 11:46:34
15 prior art to say that these patents are invalid 11:46:38
16 based on these shoes. Right? 11:46:41
17 MR. BUGG: Objection, vague. 11:46:42
18 A. I don't know if I would need to have these 11:46:49
19 specified as the actual grounds for invalidity. I 11:46:51
20 do know that some of these shoes are definitely -- 11:46:57
21 were definitely designed and brought to market 11:47:03
22 prior to the invention date. But I don't know if 11:47:08

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 this is exactly something that we've incorporated 11:47:10
2 as prior art. 11:47:17
3 Q. I just want to make clear. So you don't 11:47:17
4 know or you agree that these are not actually 11:47:25
5 specified as individual prior art references? 11:47:28
6 MR. BUGG: Objection to form. 11:47:31
7 A. It's in my declaration. I don't believe 11:47:32
8 it's on the list of the shoes that we are relying 11:47:45
9 on as prior art. These are examples of 11:47:50
10 conventional shoe design. 11:47:54
11 So I'm not a lawyer. I don't know exactly 11:47:56
12 how that works. But yeah. 11:47:58
13 Q. Okay. Well, let's go down a little ways 11:48:01
14 in your declaration to page 25. 11:48:05
15 A. Okay. 11:48:18
16 Q. On page 25 you have a section called 11:48:18
17 "Opinions on Unpatentability" and then you have a 11:48:21
18 subheading, "Ground 1: Claims 1-5 are Obvious 11:48:24
19 Based on Kim." Do you see that? 11:48:27
20 A. Yes. 11:48:30
21 Q. And so your position is that Kim renders 11:48:31
22 the claims of this patent obvious. Right? 11:48:34

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. Yes. 11:48:36
2 Q. And none of your opinions on 11:48:38
3 unpatentability rely on a specific one of these 11:48:42
4 conventional shoes that you list above as a prior 11:48:47
5 art reference that invalidates the claims. Right? 11:48:52
6 MR. BUGG: Objection, vague. 11:48:55
7 But you can answer, if you can. 11:48:58
8 A. As I go through my opinions on all the 11:49:00
9 grounds of prior art that render this invention 11:49:06
10 obvious, I don't refer to any of the examples of 11:49:12
11 shoes that I have in the section that's called 11:49:21
12 conventional shoe design. 11:49:25
13 Q. Okay. Thanks. So we can go back up to 11:49:26
14 the start of that "'Conventional' Shoes" section 11:49:30
15 again. 11:49:31
16 A. Sure. 11:49:32
17 Q. Page 17. 11:49:32
18 A. I'm there. 11:49:40
19 Q. Okay. And so for all of the physical 11:49:41
20 shoes that you have pictures of here, so excluding 11:49:45
21 the patent references, but the physical shoes, 11:49:47
22 you're only showing the exterior of those shoes in 11:49:51

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 your pictures. Right? 11:49:55
2 A. I am showing exterior views of shoes 11:49:56
3 except for there is a sectional diagram, 11:50:06
4 Exhibit 1016, which is the Air Force One sole. 11:50:15
5 However, I would say that there are a few 11:50:24
6 of the shoes that I am referring to here where the 11:50:26
7 exterior of the shoe is -- and the interior of the 11:50:35
8 shoe is actually represented without having to do 11:50:39
9 a cut-through view of the shoe. 11:50:41
10 Q. Okay. But in terms of actual pictures of 11:50:43
11 physical shoes that are not in design patents, you 11:50:51
12 only have pictures of the exterior of the shoes. 11:50:56
13 Right? 11:50:59
14 A. Yes. 11:50:59
15 Q. Okay. And you don't have any annotations 11:51:01
16 on any portions of the shoes that you included in 11:51:06
17 this section. Right? 11:51:10
18 A. No, I do not. 11:51:10
19 Q. Okay. And you don't have any measurements 11:51:15
20 of any of the components of the physical shoes 11:51:19
21 that are in this section either. Correct? 11:51:22
22 A. That's correct. 11:51:24

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. So on the brown and blue Vans shoe 11:51:29
2 in Paragraph 47, page 19 -- are you there? 11:51:36
3 A. Yeah. Did you say brown and blue? 11:51:48
4 Q. Yeah. Maybe it's just me. On my screen, 11:51:49
5 it looks brown and blue to me. 11:51:52
6 A. I think it's brown and black and a little 11:51:55
7 bit of green. 11:51:58
8 Q. Okay. But it's on page 19. Right? 11:51:59
9 A. Yes. 11:52:01
10 Q. Okay. And you are giving this as an 11:52:01
11 example, you say, of a shoe that has a heel 11:52:05
12 section with a consistent height throughout. 11:52:07
13 Right? 11:52:09
14 A. Yes. 11:52:10
15 Q. You don't identify what the heel section 11:52:12
16 is on the shoe in your declaration, do you? 11:52:15
17 A. I believe that would be obvious. 11:52:17
18 Q. Okay. But you don't actually put it in 11:52:23
19 this picture? There's no annotation, for example. 11:52:26
20 Right? 11:52:29
21 A. There's nothing that's written over the 11:52:30
22 photo. No. 11:52:33

1 Q. Okay. You're saying this has a consistent 11:52:34
2 height throughout. Right? 11:52:37
3 A. A substantial uniform height. Yes. 11:52:39
4 Q. Well, let's go back up to Paragraph 47. 11:52:42
5 You say, "Having a heel section of consistent 11:52:55
6 height throughout is standard shoe design." 11:52:59
7 Right? 11:53:03
8 A. Yes. 11:53:03
9 Q. Okay. It doesn't say substantially 11:53:07
10 uniform, does it? 11:53:11
11 A. In Paragraph 47, it does not. 11:53:12
12 Q. Okay. And so is it your position that 11:53:19
13 this black-and-brown Vans shoe has a consistent 11:53:22
14 height throughout the heel platform? 11:53:25
15 A. Yeah, I would say it does. 11:53:27
16 Q. Okay. If you measured the rearmost 11:53:33
17 portion of the heel platform and then whatever you 11:53:37
18 say is the front of the heel platform, would the 11:53:40
19 height be the same? 11:53:44
20 A. Where the heel would sit, it would be. 11:53:45
21 Yes. 11:53:50
22 Q. I'm going to share my screen just so we 11:53:50

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 can be looking at the same thing. Can you see my 11:53:55
2 screen? 11:54:05
3 A. Yeah. I just have to move over my CV 11:54:06
4 here. Yes. 11:54:12
5 Q. Can you see my mouse on the screen or not? 11:54:12
6 A. Yes, I am. 11:54:15
7 Q. So if you measured the shoe right here at 11:54:16
8 the rear of the heel -- 11:54:21
9 A. Yes. 11:54:22
10 Q. -- and then you measured the shoe right 11:54:23
11 here at the front of the heel, are you saying 11:54:25
12 that's the same height? 11:54:30
13 A. That's the height of the sidewall of the 11:54:31
14 midsole, which isn't representing where the heel 11:54:34
15 would be actually seated in the shoe. So the 11:54:38
16 surface that the heel would sit on would be flat. 11:54:43
17 The wall thickness of the midsole would be 11:54:47
18 slightly lower in the section that you have 11:54:51
19 highlighted right now than it would be in the 11:54:52
20 previous section that you highlighted just a 11:54:55
21 second ago. 11:54:57
22 Q. Okay. So you can't see from the exterior 11:54:58

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 of the shoe whether the heel platform is a 11:55:02
2 consistent height. Correct? 11:55:06
3 MR. BUGG: Objection, vague. 11:55:10
4 You can answer if you can. 11:55:11
5 A. From the view that you're looking at here 11:55:13
6 on the screen, no, you can't. But I can tell you 11:55:15
7 that me as the designer of that shoe knows that 11:55:20
8 the heel platform would be flat. 11:55:25
9 Q. Okay. Let's look at the white, gray, and 11:55:26
10 red Vans shoe. Same paragraph, the previous page. 11:55:36
11 A. I see it. 11:55:43
12 Q. Okay. You would agree that the outsole 11:55:44
13 here is thicker in part at the toe region than the 11:55:48
14 part of the foot immediately preceding the toe 11:55:54
15 region. Right? 11:55:59
16 MR. BUGG: Objection, vague. 11:55:59
17 A. The outsole? 11:56:00
18 Q. The part of the sole that you can see in 11:56:03
19 the picture gets thicker at some point near the 11:56:05
20 toe than it is prior to that. Right? 11:56:10
21 MR. BUGG: Objection, vague. It. 11:56:15
22 A. Actually, it would be helpful if you could 11:56:17

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 do the same thing and point at it with your 11:56:19
2 cursor. 11:56:23
3 Q. Right here towards the front, there's a 11:56:23
4 sort of upwards dip in the outsole. And so if you 11:56:28
5 look at the exterior of the shoe, it looks like 11:56:34
6 it's thicker here than just before it here. 11:56:37
7 Correct? 11:56:40
8 A. Again, that is a detail of a sidewall 11:56:40
9 design. Shoes -- typical athletic shoes have lots 11:56:46
10 of variability on what that top silhouette line 11:56:52
11 would look like. It has no bearing on where the 11:56:55
12 actual foot sits inside the shoe where the top of 11:57:01
13 the midsole would be. 11:57:06
14 Q. So you would agree that you can't tell 11:57:07
15 what the interior dimensions of this shoe are 11:57:10
16 based on the exterior view. Correct? 11:57:13
17 MR. BUGG: Objection, vague, calls for 11:57:15
18 speculation. 11:57:17
19 A. I can tell you that that higher point that 11:57:18
20 you just identified in the toe area is definitely 11:57:22
21 at a lower level than the heel area. So you can 11:57:27
22 tell generally by just the angle of the shoe that 11:57:34

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 it would be lower in the forefoot area. 11:57:37
2 Q. That wasn't the question -- 11:57:41
3 A. And I know that -- 11:57:42
4 Q. -- specifically. 11:57:46
5 A. But from this view, you don't know exactly 11:57:47
6 where the foot would be resting because the 11:57:49
7 sidewall comes up, wraps around the upper of the 11:57:55
8 shoe. 11:57:58
9 Q. But the question was just, you can't tell 11:57:58
10 what the interior dimensions of the shoe are from 11:58:01
11 this picture of the exterior of the shoe alone. 11:58:03
12 Correct? 11:58:05
13 MR. BUGG: Objection, vague. 11:58:12
14 A. Can you see where the actual top of the 11:58:13
15 midsole is that the foot is resting on from this 11:58:15
16 view? No. I can tell you that I know that it's 11:58:18
17 lower. 11:58:22
18 Q. Okay. Not the question. 11:58:25
19 Can you tell what the interior dimensions 11:58:26
20 of the shoe are from this picture of the shoe on 11:58:28
21 the outside? 11:58:31
22 MR. BUGG: Objection, vague. 11:58:33

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. You can't specify, see specifically what 11:58:34
2 the dimensions are from this view. 11:58:43
3 Q. Okay. Thank you. Scrolling down a little 11:58:46
4 ways, you have a couple of different golf shoes in 11:58:48
5 this conventional shoe section. Correct? 11:58:50
6 And I can direct you to page 24 -- 11:59:00
7 A. Yes. 11:59:06
8 Q. -- which I believe is the first one. And 11:59:06
9 then there's also another one pictured on page 25. 11:59:10
10 Right? 11:59:14
11 A. Yes. 11:59:14
12 Q. Okay. And those are the only two golf 11:59:14
13 shoes that you put as examples in your 11:59:17
14 conventional shoe section. Right? 11:59:19
15 A. Yes. 11:59:21
16 Q. Both of these conventional shoes have 11:59:21
17 spikes in the heel section. Correct? 11:59:32
18 A. I believe -- well, on page 25, yes, for 11:59:33
19 sure. On page 24, I can see a vague hint of a 11:59:43
20 spike from the side view. So I would say yes. 11:59:53
21 Q. Okay. Did you actually take these 11:59:55
22 pictures on page 24 or were they provided to you? 11:59:57

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I did not take these pictures. 11:59:59
2 Q. Do you know where they came from? 12:00:02
3 A. They were provided to me by counsel. 12:00:04
4 Q. Did you take any of the pictures in this 12:00:08
5 section on conventional shoes? 12:00:12
6 A. I did. 12:00:14
7 Q. Which ones? 12:00:14
8 MR. BUGG: Before you answer, I'd just 12:00:19
9 caution you not to share any privileged 12:00:20
10 information. But you can answer the question. 12:00:22
11 A. I took the photos of the three Vans shoes 12:00:24
12 that are presented in this section. 12:00:30
13 Q. Okay. So besides those three Vans shoes, 12:00:34
14 you didn't have a physical version of the other 12:00:37
15 shoes that are in this section? 12:00:40
16 A. I've owned these shoes. But no, I didn't 12:00:45
17 have them in front of me. 12:00:49
18 Q. When you say you've owned these shoes, do 12:00:51
19 you mean you owned the yellow Nike Cortez shoes? 12:00:53
20 A. I have owned a pair of Cortez shoes, yes. 12:00:57
21 And I have owned a pair of Air Force Ones. 12:01:07
22 Q. Okay. What about the 1970 Footjoy? 12:01:09

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I don't know these shoes. 12:01:15
2 Q. And what about any shoe that embodies this 12:01:21
3 design patent? 12:01:27
4 MR. BUGG: Objection, vague. 12:01:28
5 A. I don't believe I've owned a pair of shoes 12:01:30
6 that has this design patent. 12:01:37
7 Q. Okay. In Paragraph 52, you say, "See also 12:01:40
8 the Golf shoe sole." Do you see that? 12:01:46
9 A. Yes. 12:01:48
10 Q. Are you aware that the title of this 12:01:56
11 design pattern is actually "Golf Shoe Bottom"? 12:01:59
12 A. No, I wasn't aware of that. 12:02:03
13 Q. Okay. Did you ever actually look at the 12:02:08
14 design patent itself or did you just take this 12:02:10
15 picture from counsel? 12:02:13
16 MR. BUGG: Objection, vague. 12:02:15
17 And if it calls for -- it calls for any 12:02:16
18 kind of privileged information, please don't share 12:02:19
19 that. 12:02:21
20 A. I've looked at patents. I can't recall if 12:02:27
21 this is one of the patents I specifically looked 12:02:29
22 at. But I have reviewed a number of different 12:02:31

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 documents, and this could have been one of them. 12:02:38
2 I'm not sure. 12:02:40
3 Q. Okay. So you don't have any reason to 12:02:40
4 disagree with this design patent calls this a golf 12:02:45
5 shoe bottom. Right? 12:02:49
6 A. If you say that that's what it says, then 12:02:49
7 I would take you at your word. 12:02:54
8 Q. We can look at it just so we're sure. 12:02:56
9 This is Exhibit 1017. I will drop that in the 12:03:08
10 chat. Okay. This was Exhibit 1017 in the 636, 12:03:11
11 637, and 638 IPR. 12:03:23
12 (Exhibit 1017, previously marked, is not
13 attached to the transcript.)
14 Q. Do you have that open? 12:03:30
15 A. Yes, I do. 12:03:31
16 Q. And you agree the title of this design 12:03:38
17 patent is "Golf Shoe Bottom"? 12:03:41
18 A. Yes, it is. 12:03:43
19 Q. All right. Back to the Footjoy 1970 golf 12:03:45
20 shoe, just briefly. This might be another one 12:03:49
21 where I share my screen so we're looking at the 12:03:53
22 same part. But I'm looking at page 24 of your 12:03:56

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 declaration. 12:03:58
2 Are you with me? 12:04:10
3 A. I see it. 12:04:11
4 Q. Okay. The thickness of the sole just in 12:04:12
5 front of the heel platform, so here where my mouse 12:04:16
6 is -- 12:04:20
7 A. Yes. 12:04:21
8 Q. -- is the same as the thickness of the 12:04:21
9 sole at the toe section. Right? 12:04:23
10 MR. BUGG: Objection, vague, calls for 12:04:26
11 speculation. 12:04:27
12 A. I don't know if I would qualify what you 12:04:29
13 would say as that being the same thickness. I 12:04:40
14 think -- it wouldn't account for the arch opening 12:04:42
15 in front of the heel. If the sole was flat all 12:04:45
16 the way across the bottom and it didn't have the 12:04:52
17 heel, then it would not be the same thickness. 12:04:54
18 It is at a higher level off the ground 12:04:56
19 surface than where the area that you identified in 12:04:58
20 the toe is. 12:05:05
21 Q. Okay. So the relevant part to look at is 12:05:05
22 where the foot sits relative to the ground or the 12:05:08

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 bottom of the shoe? 12:05:12
2 MR. BUGG: Objection, vague. 12:05:15
3 A. I believe where the foot sits relative to 12:05:16
4 the ground surface. 12:05:21
5 Q. Okay. But you would agree that the actual 12:05:21
6 sole material itself is the same thickness just in 12:05:29
7 front of the heel platform as it is at the toe, 12:05:32
8 based on this image? 12:05:35
9 MR. BUGG: Objection, calls for 12:05:37
10 speculation. 12:05:38
11 A. The thickness of that area of where the 12:05:39
12 sole is and the thickness of the area where the 12:05:48
13 sole is -- sorry -- in the area just in front of 12:05:53
14 the heel and the thickness of the actual material 12:05:57
15 where the toe is has a -- I would say a similar 12:06:01
16 thickness to it. It is definitely not the same 12:06:08
17 thickness with regards to where it sits on the 12:06:14
18 surface of the ground. 12:06:16
19 Q. Okay. I want to go to Paragraph 27 now in 12:06:18
20 the declaration. And now I'm going to have to 12:06:30
21 start bouncing around between your declarations. 12:06:35
22 We can start in this '291 section. 12:06:37

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 This is the "Claim Construction" heading. 12:06:48
2 A. Yes. 12:06:54
3 Q. Okay. In Paragraph 27 it says, "I was 12:06:54
4 asked by counsel to apply the plain and ordinary 12:07:04
5 meaning of the terms in the '291 Patent and prior 12:07:06
6 art." Correct? 12:07:09
7 A. Yes. 12:07:10
8 Q. Okay. And now if you can take out the 12:07:11
9 declaration filed on the '768 patent -- this is 12:07:19
10 IPR 2024-639 -- and go to the same section in that 12:07:25
11 declaration. 12:07:38
12 A. Are you referring to page 6? 12:07:47
13 Q. Page 11, "Claim Construction." 12:07:49
14 A. Okay. 12:07:55
15 Q. And here it says, "I was asked by counsel 12:08:04
16 to apply the following definitions in my analysis. 12:08:07
17 For all terms not specifically construed, I 12:08:11
18 applied the plain and ordinary meaning of the 12:08:13
19 terms in the '768 Patent and prior art." You see 12:08:15
20 that. Correct? 12:08:19
21 A. I see that. 12:08:20
22 Q. And then there are two subheadings here 12:08:20

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 where there are definitions that you're providing 12:08:30
2 in your analysis. Right? 12:08:32
3 A. Yes. 12:08:33
4 Q. Did you actually look at the patents to 12:08:37
5 decide whether these constructions you are 12:08:45
6 applying were consistent with what a person of 12:08:49
7 ordinary skill in the art would have understood 12:08:51
8 the term to mean? 12:08:54
9 A. I was asked by counsel to apply the 12:08:54
10 following definitions. I'm not -- I wasn't hired 12:09:07
11 to provide claim construction. I'm not an 12:09:13
12 attorney, so these are the definitions that were 12:09:18
13 told to me by counsel. 12:09:22
14 Q. Okay. But you understand that when you're 12:09:25
15 reading terms in a patent, you're supposed to read 12:09:28
16 them as a person of ordinary skill in the art 12:09:31
17 would have understood them. Right? That's your 12:09:34
18 basic understanding? 12:09:36
19 MR. BUGG: Objection, vague. 12:09:40
20 A. My understanding is that person having 12:09:41
21 ordinary skill in the art would understand these 12:09:44
22 terms. 12:09:46

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. And so were the definitions that 12:09:46
2 you applied consistent with what a person of 12:09:50
3 ordinary skill in the art would have understood 12:09:52
4 those terms to mean? 12:09:54
5 A. I would say yes. 12:09:56
6 Q. Okay. Not looking specifically at any 12:10:00
7 part of the declaration but just as a general 12:10:09
8 question about a term, each of the slope patents, 12:10:11
9 the '291, the '760, and the '786, in the claims 12:10:15
10 they use the term "athletic positioning." 12:10:20
11 Correct? 12:10:24
12 A. Yes. 12:10:25
13 Q. Okay. And we just looked at your section 12:10:26
14 in the '291 patent where you were asked to apply 12:10:30
15 specific definitions and it didn't list "athletic 12:10:33
16 positioning" as one of those terms. Correct? 12:10:38
17 A. I believe it did not. 12:10:40
18 Q. Okay. And so then according to your 12:10:41
19 declaration, you applied the plain and ordinary 12:10:46
20 meaning of the term. Correct? 12:10:48
21 A. I would say so. 12:10:52
22 Q. What is the plain and ordinary meaning of 12:10:58

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 "athletic positioning"? 12:11:00
2 A. I believe it would be something that 12:11:02
3 alludes to the weight distribution of where the 12:11:09
4 person would be placing their -- how would I say 12:11:18
5 this? 12:11:27
6 It would be a weight distribution where it 12:11:27
7 puts the user in a position that gives them 12:11:35
8 probably a higher level of ability with whatever 12:11:39
9 support that might be that they're applying. 12:11:45
10 Q. Okay. And is there a particular weight 12:11:47
11 distribution that a person of ordinary skill in 12:11:51
12 the art would understand does that? 12:11:53
13 MR. BUGG: Objection, vague, calls for 12:11:57
14 speaks. 12:11:59
15 A. I would think that it would be based on 12:11:59
16 whatever a particular sport might be. If there's 12:12:05
17 something that an athlete might find to be -- give 12:12:09
18 them an advantage, I would say that maybe that 12:12:19
19 would be the position that they would want to 12:12:22
20 have. 12:12:24
21 Q. Okay. You've read the patents that you've 12:12:24
22 opined are invalid. Right? 12:12:28

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. Yes. 12:12:30
2 Q. Okay. And do you understand that those 12:12:30
3 patents are applying the term "athletic 12:12:33
4 positioning" in any particular way? 12:12:36
5 MR. BUGG: Objection, vague. 12:12:38
6 A. I'm not sure I understand the question. 12:12:39
7 Q. In the '291 patent, for example, would it 12:12:47
8 be an athletic positioning to have the heel lower 12:12:55
9 than the toe? 12:12:58
10 MR. BUGG: Objection, vague. 12:13:00
11 A. I would say that athletic positioning 12:13:06
12 would have a -- let me get to that section of my 12:13:37
13 declaration. 12:13:46
14 Q. Okay. When you get there, let me know 12:13:48
15 what page you're on. 12:13:49
16 A. Okay. So I think I'm in that section. 12:13:52
17 Sorry. Restate the question so I'm -- 12:15:25
18 Q. Let me know what page you're on first. 12:15:28
19 A. I'm on page 11. 12:15:30
20 Q. Okay. Yeah. There's no mention of 12:15:32
21 athletic positioning as a term you were given a 12:15:36
22 definition of in Paragraph 27. Right? 12:15:38

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I don't see a definition of that. No. 12:15:41
2 Q. So you applied the plain and ordinary 12:15:43
3 meaning. Right? 12:15:46
4 A. I would say yes. 12:15:47
5 Q. Okay. And you just gave me a little bit 12:15:51
6 earlier what you thought the plain and ordinary 12:15:53
7 meaning was, but I'm asking you in the context of 12:15:54
8 these patents could a shoe with a heel lower than 12:15:57
9 the toe still put the user in an athletic 12:16:00
10 positioning as claimed? 12:16:04
11 MR. BUGG: Objection, vague, calls for 12:16:07
12 speculation. 12:16:09
13 A. A shoe in the heel lower than the toe. I 12:16:09
14 would say that that probably depends on the 12:16:15
15 athlete. I'm not sure if one athlete might want 12:16:18
16 to be in a certain position more than another 12:16:24
17 athlete. 12:16:25
18 Q. Okay. So you understand the claims of all 12:16:28
19 of the slope patents, or at least one claim in 12:16:33
20 each of the slope patents, uses the term "athletic 12:16:36
21 positioning." Right? 12:16:39
22 A. I have seen that. Yes. 12:16:41

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. And so in determining whether that 12:16:42
2 limitation, athletic positioning, is in the prior 12:16:49
3 art, you would have to understand what that term 12:16:53
4 means. Right? 12:16:56
5 A. Yeah. I would say it's a bit of a vague 12:16:57
6 term, but I would have to -- yeah. I would have 12:17:06
7 to apply what the ordinary meaning would be. 12:17:16
8 Q. Okay. And you just said that athletic 12:17:29
9 positioning could mean a different thing for one 12:17:32
10 athlete than another? 12:17:34
11 MR. BUGG: Objection, vague, misstates 12:17:37
12 prior testimony. 12:17:38
13 But you can answer. 12:17:43
14 A. I would say depending upon the sport, 12:17:44
15 athletic positioning would probably vary depending 12:17:47
16 on what the performance needs were for an athlete. 12:17:50
17 Q. Okay. Did you read the '291 patent to 12:17:53
18 look at how it defined "athletic positioning"? 12:17:58
19 A. I read through the patent. 12:18:03
20 Q. Okay. And in doing that, did you 12:18:05
21 understand it to be applying any particular 12:18:08
22 meaning of "athletic positioning"? 12:18:11

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 MR. BUGG: Objection, vague, asked and 12:18:13
2 answered. 12:18:17
3 A. When I read the patent, the -- it 12:18:17
4 identified the term "athletic positioning" as 12:18:23
5 something other than what the other claims were in 12:18:29
6 the patent. 12:18:32
7 Q. But you're saying that the '291 patent 12:18:32
8 provided a definition of "athletic positioning"? 12:18:39
9 MR. BUGG: Objection, vague, misstates 12:18:44
10 prior testimony. You can answer if you can. 12:18:46
11 A. The '291 patent speaks about different 12:18:48
12 slopes. And the term "athletic positioning" is 12:18:51
13 a -- something that was identified in addition to 12:18:58
14 what those slopes would be. So I would interpret 12:19:02
15 the definition of "athletic positioning" as maybe 12:19:08
16 an optimal weight distribution. 12:19:12
17 Q. Okay. And is there any particular weight 12:19:14
18 distribution that it's defining it as? 12:19:19
19 MR. BUGG: Objection, asked and answered. 12:19:26
20 A. Whatever the weight distribution that 12:19:27
21 would be helpful for the athlete I would say in 12:19:29
22 that particular sport. 12:19:33

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Athletic positioning is in the claims of 12:19:34
2 the '291 patent. Right? 12:19:40
3 A. It is one of the claims. Yes. 12:19:41
4 Q. Okay. And so does the term limit the 12:19:43
5 claims in your view? 12:19:46
6 MR. BUGG: Objection, vague, calls for 12:19:55
7 speculation. You can answer. 12:19:56
8 A. Does the term limit the claims? Is that 12:19:59
9 the question? 12:20:01
10 Q. Yes. 12:20:01
11 A. I would say that the term is something 12:20:10
12 that is different than the slope claims because it 12:20:17
13 is a separate claim. 12:20:36
14 So it would have to mean something -- you 12:20:39
15 wouldn't be able to have a claim that states 12:20:43
16 "having a slope" and then also a claim that states 12:20:48
17 "having athletic positioning." 12:20:50
18 So athletic positioning, in my opinion, 12:20:53
19 would have to mean something different, which I 12:20:55
20 believe would be a weight distribution. 12:20:57
21 Q. Okay. Let's go to page 30 of the '291 12:20:58
22 declaration. Are you there? 12:21:04

1 A. Yes. 12:21:17
2 Q. Okay. Limitation 1.5 is the one that has 12:21:17
3 "athletic positioning" in it. Correct? 12:21:21
4 A. Yes. 12:21:23
5 Q. And you don't point to anything in 12:21:29
6 Paragraph 56 showing something different for 12:21:31
7 athletic positioning. Right? 12:21:35
8 A. Correct. 12:21:37
9 Q. Okay. Let's go to your other declaration 12:21:52
10 that you have in front of you, the '768. I want 12:21:54
11 to go back to the "Claim Construction" section of 12:22:05
12 that, which is page 11. Are you there? 12:22:07
13 A. Yes. 12:22:20
14 Q. Okay. The second subsection here talks 12:22:20
15 about a "'heel platform having a first height that 12:22:29
16 is substantially uniform around a perimeter of the 12:22:43
17 heel platform.'" Right? 12:22:45
18 A. Yes. 12:22:47
19 Q. Okay. And you're applying this definition 12:22:49
20 that was provided to you by counsel. Right? 12:22:55
21 A. Yes. 12:22:57
22 Q. Is this definition consistent with how the 12:22:59

1 patent defines this term? 12:23:04
2 MR. BUGG: Objection, vague, calls for 12:23:08
3 speculation. 12:23:10
4 A. I would believe so. 12:23:10
5 Q. Okay. If you thought it was wrong, then 12:23:15
6 you wouldn't have done it. Right? 12:23:18
7 MR. BUGG: Objection, calls for 12:23:20
8 speculation. 12:23:21
9 A. I wouldn't have done it if I thought it 12:23:23
10 was wrong. 12:23:25
11 Q. So you agree with the definition that's in 12:23:25
12 Subsection b. Correct? 12:23:29
13 A. I do agree with it. 12:23:30
14 Q. Okay. And that's the definition you 12:23:32
15 applied in your analysis? 12:23:35
16 A. Yes. 12:23:39
17 Q. Okay. And then this inside edge and 12:23:39
18 outside edge term or inner edge and outer edge, 12:23:44
19 that's defined a little bit later in that 12:23:47
20 Paragraph b? 12:23:50
21 It's not as specific in this patent, but 12:23:52
22 you recognize that as a term that appears in 12:23:54

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 several of the patents. Right? 12:23:56
2 A. Yes. 12:23:58
3 Q. And the definition you applied of inside 12:24:00
4 edge or inner edge and outside edge or outer edge 12:24:04
5 is with reference to where the foot sits in the 12:24:07
6 shoe, not the absolute inner edge or outer edge of 12:24:09
7 the shoe. Right? 12:24:13
8 A. I believe the patent refers to the foot 12:24:13
9 sitting near an edge of the shoe. 12:24:20
10 Q. Can you go to your '786 patent 12:24:28
11 declaration. This is the 636 IPR, and I want to 12:24:45
12 go to this same part about claim construction, 12:24:52
13 which is on page 12. 12:24:55
14 A. Okay. 12:25:12
15 Q. And about halfway through this 12:25:12
16 Subparagraph "a," you say, "'Inner,' 'outer,' 12:25:14
17 'front' and 'rear' edge of the heel 12:25:20
18 platform/apparatus means the edges of the portion 12:25:26
19 of the shoe where the heel of the foot sits, not 12:25:29
20 the inner and outer-most edges of the shoe." Do 12:25:31
21 you see that? 12:25:34
22 A. Yes. 12:25:35

1 Q. You agree that is the correct definition 12:25:40
2 of inner and outer edge as it's used in these 12:25:42
3 patents? 12:25:45
4 MR. BUGG: Objection, misstates the prior 12:25:46
5 testimony. 12:25:47
6 But you can answer. 12:25:49
7 A. Yeah. As I state in my declaration, 12:26:01
8 inner, outer, front, and rear edge of the heel 12:26:04
9 platform apparatus means the edges of the portion 12:26:07
10 of the shoe where the heel of the foot sits, not 12:26:10
11 the inner and outermost edges of the shoe. 12:26:15
12 Q. Right. You agree with that statement. 12:26:19
13 Correct? 12:26:20
14 A. Yes. 12:26:22
15 MR. BUGG: Objection, vague. 12:26:23
16 Q. Okay. And that's the definition you 12:26:25
17 applied in your opinions. Right? 12:26:27
18 A. Well, yes. But I also applied what the 12:26:30
19 specifications were in the patents. 12:26:37
20 Q. Is that definition consistent with what 12:26:40
21 the specification in the patent is? 12:26:42
22 MR. BUGG: Objection, calls for 12:26:45

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 speculation. 12:26:46
2 A. I believe that some of the specifications 12:26:46
3 in the patents speak to being near the edges. 12:26:50
4 Q. Okay. I understand that. But where the 12:27:02
5 term used is just "inner edge" or "outer edge," 12:27:04
6 you agree the specification defines that in terms 12:27:08
7 of where the foot sits in the shoe and not the 12:27:10
8 absolute inner or outer edge, as you state in this 12:27:12
9 paragraph. Right? 12:27:14
10 MR. BUGG: Objection, misstates testimony. 12:27:16
11 A. It states here that it's "where the heel 12:27:17
12 of the foot sits but not the inner or outer-most 12:27:26
13 edges of the shoe." 12:27:29
14 Q. Okay. And my question is just, do you 12:27:30
15 agree that that is consistent with the 12:27:35
16 specification? 12:27:37
17 MR. BUGG: Objection, vague. 12:27:43
18 A. I believe some of the specifications refer 12:27:44
19 to being near the edge of the shoe. 12:27:49
20 But in this case where it states what the 12:27:54
21 definition is, it states that it's "where the heel 12:28:00
22 of the foot sits, not the inner and outer-most 12:28:08

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 edges of the shoe." 12:28:10
2 Q. Okay. And that's the definition you 12:28:12
3 applied in your opinions. Right? 12:28:15
4 A. I've applied these definitions. 12:28:16
5 Q. Okay. And if you thought they were wrong, 12:28:22
6 would you still have applied them? 12:28:24
7 MR. BUGG: Objection, calls for 12:28:30
8 speculation. 12:28:31
9 A. I don't believe I would apply these if I 12:28:32
10 thought they were wrong. 12:28:39
11 Q. Okay. And so you're not disavowing that 12:28:40
12 statement in your declaration. Right? It's 12:28:45
13 accurate? 12:28:47
14 MR. BUGG: Objection, form. 12:28:48
15 A. I would say it's an accurate statement. 12:28:52
16 Q. Okay. Back to the '768 patent 12:28:54
17 declaration. 12:29:03
18 MR. BUGG: We've been going for about an 12:29:08
19 hour and 15 minutes. Is this a related question 12:29:10
20 or is this a good time to take a break? 12:29:12
21 MR. HOUGHTON: I've got a few more on 12:29:14
22 claim construction. So it's up to you if you want 12:29:16

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 to finish it or take a break now. I'm fine. 12:29:19
2 MR. BUGG: We can finish it. 12:29:22
3 THE WITNESS: I'm going to take a break. 12:29:26
4 (Recess, 12:29 p.m. to 12:44 p.m.) 12:29:29
5 BY MR. HOUGHTON: 12:44:16
6 Q. All right. During the break did you 12:44:16
7 discuss the substance of any of your testimony or 12:44:19
8 opinions with counsel? 12:44:21
9 A. We discussed just a little about the -- 12:44:22
10 reminding me of how we applied claim construction. 12:44:33
11 That was the only substance we talked about. 12:44:36
12 Q. And what was said during that 12:44:38
13 conversation? 12:44:41
14 A. That these were terms that were agreed 12:44:43
15 upon that you had provided and that I applied -- 12:44:46
16 that we applied to my understanding. 12:44:52
17 Q. And when you said "we agreed upon," who is 12:44:56
18 the "we"? 12:45:00
19 A. Well, me. I'm applying these claim 12:45:01
20 construction terms to my opinions. 12:45:08
21 Q. Okay. On the '768 declaration, again, 12:45:10
22 still in the "Claim Construction" section, page 12:45:23

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 11. 12:45:26
2 A. Yes. 12:45:30
3 Q. The first subbullet says, "'gradient 12:45:31
4 compression factor.'" Do you see that? 12:45:37
5 A. Yes. 12:45:39
6 Q. And then you say, "'Gradient compression 12:45:41
7 factor' . . . "requires that the forefoot platform 12:45:49
8 becomes 'increasingly less compressible' as you 12:45:52
9 move from its inner edge to its outer edge." 12:45:56
10 Right? 12:45:59
11 A. Yes. 12:45:59
12 Q. That's the definition you applied in your 12:45:59
13 analysis? 12:46:03
14 A. Yes. 12:46:04
15 Q. And did you do any analysis of your own to 12:46:06
16 determine whether that's actually what the '768 12:46:13
17 patent defines "gradient compression factor" to 12:46:17
18 be? 12:46:20
19 MR. BUGG: Objection, vague. 12:46:20
20 A. I applied these terms to my opinions. 12:46:22
21 Q. Right. But did you check -- you read the 12:46:26
22 patent. Right? 12:46:32

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I did read the patent. Yes. 12:46:32
2 Q. And you are a person of ordinary skill in 12:46:34
3 the art and you were at the time of the invention? 12:46:38
4 A. Yes, I am and was. 12:46:41
5 Q. And is this the definition that you're 12:46:43
6 applying consistent with how a person of ordinary 12:46:45
7 skill in the art would understand the term 12:46:47
8 "gradient compression factor"? 12:46:49
9 A. Yes, it is. 12:46:51
10 Q. Okay. And are you basing that off some 12:46:53
11 special portion of the specification or is this 12:46:56
12 the plain and ordinary meaning of "gradient 12:46:58
13 compression factor"? 12:47:01
14 MR. BUGG: Objection, calls for 12:47:02
15 speculation. 12:47:03
16 A. This was a term that was presented that 12:47:04
17 was agreed upon. And I would agree that it 12:47:10
18 represents what it means to a person of ordinary 12:47:16
19 skill in the art. 12:47:21
20 Q. Okay. Is that based off any specific 12:47:21
21 portion of the patent or is that just your 12:47:26
22 understanding of the term outside of the patent? 12:47:28

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I've considered the specifications of the 12:47:30
2 patents and have applied this terminology to 12:47:34
3 those. 12:47:37
4 Q. Okay. And you say above, "For all terms 12:47:38
5 not specifically construed, I applied the plain 12:47:41
6 and ordinary meaning." Right? 12:47:44
7 A. Yes. 12:47:46
8 Q. And this is a term that is specifically 12:47:47
9 construed. Right? 12:47:50
10 A. What term are you talking about? 12:47:52
11 Q. "Gradient compression factor." 12:47:56
12 A. Yeah, I would say it is. 12:48:02
13 Q. Okay. So you're not applying the plain 12:48:03
14 and ordinary meaning? You're applying the 12:48:05
15 specific construction below. Right? 12:48:08
16 MR. BUGG: Objection, improper question, 12:48:09
17 vague. 12:48:13
18 You can answer, if you understand it. 12:48:14
19 A. I believe both would apply. I believe 12:48:16
20 it's somewhat of an understandable term, so I 12:48:21
21 would say it's the ordinary way to say it, but 12:48:26
22 it's also what's been defined as the definition. 12:48:34

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. And that's the only definition of 12:48:37
2 "gradient compression factor" that you applied in 12:48:40
3 your analysis. Right? The one that's listed here 12:48:42
4 on page 11? 12:48:45
5 A. Yes. 12:48:46
6 Q. Okay. One more term that I want to talk 12:48:58
7 about. And so we're looking at the '768 patent 12:49:03
8 section on claim construction and there are just 12:49:07
9 these two subbullets. Right? 12:49:10
10 A. That's correct. 12:49:12
11 Q. So those are the only terms in this 12:49:14
12 section that you're offering or providing a 12:49:17
13 specific construction on, at least in this 12:49:20
14 section. Right? 12:49:23
15 A. Specific term, yes. 12:49:24
16 Q. Okay. Now, I want to go down to page 40. 12:49:28
17 Let me know when you're there. 12:49:39
18 A. Okay. 12:49:42
19 Q. You have a footnote at the end of this 12:49:43
20 notation, Footnote 1. Do you see that? 12:49:47
21 A. Yes. 12:49:50
22 Q. And this footnote is talking about a first 12:49:52

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 material and a second material. Right? 12:49:58
2 A. Yes, I see that. 12:50:00
3 Q. And the last sentence of your footnote 12:50:03
4 says, "I understand the 'first' material to be 12:50:07
5 that which is used in the heel platform and the 12:50:09
6 'second' material to be that which is used in the 12:50:11
7 forefoot platform, which may be the same as, or 12:50:14
8 different from, the first material. " Right? 12:50:17
9 A. Yes. 12:50:20
10 Q. Okay. Why didn't you put that in the 12:50:22
11 claim construction section? 12:50:35
12 MR. BUGG: Objection, calls for 12:50:38
13 speculation. 12:50:39
14 You can answer, if you can. 12:50:41
15 A. Again, I'm not an attorney, and I wasn't 12:50:42
16 asked to determine what the claim construction 12:50:51
17 should be, so I applied what the terms were that 12:50:58
18 were given to me. 12:51:00
19 Q. Okay. Now I want to quickly look at the 12:51:10
20 petition itself on the '768 patent, which I don't 12:51:12
21 think you have in front of you. So I'm going to 12:51:16
22 drop it in the chat. And if you could open that 12:51:18

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 up when you have it and go to page 25. Let me 12:51:20
2 know when you're there. 12:51:25
3 Are you on page 25? 12:52:10
4 A. I'm almost there. 12:52:11
5 Q. Okay. 12:52:12
6 A. Just need to scroll to it. Okay. I'm 12:52:13
7 there. 12:52:19
8 Q. This footnote in the petition says, "While 12:52:20
9 claim 1 recites that the heel platform is 12:52:23
10 constructed of a 'first material' and the forefoot 12:52:25
11 platform of a 'second material,' Athalonz contends 12:52:28
12 that they can be the same material," and then I'm 12:52:30
13 cutting out a little bit of the sentence. 12:52:34
14 And then it says, "Without conceding 12:52:36
15 alternative arguments, Under Armour applies 12:52:38
16 Athalonz's apparent construction." 12:52:42
17 Do you see that? 12:52:44
18 A. I do see it. Yeah. 12:52:45
19 Q. Okay. And so in the petition, Under 12:52:49
20 Armour is applying a construction where the first 12:52:53
21 material and the second material can be the same 12:52:55
22 material. Do you agree with that? 12:52:57

1 A. They can be. Yes. 12:52:58
2 Q. Okay. Do you agree that is consistent 12:53:10
3 with the '768 patent specification? 12:53:22
4 A. I believe the '768 patent claims that it 12:53:25
5 can be one material or different materials. 12:53:30
6 Q. Okay. But Under Armour is applying a 12:53:38
7 construction where they can be the same material. 12:53:40
8 Right? 12:53:44
9 A. Yes. 12:53:45
10 Q. Okay. And now I want to look at the 12:53:49
11 petition on the '456 patent. I'm going to drop 12:54:03
12 that in the chat. And go to the same footnote in 12:54:09
13 that, which is on page -- let me figure it out. 12:54:15
14 Page 27 of the '456 petition. 12:54:39
15 A. Okay. I'm there. 12:54:54
16 Q. Okay. And this footnote is saying the 12:54:55
17 same thing, that the first material and the second 12:54:57
18 material can be the same. And that's the 12:54:59
19 construction Under Armour is applying in this 12:55:02
20 petition too. Right? 12:55:03
21 A. Yes. 12:55:06
22 Q. Okay. It says "While claim 10 recites 12:55:15

1 that the heel platform is constructed of a 'first 12:55:19
2 material' and the forefoot platform of a 'second 12:55:21
3 material,' Athalonz suggests that they can be the 12:55:25
4 same material," citation, "accusing shoes with the 12:55:29
5 heel platform and forefoot platform constructed of 12:55:34
6 the same material(s) as infringing claim 1." Do 12:55:38
7 you see that? 12:55:41
8 A. I see that. 12:55:41
9 Q. Okay. Is that a typo? Is it supposed to 12:55:46
10 say "While claim 1" recites? 12:55:51
11 MR. BUGG: Objection, calls for 12:55:55
12 speculation. This is the petition. This isn't 12:55:57
13 his declaration. 12:55:59
14 But if you know the answer, you can answer 12:56:00
15 that. 12:56:01
16 A. This is the first time I'm seeing this 12:56:02
17 document, and I haven't done an analysis on it. I 12:56:05
18 don't know for sure the answer to that question. 12:56:08
19 Q. Have you ever seen the petition before? 12:56:12
20 A. I don't know if I -- I might have seen 12:56:13
21 this. It's not something I spent a lot of time 12:56:21
22 on. 12:56:26

1 Q. Okay. Let's go to your declaration on the 12:56:28
2 '456 patent. 12:56:31
3 A. Okay. 12:56:32
4 Q. Page 41. 12:56:34
5 A. Okay. 12:56:56
6 Q. Footnote on page 41 says, "While claim 10 12:56:57
7 recites that the heel platform is constructed of a 12:57:02
8 'first material' and the forefoot platform of a 12:57:04
9 'second material,' Athalonz suggests that they can 12:57:07
10 be the same material," citation, "accusing shoes 12:57:10
11 with the heel platform and forefoot platform 12:57:15
12 constructed of the same material(s) as infringing 12:57:18
13 claim 1." Do you see that? 12:57:22
14 A. I see that. 12:57:23
15 Q. Is that a typo? Is it supposed to say 12:57:25
16 "While claim 1" recites? 12:57:28
17 A. I don't believe it's a typo. 12:57:29
18 Q. Okay. Well, let's look at Claim 10 of the 12:57:40
19 '456 patent. We can do that by actually going to 12:57:45
20 the patent or looking in your section. 12:57:48
21 Why don't we go back to the petition 12:57:52
22 document that I had you looking at before. 12:57:54

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. Sorry. Say that again. 12:58:08
2 Q. I want to look at the claims of the '456 12:58:09
3 patent. And I think that they're listed in the 12:58:12
4 petition. So if you open up the '456 petition 12:58:16
5 that I just sent you in the chat we were just 12:58:21
6 looking at -- 12:58:23
7 A. Okay. 12:58:24
8 Q. -- if you'd go to PDF page 8, which is the 12:58:26
9 physical page of the document. 12:58:35
10 A. Page 8, you said? 12:58:41
11 Q. It's like little 8. So it's the 8th page 12:58:43
12 of the pdf, but it's Roman numeral viii, "claim 12:58:46
13 listing." Are you there? 12:58:51
14 A. Yeah. 12:59:10
15 Q. Does claim 10, which is on little ix, say 12:59:10
16 anything about first material and second material? 12:59:19
17 A. I'm looking at Claim 1 here, and it 12:59:24
18 doesn't . . . 12:59:58
19 Q. So Claim 1 says in the third limitation 13:00:12
20 about the heel platform that it "is constructed of 13:00:15
21 a first material." And then in the next 13:00:17
22 limitation it talks about how "the forefoot 13:00:20

1 platform is constructed of a second material." 13:00:23
2 Do you see that? 13:00:25
3 A. Yes. "Second material having a gradient 13:00:25
4 compression factor"? 13:00:35
5 Q. Right. Does Claim 10 have anything about 13:00:36
6 a first material and a second material? 13:00:40
7 A. Claim 10 states "a heel platform having a 13:00:41
8 first type of substantial uniform from an inner 13:01:05
9 edge of the sole section to the outer edge of the 13:01:08
10 sole section, wherein the heel platform is 13:01:11
11 constructed of a first material; and a forefoot 13:01:13
12 platform juxtaposed to the heel platform, wherein 13:01:18
13 the heel platform is constructed to have a first 13:01:21
14 level of compression." 13:01:24
15 So the second material -- it doesn't say 13:01:30
16 anything about a second material. 13:01:51
17 Q. Okay. So going back to your declaration 13:01:52
18 on the '456 patent, page 41, the footnote says, 13:01:55
19 "While claim 10 recites that the heel platform is 13:02:01
20 constructed of a 'first material' and the forefoot 13:02:04
21 platform of a 'second material.'" Do you see 13:02:07
22 that? 13:02:09

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. Yeah. So that must have -- I must have 13:02:09
2 meant Claim 1. 13:02:13
3 Q. Right. And then you do say at the bottom 13:02:14
4 "infringing claim 1." Right? 13:02:16
5 A. Yeah. 13:02:18
6 Q. And that was the same typo that was in the 13:02:19
7 petition, wasn't it? 13:02:21
8 A. I believe -- yeah, I believe that is a 13:02:22
9 typo. 13:02:29
10 Q. Okay. And it's the same typo in the 13:02:30
11 petition in your declaration. Right? 13:02:32
12 A. I would guess it is. 13:02:34
13 Q. Okay. Was this your typo or was this a 13:02:40
14 typo from counsel? 13:02:44
15 MR. BUGG: Objection to the extent it 13:02:47
16 calls for privileged information. 13:02:49
17 But to the extent you don't share that and 13:02:51
18 to the extent you remember, you can answer. 13:02:53
19 A. I can't remember completely if this was 13:02:55
20 something that I had written or counsel had 13:03:04
21 written. 13:03:05
22 Q. Okay. I want to go to the '786 patent 13:03:11

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 declaration now. 13:03:13
2 A. Okay. 13:03:28
3 Q. And go to page 32. 13:03:28
4 A. Okay. 13:03:45
5 Q. Limitation 1.5, which you talk about on 13:03:46
6 page 32, requires having a first slope, a second 13:03:51
7 slope, and a third slope, each greater than the 13:03:56
8 reference slope. Right? 13:04:01
9 A. Yes. That's what it states. 13:04:02
10 Q. Okay. And your opinion is that Kim, the 13:04:11
11 reference we're talking about here, discloses this 13:04:15
12 limitation? 13:04:17
13 A. In my declaration I write, "Kim teaches 13:04:18
14 and/or suggests that the mid-foot section and the 13:04:28
15 toe section form an angled support platform that 13:04:31
16 has a first slope along the inner edge of the 13:04:35
17 apparatus from a front edge of the apparatus to 13:04:38
18 the heel platform section, a second slope along 13:04:43
19 the front edge of the apparatus from the inner 13:04:48
20 edge to the outer edge of the apparatus, and a 13:04:51
21 third slope along the outer edge of the apparatus 13:04:53
22 from the front edge of the apparatus to the heel 13:04:56

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 platform." 13:05:00
2 Q. Okay. 13:05:05
3 A. "Kim also teaches and/or suggests that the 13:05:07
4 first slope, second slope, and the third slope are 13:05:09
5 each greater than the reference slope." 13:05:12
6 Q. Okay. So is it your opinion that Kim 13:05:15
7 discloses this limitation? 13:05:20
8 A. Yes. 13:05:22
9 Q. Okay. And so for this to be true, there 13:05:26
10 has to be a first slope and a third slope that are 13:05:31
11 greater than the reference slope. Right? 13:05:34
12 A. Yes, I believe so. 13:05:35
13 Q. Okay. And if you go down to Paragraph 62 13:05:47
14 on page 38, you say, "A POSITA would also 13:05:55
15 understand that each of the first, second, and 13:06:07
16 third slopes are greater than the reference slope 13:06:12
17 (which is essentially no slope since it runs 13:06:15
18 parallel to the un-sloped bottom of the surface of 13:06:18
19 the shoe)." Right? 13:06:20
20 A. I see that. 13:06:21
21 Q. And then in the previous paragraph you say 13:06:32
22 that "slopes inherently form between areas of 13:06:40

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 incline and/or different thickness in shoe sole." 13:06:44
2 Right? 13:06:48
3 A. Yes. 13:06:48
4 Q. Your opinion that there is a first slope, 13:06:53
5 second slope, and third slope greater than the 13:07:00
6 reference slope requires the heel of Kim to be 13:07:03
7 higher than the toe section. Correct? 13:07:07
8 A. It does. 13:07:09
9 Q. And same for this last limitation that 13:07:12
10 we're looking at on page 38, "wherein the toe 13:07:16
11 section is lower than the heel platform section as 13:07:22
12 a result of the first, second, and third slopes." 13:07:25
13 Do you see that? 13:07:27
14 A. What paragraph are you referencing? 13:07:30
15 Q. I'm reading the claim limitation 1.6 on 13:07:37
16 page 38. 13:07:40
17 A. Okay. I see that. 13:07:51
18 Q. Your opinion on this limitation also 13:07:52
19 requires the heel of Kim be higher than the toe 13:07:54
20 section of Kim. Right? 13:07:57
21 A. Yes. 13:07:58
22 Q. Okay. If the heel of Kim was not higher 13:08:00

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 than the toe section, then you'd agree there would 13:08:07
2 not be a first slope or a third slope. Right? 13:08:09
3 A. I'm looking at my declaration here just to 13:08:13
4 confirm. And I just want to make sure that I 13:08:41
5 understood the question correctly. I apologize. 13:08:44
6 But can you please restate it? 13:08:48
7 Q. If the heel section of Kim was not higher 13:08:51
8 than the toe section of Kim, then there would not 13:08:53
9 be a first slope or a third slope greater than the 13:08:58
10 reference slope. Right? 13:09:00
11 A. The heel section would have to be higher 13:09:03
12 to create the slope. 13:09:10
13 Q. And same for that next limitation, 1.6, 13:09:14
14 that requires the toe section to be lower than the 13:09:17
15 heel section as a result of the slopes. 13:09:19
16 That limitation would also not be met if 13:09:22
17 the heel section was not higher than the toe 13:09:25
18 section. Right? 13:09:27
19 A. I believe that would be correct. Yes. 13:09:29
20 Q. Okay. And so you have some drawings from 13:09:32
21 Kim showing the slopes, according to you? Page 36 13:09:38
22 and 37. 13:09:44

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. Yes. I see those. 13:09:44
2 Q. And these are all shown on Figure 2 of 13:09:47
3 Kim. Right? 13:09:53
4 A. Yes. 13:09:53
5 Q. Figure 2 of Kim is a perspective drawing. 13:09:59
6 Do you agree with that? 13:10:05
7 A. Yes, it is. 13:10:06
8 Q. It doesn't show the ground? 13:10:07
9 A. The ground -- it's hard to say if it 13:10:19
10 doesn't show the ground because I would look at 13:10:21
11 this and know that the shoe is sitting on a 13:10:24
12 surface, even though it's a white -- it's just 13:10:28
13 plain white. I can tell where the ground would be 13:10:34
14 just by looking at the images. 13:10:38
15 Q. Okay. But you can't -- with respect to 13:10:40
16 any reference point on Kim, you can't point to a 13:10:44
17 part of this drawing to say that's the ground. 13:10:47
18 Right? 13:10:49
19 A. Well, I would, just by looking at the 13:10:49
20 drawings. And any person having ordinary skill in 13:10:54
21 the art would understand that the ground would be 13:10:57
22 at the point of the drawing where the heel is -- 13:11:00

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 the bottom line of the heel would be and the 13:11:06
2 bottom line of the forefoot would be. 13:11:09
3 Q. I'm going to send Kim, the reference, in 13:11:11
4 this chat. This is Exhibit 1005 in the 636, 637, 13:11:18
5 and 638 IPR. 13:11:24
6 (Exhibit 1005, previously marked, is not
7 attached to the transcript.) 13:11:30
8 Q. If you could open that up. I want to look 13:11:30
9 at the figures. Let me know when you have it and 13:11:31
10 you're looking at Figure 1. 13:11:46
11 A. I see it. 13:11:50
12 Q. Okay. In Figure 1, the heel section is 13:11:51
13 actually at a lower point than the toe section. 13:12:07
14 Do you agree? 13:12:10
15 A. I would not agree with that statement. 13:12:11
16 Q. Okay. I'm going to share my screen. If 13:12:15
17 you draw a straight line across from the top of 13:12:31
18 the heel section in Figure 1, you agree that the 13:12:33
19 toe is at a higher point along that straight line 13:12:39
20 than the heel. Correct? 13:12:41
21 A. The way that you're looking at the shoe is 13:12:42
22 not the way that it would be viewed if someone 13:12:50

1 were to be standing in the shoes on a ground 13:12:56
2 surface. 13:13:01
3 Q. Okay. But as pictured in Figure 1, the 13:13:04
4 actual shoe that's shown there as depicted, the 13:13:07
5 heel section is lower than the toe section. Do 13:13:11
6 you agree with that? 13:13:13
7 A. I would not say that the heel section is 13:13:14
8 lower than the toe section because the image could 13:13:17
9 be rotated clockwise slightly, which it looks like 13:13:23
10 it is. 13:13:28
11 Q. Okay. So you can't tell where the ground 13:13:31
12 is in Figure 1? Do you agree with that? 13:13:33
13 A. I would say that anyone, including a 13:13:36
14 person of ordinary skill in the art, would 13:13:40
15 understand that the ground surface would be where 13:13:42
16 the -- you see the tread on the forefoot and the 13:13:48
17 tread in the heel area. So if you were to look 13:13:55
18 at -- you can't see my cursor. 13:13:59
19 But if you were to look at the height of 13:14:01
20 the forefoot sole and the height of the heel when 13:14:04
21 someone is wearing that shoe, those two surfaces 13:14:09
22 would be on the ground. 13:14:12

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 And in that embodiment or in that 13:14:15
2 situation, you could definitely tell that the 13:14:22
3 forefoot area would be lower than the heel area. 13:14:25
4 Q. Okay. But you can't actually see the 13:14:30
5 ground in Figure 1? 13:14:34
6 A. You can't. There's no line indicating the 13:14:37
7 ground surface, but any person having ordinary 13:14:42
8 skill in the art would understand that the ground 13:14:46
9 would be where those two surfaces would be 13:14:49
10 touching. 13:14:52
11 Q. In Figures 3 and 4, 3b, 4a, 4b, and 4c, 13:14:52
12 there is a ground surface pictured. Right? 13:15:02
13 A. Yes, there is a ground surface. 13:15:05
14 Q. Okay. And in this cross-sectional view, 13:15:10
15 you can't see whether the heel is higher than the 13:15:12
16 toe. Right? 13:15:16
17 A. This is a cross-section of I believe an 13:15:16
18 area in the forefoot of the shoe. So no, you 13:15:23
19 cannot see in this view the heel. 13:15:27
20 Q. Okay. And in Figure 5, you can't see 13:15:30
21 whether the heel is higher than the toe. Right? 13:15:35
22 A. Is it depicted in this image? It's hidden 13:15:37

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 by the forefoot of the shoe, so you can't actually 13:15:46
2 see where the heel is. 13:15:51
3 But if I were to apply what is learned in 13:15:54
4 the patent on the side view, seeing that the heel 13:15:58
5 height is higher than the forefoot, I would 13:16:02
6 interpret that to know that this view would be 13:16:05
7 that the heel would be higher than the toe. 13:16:08
8 Q. Okay. But you couldn't draw a slope on 13:16:09
9 Figure 5 showing the heel being higher than the 13:16:14
10 toe. Correct? 13:16:17
11 A. You know, if you actually look at 13:16:18
12 Figure 5 -- if you look at the area where the sole 13:16:27
13 wraps around the toe, you can see a little bit of 13:16:30
14 a surface area on the part of the sole that sticks 13:16:34
15 out beyond the upper. 13:16:40
16 And you can see that in that view the 13:16:43
17 little white space in the toe area, in the very 13:16:49
18 front of the toe area, is narrower than the little 13:16:53
19 bit of white space on the left and right side of 13:16:56
20 the image. And because the -- that little white 13:16:59
21 space is increasing in height, it would indicate 13:17:04
22 that it's going on a slope. 13:17:08

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Kim discloses spikes 11 and 50 that are 13:17:18
2 present in both the forefoot and the heel. Right? 13:17:21
3 A. Yes. 13:17:24
4 Q. And Kim discloses that the height of the 13:17:25
5 spikes at the outer edge is smaller than the 13:17:31
6 height of the spikes at the inner edge. Right? 13:17:35
7 MR. BUGG: Objection, vague. 13:17:40
8 You can answer if you can. 13:17:42
9 A. Sorry. I just want to make sure I 13:17:43
10 understand your question. Can you point to 13:17:47
11 something on the screen? 13:17:51
12 Q. The height of the spikes 11 and 50 is 13:17:59
13 inversely proportional to the variation in the 13:18:02
14 thickness of the outsole. That is, the height of 13:18:05
15 the spikes 11 and 50 at the outer edge is smaller 13:18:09
16 than the height of the spikes 11 and 50 at the 13:18:13
17 inner edge? I was only reading parts of that, but 13:18:15
18 this is what I'm referring to. 13:18:19
19 A. Okay. 13:18:24
20 Q. Do you agree that the spikes 11 and 50 are 13:18:24
21 higher at the outer edge than the inner edge? 13:18:30
22 A. I believe they can be. Yes. 13:18:33

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Well, it says they are. Right? In 13:18:41
2 Paragraph 33. 13:18:45
3 A. Yeah. 13:18:46
4 Q. Okay. And there are spikes 11 shown in 13:18:46
5 Figure 1 in the forefoot and the heel. Right? 13:18:59
6 MR. BUGG: Objection, calls for 13:19:05
7 speculation. 13:19:09
8 A. There are spikes visible in this view. 13:19:10
9 My understanding of the patent is they -- 13:19:12
10 the spikes can be different embodiments where you 13:19:15
11 might have spikes only in the forefoot or only in 13:19:19
12 the heel area. Maybe not in the heel area. Maybe 13:19:22
13 just only in the forefoot area. 13:19:27
14 Q. In Figure 2, Kim is only showing spikes at 13:19:29
15 one cross-section. Right? 13:19:34
16 MR. BUGG: Objection, vague. 13:19:38
17 A. There's only one cross-section viewed 13:19:40
18 here. Yes. 13:19:45
19 Q. But you agree that there have to be spikes 13:19:45
20 on other positions at the bottom of the shoe for 13:19:49
21 this to make any sense. Right? Like, there can't 13:19:52
22 just be these spikes at the cross-section? 13:19:55

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. In order for the -- what's claimed in this 13:19:57
2 patent to work, I would imagine that the spikes 13:20:04
3 would be in the forefoot area. In this view, I 13:20:07
4 don't see any spikes in the heel area and I don't 13:20:12
5 believe that this patent teaches a functionality 13:20:16
6 of what's happening in the forefoot to be in the 13:20:23
7 heel area. 13:20:25
8 Q. But you agree there are more spikes than 13:20:26
9 just what are shown in Figure 2. Right? 13:20:31
10 MR. BUGG: Objection, calls for 13:20:32
11 speculation. 13:20:34
12 A. What is actually seen in Figure 2 is a 13:20:37
13 section view where you can only see one row of 13:20:41
14 spikes. I would imagine that -- and based on 13:20:43
15 what's taught in the patent on different views, 13:20:47
16 that the spikes would be in other areas as well. 13:20:50
17 Q. Going back to Paragraph 62 of your 13:20:53
18 declaration that you were just looking at on the 13:21:02
19 '786 patent. 13:21:10
20 A. '786, you said? 13:21:13
21 Q. Yeah. The one we've been looking at. 13:21:15
22 A. Yes, I see it. 13:21:18

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. You agree that the reference slope is 13:21:19
2 parallel to the bottom surface of the shoe in this 13:21:22
3 patent? 13:21:25
4 MR. BUGG: Just for clarification, did you 13:21:30
5 say Paragraph 62 or page 62? 13:21:32
6 MR. HOUGHTON: Paragraph 62. 13:21:34
7 MR. BUGG: Thank you. 13:21:35
8 A. I'm sorry. I was looking at page 62. I 13:21:35
9 want to make sure I heard your question correctly. 13:22:15
10 Q. You agree that the reference slope is 13:22:18
11 parallel to the bottom surface of the shoe? 13:22:20
12 A. Yes. 13:22:22
13 Q. Okay. Scrolling up just a little bit or 13:22:27
14 going one page earlier on your drawings of Kim 13:22:34
15 where you show the slopes. This is page 37. 13:22:37
16 And this figure, the second slope is 13:22:46
17 parallel to the reference slope. Right? 13:22:48
18 MR. BUGG: Objection, calls for 13:22:53
19 speculation. 13:22:54
20 Q. Where you draw the second slope. 13:23:02
21 A. Can you bring it up on the screen and 13:23:05
22 point to what you're referencing, not with your 13:23:07

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 cursor? 13:23:12
2 Q. I'm referencing Figure 2 at the top of 13:23:13
3 page 37 where you draw a second slope. 13:23:15
4 A. Okay. 13:23:16
5 Q. And I'm asking is the second slope 13:23:17
6 parallel to the reference slope in your drawing? 13:23:19
7 A. In the reference drawing it appears to be 13:23:21
8 in a slightly different angle. 13:23:38
9 Q. You're saying the second slope is at a 13:23:49
10 different angle than the reference slope in the 13:23:51
11 Figure 2 drawing that you annotated? 13:23:54
12 A. Yes. 13:23:56
13 Q. Which line are you referring to? The 13:24:06
14 solid line or the dotted line? 13:24:21
15 A. That would be the solid line. 13:24:23
16 Q. Go to page 39. 13:24:27
17 A. Okay. 13:24:38
18 Q. It says, "from a front edge of the heel 13:24:39
19 platform to the rear edge of the apparatus, the 13:24:49
20 uniform platform height has the reference slope." 13:24:53
21 Do you see that? 13:24:56
22 A. Sorry. Where on page 39 is that? 13:24:57

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Claim limitation 3.1. 13:25:01
2 A. Okay. "The apparatus of claim 1 further 13:25:04
3 comprises: the heel platform section has a 13:25:10
4 uniform platform height, wherein, from a front 13:25:12
5 edge of the heel platform to the rear edge of the 13:25:17
6 apparatus, the uniform platform height has the 13:25:19
7 reference slope; and" -- yeah. Okay. 13:25:23
8 Q. So the reference slope we just talked 13:25:27
9 about was substantially parallel to the ground. 13:25:36
10 Correct? Or substantially parallel to the bottom 13:25:39
11 of the shoe? Sorry. 13:25:42
12 A. In the heel, yes. 13:25:44
13 Q. So you agree that the uniform platform 13:25:47
14 height has to be substantially parallel to the 13:25:57
15 bottom of the shoe to satisfy this claim? 13:25:59
16 A. In the heel area, yes. 13:26:02
17 Q. From the front edge of the heel platform 13:26:06
18 to the rear edge of the apparatus. Right? 13:26:13
19 A. Yes. 13:26:15
20 Q. Okay. And then in the second part of 13:26:19
21 Claim 3, which is on page 42, this part says that 13:26:42
22 you need to have "a second dimension at a front 13:26:54

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 outer edge of the apparatus and a third dimension 13:26:56
2 at a front inner edge of the apparatus." Right? 13:26:59
3 A. I see that. 13:27:02
4 Q. And you annotated Figure 5b here? 13:27:04
5 A. I did. 13:27:10
6 Q. And your annotations exclude the cleats. 13:27:14
7 Right? Or the spikes? 13:27:19
8 A. Yes, they do. 13:27:20
9 Q. If the spikes were included, do you agree 13:27:25
10 that the second dimension and the third dimension 13:27:27
11 would be the same? 13:27:29
12 MR. BUGG: Objection, calls for 13:27:33
13 speculation. 13:27:35
14 A. I don't know if they would be or not. I 13:27:35
15 don't see that here. 13:27:37
16 Q. Go back to Kim, the abstract. 13:27:44
17 A. Sorry. Go back to where? 13:27:46
18 Q. The Kim reference, Exhibit 1005. 13:27:47
19 A. Okay. 13:28:05
20 Q. I'm looking at the first page. In the 13:28:05
21 abstract it says, "the lower surface of the 13:28:08
22 outsole is inclined from an outer edge of the 13:28:11

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 outsole to an inner edge of the outsole so that 13:28:14
2 the spikes at the inner edge of the outsole have a 13:28:17
3 height larger than that of the spikes at the outer 13:28:20
4 edge of the outsole, and the spikes respectively 13:28:22
5 have heights so that an upper surface of the 13:28:26
6 outsole is substantially parallel with the 13:28:29
7 ground." Do you see that? 13:28:32
8 A. I see that. Yes. 13:28:34
9 Q. For the upper surface of the outsole to be 13:28:36
10 substantially parallel to the ground, do you agree 13:28:39
11 that the height at the outside and inside edge of 13:28:44
12 Kim would have to be the same, including the 13:28:47
13 spikes? 13:28:49
14 MR. BUGG: Objection, vague. 13:28:51
15 A. In the application where this shoe would 13:28:53
16 be on a hard surface, it would appear that those 13:29:00
17 heights would be the same. 13:29:05
18 Q. Okay. And nothing about the physical shoe 13:29:06
19 changes when it's on a hard surface or a soft 13:29:09
20 surface. Right? 13:29:12
21 MR. BUGG: Objection, vague. 13:29:13
22 A. The shoe will be at a different angle when 13:29:15

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 it's on a soft surface, which is where the 13:29:19
2 intended invention is meant to apply. 13:29:21
3 Q. But it's the same physical shoe. Right? 13:29:27
4 A. The shoe is the same. Yes. It's not a 13:29:30
5 Q. So the height of the spikes itself doesn't 13:29:34
6 change when it's on one surface or another. 13:29:38
7 Right? 13:29:40
8 A. The height of the spikes don't change. 13:29:40
9 The height of the shoe does change when it's used 13:29:45
10 in its intended purpose. 13:29:48
11 Q. Relative to the ground? 13:29:50
12 A. Relative to a soft surface, which is where 13:29:53
13 a golf shoe would be used. 13:29:56
14 Q. But not relative to the bottom surface of 13:29:57
15 the cleats. Right? 13:30:00
16 MR. BUGG: Objection, vague. 13:30:02
17 A. The bottom surface of the cleats would be 13:30:03
18 penetrated into the grass, soft ground, where the 13:30:10
19 shoe is designed to be used. 13:30:15
20 Q. The distance between the top of the foot 13:30:17
21 platform and the bottom surface of the cleat 13:30:20
22 remains the same on any surface. Right? 13:30:23

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. In this view that we're looking at here, 13:30:26
2 yes, I would say that the bottom of the cleats and 13:30:36
3 the foot surface or the top of the midsole would 13:30:39
4 be substantially parallel in an application where 13:30:45
5 it was on a hard surface. 13:30:49
6 Q. No matter what the surface, the distance 13:30:51
7 between the top of the foot platform and the 13:30:55
8 bottom of the cleats remains the same. Right? 13:30:58
9 A. Those distances would remain the same. 13:31:02
10 Q. Okay. I want to go to your '291 patent 13:31:10
11 declaration. 13:31:15
12 A. Okay. 13:31:25
13 Q. Your opinion is that a person of skill in 13:31:25
14 the art would have found Claims 1 to 5 obvious 13:31:35
15 based on Kim. Right? 13:31:39
16 A. Yeah. As I state here, "It is my opinion 13:31:41
17 that a POSITA would have found claims 1-5 obvious 13:32:00
18 based on Kim." 13:32:04
19 Q. Okay. You don't offer an opinion that Kim 13:32:05
20 anticipates Claims 1 through 5. Right? 13:32:08
21 A. I applied obviousness, not anticipation, 13:32:10
22 in my declaration. 13:32:16

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. What's the difference between obviousness 13:32:17
2 and anticipation, in your understanding? 13:32:19
3 A. I believe that the claims of Kim directly 13:32:22
4 relate to the obviousness of the patents that are 13:32:44
5 assessed here. So I don't -- there isn't a need 13:32:50
6 for anticipation, as I believe that all of the 13:32:54
7 specifications of Kim apply. 13:32:59
8 Q. That wasn't my question. 13:33:03
9 What is the difference between obviousness 13:33:04
10 and anticipation? 13:33:06
11 A. I don't have those definitions in front of 13:33:08
12 me right now. I wouldn't want to miss -- I know 13:33:12
13 what they are or I've read what the differences 13:33:20
14 are, but I don't -- I don't want to recall it just 13:33:23
15 based on what I'm trying to remember. 13:33:28
16 Q. Have you ever offered an opinion that a 13:33:36
17 patent claim was anticipated by a prior art 13:33:38
18 reference? 13:33:40
19 A. At this point, I can't remember if I have 13:33:41
20 or not. 13:33:50
21 Q. Okay. In your declaration on page 8 -- 13:33:50
22 page 7, actually. Are you there? 13:34:12

1 A. Yeah. Page 7? 13:34:14
2 Q. You have a section called "Obviousness." 13:34:18
3 Do you see that? 13:34:24
4 A. I do. 13:34:24
5 Q. Okay. And on the next page, 8, 13:34:25
6 Paragraph 16, you say, "I have been informed in 13:34:31
7 considering the obviousness of a claim, one must 13:34:35
8 consider the scope and content of the prior art, 13:34:37
9 the level of ordinary skill in the art at the 13:34:39
10 relevant time, differences between the prior art 13:34:41
11 and the claim, and any 'secondary 13:34:44
12 considerations.'" Do you see that? 13:34:47
13 A. Yes, I do. 13:34:49
14 Q. Okay. And so one of those factors is the 13:34:50
15 differences between the prior art and the claim. 13:34:54
16 Right? 13:34:56
17 A. Yes. 13:34:56
18 Q. And so you're supposed to consider those 13:35:03
19 differences when you're doing an obviousness 13:35:08
20 analysis, at least according to what you say the 13:35:11
21 standard is. Right? 13:35:13
22 A. Yes. 13:35:14

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Okay. Do you agree there are differences 13:35:18
2 between the claims and what Kim discloses? 13:35:21
3 MR. BUGG: Objection, vague, calls for 13:35:27
4 speculation. 13:35:29
5 A. I believe Kim discloses Claims 1 through 5 13:35:30
6 as obvious. 13:35:50
7 Q. Does it disclose them or does it render 13:35:54
8 them obvious? 13:35:56
9 A. I would say it renders them obvious. 13:35:56
10 Q. Okay. And so what are the differences 13:36:03
11 between Kim and the claim? 13:36:05
12 MR. BUGG: Objection, vague. 13:36:11
13 A. All of the -- I would say all of the 13:36:12
14 examples that I've cited in my declaration. 13:36:29
15 Q. You don't rely on any additional reference 13:36:31
16 in combination with Kim for Ground 1 for the '291 13:36:43
17 patent. Correct? 13:36:47
18 MR. BUGG: Objection, vague. 13:36:50
19 A. As I state in my declaration on page 64, 13:36:51
20 "I believe claims 1-5 would be obvious based on 13:38:08
21 Rubin in view of Kim." So that's referring to 13:38:11
22 Rubin. 13:38:15

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 But I believe that Kim alone would -- I 13:38:15
2 believe Kim alone would have found the Claims 1 13:38:38
3 through 5 obvious. 13:38:40
4 Q. Okay. And one of your grounds, the one 13:38:41
5 that starts on page 25, is just based on Kim, not 13:38:44
6 Kim combined with anything else. Right? 13:38:49
7 MR. BUGG: Objection to the form of the 13:38:53
8 question. 13:38:56
9 A. I believe Kim alone would be obvious. 13:38:59
10 Q. Okay. Go to page 34 of this declaration. 13:39:14
11 A. I'm there. 13:39:33
12 Q. And this is where you're showing what the 13:39:34
13 second height on the outside edge of the shoe at a 13:39:36
14 toe section of the shoe is in Kim? 13:39:38
15 A. I see that. 13:39:41
16 Q. And then lower on that page, you start 13:39:42
17 talking about "a third height on the inside edge 13:39:47
18 of the shoe at a toe section of the shoe." Do you 13:39:49
19 see that? 13:39:51
20 A. Yes. 13:39:51
21 Q. And then on page 36 you draw that third 13:39:57
22 height onto Kim? 13:40:01

1 A. I see that. Yes. 13:40:03
2 Q. In both of your drawings, you're measuring 13:40:05
3 the second and third height excluding the spikes. 13:40:10
4 Correct? 13:40:14
5 A. Correct. 13:40:14
6 Q. If you include the spikes, the second and 13:40:16
7 third height are the same. Right? 13:40:20
8 MR. BUGG: Objection, calls for 13:40:23
9 speculation. 13:40:24
10 A. I haven't done an analysis on that. They 13:40:25
11 could be, I suppose. 13:40:35
12 Q. Would the foot of the wearer be 13:40:38
13 substantially parallel to the ground if the spikes 13:40:40
14 were a different height? 13:40:42
15 MR. BUGG: Objection, vague. 13:40:44
16 Q. Let me rephrase that. 13:40:46
17 If the distance between the top of the 13:40:48
18 foot platform and the bottom of the cleats of Kim 13:40:50
19 at the inside and outside edge were different, 13:40:54
20 then would the foot be substantially parallel to 13:40:58
21 the ground? 13:41:01
22 MR. BUGG: Objection, vague. 13:41:01

1 A. The foot would be substantially parallel 13:41:02
2 if the wearer of the shoe was standing on a hard 13:41:08
3 surface. But on the intended surface where the 13:41:12
4 invention is meant to perform, they would not be 13:41:19
5 parallel. 13:41:22
6 Q. I understand. But talking about the hard 13:41:24
7 surface, the cleats plus -- sorry. Rephrase that. 13:41:26
8 The distance between the top of the foot 13:41:36
9 platform and the bottom of the cleats is the same 13:41:38
10 on the inside and the outside edge of Kim. 13:41:41
11 Correct? 13:41:44
12 MR. BUGG: Objection, vague. 13:41:51
13 A. Yeah. I mean, I guess the top edge of the 13:41:53
14 sole and the bottom surface of where all the 13:41:56
15 cleats would be would be relatively parallel, 13:42:01
16 based on the section views in the patent. 13:42:04
17 But again, it's not the intended use of 13:42:09
18 the shoe. So in the intended use, they would not 13:42:12
19 be parallel. 13:42:16
20 Q. "Parallel" means with reference to 13:42:17
21 something. Right? So when you're saying they 13:42:26
22 would not be parallel, you mean they would not be 13:42:28

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 parallel with the ground. Right? 13:42:30
2 A. They would not be parallel with the soft 13:42:31
3 ground surface. No. 13:42:33
4 Q. Okay. But the top of the foot platform 13:42:34
5 and the bottom surface of the cleats are always 13:42:37
6 going to be parallel in Kim regardless of the 13:42:39
7 ground surface. Do you agree with that? 13:42:42
8 A. Sure. 13:42:44
9 Q. Okay. On page 40, you're measuring a 13:42:46
10 third slope in the third diagram? 13:42:56
11 A. Yes. 13:43:05
12 Q. You have two dashed lines. I'm wondering 13:43:05
13 which one is the third slope? 13:43:09
14 A. So the third slope would be created by 13:43:23
15 the -- I'd say . . . 13:43:57
16 I'd say the third slope would be created 13:44:00
17 by the top line, the top dashed line. 13:44:02
18 Q. In Ground 2 of the '291 patent, which 13:44:06
19 starts on page 47, you Say, "Claims 1-5" are 13:44:21
20 "obvious over Dufour in view of Kim." Do you see 13:44:27
21 that? 13:44:30
22 A. Yes. 13:44:30

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. You say in Paragraph 70, "Dufour teaches 13:44:37
2 and/or suggests a golf shoe, but does not 13:44:41
3 expressly disclose a midsole or an insole. Kim, 13:44:44
4 however, does." Do you see that? 13:44:48
5 A. I see that. Yes. 13:44:51
6 Q. You agree the only thing you're relying on 13:44:52
7 from Kim in this ground is the express disclosure 13:44:55
8 of a midsole and an insole? 13:44:59
9 A. Yes. 13:45:01
10 Q. You're not making any other modifications 13:45:07
11 to Dufour from Kim besides the express 13:45:09
12 incorporation of a midsole and an insole? 13:45:13
13 A. I don't believe so. 13:45:15
14 Q. Okay. And then I'm going to have the same 13:45:21
15 questions about your Rubin ground, which is 13:45:24
16 Ground 3. I think it's the same answer, but just 13:45:28
17 to confirm. This starts on page 64. 13:45:31
18 You say "Claims 1-5 are Obvious Based on 13:45:39
19 Rubin in View of Kim." 13:45:43
20 A. I see that. Yes. 13:45:48
21 Q. And again, you say Rubin "does not 13:45:49
22 expressly disclose a midsole or an insole," but 13:45:52

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Kim does. Right? 13:45:56
2 A. I see that. 13:45:59
3 Q. You're not making any other modifications 13:46:01
4 to Rubin based on Kim other than the midsole or 13:46:05
5 insole disclosure? 13:46:09
6 A. I don't believe so. 13:46:09
7 MR. HOUGHTON: I'm kind of shifting gears, 13:46:24
8 so do you want to take a ten-minute break again 13:46:26
9 here? 13:46:28
10 MR. BUGG: Yes. Let's do it. We've been 13:46:28
11 going for a little while. 13:46:30
12 MR. HOUGHTON: Okay. 13:46:32
13 THE WITNESS: Thank you. 13:46:33
14 (Recess, 1:46 p.m. to 1:55 p.m.) 13:46:34
15 Q. Back on the record. And I want to look at 13:55:09
16 your '786 patent declaration. And specifically, 13:55:12
17 Ground 2 regarding Dufour, specifically looking at 13:55:22
18 page 53. Let me know when you're there. 13:55:43
19 A. I am there. 13:56:01
20 Q. Okay. And so starting here is where you 13:56:02
21 show the first height, second height, and third 13:56:07
22 height over the course of the next couple of 13:56:09

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 pages. And I just want to confirm that for these 13:56:11
2 limitations you're relying on Figures 9, 10, 11, 13:56:16
3 and 12? 13:56:25
4 A. I'm sorry. You said we were looking at 13:56:25
5 the '786 patent. Correct? 13:56:31
6 Q. Yes. Although I -- I'm looking at the 13:56:33
7 wrong one, but I'm trying to ask you about the 13:56:39
8 '786. Sorry about that. 13:56:42
9 A. You meant first slope, second slope, third 13:56:42
10 slope? 13:56:45
11 Q. I did. So let me ask the question again 13:56:46
12 just so we're clear. 13:56:48
13 I'm asking you about Ground 2 in the '786 13:56:54
14 patent declaration, which starts on page 49. And 13:56:58
15 your opinion is that Claims 1 through 3, 5 through 13:57:01
16 6, and 8 are obvious based on Dufour. Right? 13:57:05
17 A. Claims 1 through 3 and 5 through 6 and 8 13:57:08
18 are obvious based on Dufour. 13:57:18
19 Q. And then I'm looking at the limitation 13:57:20
20 starting on page 53 about the first slope, second 13:57:24
21 slope, and third slope. And the three figures of 13:57:28
22 Dufour that you're pointing to for those 13:57:39

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 limitations are 9, 10, and 11. Right? 13:57:43
2 A. Yes. 13:57:45
3 Q. Okay. And specifically on page 56, you 13:57:55
4 annotate what you say is the first slope, second 13:57:58
5 slope, third slope, and reference slope onto 13:58:01
6 Figures 10 and 11. Right? 13:58:07
7 A. Correct. 13:58:08
8 Q. Okay. I'm going to send over the Dufour 13:58:11
9 reference in the chat so we can look at one thing 13:58:18
10 in it. So if you could open that up and go to 13:58:22
11 Column 3 when you have it. And let me know when 13:58:25
12 you're there. 13:58:30
13 A. Okay. Column 3? Yes. 13:58:50
14 Q. So around line 25, it says "FIGS. 11 and 13:58:52
15 12 schematically present another embodiment of the 13:58:56
16 sole." Do you see that? 13:58:59
17 A. Yes. 13:59:00
18 Q. So Figures 11 and 12 are the same 13:59:01
19 embodiment. Right? 13:59:04
20 A. Let me look at the Figure 12. One sec. 13:59:05
21 Q. Figure 12 is on page 4 of Exhibit 1006. 13:59:39
22 (Exhibit 1006, previously marked, is not

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 attached to the transcript.) 13:59:52
2 A. I'm looking at Figure 12. Okay. Yes, it 13:59:52
3 appears to be the same embodiment. 14:00:23
4 Q. Okay. And in Figure 12, which is on 14:00:25
5 page 4, the outer edge of the shoe is at the same 14:00:28
6 height as the heel. Do you agree with that? 14:00:35
7 MR. BUGG: Objection, vague, calls for 14:00:38
8 speculation. 14:00:40
9 A. Okay. I'm looking at -- I scrolled back 14:00:44
10 to Figure 12. What was your question again? 14:00:46
11 Q. The outer edge, 65, in Figure 12 is at the 14:00:49
12 same height as the heel in area 60. Do you agree 14:00:55
13 with that? 14:01:01
14 MR. BUGG: Same objection. 14:01:02
15 A. I just want to go back to see what they 14:01:03
16 claim Figure 12 is. 14:01:15
17 Q. It's a cross-section along line XII in 14:01:16
18 Figure 11. 14:01:23
19 A. So if it's a cross-section, you wouldn't 14:01:24
20 be able to see the heel in that view. 14:01:27
21 Q. So what do you think Figure 12 is showing, 14:01:29
22 then? Because you can see the back of the inner 14:01:34

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 edge. Correct? 14:01:40
2 A. Yeah. I don't know exactly. It's a 14:01:41
3 little bit -- it's not a particularly great figure 14:02:15
4 drawing. But if it says it's a cross-section and 14:02:19
5 not a perspective view, then you technically 14:02:31
6 wouldn't be able to see the rest of the shoe. 14:02:38
7 Q. Go back to Column 3, line 28. It says 14:02:40
8 "FIG. 12 is a cross section along line XII--XII of 14:02:52
9 this sole." Right? 14:02:56
10 A. Yeah. 14:02:57
11 Q. Okay. Go to page 54 of your declaration, 14:02:59
12 please. Actually, I'm turning to the '291 now. 14:03:08
13 Sorry about that. So this is a different 14:03:13
14 declaration, still looking at the Dufour ground. 14:03:16
15 But this is going to be page 54 of your '291 14:03:19
16 patent declaration. 14:03:22
17 A. Okay. I'm there. 14:03:42
18 Q. Here where you show the first height, you 14:03:43
19 show it in Figure 11 and in Figure 12. Right? 14:03:49
20 A. Yes. It's in my declaration. 14:03:52
21 Q. Okay. And you're drawing that first 14:04:01
22 height to be along that back edge of Figure 12. 14:04:04

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Right? 14:04:10
2 A. It appears that that is the case. Yes. 14:04:10
3 Q. Is there a mistake? 14:04:14
4 A. What's difficult is I'm indicating that 14:04:17
5 that top line of Figure 12 is referencing the 14:04:40
6 first height. But if you take both figures into 14:04:45
7 consideration and you look at where the 14:04:52
8 cross-section Roman numeral VII VII is and you 14:04:54
9 look at the cross-section of where the heel is, as 14:05:04
10 indicated where it says "First height," it teaches 14:05:07
11 that those heights are different. 14:05:10
12 So perhaps in a perspective view, if this 14:05:12
13 is, in fact, looking at a perspective view 14:05:17
14 cross-section of Figure 12, then maybe it appears 14:05:20
15 that it's the same height as 65, the outside. But 14:05:25
16 it doesn't teach that in the Figure 11. 14:05:31
17 Q. Figure 11 and 12 are the same embodiment. 14:05:35
18 Correct? 14:05:38
19 A. They're the same embodiment. Yes. 14:05:38
20 Q. And you drew the first height in Figure 12 14:05:41
21 along the back edge of the figure. Right? 14:05:44
22 A. That's what I've drawn in my declaration. 14:05:47

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Yes. 14:05:53
2 Q. Okay. I want to look at your opinion on 14:05:53
3 the second height, which is on the next page. 14:05:56
4 A. Okay. 14:06:05
5 Q. You draw the second height along the 14:06:06
6 outside edge of Figures 9 and 10? 14:06:13
7 MR. BUGG: Objection, misstates testimony. 14:06:24
8 But you may answer. 14:06:25
9 A. I've annotated the second height in 14:06:26
10 Figures 9 and 10. 14:06:38
11 Q. Okay. The second height, if you go back 14:06:39
12 to Figure 12, would be measured at point 65, 14:06:57
13 right, on the outside edge? 14:07:06
14 MR. BUGG: Objection, vague. 14:07:09
15 A. The second height that I've annotated is a 14:07:14
16 slightly different position than where that 14:07:44
17 cross-section is in Figure 12. So I wouldn't say 14:07:46
18 that it's exactly what I've identified as the 14:07:50
19 second height. 14:07:57
20 Q. You didn't use Figure 12 to show the 14:07:57
21 second height. Right? 14:08:00
22 A. I used Figure 10, 9, and 11 to show the 14:08:00

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 second height. 14:08:18
2 Q. Figures 9 and 10 are a different 14:08:19
3 embodiment than Figures 11 and 12. Right? 14:08:22
4 A. If I understand the patent correctly, I 14:08:24
5 believe they could be different or the same. 14:08:57
6 Q. Can you go back to your '786 patent 14:09:04
7 declaration. 14:09:13
8 A. Where? 14:09:23
9 Q. Rubin ground, page 64. 14:09:23
10 A. I'm at page 64. 14:09:39
11 Q. Your opinion is that Claims 1-3, 5-6, and 14:09:41
12 8 are obvious based on Rubin? 14:09:46
13 A. Yes. 14:09:48
14 Q. Go to page 72. 14:09:51
15 A. Okay. 14:10:08
16 Q. This is where you're drawing the slopes 14:10:09
17 that you say Rubin has? 14:10:15
18 A. Yes. 14:10:19
19 Q. If you include the cleats of Rubin and 14:10:19
20 you're on a solid surface, there's no second 14:10:36
21 slope. Right? 14:10:39
22 MR. BUGG: Objection, vague. 14:10:40

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. The innovation of the patent is such that 14:10:41
2 it's designed to be utilized on a soft grass 14:11:00
3 surface. So in that case, there would be a second 14:11:04
4 slope. 14:11:09
5 In the case where the cleats are standing 14:11:09
6 on a hard surface, there may or may not be a 14:11:11
7 second slope. 14:11:16
8 Q. Well, Rubin says that on a hard surface 14:11:18
9 the foot is substantially parallel to the ground, 14:11:21
10 doesn't it? 14:11:23
11 MR. BUGG: Objection, vague. 14:11:24
12 A. I'm not seeing that, but I can take your 14:11:26
13 word that that's what it states. 14:11:44
14 Q. Well, in Rubin, the cleat heights are 14:11:45
15 inversely proportional due to the sole thickness. 14:11:48
16 Do you agree with that? 14:11:53
17 MR. BUGG: Same objection. 14:11:56
18 A. They look to be relatively inverse. 14:11:59
19 Q. I'm going to put Rubin in the chat, 14:12:06
20 Exhibit 1007, in each of the 636, 637, 638 IPRs. 14:12:08
21 (Exhibit 1007, previously marked, is not
22 attached to the transcript.)

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. Let me know when you have that open. 14:12:21
2 A. Okay. I have the patent open. Where am I 14:12:22
3 looking? 14:12:32
4 Q. The bottom of the abstract says, "The 14:12:32
5 cleats adjacent the outer side of the sole are 14:12:35
6 smaller than the sleets adjacent the inner side of 14:12:38
7 the sole by an amount approximately equal to the 14:12:41
8 difference in elevation between the outer and 14:12:44
9 inner sides of the sole so that when the golfer 14:12:46
10 walks on a planar surface, his foot will be 14:12:51
11 substantially level." Do you see that? 14:12:53
12 A. I see that. 14:12:55
13 Q. Okay. And so if you measure from the top 14:12:56
14 of the foot platform to the bottom surface of the 14:13:02
15 cleats, the height at the inside edge and outside 14:13:05
16 edge of Rubin is the same. Right? 14:13:09
17 A. I would say it would be substantially 14:13:11
18 similar. Yes. 14:13:14
19 Q. And in that case, there would not be a 14:13:15
20 second slope if that's what you're measuring 14:13:17
21 relative to. Do you agree with that? 14:13:21
22 MR. BUGG: Objection, vague. 14:13:23

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. In the case where the shoe would be on a 14:13:24
2 hard surface, there would not be a substantial 14:13:27
3 slope, second slope. 14:13:33
4 Q. I'm not asking about the surface. I'm 14:13:34
5 asking if you measure the height relative to the 14:13:36
6 bottom of the cleat regardless of the surface, 14:13:40
7 there would not be a slope -- a second slope. Do 14:13:44
8 you agree with that? 14:13:48
9 MR. BUGG: Objection, vague. 14:13:48
10 A. Relative to the bottom of the cleats, the 14:13:50
11 surface of the foot and the bottom of the cleats 14:13:55
12 would be relatively parallel. 14:13:58
13 Q. Okay. And in that case, there is no 14:13:59
14 second slope greater than the reference slope. 14:14:02
15 Right? 14:14:05
16 MR. BUGG: Objection, vague. 14:14:07
17 A. In the case in that instance, no. There 14:14:08
18 would be no second slope. Yes. You're correct. 14:14:13
19 Q. And you didn't offer any opinion on claim 14:14:19
20 construction or interpretation of the slope 14:14:21
21 patents that said that you had to measure the 14:14:25
22 slopes relative to the ground, did you? 14:14:27

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 MR. BUGG: Objection to the form of the 14:14:32
2 question. 14:14:34
3 A. I didn't do a full analysis of claim 14:14:39
4 construction. 14:14:42
5 Q. Okay. When you in your declaration, 14:14:42
6 Exhibit 1002, in the Rubin section, are measuring 14:15:03
7 the slopes, you're excluding the cleat height from 14:15:09
8 that measurement for all three slopes. Is that 14:15:16
9 accurate? 14:15:19
10 A. Can you tell me where in my declaration 14:15:19
11 you're referring to? 14:15:28
12 Q. Page 72. 14:15:29
13 A. Okay. I'm not including the cleats in 14:15:32
14 those annotated figures. 14:15:35
15 Q. Okay. And if you could go quickly back to 14:15:40
16 your '291 patent declaration. 14:15:44
17 A. Okay. 14:15:52
18 Q. Page 74. 14:15:52
19 A. Okay. 14:16:06
20 Q. This is where you're talking about the 14:16:07
21 first height, second height, and third height? 14:16:10
22 A. Yes. 14:16:13

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. You're excluding the height of the cleats 14:16:13
2 in these measurements too. Correct? 14:16:18
3 A. I am. Yes. 14:16:20
4 Q. If you included the height of the cleats, 14:16:22
5 then the second height and the third height would 14:16:28
6 be the same. Right? 14:16:30
7 A. If the shoe was sitting on a hard surface 14:16:31
8 then, yeah, the height of the cleat would be 14:16:39
9 relatively -- the height of the cleats would be 14:16:41
10 relatively parallel to the top surface of the 14:16:43
11 sole. 14:16:47
12 Q. Okay. Can you open back up your '768 14:16:48
13 declaration. This is one of the ones we looked at 14:17:02
14 earlier, but we haven't talked about it in a 14:17:04
15 while. 14:17:08
16 A. Where to? 14:17:14
17 Q. Paragraph 43 on page 16. I'm actually 14:17:16
18 looking at the top of page 17. Here, we're 14:17:30
19 talking about a reference called Umezawa. 14:17:33
20 A. Yes. 14:17:37
21 Q. And this is one of the prior art 14:17:37
22 references you used for your opinions on this 14:17:39

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 patent? 14:17:42
2 A. Yes. 14:17:43
3 Q. Okay. You say here at the top of page 17, 14:17:44
4 "Umezawa also discloses that the novel midsole has 14:17:48
5 a consistent thickness throughout, which includes 14:17:51
6 the heel platform." Right? 14:17:53
7 A. Yes. 14:17:54
8 Q. So your opinion is that Umezawa's midsole 14:18:01
9 has a consistent thickness throughout. Right? 14:18:05
10 A. Yes. 14:18:07
11 Q. Okay. Now, if you go to page 44. Are you 14:18:11
12 there? 14:18:36
13 A. Yeah. 14:18:37
14 Q. The bottom of Paragraph 75, you say that 14:18:37
15 "A POSITA would understand that" -- from 14:18:44
16 Umezawa -- "that the sole is thicker at a position 14:18:46
17 proximal to the front edge of the heel platform 14:18:50
18 than at the toe portion"? 14:18:53
19 A. Yes. 14:18:56
20 Q. You also say that Umezawa's midsole has a 14:18:57
21 consistent thickness throughout. Right? 14:19:04
22 A. I believe that the consistent thickness is 14:19:05

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 referring to from an inner edge to outer edge but 14:19:26
2 not necessarily laterally through the length of 14:19:31
3 the sole. 14:19:35
4 Q. Okay. But you didn't limit it that way in 14:19:36
5 the sentence we read before on page 17. Right? 14:19:41
6 A. Page 17? 14:19:44
7 Q. The part we just read into the record, 14:19:58
8 yeah, about the consistent thickness. 14:20:01
9 A. Okay. Page 17 is talking about a Norton 14:20:04
10 reference. 14:20:08
11 Q. Sorry. I guess maybe it was a different 14:20:08
12 page. Let me look back. At the top of page 17 -- 14:20:10
13 A. Oh, I see. At the top of page 17. Yeah. 14:20:18
14 In that statement, I didn't reference a 14:20:30
15 consistent thickness going laterally through the 14:20:34
16 shoe. I only -- I stated a consistent thickness 14:20:39
17 throughout which in my understanding would be from 14:20:49
18 the inside to the outside perpendicular to the 14:20:57
19 length of the shoe. 14:21:03
20 Q. But you're also saying that the heel 14:21:04
21 platform has a consistent thickness from the front 14:21:09
22 to the back, relying on this part of Umezawa. 14:21:11

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Right? 14:21:15
2 MR. BUGG: Objection, vague. 14:21:15
3 A. That the heel platform has a consistent 14:21:16
4 thickness going from the inside to the outside and 14:21:22
5 also from the back of the heel to the front edge 14:21:29
6 of the heel area, not throughout the entire sole. 14:21:34
7 Q. You next talk about Norton. Right? 14:21:39
8 That's another prior art reference you used. 14:22:01
9 A. Yes. 14:22:05
10 Q. And you cite here on page 17 that Norton 14:22:05
11 is recognizing that injuries can arise during 14:22:13
12 athletic events associated with pronation or 14:22:17
13 supination? 14:22:20
14 A. Yes. 14:22:22
15 Q. I'm going to put an Exhibit 2020 into the 14:22:22
16 chat. This is a new one. Let me know when you 14:22:26
17 have that open. 14:22:40
18 (Delgatty Exhibit 2020 was marked for
19 identification and is attached to the transcript.) 14:22:43
20 A. Okay. I have it open. 14:22:43
21 Q. Do you agree with how this illustration is 14:22:53
22 showing the difference between pronation and 14:22:56

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 supination? 14:22:57
2 A. Yes. 14:22:58
3 Q. So pronation is when the foot is rotating 14:23:08
4 from the inside to the outside? Pronation is 14:23:13
5 leaning inward. Right? 14:23:22
6 A. Yes. 14:23:24
7 Q. And supination is leaning outward? 14:23:24
8 A. Yes. 14:23:27
9 Q. And one of the things Norton is trying to 14:23:27
10 do is prevent these things from happening. Right? 14:23:33
11 A. Uh-hmm. 14:23:35
12 Q. Okay. On page 20 of this declaration, 14:23:37
13 you're talking about another prior art reference. 14:24:01
14 It starts on the previous page. Won. 14:24:03
15 A. Yes. 14:24:05
16 Q. And you're relying on Figure 5 on page 20. 14:24:06
17 Right? 14:24:11
18 A. Correct. 14:24:12
19 Q. Figure 5 is showing the bottom surface of 14:24:15
20 the shoe. Right? 14:24:19
21 A. Correct. 14:24:19
22 Q. What is a surface of a shoe? 14:24:22

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 MR. BUGG: Objection, vague. 14:24:27
2 A. What is the surface of a shoe. My 14:24:32
3 understanding of that would be the outsole. 14:24:37
4 Q. Okay. And so Figure 5 is showing the 14:24:43
5 outsole from the bottom looking up? 14:24:45
6 A. It appears to be so. Yes. 14:24:51
7 Q. Okay. And so the hard surface is the 14:24:53
8 outsole and the soft surface is the outsole in 14:24:57
9 Figure 5. Right? 14:25:00
10 A. Yes. 14:25:01
11 Q. And according to Won, the spikes are fixed 14:25:07
12 on the hard and soft surfaces. Right? 14:25:10
13 A. It appears to be so. Yes. 14:25:12
14 Q. We talked earlier about one of the 14:25:18
15 things -- one of the factors for obviousness being 14:25:32
16 secondary considerations. Do you remember that? 14:25:34
17 If it's helpful, you can go back to page 8 of this 14:25:43
18 declaration, Paragraph 16. 14:25:47
19 A. It states in here secondary 14:26:10
20 considerations. Yes. 14:26:12
21 Q. And that's one of the four factors that 14:26:12
22 you list in Paragraph 16 as something you're 14:26:16

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 supposed to consider for obviousness? 14:26:18
2 A. Yes, it is. 14:26:19
3 Q. And in Paragraph 17 and 18, you talk about 14:26:26
4 a variety of secondary considerations and some of 14:26:33
5 your understandings of what those are? 14:26:35
6 A. Yes. 14:26:37
7 Q. Okay. Do you understand that the Federal 14:27:01
8 Circuit has said that it's error to reach a 14:27:07
9 conclusion of obviousness until all of the four 14:27:09
10 factors, including secondary considerations, are 14:27:12
11 considered? 14:27:15
12 MR. BUGG: Objection, calls for 14:27:17
13 speculation, vague. But you can answer. 14:27:19
14 A. Is that a legal standard? 14:27:20
15 Q. Yes. 14:27:24
16 A. I'm not an attorney. I don't know if I 14:27:25
17 would know those terminologies. 14:27:31
18 Q. Okay. You don't address secondary 14:27:32
19 considerations in your declaration other than in 14:27:36
20 this legal standard section. Right? 14:27:39
21 A. I don't recollect if I referred to any 14:27:41
22 secondary considerations. 14:28:04

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 Q. There's no section in any of your five 14:28:09
2 declarations called "secondary considerations." 14:28:11
3 Right? 14:28:14
4 A. Well, if I -- okay. So if I read in 14:28:14
5 Paragraph 19, "I further have been informed that 14:28:26
6 prior art references can be combined where there 14:28:33
7 is an express or implied rationale to do so. Such 14:28:36
8 rationale might include an expected advantage to 14:28:40
9 be obtained or might be implied under the 14:28:44
10 circumstances. 14:28:48
11 "For example, a claim is likely obvious if 14:28:49
12 the design needs or market pressures existing in 14:28:52
13 the prior art make it natural for one or more 14:28:57
14 known components to be combined where each 14:29:00
15 component continues to function in the expected 14:29:02
16 manner when combined (i.e., when there are no 14:29:05
17 unpredictable results). 14:29:08
18 "A claim is also likely unpatentable where 14:29:10
19 it is the combination of a known base system with 14:29:13
20 a known technique that can be applied to the base 14:29:17
21 system without an unpredictable result. 14:29:21
22 "In these cases, the combination must be 14:29:23

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 within the capabilities of the person of ordinary 14:29:26
2 skill in the art." 14:29:28
3 Q. I see that. Yeah. 14:29:36
4 Do you have a section in any of your 14:29:37
5 declarations addressing secondary considerations 14:29:39
6 of nonobviousness? 14:29:41
7 A. No. 14:29:42
8 Q. Okay. Why not? 14:29:45
9 A. I didn't feel it was necessary. 14:29:47
10 Q. Did you do any analysis to determine 14:29:52
11 whether there were any secondary considerations of 14:29:54
12 nonobviousness? 14:29:57
13 A. Yes. 14:29:57
14 Q. What did that consist of? 14:30:02
15 A. Looking at the specifications in the prior 14:30:04
16 art. 14:30:13
17 Q. The only thing you looked at to determine 14:30:15
18 whether there are any secondary considerations of 14:30:18
19 nonobvious were the specifications in prior art? 14:30:19
20 A. As I state here in my declaration in 14:30:22
21 Paragraph 18, "Other kinds of secondary 14:30:46
22 considerations are possible. For example, 14:30:48

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 evidence that the relevant field had a 14:30:53
2 long-established, unsolved problem or need that 14:30:55
3 was later provided by the claimed invention could 14:30:58
4 be indicative of nonobviousness. 14:31:01
5 "Evidence that others have tried but 14:31:04
6 failed to make an aspect of the claim might 14:31:06
7 indicate that the art lacked the requisite skill 14:31:09
8 to do so. 14:31:13
9 "Evidence of copying the patent owner's 14:31:14
10 product before the patent was published might also 14:31:16
11 indicate that its approach to solving a particular 14:31:19
12 problem was not obvious. 14:31:22
13 "Evidence that the art recognized the 14:31:25
14 value of products embodying a claim, for example, 14:31:27
15 by praising the named inventor's work, might show 14:31:30
16 that the claim was nonobvious." 14:31:35
17 Q. Right. So that's discussing the legal 14:31:44
18 standard. And nowhere in your declarations do you 14:31:47
19 actually talk about any such evidence, and you 14:31:49
20 didn't do any analysis to figure out if there was 14:31:51
21 any such evidence. Right? 14:31:53
22 MR. BUGG: Objection, vague. 14:32:00

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. I didn't apply any. 14:32:01
2 Q. Are you aware that Athalonz gave a 14:32:04
3 presentation to Under Armour in August of 2013 14:32:06
4 where it told Under Armour about its patents and 14:32:09
5 its company? 14:32:12
6 A. I'm not sure if I recall that. 14:32:14
7 Q. Okay. You didn't consider that fact as 14:32:27
8 part of your analysis in the IPRs. Right? 14:32:31
9 MR. BUGG: Objection, vague. 14:32:36
10 A. I'm not sure if I did or not. 14:32:37
11 Q. You didn't write about it. Did you? 14:32:46
12 A. I don't believe so. 14:32:47
13 Q. Okay. And so if you had any opinion about 14:32:52
14 it, it would be in your declaration. Right? 14:32:55
15 A. Yeah. 14:32:57
16 Q. Okay. Are you aware that all of the shoes 14:33:03
17 Athalonz contends infringe in this district court 14:33:10
18 case were released after Athalonz gave Under 14:33:14
19 Armour that presentation? 14:33:16
20 A. I can't recall when these things happened. 14:33:17
21 Q. Okay. So you're not offering any opinion 14:33:25
22 that Under Armour did not copy Athalonz's products 14:33:28

1 or patents. Right? 14:33:33
2 MR. BUGG: Objection to the form. 14:33:35
3 A. I haven't done a full analysis of the 14:33:36
4 infringement. 14:33:41
5 Q. Or of copying as a secondary 14:33:43
6 consideration. Right? 14:33:46
7 A. I haven't done a full analysis of that. 14:33:46
8 Q. Okay. Are you aware of any commercial 14:33:50
9 products on the market today that embody any of 14:33:56
10 the prior art patents that you have asserted in 14:34:00
11 your opinions? 14:34:04
12 A. I'm not 100 percent sure if there are any 14:34:04
13 products on the market that embody these. 14:34:16
14 Q. You're not aware of any. Right? 14:34:19
15 MR. BUGG: Objection, misstates prior 14:34:21
16 testimony. 14:34:23
17 A. Well -- sorry. Repeat the question. 14:34:23
18 Q. I'll give you an example. It might be 14:34:32
19 easier to understand. 14:34:36
20 Are you aware of any commercial product on 14:34:37
21 the market that embodies the patent Rubin -- the 14:34:39
22 Rubin patent? 14:34:44

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 A. No. I don't believe so. 14:34:51
2 Q. And do you have the same answer for the 14:34:51
3 other prior art patents that you've asserted in 14:34:54
4 this case? 14:34:57
5 A. I don't personally know of any products 14:34:58
6 that embody them. 14:35:04
7 Q. Okay. Have you analyzed Athalonz's 14:35:05
8 products? 14:35:09
9 A. No. I don't believe I have. 14:35:16
10 Q. Are you aware that Athalonz marks its 14:35:17
11 products as practicing the sloped patents? 14:35:22
12 A. I haven't done an analysis of the Athalonz 14:35:26
13 products. 14:35:30
14 Q. Okay. Are you aware that half of all of 14:35:31
15 the world long-drive athletes wore Athalonz's 14:35:36
16 shoes in competition in 2019? 14:35:40
17 A. I was not aware of that. 14:35:42
18 Q. Okay. Are you aware that the professional 14:35:44
19 golfer, Bernhard Langer, has been wearing 14:35:47
20 Athalonz's golf shoes since 2020? 14:35:51
21 A. I was not aware of that. 14:35:53
22 Q. Do you know anything that he said about 14:35:57

1 the golf shoes and their performance? 14:36:00
2 A. No, I do not. 14:36:02
3 Q. And you didn't consider any of that as 14:36:07
4 secondary considerations evidence in offering your 14:36:09
5 opinions. Right? 14:36:13
6 A. Well, the fact that I didn't know about 14:36:14
7 them, no, I did not. 14:36:21
8 Q. Okay. Did you ask anybody whether there 14:36:22
9 was any evidence of secondary considerations 14:36:25
10 before you offered these opinions? 14:36:27
11 MR. BUGG: Objection, vague. 14:36:30
12 To the extent it calls for privileged 14:36:31
13 information, don't share that. 14:36:34
14 A. Well, I'm going to defer to my counsel on 14:36:39
15 that question. 14:36:42
16 Q. Okay. So you're not going to disclose 14:36:42
17 whether you asked anybody whether there was 14:36:48
18 evidence of secondary considerations? 14:36:50
19 MR. BUGG: Again, same caution. The 14:36:52
20 contents of the discussion between attorneys and 14:36:56
21 yourself can't be disclosed, but otherwise you can 14:36:59
22 answer the question. 14:37:03

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

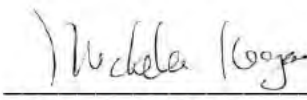
1 A. I'm going to go ahead and not answer that 14:37:04
2 question. 14:37:11
3 Q. Were you aware of any evidence of 14:37:11
4 secondary considerations that you did not include 14:37:13
5 in your declarations when you submitted them? 14:37:15
6 A. No. 14:37:20
7 Q. Okay. 14:37:20
8 MR. HOUGHTON: I don't have any more 14:37:24
9 questions. 14:37:25
10 MR. BUGG: Okay. Could we take a 14:37:28
11 five-minute break and we'll come back and see if 14:37:29
12 there's any redirect? 14:37:32
13 MR. HOUGHTON: Yup. 14:37:33
14 (Recess, 2:37 p.m. to 2:40 p.m.) 14:37:37
15 MR. BUGG: No further questions from me. 14:40:26
16 So that should do it for the day here. 14:40:29
17 (Off the record at 2:40 p.m.) 14:40:31
18
19
20
21
22

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

1 CERTIFICATE OF SHORTHAND REPORTER NOTARY PUBLIC

2 I, Michelle Keegan, Registered Merit
Reporter and Notary Public within and for the
3 Commonwealth of Massachusetts, do hereby certify:

4 That GRANT DELGATTY, the witness whose
deposition is hereinbefore set forth, was duly
5 sworn by me before the commencement of such
deposition and that such deposition was taken
6 before me and is a true record of the testimony
given by such witness.
7
I further certify that the adverse party,
8 Under Armour, Inc., was represented by counsel at
the deposition.
9
I further certify that the deposition of
10 GRANT DELGATTY, was conducted virtually on
Thursday, December 19, 2024, commencing at
11 11:17 a.m. to 2:40 p.m.

12 I further certify that I am not related to
any of the parties to this action by blood or
13 marriage, I am not employed by or an attorney to
any of the parties in this action, and that I am
14 in no way interested, financially or otherwise, in
the outcome of this matter.
15
IN WITNESS WHEREOF, I have hereunto set my hand
16 this 19th day of December, 2024.
My commission expires May 15, 2026.
17
18 
NOTARY PUBLIC IN AND FOR THE
19 COMMONWEALTH OF MASSACHUSETTS

20

21

22

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

A
ability 48:8
able 53:15, 103:20, 104:6
about 9:5, 12:7, 12:8, 15:12, 16:5, 21:5, 21:21, 23:9, 25:5, 26:8, 26:11, 26:12, 27:21, 28:4, 28:17, 40:22, 41:2, 47:8, 52:11, 54:15, 56:12, 56:15, 59:18, 60:9, 60:11, 63:10, 64:7, 64:22, 70:16, 70:20, 70:22, 71:5, 71:16, 73:5, 73:11, 87:9, 89:18, 95:17, 97:6, 99:15, 101:7, 101:8, 101:13, 101:20, 104:13, 110:4, 111:20, 112:14, 112:19, 114:8, 114:9, 115:7, 116:13, 117:14, 118:3, 121:19, 122:4, 122:11, 122:13, 124:22, 125:6
above 31:4, 63:4
absolute 56:6, 58:8
abstract 88:16, 88:21, 109:4
according 47:18, 76:21, 93:20, 117:11
account 43:14
accurate 7:5, 11:6, 11:8, 59:13, 59:15, 111:9
accusing 68:4, 69:10
across 43:16, 78:17
action 127:21, 127:23
active 17:17, 24:9
actual 9:10, 14:2, 17:2, 29:19, 32:10, 37:12, 38:14, 44:5, 44:14, 79:4
actually 6:8, 15:2, 17:10, 28:20, 29:14, 30:4, 32:8, 33:18, 35:15, 36:22, 39:21, 41:11, 41:13, 46:4, 61:16, 69:19, 78:13, 80:4, 81:1, 81:11, 84:12, 92:22, 104:12, 112:17, 121:19
added 16:3
addition 16:2, 52:13
additional 94:15
address 118:18
addressing 120:5
adjacent 109:5, 109:6
advantage 48:18, 119:8
adverse 127:12
after 122:18
again 10:2, 31:15, 37:8, 60:21, 65:15, 70:1, 97:17, 99:21, 100:8, 101:11, 103:10, 125:19
against 10:18
ago 12:14, 35:21
agree 21:19, 24:12, 30:4, 36:12, 37:14, 42:16, 44:5, 55:11, 55:13, 57:1, 57:12, 58:6, 58:15, 62:17, 66:22, 67:2, 76:1, 77:6, 78:14, 78:15, 78:18, 79:6, 79:12, 82:20, 83:19, 84:8, 85:1, 85:10, 87:13, 88:9, 89:10, 94:1, 98:7, 99:6, 103:6, 103:12, 108:16, 109:21, 110:8, 115:21
agreed 60:14, 60:17, 62:17
ahead 126:1
air 32:4, 40:21
all 9:12, 10:13, 11:2, 19:15, 21:11, 21:14, 22:10, 28:13, 31:8, 31:19, 42:19, 43:15, 45:17, 50:18, 60:6, 63:4, 77:2, 92:6, 94:13, 97:14, 111:8, 118:9, 122:16, 124:14
alleged 23:4
alludes 48:3
almost 66:4
alone 38:11, 95:1, 95:2, 95:9
along 73:16, 73:18, 73:21, 78:19, 103:17, 104:8, 104:22, 105:21, 106:5
already 9:1, 15:12
also 9:8, 14:14, 17:13, 22:2, 24:11, 39:9, 41:7, 53:16, 57:18, 63:22, 74:3, 74:14, 75:18, 76:16, 113:4, 113:20, 114:20, 115:5, 119:18, 121:10
alternative 66:15
although 101:6
always 98:5
amount 109:7
analysis 25:21, 26:13, 27:17, 45:16, 46:2, 55:15,

61:13, 61:15, 64:3, 68:17, 93:20, 96:10, 111:3, 120:10, 121:20, 122:8, 123:3, 123:7, 124:12
analyzed 124:7
angle 37:22, 86:8, 86:10, 89:22
angled 73:15
annotate 102:4
annotated 86:11, 88:4, 106:9, 106:15, 111:14
annotation 33:19
annotations 32:15, 88:6
another 39:9, 42:20, 50:16, 51:10, 90:6, 102:15, 115:8, 116:13
answer 17:5, 26:4, 29:1, 31:7, 36:4, 40:8, 40:10, 51:13, 52:10, 53:7, 57:6, 63:18, 65:14, 68:14, 68:18, 72:18, 82:8, 99:16, 106:8, 118:13, 124:2, 125:22, 126:1
answered 52:2, 52:19
answering 7:9, 8:5
anticipated 92:17
anticipates 91:20
anticipation 91:21, 92:2, 92:6, 92:10
any 7:4, 7:7, 7:17, 7:20, 8:1, 8:8, 11:6, 11:16, 12:2, 12:4, 15:10, 15:14, 17:1, 17:20, 18:1, 18:3, 18:18, 19:1, 19:10, 31:10, 32:15, 32:16, 32:19, 32:20, 40:4, 40:9, 41:2, 41:17, 42:3, 47:6, 49:4, 51:21, 52:17, 60:7, 61:15, 62:20, 77:16, 77:20, 80:7, 83:21, 84:4, 90:22, 93:11, 94:15, 99:10, 100:3, 110:19, 118:21, 119:1, 120:4, 120:10, 120:11, 120:18, 121:19, 121:20, 121:21, 122:1, 122:13, 122:21, 123:8, 123:9, 123:12, 123:14, 123:20, 124:5, 125:3, 125:9, 126:3, 126:8, 126:12, 127:21, 127:23
anybody 125:8, 125:17
anyone 7:15, 79:13
anything 8:5, 8:17, 15:9, 25:18, 54:5, 70:16, 71:5, 71:16, 95:6, 124:22
apologize 76:5
apparatus 56:18, 57:9, 73:17, 73:19, 73:20, 73:21, 73:22, 86:19, 87:2, 87:6, 87:18, 88:1, 88:2
apparent 66:16
appeal 1:4
appear 89:16
appears 55:22, 86:7, 103:3, 105:2, 105:14, 117:6, 117:13
application 22:8, 89:15, 91:4
applied 21:10, 45:18, 47:2, 47:19, 50:2, 55:15, 56:3, 57:17, 57:18, 59:3, 59:4, 59:6, 60:10, 60:15, 60:16, 61:12, 61:20, 63:2, 63:5, 64:2, 65:17, 91:21, 119:20
applies 66:15
apply 27:14, 45:4, 45:16, 46:9, 47:14, 51:7, 59:9, 63:19, 81:3, 90:2, 92:7, 122:1
applying 46:6, 48:9, 49:3, 51:21, 54:19, 60:19, 62:6, 63:13, 63:14, 66:20, 67:6, 67:19
approach 121:11
approximately 109:7
arch 43:14
area 37:20, 37:21, 38:1, 43:19, 44:11, 44:12, 44:13, 79:17, 80:3, 80:18, 81:12, 81:14, 81:17, 81:18, 83:12, 83:13, 84:3, 84:4, 84:7, 87:16, 103:12, 115:6
areas 74:22, 84:16
arguments 66:15
arise 115:11
armour 1:6, 3:3, 10:18, 17:15, 18:4, 18:19, 19:2, 19:11, 66:15, 66:20, 67:6, 67:19, 122:3, 122:4, 122:19, 122:22, 127:13
armour's 18:14
around 6:5, 16:17, 38:7, 44:21, 54:16, 81:13,

102:14
art
13:4, 13:7, 13:13, 13:18, 13:20, 15:14, 19:6, 21:7, 22:3, 22:15, 23:3, 24:5, 24:6, 25:4, 25:22, 26:10, 26:22, 27:8, 27:12, 28:21, 29:5, 29:8, 29:10, 29:12, 29:15, 30:2, 30:5, 30:9, 31:5, 31:9, 45:6, 45:19, 46:7, 46:16, 46:21, 47:3, 48:12, 51:3, 62:3, 62:7, 62:19, 77:21, 79:14, 80:8, 91:14, 92:17, 93:8, 93:9, 93:10, 93:15, 112:21, 115:8, 116:13, 119:6, 119:13, 120:2, 120:16, 120:19, 121:7, 121:13, 123:10, 124:3
asked
15:12, 45:4, 45:15, 46:9, 47:14, 52:1, 52:19, 65:16, 125:17
asking
27:3, 50:7, 86:5, 101:13, 110:4, 110:5
aspect
121:6
assembled
14:9
asserted
13:3, 15:14, 28:21, 29:3, 123:10, 124:3
assessed
92:5
associate
11:10
associated
16:9, 115:12
athalonz
1:9, 3:10, 5:6, 5:10, 15:15, 17:14, 18:4, 18:19, 19:2, 25:10, 66:11, 68:3, 69:9, 122:2, 122:17, 122:18, 124:10, 124:12
athalonz's
10:18, 66:16, 122:22, 124:7, 124:15, 124:20
athlete
48:17, 50:15, 50:17, 51:10, 51:16, 52:21
athletes
124:15
athletic
12:11, 13:1, 37:9, 47:10, 47:15, 48:1, 49:3, 49:8, 49:11, 49:21, 50:9, 50:20, 51:2, 51:8, 51:15, 51:18, 51:22, 52:4, 52:8, 52:12, 52:15, 53:1, 53:17, 53:18, 54:3, 54:7, 115:12
attached
4:7, 4:15, 9:15, 20:1, 42:13, 78:7, 103:1, 108:22, 115:19
attorney
23:16, 46:12, 65:15, 118:16, 127:22
attorneys
125:20
august
122:3
available
13:19
aware
23:12, 23:19, 41:10, 41:12, 122:2, 122:16, 123:8, 123:14, 123:20, 124:10, 124:14, 124:17, 124:18, 124:21, 126:3
away
6:16

B

b2
1:12, 1:13, 1:14, 1:15, 1:16
bachelor
13:6
back
11:4, 11:15, 16:6, 20:3, 31:13, 34:4, 42:19, 54:11, 59:16, 69:21, 71:17, 84:17, 88:16, 88:17, 100:15, 103:9, 103:15, 103:22, 104:7, 104:22, 105:21, 106:11, 107:6, 111:15, 112:12, 114:12, 114:22, 115:5, 117:17, 126:11
base
119:19, 119:20
based
22:3, 29:16, 30:19, 37:16, 44:8, 48:15, 62:20, 84:14, 91:15, 91:18, 92:15, 94:20, 95:5, 97:16, 99:18, 100:4, 101:16, 101:18, 107:12
basic
46:18
basing
62:10
bates
4:11
bear
20:5
bearing
37:11
because
38:6, 53:12, 77:10, 79:8, 81:20, 103:22
becomes
61:8
been
5:3, 5:21, 6:3, 16:16, 17:18, 18:1, 18:2, 42:1, 59:18, 63:22, 84:21, 93:6, 100:10, 119:5, 124:19
before
1:4, 2:8, 6:14, 6:21, 7:8, 16:5, 29:13, 37:6, 40:8, 68:19, 69:22, 114:5, 121:10, 125:10, 127:7, 127:9
behalf
3:3, 3:10
being
5:15, 13:3, 15:14, 15:21, 16:10, 19:5, 28:20, 43:13,

58:3, 58:19, 81:9, 117:15
believe
5:19, 6:5, 11:3, 12:8, 12:13, 12:17, 13:15, 14:4, 14:13, 17:16, 17:22, 18:1, 18:17, 19:7, 25:8, 26:17, 29:2, 29:9, 30:7, 33:17, 39:8, 39:18, 41:5, 44:3, 47:17, 48:2, 53:20, 55:4, 56:8, 58:2, 58:18, 59:9, 63:19, 67:4, 69:17, 72:8, 74:12, 76:19, 80:17, 82:22, 84:5, 92:3, 92:6, 94:5, 94:20, 95:1, 95:2, 95:9, 99:13, 100:6, 107:5, 113:22, 122:12, 124:1, 124:9
below
63:15
bernhard
124:19
besides
8:2, 8:9, 8:17, 40:13, 99:11
best
24:1
between
17:14, 20:4, 44:21, 74:22, 90:20, 91:7, 92:1, 92:9, 93:10, 93:15, 94:2, 94:11, 96:17, 97:8, 109:8, 115:22, 125:20
beyond
81:15
billed
17:20
bit
11:19, 20:4, 33:7, 50:5, 51:5, 55:19, 66:13, 81:13, 81:19, 85:13, 104:3
black
33:6
black-and-brown
34:13
black-and-white
15:8
blood
127:21
blue
33:1, 33:3, 33:5
board
1:4
both
10:8, 12:12, 12:17, 39:16, 63:19, 82:2, 96:2, 105:6
bottom
41:11, 42:5, 42:17, 43:16, 44:1, 72:3, 74:18, 78:1, 78:2, 83:20, 85:2, 85:11, 87:10, 87:15, 90:14, 90:17, 90:21, 91:2, 91:8, 96:18, 97:9, 97:14, 98:5, 109:4, 109:14, 110:6, 110:10, 110:11, 113:14, 116:19, 117:5
bouncing
44:21
break
7:7, 59:20, 60:1, 60:3, 60:6, 100:8, 126:11
briefly
42:20
bring
85:21
brought
29:21
brown
33:1, 33:3, 33:5, 33:6
bugg
3:4, 8:12, 10:1, 10:7, 16:22, 26:2, 26:15, 27:1, 27:13, 28:22, 29:17, 30:6, 31:6, 36:3, 36:16, 36:21, 37:17, 38:13, 38:22, 40:8, 41:4, 41:16, 43:10, 44:2, 44:9, 46:19, 48:13, 49:5, 49:10, 50:11, 51:11, 52:1, 52:9, 52:19, 53:6, 55:2, 55:7, 57:4, 57:15, 57:22, 58:10, 58:17, 59:7, 59:14, 59:18, 60:2, 61:19, 62:14, 63:16, 65:12, 68:11, 72:15, 82:7, 83:6, 83:16, 84:10, 85:4, 85:7, 85:18, 88:12, 89:14, 89:21, 90:16, 94:3, 94:12, 94:18, 95:7, 96:8, 96:15, 96:22, 97:12, 100:10, 103:7, 103:14, 106:7, 106:14, 107:22, 108:11, 108:17, 109:22, 110:9, 110:16, 111:1, 115:2, 117:1, 118:12, 121:22, 122:9, 123:2, 123:15, 125:11, 125:19, 126:10, 126:15
burner
11:15

C

call
13:16
called
19:5, 30:16, 31:11, 93:2, 112:19, 119:2
calls
17:1, 26:2, 27:1, 37:17, 41:17, 42:4, 43:10, 44:9, 48:13, 50:11, 53:6, 55:2, 55:7, 57:22, 59:7, 62:14, 65:12, 68:11, 72:16, 83:6, 84:10, 85:18, 88:12, 94:3, 96:8, 103:7, 118:12, 125:12
came
6:15, 40:2
can't
7:4, 10:4, 16:4, 16:11, 16:13, 26:21, 35:22, 36:6,

37:14, 38:9, 39:1, 41:20, 72:19, 77:15, 77:16, 79:11, 79:18, 80:4, 80:6, 80:15, 80:20, 81:1, 83:21, 92:19, 122:20, 125:21
cannot
80:19
capabilities
120:1
career
14:21, 15:14
case
5:20, 13:4, 17:14, 17:21, 18:20, 19:15, 21:22, 24:1, 28:21, 58:20, 105:2, 108:3, 108:5, 109:19, 110:1, 110:13, 110:17, 122:18, 124:4
cases
5:17, 6:2, 6:6, 6:10, 6:11, 119:22
caution
17:4, 40:9, 125:19
center
13:7, 13:13, 13:18, 13:21
certain
25:4, 50:16
certificate
127:1
certify
127:4, 127:12, 127:16, 127:20
chair
11:9
change
90:6, 90:8, 90:9
changes
11:6, 89:19
chat
8:22, 9:5, 9:12, 19:19, 42:10, 65:22, 67:12, 70:5, 78:4, 102:9, 108:19, 115:16
check
61:21
checkerboard
15:8
circuit
23:13, 23:22, 118:8
circumstances
119:10
citation
68:4, 69:10
cite
18:11, 115:10
cited
94:14
claim
45:1, 45:13, 46:11, 50:19, 53:13, 53:15, 53:16, 54:11, 56:12, 59:22, 60:10, 60:19, 60:22, 64:8, 65:11, 65:16, 66:9, 67:22, 68:6, 68:10, 69:6, 69:13, 69:16, 69:18, 70:12, 70:15, 70:17, 70:19, 71:5, 71:7, 71:19, 72:2, 72:4, 75:15, 87:1, 87:2, 87:15, 87:21, 92:17, 93:7, 93:11, 93:15, 94:11, 103:16, 110:19, 111:3, 119:11, 119:18, 121:6, 121:14, 121:16
claimed
50:10, 84:1, 121:3
claims
30:18, 30:22, 31:5, 47:9, 50:18, 52:5, 53:1, 53:3, 53:5, 53:8, 53:12, 67:4, 70:2, 91:14, 91:17, 91:20, 92:3, 94:2, 94:5, 94:20, 95:2, 98:19, 99:18, 101:15, 101:17, 107:11
clarification
85:4
class
14:5, 14:11
clear
30:3, 101:12
cleat
90:21, 108:14, 110:6, 111:7, 112:8
cleats
88:6, 90:15, 90:17, 91:2, 91:8, 96:18, 97:7, 97:9, 97:15, 98:5, 107:19, 108:5, 109:5, 109:15, 110:10, 110:11, 111:13, 112:1, 112:4, 112:9
click
10:2
clicked
9:18
clockwise
79:9
close
6:15, 8:12
collaborative
17:9
college
13:8
column
102:11, 102:13, 104:7
combination
94:16, 119:19, 119:22
combined
95:6, 119:6, 119:14, 119:16
come
26:17, 126:11
comes
38:7
comfortable
20:6
commencement
127:7
commencing
127:18
commercial
123:8, 123:20
commercially
15:4
commission
127:29
commonwealth
2:10, 127:4, 127:33
company
12:14, 12:16, 122:5
competition
124:16
completely
19:8, 72:19
component
119:15
components
32:20, 119:14
compressible
61:8
compression
61:4, 61:6, 61:17, 62:8,

62:13, 63:11, 64:2, 71:4, 71:14
comprises 87:3
computer 8:8
conceding 66:14
concepts 12:12
conclusion 118:9
conducted 1:19, 2:7, 127:17
confirm 76:4, 99:17, 101:1
confused 20:20
connor 3:11, 5:8
consider 93:8, 93:18, 118:1, 122:7, 125:3
consideration 105:7, 123:6
considerations 93:12, 117:16, 117:20, 118:4, 118:10, 118:19, 118:22, 119:2, 120:5, 120:11, 120:18, 120:22, 125:4, 125:9, 125:18, 126:4
considered 13:13, 14:2, 63:1, 118:11
considering 93:7
consist 120:14
consistent 28:9, 33:12, 34:1, 34:5, 34:13, 36:2, 46:6, 47:2, 54:22, 57:20, 58:15, 62:6, 67:2, 113:5, 113:9, 113:21, 113:22, 114:8, 114:15, 114:16, 114:21, 115:3
constructed 66:10, 68:1, 68:5, 69:7, 69:12, 70:20, 71:1, 71:11, 71:13, 71:20
construction 45:1, 45:13, 46:11, 54:11, 56:12, 59:22, 60:10, 60:20, 60:22, 63:15, 64:8, 64:13, 65:11, 65:16, 66:16, 66:20, 67:7, 67:19, 110:20, 111:4
constructions 46:5
construed 45:17, 63:5, 63:9
contends 18:4, 66:11, 122:17
content 93:8
contentions 18:9, 18:15
contents 125:20
context 50:7
continues 119:15
conventional 27:21, 28:5, 30:10, 31:4, 31:12, 31:14, 39:5, 39:14, 39:16, 40:5
conversation 60:13
copy 9:16, 11:1, 19:13, 19:21, 122:22
copying 121:9, 123:5
corner 8:14
correct 5:16, 7:14, 10:22, 13:5, 13:8, 13:9, 14:15, 14:16, 15:15, 15:18, 19:16, 20:7, 22:4, 22:11, 22:12, 22:15, 23:5, 25:22, 28:14, 28:21, 32:21, 32:22, 36:2, 37:7, 37:16, 38:12, 39:5, 39:17, 45:6, 45:20, 47:11, 47:16, 47:20, 54:3, 54:8, 55:12, 57:1, 57:13, 64:10, 75:7, 76:19, 78:20, 81:10, 87:10, 94:17, 96:4, 96:5, 97:11, 101:5, 102:7, 104:1, 105:18, 110:18, 112:2, 116:18, 116:21
correctly 6:4, 76:5, 85:9, 107:4
cortez 29:4, 40:19, 40:20
could 5:11, 36:22, 42:1, 50:8, 51:9, 65:22, 78:8, 79:8, 80:2, 96:11, 102:10, 107:5, 111:15, 121:3, 126:10
couldn't 81:8
counsel 5:5, 17:10, 22:20, 40:3, 41:15, 45:4, 45:15, 46:9, 46:13, 54:20, 60:8, 72:14, 72:20, 125:14, 127:13
couple 39:4, 100:22
course 14:18, 100:22
courses 13:21, 14:1, 14:3, 14:4
court 9:4, 17:14, 17:21, 18:15, 18:20, 122:17
create 76:12
created 98:14, 98:16
cross 104:8
cross-section 80:17, 83:15, 83:17, 83:22, 103:17, 103:19, 104:4, 105:8, 105:9, 105:14, 106:17
cross-sectional 80:14
crr 2:4
csr 2:4

current
11:16
currently
11:20
cursor
37:2, 79:18, 86:1
cut-through
32:9
cutting
66:13
cv
9:16, 11:1, 11:5, 11:17, 35:3

D

dashed
98:12, 98:17
date
22:4, 22:7, 29:22
day
6:16, 126:16, 127:28
december
1:20, 127:18, 127:28
decide
46:5
declaration
10:20, 18:12, 21:1, 21:16, 24:20, 27:22, 28:1, 30:7, 30:14, 33:16, 43:1, 44:20, 45:9, 45:11, 47:7, 47:19, 49:13, 53:22, 54:9, 56:11, 57:7, 59:12, 59:17, 60:21, 68:13, 69:1, 71:17, 72:11, 73:1, 73:13, 76:3, 84:18, 91:11, 91:22, 92:21, 94:14, 94:19, 95:10, 100:16, 101:14, 104:11, 104:14, 104:16, 104:20, 105:22, 107:7, 111:5, 111:10, 111:16, 112:13, 116:12, 117:18, 118:19, 120:20, 122:14
declarations
7:19, 8:5, 9:2, 16:9, 16:21, 17:3, 17:7, 17:12, 19:14, 19:18, 28:6, 44:21, 119:2, 120:5, 121:18, 126:5
defer
125:14
defined
51:18, 55:19, 63:22
defines
55:1, 58:6, 61:17
defining
52:18
definitely
29:20, 29:21, 37:20, 44:16, 80:2
definition
21:10, 21:19, 49:22, 50:1, 52:8, 52:15, 54:19, 54:22, 55:11, 55:14, 56:3, 57:1, 57:16, 57:20, 58:21, 59:2, 61:12, 62:5, 63:22, 64:1
definitions
45:16, 46:1, 46:10, 46:12, 47:1, 47:15, 59:4, 92:11
degree
13:7, 13:10, 13:17, 13:20, 14:17
delgatty
1:18, 2:7, 4:3, 4:8, 5:2, 5:13, 5:14, 115:18, 127:5, 127:17
delivery
12:18
density
20:15
depending
51:14, 51:15
depends
50:14
depicted
79:4, 80:22
deposed
5:22
deposition
1:18, 2:7, 4:8, 6:21, 10:17, 20:11, 127:6, 127:8, 127:14, 127:16
describe
13:15
design
12:13, 12:17, 13:7, 13:8, 13:14, 13:16, 13:18, 14:15, 28:10, 28:14, 30:10, 31:12, 32:11, 34:6, 37:9, 41:3, 41:6, 41:11, 41:14, 42:4, 42:16, 119:12
designed
14:20, 15:1, 15:13, 28:13, 29:5, 29:21, 90:19, 108:2
designer
36:7
designing
11:19
detail
37:8
determine
61:16, 65:16, 120:10, 120:17
determining
22:14, 51:1
device
12:19
diagram
32:3, 98:10
difference
92:1, 92:9, 109:8, 115:22
differences
92:13, 93:10, 93:15, 93:19, 94:1, 94:10
different
14:6, 14:21, 26:18, 28:17, 39:4, 41:22, 51:9, 52:11, 53:12, 53:19, 54:6, 65:8, 67:5, 75:1, 83:10, 84:15, 86:8, 86:10, 89:22, 96:14, 96:19, 104:13, 105:11, 106:16, 107:2, 107:5, 114:11
difficult
105:4
digits
20:7
dimension
87:22, 88:1, 88:10
dimensions
37:15, 38:10, 38:19, 39:2
dip
37:4

diploma
14:14
direct
39:6
directly
92:3
disagree
42:4
disassembled
14:8
disavowing
59:11
disclose
94:7, 99:3, 99:22, 125:16
disclosed
125:21
discloses
73:11, 74:7, 82:1, 82:4, 94:2, 94:5, 113:4
disclosure
99:7, 100:5
discuss
60:7
discussed
60:9
discussing
121:17
discussion
125:20
dissect
14:6
distance
90:20, 91:6, 96:17, 97:8
distances
91:9
distribution
48:3, 48:6, 48:11, 52:16, 52:18, 52:20, 53:20
district
17:14, 17:21, 18:15, 18:20, 122:17
document
9:10, 68:17, 69:22, 70:9
documents
7:17, 8:1, 8:18, 18:19, 19:2, 42:1
doing
11:18, 17:10, 18:1, 51:20, 93:19
done
6:21, 15:10, 16:2, 27:17, 55:6, 55:9, 68:17, 96:10, 123:3, 123:7, 124:12
dotted
86:14
down
9:18, 24:20, 30:13, 39:3, 64:16, 74:13
download
9:19, 9:20, 19:19
draw
78:17, 81:8, 85:20, 86:3, 95:21, 106:5
drawing
77:5, 77:17, 77:22, 86:6, 86:7, 86:11, 104:4, 104:21, 107:16
drawings
76:20, 77:20, 85:14, 96:2
drawn
105:22
drew
105:20
drop
8:22, 42:9, 65:22, 67:11
due
108:15
dufour
98:20, 99:1, 99:11, 100:17, 101:16, 101:18, 101:22, 102:8, 104:14
duly
5:3, 127:6
during
20:11, 60:6, 60:12, 115:11

E

each
10:21, 28:5, 47:8, 50:20, 73:7, 74:5, 74:15, 108:20, 119:14
earlier
50:6, 85:14, 112:14, 117:14
easier
9:3, 9:6, 9:10, 123:19
eastern
1:21
edge
55:17, 55:18, 56:4, 56:6, 56:9, 56:17, 57:2, 57:8, 58:5, 58:8, 58:19, 61:9, 71:9, 73:16, 73:17, 73:19, 73:20, 73:21, 73:22, 82:5, 82:6, 82:15, 82:17, 82:21, 86:18, 86:19, 87:5, 87:17, 87:18, 88:1, 88:2, 88:22, 89:1, 89:2, 89:4, 89:11, 95:13, 95:17, 96:19, 97:10, 97:13, 103:5, 103:11, 104:1, 104:22, 105:21, 106:6, 106:13, 109:15, 109:16, 113:17, 114:1, 115:5
edges
56:18, 56:20, 57:9, 57:11, 58:3, 58:13, 59:1
education
22:22, 23:7, 23:10, 23:15, 23:20, 24:16, 25:4, 25:6, 25:9, 25:19, 26:1, 26:8, 26:18, 26:20, 27:10
educational
24:4, 24:9, 24:12
eight
6:1
eighth
5:20
either
32:21
electric
12:15
electronic
19:21
elekta
24:2
elevation
109:8
else
7:15, 8:17, 12:20, 95:6
embodies
41:2, 123:21
embodiment
80:1, 102:15, 102:19, 103:3, 105:17, 105:19, 107:3

embodiments
83:10
embody
123:9, 123:13, 124:6
embodying
121:14
employed
127:22
encountered
23:2, 24:5
end
64:19
engineering
13:22, 14:3, 14:18
entire
115:6
entrepreneur
11:18
environmental
13:14
equal
109:7
error
118:8
esq
3:4, 3:11
essentially
13:17, 74:17
estimate
5:17, 15:20
even
77:12
events
115:12
ever
6:13, 15:1, 15:4, 20:20, 41:13, 68:19, 92:16
every
9:5
evidence
121:1, 121:5, 121:9, 121:13, 121:19, 121:21, 125:4, 125:9, 125:18, 126:3
exactly
16:12, 23:17, 24:10, 30:1, 30:11, 38:5, 104:2, 106:18
examination
4:3, 5:5
examined
5:4
example
19:10, 21:14, 33:11, 33:19, 49:7, 119:11, 120:22, 121:14, 123:18
examples
29:9, 29:10, 30:9, 31:10, 39:13, 94:14
except
12:1, 24:11, 32:3
exclude
88:6
excluding
31:20, 96:3, 111:7, 112:1
exhibit
4:9, 4:16, 4:17, 4:18, 4:19, 4:20, 4:21, 9:5, 9:12, 9:14, 19:16, 19:22, 32:4, 42:9, 42:10, 42:12, 78:4, 78:6, 88:18, 102:21, 102:22, 108:20, 108:21, 111:6, 115:15, 115:18
exhibits
4:8, 4:14, 8:22, 10:15
existed
29:13
existing
119:12
expected
119:8, 119:15
experience
13:16, 22:22
expert
5:15, 5:18, 10:20, 16:9, 16:20, 19:14, 20:22
expires
127:29
express
99:7, 99:11, 119:7
expressly
99:3, 99:22
extent
16:22, 72:15, 72:17, 72:18, 125:12
exterior
31:22, 32:2, 32:7, 32:12, 35:22, 37:5, 37:16, 38:11

F

fact
105:13, 122:7, 125:6
factor
61:4, 61:7, 61:17, 62:8, 62:13, 63:11, 64:2, 71:4
factors
22:13, 22:21, 23:13, 23:17, 24:3, 24:17, 93:14, 117:15, 117:21, 118:10
failed
121:6
far
17:21
feature
28:14
federal
23:12, 23:22, 118:7
feel
9:7, 9:9, 120:9
feldberg
3:12, 5:9
few
12:14, 32:5, 59:21
field
11:19, 23:1, 23:2, 24:9, 121:1
fig
104:8
figs
102:14
figure
67:13, 77:2, 77:5, 78:10, 78:12, 78:18, 79:3, 79:12, 80:5, 80:20, 81:9, 81:12, 83:5, 83:14, 84:9, 84:12, 85:16, 86:2, 86:11, 88:4, 102:20, 102:21, 103:2, 103:4, 103:10, 103:11, 103:16, 103:18, 103:21, 104:3, 104:19, 104:22, 105:5, 105:14, 105:16, 105:17, 105:20, 105:21, 106:12, 106:17, 106:20, 106:22, 116:16, 116:19, 117:4, 117:9, 121:20
figures
78:9, 80:11, 101:2, 101:21, 102:6, 102:18, 105:6, 106:6, 106:10, 107:2, 107:3, 111:14

filed
10:18, 11:4, 15:22, 16:6, 16:10, 19:4, 19:14, 45:9
filing
22:7
financially
127:24
find
48:17
fine
10:1, 60:1
finish
7:8, 60:1, 60:2
first
5:15, 9:11, 39:8, 49:18, 54:15, 61:3, 64:22, 65:4, 65:8, 66:10, 66:20, 67:17, 68:1, 68:16, 69:8, 70:16, 70:21, 71:6, 71:8, 71:11, 71:13, 71:20, 73:6, 73:16, 74:4, 74:10, 74:15, 75:4, 75:12, 76:2, 76:9, 88:20, 100:21, 101:9, 101:20, 102:4, 104:18, 104:21, 105:6, 105:10, 105:20, 111:21
five
7:19, 9:13, 10:17, 11:2, 19:14, 19:18, 21:11, 22:10, 24:7, 25:10, 28:5, 119:1
five-minute
126:11
fixed
117:11
flat
35:16, 36:8, 43:15
flip
20:3
foldable
12:15
following
45:16, 46:10
follows
5:4
foot
4:9, 36:14, 37:12, 38:6, 38:15, 43:22, 44:3, 56:5, 56:8, 56:19, 57:10, 58:7, 58:12, 58:22, 90:20, 91:3, 91:7, 96:12, 96:18, 96:20, 97:1, 97:8, 98:4, 108:9, 109:10, 109:14, 110:11, 116:3
footjoy
40:22, 42:19
footnote
64:19, 64:20, 64:22, 65:3, 66:8, 67:12, 67:16, 69:6, 71:18
footwear
12:11, 12:12
footwear-related
13:2
force
32:4, 40:21
forefoot
38:1, 61:7, 65:7, 66:10, 68:2, 68:5, 69:8, 69:11, 70:22, 71:11, 71:20, 78:2, 79:16, 79:20, 80:3, 80:18, 81:1, 81:5, 82:2, 83:5, 83:11, 83:13, 84:3, 84:6
form
30:6, 59:14, 73:15, 74:22, 95:7, 111:1, 123:2
forth
20:4, 127:6
forward
17:18
found
91:14, 91:17, 95:2
founded
12:14
four
6:5, 6:9, 24:6, 117:21, 118:9
frame
16:7
free
9:7, 9:9
front
8:18, 21:4, 21:18, 25:14, 34:18, 35:11, 37:3, 40:17, 43:5, 43:15, 44:7, 44:13, 54:10, 56:17, 57:8, 65:21, 73:17, 73:19, 73:22, 81:18, 86:18, 87:4, 87:17, 87:22, 88:2, 92:11, 113:17, 114:21, 115:5
full
5:11, 7:4, 111:3, 123:3, 123:7
fully
10:4
fun
15:8
function
119:15
functionality
84:5
further
87:2, 119:5, 126:15, 127:12, 127:16, 127:20

G

gave
15:2, 50:5, 122:2, 122:18
gears
100:7
general
12:9, 21:5, 47:7
generally
6:19, 11:5, 11:7, 25:15, 37:22
give
7:4, 16:4, 48:17, 123:18
given
49:21, 65:18, 127:10
gives
48:7
giving
26:9, 33:10
go
7:8, 9:1, 10:10, 14:8, 20:4, 28:16, 30:13, 31:8, 31:13, 34:4, 44:19, 45:10, 53:21, 54:9, 54:11, 56:10, 56:12, 64:16, 66:1, 67:12, 69:1, 69:21, 70:8, 72:22, 73:3, 74:13,

86:16, 88:16, 88:17, 91:10, 95:10, 102:10, 103:15, 104:7, 104:11, 106:11, 107:6, 107:14, 111:15, 113:11, 117:17, 126:1
going
8:22, 9:4, 9:11, 19:18, 20:3, 22:18, 34:22, 44:20, 59:18, 60:3, 65:21, 67:11, 69:19, 71:17, 78:3, 78:16, 81:22, 84:17, 85:14, 98:6, 99:14, 100:11, 102:8, 104:15, 108:19, 114:15, 115:4, 115:15, 125:14, 125:16, 126:1
golf
15:1, 15:6, 15:7, 15:9, 15:10, 39:4, 39:12, 41:8, 41:11, 42:4, 42:17, 42:19, 90:13, 99:2, 124:20, 125:1
golfer
109:9, 124:19
good
5:8, 59:20
grab
10:8
gradient
61:3, 61:6, 61:17, 62:8, 62:12, 63:11, 64:2, 71:3
grant
1:18, 2:7, 4:3, 5:2, 5:13, 127:5, 127:17
graphic
14:15
grass
90:18, 108:2
gray
36:9
great
104:3
greater
73:7, 74:5, 74:11, 74:16, 75:5, 76:9, 110:14
green
33:7
ground
29:14, 30:18, 43:18, 43:22, 44:4, 44:18, 77:8, 77:9, 77:10, 77:13, 77:17, 77:21, 79:1, 79:11, 79:15, 79:22, 80:5, 80:7, 80:8, 80:12, 80:13, 87:9, 89:7, 89:10, 90:11, 90:18, 94:16, 96:13, 96:21, 98:1, 98:3, 98:7, 98:18, 99:7, 99:15, 99:16, 100:17, 101:13, 104:14, 107:9, 108:9, 110:22
grounds
29:7, 29:8, 29:19, 31:9, 95:4
group
20:20
guess
24:19, 72:12, 97:13, 114:11

H

half
124:14
halfway
56:15
hand
127:27
happened
122:20
happening
84:6, 116:10
happens
6:17
hard
77:9, 89:16, 89:19, 91:5, 97:2, 97:6, 108:6, 108:8, 110:2, 112:7, 117:7, 117:12
heading
45:1
heard
85:9
heel
28:9, 33:11, 33:15, 34:5, 34:14, 34:17, 34:18, 34:20, 35:8, 35:11, 35:14, 35:16, 36:1, 36:8, 37:21, 39:17, 43:5, 43:15, 43:17, 44:7, 44:14, 49:8, 50:8, 50:13, 54:15, 54:17, 56:17, 56:19, 57:8, 57:10, 58:11, 58:21, 65:5, 66:9, 68:1, 68:5, 69:7, 69:11, 70:20, 71:7, 71:10, 71:12, 71:13, 71:19, 73:18, 73:22, 75:6, 75:11, 75:19, 75:22, 76:7, 76:11, 76:15, 76:17, 77:22, 78:1, 78:12, 78:18, 78:20, 79:5, 79:7, 79:17, 79:20, 80:3, 80:15, 80:19, 80:21, 81:2, 81:4, 81:7, 81:9, 82:2, 83:5, 83:12, 84:4, 84:7, 86:18, 87:3, 87:5, 87:12, 87:16, 87:17, 103:6, 103:12, 103:20, 105:9, 113:6, 113:17, 114:20, 115:3, 115:5, 115:6
height
28:9, 33:12, 34:2, 34:3, 34:6, 34:14, 34:19, 35:12, 35:13, 36:2, 54:15, 79:19, 79:20, 81:5, 81:21, 82:4, 82:6, 82:12, 82:14, 82:16, 86:20, 87:4, 87:6, 87:14, 89:3, 89:11, 90:5, 90:8, 90:9, 95:13, 95:17, 95:22, 96:3, 96:7, 96:14, 100:21, 100:22, 103:6, 103:12, 104:18, 104:22, 105:6, 105:10, 105:15, 105:20, 106:3, 106:5, 106:9, 106:11, 106:15, 106:19, 106:21, 107:1, 109:15,

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

110:5, 111:7, 111:21, 112:1, 112:4, 112:5, 112:8, 112:9
heights 89:5, 89:17, 105:11, 108:14
helpful 36:22, 52:21, 117:17
here 8:10, 10:17, 23:20, 28:3, 28:8, 28:17, 31:20, 32:6, 35:4, 35:7, 35:11, 36:5, 36:13, 37:3, 37:6, 43:5, 45:15, 45:22, 54:14, 58:11, 64:3, 70:17, 73:11, 76:3, 83:18, 88:4, 88:15, 91:1, 91:16, 92:5, 100:9, 100:20, 104:18, 112:18, 113:3, 115:10, 117:19, 120:20, 126:16
hereby 127:4
hereinbefore 127:6
hereunto 127:27
hidden 80:22
higher 37:19, 43:18, 48:8, 75:7, 75:19, 75:22, 76:7, 76:11, 76:17, 78:19, 80:15, 80:21, 81:5, 81:7, 81:9, 82:21
highlighted 35:19, 35:20
hint 39:19
hired 46:10
history 18:22
hit 8:13, 9:22
hopefully 10:14
houghton 3:11, 4:4, 5:7, 5:8, 59:21, 60:5, 85:6, 100:7, 100:12, 126:8, 126:13
hour 15:18, 59:19
hourly 15:17
hours 15:20, 16:3, 16:12, 16:13, 16:15, 16:18
however 32:5, 99:4

I

ideas 26:17
identification 115:19
identified 37:20, 43:19, 52:4, 52:13, 106:18
identify 29:7, 33:15
illustration 4:9, 14:15, 115:21
image 44:8, 79:8, 80:22, 81:20
images 18:7, 18:8, 77:14
imagine 84:2, 84:14
immediately 36:14
implied 119:7, 119:9
improper 63:16
inbox 8:12
inc 1:6, 3:3, 127:13
incline 75:1
inclined 88:22
include 22:21, 24:3, 24:16, 96:6, 107:19, 119:8, 126:4
included 32:16, 88:9, 112:4
includes 24:11, 113:5
including 79:13, 89:12, 111:13, 118:10
incorporated 30:1
incorporation 99:12
increasing 81:21
increasingly 61:8
indicate 81:21, 121:7, 121:11
indicated 105:10
indicating 80:6, 105:4
indicative 121:4
individual 20:19, 30:5
industrial 13:7, 13:18
information 17:1, 17:2, 17:5, 24:19, 40:10, 41:18, 72:16, 125:13
informed 22:20, 93:6, 119:5
infringe 18:4, 122:17
infringement 18:9, 123:4
infringing 68:6, 69:12, 72:4
inherently 74:22
injuries 115:11
inner 55:18, 56:4, 56:6, 56:16, 56:20, 57:2, 57:8, 57:11, 58:5, 58:8, 58:12, 58:22, 61:9, 71:8, 73:16, 73:19, 82:6, 82:17, 82:21, 88:2, 89:1, 89:2, 103:22, 109:6, 109:9, 114:1
innovation 11:10, 108:1
input 15:2
inside 37:12, 55:17, 56:3, 89:11, 95:17, 96:19, 97:10, 109:15, 114:18, 115:4, 116:4

insole
99:3, 99:8, 99:12, 99:22, 100:5
instance
29:4, 110:17
intended
90:2, 90:10, 97:3, 97:17, 97:18
interested
127:24
interior
32:7, 37:15, 38:10, 38:19
internal
19:1, 19:3
international
24:1
interpret
52:14, 81:6
interpretation
110:20
invalid
29:15, 48:22
invalidates
31:5
invalidity
18:15, 29:14, 29:19
invention
22:4, 23:4, 29:22, 31:9, 62:3, 90:2, 97:4, 121:3
inventions
24:7
inventor
12:5, 12:18, 13:3, 23:8, 23:15, 24:4, 24:12, 24:16, 25:1, 25:6, 26:1, 26:9, 26:17, 26:19, 27:5, 27:9
inventor's
121:15
inventors
25:10, 25:13
inverse
108:18
inversely
82:13, 108:15
inward
116:5
ipr
1:12, 1:13, 1:14, 1:15, 1:16, 6:3, 10:17, 10:19, 10:21, 15:17, 18:5, 21:2, 29:7, 42:11, 45:10, 56:11, 78:5
iprs
6:11, 9:13, 108:20, 122:8
issue
18:5
itself
41:14, 44:6, 65:20, 90:5
ix
70:15

J

job
2:2
jorgensen
3:12, 5:9
juxtaposed
71:12

K

keegan
2:4, 2:8, 127:2
kim
30:19, 30:21, 73:10, 73:13, 74:3, 74:6, 75:6, 75:19, 75:20, 75:22, 76:7, 76:8, 76:21, 77:3, 77:5, 77:16, 78:3, 82:1, 82:4, 83:14, 85:14, 88:16, 88:18, 89:12, 91:15, 91:18, 91:19, 92:3, 92:7, 94:2, 94:5, 94:11, 94:16, 94:21, 95:1, 95:2, 95:5, 95:6, 95:9, 95:14, 95:22, 96:18, 97:10, 98:6, 98:20, 99:3, 99:7, 99:11, 99:19, 100:1, 100:4
kind
15:8, 20:3, 41:18, 100:7
kinds
120:21
know
6:19, 8:6, 8:19, 9:16, 13:10, 16:8, 19:8, 20:21, 21:3, 21:16, 23:16, 24:21, 25:9, 25:13, 25:15, 25:16, 25:17, 26:16, 27:14, 28:2, 29:18, 29:20, 29:22, 30:4, 30:11, 38:3, 38:5, 38:16, 40:2, 41:1, 43:12, 49:14, 49:18, 64:17, 66:2, 68:14, 68:18, 68:20, 77:11, 78:9, 81:6, 81:11, 88:14, 92:12, 100:18, 102:11, 104:2, 109:1, 115:16, 118:16, 118:17, 124:5, 124:22, 125:6
knowledge
27:6
known
119:14, 119:19, 119:20
knows
36:7

L

lacked
121:7
langer
124:19
larger
89:3
last
16:3, 20:7, 65:3, 75:9
later
55:19, 121:3
laterally
114:2, 114:15
latest
16:2
lawyer
30:11
lead
12:5
leaning
116:5, 116:7
learned
81:3
least
50:19, 64:13, 93:20
left
81:19
legal
118:14, 118:20, 121:17
lehman
3:12
length
114:2, 114:19

less
16:17, 61:8
let's
10:11, 22:2, 30:13, 34:4, 36:9, 53:21, 54:9, 69:1, 69:18, 100:10
level
21:6, 21:21, 22:3, 22:22, 23:7, 23:10, 23:15, 23:20, 24:4, 24:9, 24:12, 24:16, 25:4, 25:5, 25:10, 25:19, 25:22, 26:1, 26:8, 26:9, 26:20, 27:6, 27:10, 37:21, 43:18, 48:8, 71:14, 93:9, 109:11
levels
26:18
likely
119:11, 119:18
limit
53:4, 53:8, 114:4
limitation
51:2, 54:2, 70:19, 70:22, 73:5, 73:12, 74:7, 75:9, 75:15, 75:18, 76:13, 76:16, 87:1, 101:19
limitations
101:2, 102:1
line
37:10, 78:1, 78:2, 78:17, 78:19, 80:6, 86:13, 86:14, 86:15, 98:17, 102:14, 103:17, 104:7, 104:8, 105:5
lines
98:12
list
22:13, 22:17, 22:21, 23:7, 23:8, 24:10, 24:11, 24:17, 30:8, 31:4, 47:15, 117:22
listed
11:17, 12:5, 12:18, 21:20, 24:14, 64:3, 70:3
listing
70:13
literally
29:12
litigation
6:11
little
11:19, 20:4, 30:13, 33:6, 39:3, 50:5, 55:19, 60:9, 66:13, 70:11, 70:15, 81:13, 81:17, 81:18, 81:20, 85:13, 100:11, 104:3
llc
1:9, 3:10, 5:6
llp
3:5
long
16:8
long-drive
124:15
long-established
121:2
look
8:17, 9:9, 19:20, 22:14, 23:14, 25:18, 36:9, 37:5, 37:11, 41:13, 42:8, 43:21, 46:4, 51:18, 65:19, 67:10, 69:18, 70:2, 77:10, 78:8, 79:17, 79:19, 81:11, 81:12, 100:15, 102:9, 102:20, 105:7, 105:9, 106:2, 108:18, 114:12
looked
18:3, 18:6, 18:21, 19:1, 19:10, 41:20, 41:21, 47:13, 112:13, 120:17
looking
8:15, 35:1, 36:5, 42:21, 42:22, 47:6, 64:7, 69:20, 69:22, 70:6, 70:17, 75:10, 76:3, 77:14, 77:19, 78:10, 78:21, 84:18, 84:21, 85:8, 88:20, 91:1, 100:17, 101:4, 101:6, 101:19, 103:2, 103:9, 104:14, 105:13, 109:3, 112:18, 117:5, 120:15
looks
8:11, 9:19, 33:5, 37:5, 79:9
lot
6:17, 68:21
lots
37:9
lower
35:18, 37:21, 38:1, 38:17, 49:8, 50:8, 50:13, 75:11, 76:14, 78:13, 79:5, 79:8, 80:3, 88:21, 95:16

M

machine
12:21
machinery
14:6
machines
11:20
made
12:15, 15:5, 24:7
major
13:12
majority
28:12
make
30:3, 76:4, 82:9, 83:21, 85:9, 119:13, 121:6
making
99:10, 100:3
manner
119:16
many
5:17, 5:21, 6:2, 12:7, 15:20, 16:12, 23:17, 26:18
march
11:5, 16:6, 22:7
marked
4:14, 9:14, 19:15, 19:22, 42:12, 78:6, 102:22, 108:21, 115:18
market
15:10, 29:21, 119:12, 123:9, 123:13, 123:21
marks
7:20, 124:10
marriage
127:22

massachusetts
2:10, 127:4, 127:33
material
44:6, 44:14, 65:1, 65:4, 65:6, 65:8, 66:10, 66:11, 66:12, 66:21, 66:22, 67:5, 67:7, 67:17, 67:18, 68:2, 68:3, 68:4, 69:8, 69:9, 69:10, 70:16, 70:21, 71:1, 71:3, 71:6, 71:11, 71:15, 71:16, 71:20, 71:21
material(s
68:6, 69:12
materials
67:5
matter
12:9, 91:6, 127:25
maybe
10:8, 16:17, 33:4, 48:18, 52:15, 83:12, 105:14, 114:11
mean
20:12, 20:16, 23:9, 26:5, 26:21, 27:11, 40:19, 46:8, 47:4, 51:9, 53:14, 53:19, 97:13, 97:22
meaning
19:3, 45:5, 45:18, 47:20, 47:22, 50:3, 50:7, 51:7, 51:22, 62:12, 63:6, 63:14
means
51:4, 56:18, 57:9, 62:18, 97:20
meant
72:2, 90:2, 97:4, 101:9
measure
109:13, 110:5, 110:21
measured
34:16, 35:7, 35:10, 106:12
measurement
111:8
measurements
32:19, 112:2
measuring
96:2, 98:9, 109:20, 111:6
medical
24:1
memory
22:18
mention
49:20
mentioned
12:22, 13:2
merit
2:9, 127:2
met
76:16
michelle
2:4, 2:8, 127:2
mid-foot
73:14
midsole
35:14, 35:17, 37:13, 38:15, 91:3, 99:3, 99:8, 99:12, 99:22, 100:4, 113:4, 113:8, 113:20
might
5:19, 6:8, 6:9, 9:8, 9:20, 11:15, 16:16, 17:17, 20:10, 20:15, 20:19, 42:20, 48:9, 48:16, 48:17, 50:15, 68:20, 83:11, 119:8, 119:9, 121:6, 121:10, 121:15, 123:18
minutes
59:19
miss
92:12
misstates
51:11, 52:9, 57:4, 58:10, 106:7, 123:15
mistake
105:3
modifications
99:10, 100:3
month
16:3
more
6:8, 16:15, 16:18, 50:16, 59:21, 64:6, 84:8, 119:13, 126:8
morning
5:8
mouse
35:5, 43:5
move
35:3, 61:9
moves
17:17
must
72:1, 93:7, 119:22

N

name
5:8, 5:11, 5:13, 14:4
named
121:15
narrower
81:18
natural
119:13
nd
3:6
near
36:19, 56:9, 58:3, 58:19
necessarily
114:2
necessary
120:9
need
19:19, 29:18, 66:6, 87:22, 92:5, 121:2
needs
51:16, 119:12
new
3:7, 13:15, 115:16
next
70:21, 76:13, 93:5, 100:22, 106:3, 115:7
nike
40:19
none
13:1, 15:13, 28:20, 31:2
nonobvious
120:19, 121:16
nonobviousness
120:6, 120:12, 121:4
norton
114:9, 115:7, 115:10, 116:9
notary
2:9, 5:3, 127:1, 127:3, 127:32
notation
64:20
notes
7:20
nothing
11:22, 33:21, 89:18
novel
113:4

nowhere
121:18
number
12:5, 12:16, 14:20, 16:1, 16:4, 16:11, 16:13, 41:22
numbering
4:12
numbers
20:7
numeral
70:12, 105:8
nw
3:13

O

oath
7:2
objection
7:10, 16:22, 26:2, 26:15, 27:1, 28:22, 29:17, 30:6, 31:6, 36:3, 36:16, 36:21, 37:17, 38:13, 38:22, 41:4, 41:16, 43:10, 44:2, 44:9, 46:19, 48:13, 49:5, 49:10, 50:11, 51:11, 52:1, 52:9, 52:19, 53:6, 55:2, 55:7, 57:4, 57:15, 57:22, 58:10, 58:17, 59:7, 59:14, 61:19, 62:14, 63:16, 65:12, 68:11, 72:15, 82:7, 83:6, 83:16, 84:10, 85:18, 88:12, 89:14, 89:21, 90:16, 94:3, 94:12, 94:18, 95:7, 96:8, 96:15, 96:22, 97:12, 103:7, 103:14, 106:7, 106:14, 107:22, 108:11, 108:17, 109:22, 110:9, 110:16, 111:1, 115:2, 117:1, 118:12, 121:22, 122:9, 123:2, 123:15, 125:11
objections
27:13
obtained
119:9
obvious
30:18, 30:22, 31:10, 33:17, 91:14, 91:17, 94:6, 94:8, 94:9, 94:20, 95:3, 95:9, 98:20, 99:18, 101:16, 101:18, 107:12, 119:11, 121:12
obviousness
91:21, 92:1, 92:4, 92:9, 93:2, 93:7, 93:19, 117:15, 118:1, 118:9
offer
91:19, 110:19
offered
13:11, 13:12, 15:4, 92:16, 125:10
offering
64:12, 122:21, 125:4
office
1:2, 19:5
official
29:10
officially
29:2
oh
12:20, 114:13
one
4:11, 6:16, 9:3, 23:14, 24:3, 27:16, 31:3, 32:4, 39:8, 39:9, 41:21, 42:1, 42:20, 47:16, 50:15, 50:19, 51:9, 53:3, 54:2, 64:3, 64:6, 67:5, 83:15, 83:17, 84:13, 84:21, 85:14, 90:6, 93:7, 93:14, 95:4, 98:13, 101:7, 102:9, 102:20, 112:13, 112:21, 115:16, 116:9, 117:14, 117:15, 117:21, 119:13
ones
40:7, 40:21, 112:13
only
31:22, 32:12, 39:12, 60:11, 64:1, 64:11, 82:17, 83:11, 83:13, 83:14, 83:17, 84:13, 99:6, 114:16, 120:17
open
8:9, 9:6, 9:17, 9:21, 10:8, 42:14, 65:22, 70:4, 78:8, 102:10, 109:1, 109:2, 112:12, 115:17, 115:20
opening
43:14
opined
21:6, 22:2, 48:22
opinion
21:20, 26:9, 27:15, 27:19, 53:18, 73:10, 74:6, 75:4, 75:18, 91:13, 91:16, 91:19, 92:16, 101:15, 106:2, 107:11, 110:19, 113:8, 122:13, 122:21
opinions
21:6, 22:4, 27:20, 30:17, 31:2, 31:8, 57:17, 59:3, 60:8, 60:20, 61:20, 112:22, 123:11, 125:5, 125:10
optimal
52:16
order
84:1
ordinary
21:7, 21:21, 22:14, 25:3, 26:10, 26:22, 27:7, 27:12, 45:4, 45:18, 46:7, 46:16, 46:21, 47:3, 47:19, 47:22, 48:11, 50:2, 50:6, 51:7, 62:2, 62:6, 62:12, 62:18, 63:6, 63:14, 63:21, 77:20, 79:14, 80:7, 93:9, 120:1
other
6:10, 8:8, 11:16, 16:9, 18:18, 20:19, 27:16, 40:14, 52:5, 54:9,

83:20, 84:16, 99:10, 100:3, 100:4, 118:19, 120:21, 124:3
others 121:5
otherwise 17:5, 125:21, 127:24
out 7:8, 7:18, 7:19, 20:22, 45:8, 66:13, 67:13, 81:15, 121:20
outcome 127:25
outer 55:18, 56:4, 56:6, 56:16, 57:2, 57:8, 58:5, 58:8, 61:9, 71:9, 73:20, 73:21, 82:5, 82:15, 82:21, 88:1, 88:22, 89:3, 103:5, 103:11, 109:5, 109:8, 114:1
outer-most 56:20, 58:12, 58:22
outermost 57:11
outside 38:21, 55:18, 56:4, 62:22, 89:11, 95:13, 96:19, 97:10, 105:15, 106:6, 106:13, 109:15, 114:18, 115:4, 116:4
outsole 36:12, 36:17, 37:4, 82:14, 88:22, 89:1, 89:2, 89:4, 89:6, 89:9, 117:3, 117:5, 117:8
outward 116:7
over 16:3, 33:21, 35:3, 98:20, 100:22, 102:8
overlaps 24:10
oversaw 28:13
own 12:3, 12:4, 61:15
owned 40:16, 40:18, 40:19, 40:20, 40:21, 41:5
owner 1:10, 3:10, 5:6
owner's 121:9

P

page 4:3, 4:8, 4:11, 21:16, 27:22, 30:14, 30:16, 31:17, 33:2, 33:8, 36:10, 39:6, 39:9, 39:18, 39:19, 39:22, 42:22, 45:12, 45:13, 49:15, 49:18, 49:19, 53:21, 54:12, 56:13, 60:22, 64:4, 64:16, 66:1, 66:3, 67:13, 67:14, 69:4, 69:6, 70:8, 70:9, 70:10, 70:11, 71:18, 73:3, 73:6, 74:14, 75:10, 75:16, 76:21, 85:5, 85:8, 85:14, 85:15, 86:3, 86:16, 86:22, 87:21, 88:20, 92:21, 92:22, 93:1, 93:5, 94:19, 95:5, 95:10, 95:16, 95:21, 98:9, 98:19, 99:17, 100:18, 101:14, 101:20, 102:3, 102:21, 103:5, 104:11, 104:15, 106:3, 107:9, 107:10, 107:14, 111:12, 111:18, 112:17, 112:18, 113:3, 113:11, 114:5, 114:6, 114:9, 114:12, 114:13, 115:10, 116:12, 116:14, 116:16, 117:17
pages 2:3, 101:1
pair 40:20, 40:21, 41:5
paper 19:20
paragraph 21:15, 21:20, 22:6, 22:13, 23:8, 23:11, 24:14, 24:17, 24:18, 24:21, 25:1, 25:6, 26:21, 27:10, 28:8, 33:2, 34:4, 34:11, 36:10, 41:7, 44:19, 45:3, 49:22, 54:6, 55:20, 58:9, 74:13, 74:21, 75:14, 83:2, 84:17, 85:5, 85:6, 93:6, 99:1, 112:17, 113:14, 117:18, 117:22, 118:3, 119:5, 120:21
paragraphs 24:20
parallel 74:18, 85:2, 85:11, 85:17, 86:6, 87:9, 87:10, 87:14, 89:6, 89:10, 91:4, 96:13, 96:20, 97:1, 97:5, 97:15, 97:19, 97:20, 97:22, 98:1, 98:2, 98:6, 108:9, 110:12, 112:10
part 13:20, 14:17, 17:11, 29:6, 29:8, 36:13, 36:14, 36:18, 42:22, 43:21, 47:7, 56:12, 77:17, 81:14, 87:20, 87:21, 114:7, 114:22, 122:8
participated 17:8
particular 48:10, 48:16, 49:4, 51:21, 52:17, 52:22, 121:11
particularly 104:3
parties 127:21, 127:23
parts 82:17

party
127:12
patent
1:2, 1:4, 1:10, 1:12, 1:13, 1:14, 1:15, 1:16, 3:10, 5:6, 6:11, 12:21, 19:5, 20:6, 21:1, 21:13, 28:1, 30:22, 31:21, 41:3, 41:6, 41:14, 42:4, 42:17, 45:5, 45:9, 45:19, 46:15, 47:14, 49:7, 51:17, 51:19, 52:3, 52:6, 52:7, 52:11, 53:2, 55:1, 55:21, 56:8, 56:10, 57:21, 59:16, 61:17, 61:22, 62:1, 62:21, 62:22, 64:7, 65:20, 67:3, 67:4, 67:11, 69:2, 69:19, 69:20, 70:3, 71:18, 72:22, 81:4, 83:9, 84:2, 84:5, 84:15, 84:19, 85:3, 91:10, 92:17, 94:17, 97:16, 98:18, 100:16, 101:5, 101:14, 104:16, 107:4, 107:6, 108:1, 109:2, 111:16, 113:1, 121:9, 121:10, 123:21, 123:22
patents
10:18, 12:2, 12:4, 12:6, 12:10, 12:16, 13:2, 15:12, 15:15, 18:5, 20:10, 20:11, 20:14, 20:15, 20:19, 21:11, 22:10, 25:11, 25:14, 29:13, 29:15, 32:11, 41:20, 41:21, 46:4, 47:8, 48:21, 49:3, 50:8, 50:19, 50:20, 56:1, 57:3, 57:19, 58:3, 63:2, 92:4, 110:21, 122:4, 123:1, 123:10, 124:3, 124:11
pattern
41:11
pdf
70:8, 70:12
pending
12:21
penetrated
90:18
percent
123:12
perform
97:4
performance
51:16, 125:1
perhaps
105:12
perimeter
54:16
perpendicular
114:18
person
25:3, 26:22, 27:7, 27:12, 46:6, 46:16, 46:20, 47:2, 48:4, 48:11, 62:2, 62:6, 62:18, 77:20, 79:14, 80:7, 91:13, 120:1
personally
12:4, 16:20, 25:16, 25:17, 124:5
persons
22:22
perspective
77:5, 104:5, 105:12, 105:13
pertaining
17:2
petition
65:20, 66:8, 66:19, 67:11, 67:14, 67:20, 68:12, 68:19, 69:21, 70:4, 72:7, 72:11
petitioner
1:7, 3:3
petitions
15:21, 16:6, 16:10
photo
33:22
photos
40:11
physical
31:19, 31:21, 32:11, 32:20, 40:14, 70:9, 89:18, 90:3
physically
18:6
physics
13:21, 14:2, 14:7, 14:11, 14:12, 14:18
pick
11:15
picture
33:19, 36:19, 38:11, 38:20, 41:15
pictured
39:9, 79:3, 80:12
pictures
31:20, 32:1, 32:10, 32:12, 39:22, 40:1, 40:4
pilates
11:20, 12:21
placing
48:4
plain
45:4, 45:18, 47:19, 47:22, 50:2, 50:6, 62:12, 63:5, 63:13, 77:13
planar
109:10
platform
34:14, 34:17, 34:18, 36:1, 36:8, 43:5, 44:7, 54:15, 54:17, 56:18, 57:9, 61:7, 65:5, 65:7, 66:9, 66:11, 68:1, 68:2, 68:5, 69:7, 69:8, 69:11, 70:20, 71:1, 71:7, 71:10, 71:12, 71:13, 71:19, 71:21, 73:15, 73:18, 74:1, 75:11, 86:19, 86:20, 87:3, 87:4, 87:5, 87:6, 87:13, 87:17, 90:21, 91:7, 96:18, 97:9, 98:4, 109:14, 113:6, 113:17, 114:21, 115:3
please
5:11, 7:8, 41:18, 76:6,

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

104:12
plus
97:7
point
11:8, 11:22, 16:2, 17:16, 18:2, 27:19, 36:19, 37:1, 37:19, 54:5, 77:16, 77:22, 78:13, 78:19, 82:10, 85:22, 92:19, 106:12
pointing
101:22
portion
34:17, 56:18, 57:9, 62:11, 62:21, 113:18
portions
32:16
posita
74:14, 91:17, 113:15
position
29:11, 30:21, 34:12, 48:7, 48:19, 50:16, 106:16, 113:16
positioning
47:10, 47:16, 48:1, 49:4, 49:8, 49:11, 49:21, 50:10, 50:21, 51:2, 51:9, 51:15, 51:18, 51:22, 52:4, 52:8, 52:12, 52:15, 53:1, 53:17, 53:18, 54:3, 54:7
positions
11:17, 83:20
possible
8:19, 120:22
powerpoint
19:11
practicing
124:11
praising
121:15
preceding
36:14
prefer
19:20
present
82:2, 102:15
presentation
122:3, 122:19
presentations
19:11
presented
40:12, 62:16
pressures
119:12
pretty
15:7
prevent
116:10
previous
35:20, 36:10, 74:21, 116:14
previously
4:14, 9:14, 19:22, 42:12, 78:6, 102:22, 108:21
printed
7:17, 7:19, 9:3
prior
12:22, 13:4, 15:14, 15:21, 16:10, 19:5, 23:3, 24:5, 28:21, 29:5, 29:8, 29:10, 29:12, 29:15, 29:22, 30:2, 30:5, 30:9, 31:4, 31:9, 36:20, 45:5, 45:19, 51:2, 51:12, 52:10, 57:4, 92:17, 93:8, 93:10, 93:15, 112:21, 115:8, 116:13, 119:6, 119:13, 120:15, 120:19, 123:10, 123:15, 124:3
privilege
7:9
privileged
17:1, 40:9, 41:18, 72:16, 125:12
probably
6:1, 6:5, 11:7, 48:8, 50:14, 51:15
problem
121:2, 121:12
problems
23:1, 24:5, 24:6
proceedings
6:3, 10:17, 10:21, 11:2, 21:8
produced
18:20
product
11:10, 15:5, 121:10, 123:20
production
17:2
products
121:14, 122:22, 123:9, 123:13, 124:5, 124:8, 124:11, 124:13
professional
124:18
professor
11:10
program
13:14, 13:17
programs
8:8
project
11:13, 12:1, 15:3
promotional
15:5
pronation
4:10, 115:12, 115:22, 116:3, 116:4
proportional
82:13, 108:15
proposed
26:20
prosecution
18:22
provide
46:11
provided
39:22, 40:3, 52:8, 54:20, 60:15, 121:3
providing
46:1, 64:12
provisional
22:8
proximal
113:17
public
2:9, 5:3, 127:1, 127:3, 127:32
publicly
19:4
published
121:10
pull
10:7, 10:9, 20:22
purpose
90:10
put
9:5, 9:11, 16:12, 19:18, 24:21, 26:7, 27:10, 33:18, 39:13, 50:9, 65:10, 108:19, 115:15
puts
48:7

Q

qualify
29:5, 43:12

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

question
8:6, 16:5, 17:6, 21:5, 26:6, 27:4, 38:2, 38:9, 38:18, 40:10, 47:8, 49:6, 49:17, 53:9, 58:14, 59:19, 63:16, 68:18, 76:5, 82:10, 85:9, 92:8, 95:8, 101:11, 103:10, 111:2, 123:17, 125:15, 125:22, 126:2
questions
7:9, 99:15, 126:9, 126:15
quick
22:19
quickly
65:19, 111:15
quite
26:5, 27:4
quoting
23:22

R

rapidity
24:6
rate
15:17
rationale
119:7, 119:8
reach
118:8
read
22:19, 46:15, 48:21, 51:17, 51:19, 52:3, 61:21, 62:1, 92:13, 114:5, 114:7, 119:4
reading
46:15, 75:15, 82:17
real
22:19
really
15:4
rear
35:8, 56:17, 57:8, 86:19, 87:5, 87:18
rearmost
34:16
reason
7:4, 24:15, 42:3
recall
16:13, 41:20, 92:14, 122:6, 122:20
recess
60:4, 100:14, 126:14
recites
66:9, 67:22, 68:10, 69:7, 69:16, 71:19
recognize
55:22
recognized
121:13
recognizing
115:11
recollect
118:21
record
5:12, 10:16, 100:15, 114:7, 126:17, 127:9
red
36:10
redirect
126:12
reedman
5:9
refer
9:2, 20:10, 20:15, 20:18, 20:19, 31:10, 58:18
reference
31:5, 56:5, 73:8, 73:11, 74:5, 74:11, 74:16, 75:6, 76:10, 77:16, 78:3, 85:1, 85:10, 85:17, 86:6, 86:7, 86:10, 86:20, 87:7, 87:8, 88:18, 92:18, 94:15, 97:20, 102:5, 102:9, 110:14, 112:19, 114:10, 114:14, 115:8, 116:13
references
30:5, 31:21, 112:22, 119:6
referencing
75:14, 85:22, 86:2, 105:5
referred
118:21
referring
8:4, 20:6, 32:6, 45:12, 82:18, 86:13, 94:21, 111:11, 114:1
refers
56:8
refresh
22:18
regard
12:16
regarding
100:17
regardless
98:6, 110:6
regards
44:17
region
36:13, 36:15
registered
2:8, 127:2
reichman
3:12, 5:9
relate
92:4
related
12:1, 59:19, 127:20
relative
43:22, 44:3, 90:11, 90:12, 90:14, 109:21, 110:5, 110:10, 110:22
relatively
97:15, 108:18, 110:12, 112:9, 112:10
released
122:18
relevant
25:21, 26:13, 26:16, 43:21, 93:10, 121:1
rely
31:3, 94:15
relying
30:8, 99:6, 101:2, 114:22, 116:16
remain
91:9
remains
90:22, 91:8
remember
6:4, 16:12, 18:16, 72:18, 72:19, 92:15, 92:19, 117:16
reminding
60:10
render
31:9, 94:7
renders
30:21, 94:9
repeat
123:17
rephrase
26:6, 96:16, 97:7
reported
2:4
reporter
2:9, 9:4,

127:1, 127:3
represented
32:8, 127:13
representing
5:10, 35:14
represents
62:18
requires
61:7, 73:6, 75:6, 75:19, 76:14
requisite
121:7
respect
77:15
respectively
89:4
rest
104:6
restate
27:5, 49:17, 76:6
resting
38:6, 38:15
result
75:12, 76:15, 119:21
results
119:17
reviewed
18:14, 18:18, 41:22
rmr
2:4
rob
7:12
robert
3:4
roman
70:12, 105:8
room
7:13, 7:15
rotated
79:9
rotating
116:3
row
84:13
rubin
94:21, 94:22, 99:15, 99:19, 99:21, 100:4, 107:9, 107:12, 107:17, 107:19, 108:8, 108:14, 108:19, 109:16, 111:6, 123:21, 123:22
rules
23:17
runs
74:17

S

said
23:13, 51:8, 60:12, 60:17, 70:10, 84:20, 101:4, 110:21, 118:8, 124:22
sale
15:4
same
7:13, 11:2, 13:17, 21:10, 21:14, 22:10, 23:21, 27:6, 27:13, 34:19, 35:1, 35:12, 36:10, 37:1, 42:22, 43:8, 43:13, 43:17, 44:6, 44:16, 45:10, 56:12, 65:7, 66:12, 66:21, 67:7, 67:12, 67:17, 67:18, 68:4, 68:6, 69:10, 69:12, 72:6, 72:10, 75:9, 76:13, 88:11, 89:12, 89:17, 90:3, 90:4, 90:22, 91:8, 91:9, 96:7, 97:9, 99:14, 99:16, 102:18, 103:3, 103:5, 103:12, 103:14, 105:15, 105:17, 105:19, 107:5, 108:17, 109:16, 112:6, 124:2, 125:19
satisfy
87:15
save
9:22
say
6:1, 6:4, 11:7, 14:1, 17:7, 18:22, 22:6, 23:20, 24:13, 24:19, 24:22, 28:8, 28:12, 29:3, 29:15, 32:5, 33:3, 33:11, 34:5, 34:9, 34:15, 34:18, 39:20, 40:18, 41:7, 42:6, 43:13, 44:15, 47:5, 47:21, 48:4, 48:18, 49:11, 50:4, 50:14, 51:5, 51:14, 52:21, 53:11, 56:16, 59:15, 61:6, 63:4, 63:12, 63:21, 68:10, 69:15, 70:1, 70:15, 71:15, 72:3, 74:14, 74:21, 77:9, 77:17, 79:7, 79:13, 85:5, 91:2, 93:6, 93:20, 94:9, 94:13, 98:15, 98:16, 98:19, 99:1, 99:18, 99:21, 102:4, 106:17, 107:17, 109:17, 113:3, 113:14, 113:20
saying
27:5, 27:9, 34:1, 35:11, 52:7, 67:16, 86:9, 97:21, 114:20
says
24:3, 24:22, 42:6, 45:3, 45:15, 61:3, 65:4, 66:8, 66:14, 67:22, 69:6, 70:19, 71:18, 83:1, 86:18, 87:21, 88:21, 102:14, 104:4, 104:7, 105:10, 108:8, 109:4
schematically
102:15
science
13:6
scooter
12:15
scooter-type
12:18
scope
93:8
screen
8:15, 9:8, 10:4, 10:8, 10:9, 33:4, 34:22, 35:2, 35:5, 36:6, 42:21, 78:16, 82:11, 85:21
scroll
66:6
scrolled
103:9
scrolling
39:3, 85:13
se
15:11

seated
35:15
sec
102:20
second
35:21, 54:14, 65:1, 65:6, 66:11, 66:21, 67:17, 68:2, 69:9, 70:16, 71:1, 71:3, 71:6, 71:15, 71:16, 71:21, 73:6, 73:18, 74:4, 74:15, 75:5, 75:12, 85:16, 85:20, 86:3, 86:5, 86:9, 87:20, 87:22, 88:10, 95:13, 96:3, 96:6, 100:21, 101:9, 101:20, 102:4, 106:3, 106:5, 106:9, 106:11, 106:15, 106:19, 106:21, 107:1, 107:20, 108:3, 108:7, 109:20, 110:3, 110:7, 110:14, 110:18, 111:21, 112:5
secondary
93:11, 117:16, 117:19, 118:4, 118:10, 118:18, 118:22, 119:2, 120:5, 120:11, 120:18, 120:21, 123:5, 125:4, 125:9, 125:18, 126:4
section
27:21, 28:4, 28:9, 30:16, 31:11, 31:14, 32:17, 32:21, 33:12, 33:15, 34:5, 35:18, 35:20, 39:5, 39:14, 39:17, 40:5, 40:12, 40:15, 43:9, 44:22, 45:10, 47:13, 49:12, 49:16, 54:11, 60:22, 64:8, 64:12, 64:14, 65:11, 69:20, 71:9, 71:10, 73:14, 73:15, 73:18, 75:7, 75:11, 75:20, 76:1, 76:7, 76:8, 76:11, 76:14, 76:15, 76:17, 76:18, 78:12, 78:13, 78:18, 79:5, 79:7, 79:8, 84:13, 87:3, 93:2, 95:14, 95:18, 97:16, 104:8, 111:6, 118:20, 119:1, 120:4
sectional
32:3
see
10:5, 11:14, 22:2, 25:1, 30:19, 35:1, 35:5, 35:22, 36:11, 36:18, 38:14, 39:1, 39:19, 41:7, 41:8, 43:3, 45:19, 45:21, 50:1, 56:21, 61:4, 64:20, 65:2, 66:17, 66:18, 68:7, 68:8, 69:13, 69:14, 71:2, 71:21, 74:20, 75:13, 75:17, 77:1, 78:11, 79:16, 79:18, 80:4, 80:15, 80:19, 80:20, 81:2, 81:13, 81:16, 84:4, 84:13, 84:22, 86:21, 88:3, 88:15, 89:7, 89:8, 93:3, 93:12, 95:15, 95:19, 96:1, 98:20, 99:4, 99:5, 99:20, 100:2, 102:16, 103:15, 103:20, 103:22, 104:6, 109:11, 109:12, 114:13, 120:3, 126:11
seeing
68:16, 81:4, 108:12
seen
18:7, 50:22, 68:19, 68:20, 84:12
send
78:3, 102:8
sense
83:21
sent
70:5
sentence
65:3, 66:13, 114:5
separate
53:13
set
127:6, 127:27
seven
28:18
seventh
5:20
several
28:17, 56:1
share
9:8, 17:4, 34:22, 40:9, 41:18, 42:21, 72:17, 78:16, 125:13
shifted
13:15
shifting
100:7
shoe
11:22, 15:1, 15:6, 28:10, 30:10, 31:12, 32:7, 32:8, 32:9, 33:1, 33:11, 33:16, 34:6, 34:13, 35:7, 35:10, 35:15, 36:1, 36:7, 36:10, 37:5, 37:12, 37:15, 37:22, 38:8, 38:10, 38:11, 38:20, 39:5, 39:14, 41:2, 41:8, 41:11, 42:5, 42:17, 42:20, 44:1, 50:8, 50:13, 56:6, 56:7, 56:9, 56:19, 56:20, 57:10, 57:11, 58:7, 58:13, 58:19, 59:1, 74:19, 75:1, 77:11, 78:21, 79:4, 79:21, 80:18, 81:1, 83:20, 85:2, 85:11, 87:11, 87:15, 89:15, 89:18, 89:22, 90:3, 90:4, 90:9, 90:13, 90:19, 95:13, 95:14, 95:18, 97:2, 97:18, 99:2, 103:5,

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

104:6, 110:1, 112:7, 114:16, 114:19, 116:20, 116:22, 117:2
shoes
14:21, 15:9, 15:11, 15:13, 18:4, 18:6, 18:8, 27:21, 28:5, 28:13, 28:17, 28:20, 29:4, 29:12, 29:16, 29:20, 30:8, 31:4, 31:11, 31:14, 31:20, 31:21, 31:22, 32:2, 32:6, 32:11, 32:12, 32:16, 32:20, 37:9, 39:4, 39:13, 39:16, 40:5, 40:11, 40:13, 40:15, 40:16, 40:18, 40:19, 40:20, 41:1, 41:5, 68:4, 69:10, 79:1, 122:16, 124:16, 124:20, 125:1
shoot
10:11
shorthand
127:1
should
23:14, 23:18, 65:17, 126:16
show
77:8, 77:10, 85:15, 100:21, 104:18, 104:19, 106:20, 106:22, 121:15
showing
31:22, 32:2, 54:6, 76:21, 81:9, 83:14, 95:12, 103:21, 115:22, 116:19, 117:4
shown
77:2, 79:4, 83:4, 84:9
side
39:20, 81:4, 81:19, 109:5, 109:6
sides
109:9
sidewall
35:13, 37:8, 38:7
signature-b7fzp
127:30
silhouette
37:10
similar
44:15, 109:18
since
26:12, 74:17, 124:20
sit
34:20, 35:16
sits
37:12, 43:22, 44:3, 44:17, 56:5, 56:19, 57:10, 58:7, 58:12, 58:22
sitting
56:9, 77:11, 112:7
situation
80:2
six
6:9, 23:13, 23:19, 24:8, 28:18
skill
21:7, 21:21, 22:3, 22:14, 25:3, 25:22, 26:10, 26:22, 27:7, 27:8, 27:12, 46:7, 46:16, 46:21, 47:3, 48:11, 62:2, 62:7, 62:19, 77:20, 79:14, 80:8, 91:13, 93:9, 120:2, 121:7
sleets
109:6
slightly
35:18, 79:9, 86:8, 106:16
slope
20:10, 47:8, 50:19, 50:20, 53:12, 53:16, 73:6, 73:7, 73:8, 73:16, 73:18, 73:21, 74:4, 74:5, 74:10, 74:11, 74:16, 74:17, 75:4, 75:5, 75:6, 76:2, 76:9, 76:10, 76:12, 81:8, 81:22, 85:1, 85:10, 85:16, 85:17, 85:20, 86:3, 86:5, 86:6, 86:9, 86:10, 86:20, 87:7, 87:8, 98:10, 98:13, 98:14, 98:16, 101:9, 101:10, 101:20, 101:21, 102:4, 102:5, 107:21, 108:4, 108:7, 109:20, 110:3, 110:7, 110:14, 110:18, 110:20
sloped
124:11
slopes
52:12, 52:14, 74:16, 74:22, 75:12, 76:15, 76:21, 85:15, 107:16, 110:22, 111:7, 111:8
smaller
82:5, 82:15, 109:6
soft
89:19, 90:1, 90:12, 90:18, 98:2, 108:2, 117:8, 117:12
sole
32:4, 36:18, 41:8, 43:4, 43:9, 43:15, 44:6, 44:12, 44:13, 71:9, 71:10, 75:1, 79:20, 81:12, 81:14, 97:14, 102:16, 104:9, 108:15, 109:5, 109:7, 109:9, 112:11, 113:16, 114:3, 115:6
solid
86:14, 86:15, 107:20
solutions
24:6
solving
121:11
some
8:11, 11:19, 12:17, 15:2, 18:7, 18:11, 18:21, 22:13, 29:3, 29:20, 36:19, 58:2, 58:18, 62:10, 76:20, 118:4
someone
78:22, 79:21
something
6:9, 7:10, 19:4, 30:1, 48:2, 48:17, 52:5, 52:13,

53:11, 53:14, 53:19, 54:6, 68:21, 72:20, 82:11, 97:21, 117:22
sometimes 9:8, 20:18
somewhat 63:20
sophistication 23:3, 24:8
sorry 16:14, 27:3, 44:13, 49:17, 70:1, 82:9, 85:8, 86:22, 87:11, 88:17, 97:7, 101:4, 101:8, 104:13, 114:11, 123:17
sort 11:14, 13:14, 37:4
space 81:17, 81:19, 81:21
spatial 13:16
speak 58:3
speaks 48:14, 52:11
special 15:3, 62:11
specific 16:1, 16:4, 16:11, 29:7, 31:3, 47:15, 55:21, 62:20, 63:15, 64:13, 64:15
specifically 24:14, 38:4, 39:1, 41:21, 45:17, 47:6, 63:5, 63:8, 100:16, 100:17, 102:3
specification 57:21, 58:6, 58:16, 62:11, 67:3
specifications 57:19, 58:2, 58:18, 63:1, 92:7, 120:15, 120:19
specified 29:19, 30:5
specify 23:10, 39:1
speculation 26:3, 27:2, 37:18, 43:11, 44:10, 50:12, 53:7, 55:3, 55:8, 58:1, 59:8, 62:15, 65:13, 68:12, 83:7, 84:11, 85:19, 88:13, 94:4, 96:9, 103:8, 118:13
spent 68:21
spike 39:20
spikes 39:17, 82:1, 82:5, 82:6, 82:12, 82:15, 82:16, 82:20, 83:4, 83:8, 83:10, 83:11, 83:14, 83:19, 83:22, 84:2, 84:4, 84:8, 84:14, 84:16, 88:7, 88:9, 89:2, 89:3, 89:4, 89:13, 90:5, 90:8, 96:3, 96:6, 96:13, 117:11
sport 48:16, 51:14, 52:22
standard 1:21, 28:10, 34:6, 93:21, 118:14, 118:20, 121:18
standing 79:1, 97:2, 108:5
start 31:14, 44:21, 44:22, 95:16
starting 100:20, 101:20
starts 27:22, 95:5, 98:19, 99:17, 101:14, 116:14
state 5:11, 24:18, 57:7, 58:8, 91:16, 94:19, 120:20
stated 114:16
statement 57:12, 59:12, 59:15, 78:15, 114:14
states 1:2, 53:15, 53:16, 58:11, 58:20, 58:21, 71:7, 73:9, 108:13, 117:19
sticks 81:14
still 11:5, 11:9, 11:13, 13:10, 13:18, 50:9, 59:6, 60:22, 104:14
straight 78:17, 78:19
street 3:6, 3:13
structures 14:7
subbullet 61:3
subbullets 64:9
subheading 30:18
subheadings 45:22
subject 12:9
submitted 10:20, 126:5
subparagraph 56:16
subsection 54:14, 55:12
substance 60:7, 60:11
substantial 34:3, 71:8, 110:2
substantially 34:9, 54:16, 87:9, 87:10, 87:14, 89:6, 89:10, 91:4, 96:13, 96:20, 97:1, 108:9, 109:11, 109:17
suggests 68:3, 69:9, 73:14, 74:3, 99:2
suite 3:13
supination 4:10, 115:13, 116:1, 116:7
support 48:9, 73:15
suppose 96:11
supposed 46:15, 68:9, 69:15, 93:18, 118:1
sure 8:7, 14:2,

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

16:17, 17:22, 19:7, 19:8, 20:2, 23:21, 24:21, 26:5, 27:4, 31:16, 39:19, 42:2, 42:8, 49:6, 50:15, 68:18, 76:4, 82:9, 85:9, 98:8, 122:6, 122:10, 123:12
surface
35:16, 43:19, 44:4, 44:18, 74:18, 77:12, 79:2, 79:15, 80:7, 80:12, 80:13, 81:14, 85:2, 85:11, 88:21, 89:5, 89:9, 89:16, 89:19, 89:20, 90:1, 90:6, 90:12, 90:14, 90:17, 90:21, 90:22, 91:3, 91:5, 91:6, 97:3, 97:7, 97:14, 98:3, 98:5, 98:7, 107:20, 108:3, 108:6, 108:8, 109:10, 109:14, 110:2, 110:4, 110:6, 110:11, 112:7, 112:10, 116:19, 116:22, 117:2, 117:7, 117:8
surfaces
79:21, 80:9, 117:12
sworn
5:3, 127:7
system
8:10, 119:19, 119:21

T

take
7:7, 13:21, 14:10, 14:18, 39:21, 40:1, 40:4, 41:14, 42:7, 45:8, 59:20, 60:1, 60:3, 100:8, 105:6, 108:12, 126:10
taken
127:8
taking
10:16
talk
9:5, 25:5, 26:8, 26:11, 26:12, 28:16, 64:6, 73:5, 115:7, 118:3, 121:19
talked
60:11, 87:8, 112:14, 117:14
talking
63:10, 64:22, 73:11, 95:17, 97:6, 111:20, 112:19, 114:9, 116:13
talks
23:9, 54:14, 70:22
tasks
16:9
taught
84:15
teach
105:16
teaches
73:13, 74:3, 84:5, 99:1, 105:10
teachings
23:2
team
17:11
technically
13:13, 15:9, 104:5
technique
119:20
technology
23:4, 24:8
tell
36:6, 37:14, 37:19, 37:22, 38:9, 38:16, 38:19, 77:13, 79:11, 80:2, 111:10
ten
6:1
ten-minute
100:8
term
46:8, 47:8, 47:10, 47:20, 49:3, 49:21, 50:20, 51:3, 51:6, 52:4, 52:12, 53:4, 53:8, 53:11, 55:1, 55:18, 55:22, 58:5, 62:7, 62:16, 62:22, 63:8, 63:10, 63:20, 64:6, 64:15
terminologies
118:17
terminology
63:2
terms
32:10, 45:5, 45:17, 45:19, 46:15, 46:22, 47:4, 47:16, 58:6, 60:14, 60:20, 61:20, 63:4, 64:11, 65:17
testified
5:4, 6:13
testimony
7:5, 51:12, 52:10, 57:5, 58:10, 60:7, 106:7, 123:16, 127:9
textbook
14:11
th
127:28
thank
39:3, 85:7, 100:13
thanks
31:13
thicker
36:13, 36:19, 37:6, 113:16
thickness
35:17, 43:4, 43:8, 43:13, 43:17, 44:6, 44:11, 44:12, 44:14, 44:16, 44:17, 75:1, 82:14, 108:15, 113:5, 113:9, 113:21, 113:22, 114:8, 114:15, 114:16, 114:21, 115:4
thing
23:21, 35:1, 37:1, 51:9, 67:17, 99:6, 102:9, 120:17
things
14:5, 116:9, 116:10, 117:15, 122:20
think
5:19, 6:19, 9:20, 11:4, 12:20, 16:19, 19:9, 24:10, 26:13, 28:17, 33:6, 43:14, 48:15, 49:16, 65:21, 70:3, 99:16, 103:21

third
70:19, 73:7, 73:21, 74:4, 74:10, 74:16, 75:5, 75:12, 76:2, 76:9, 88:1, 88:10, 95:17, 95:21, 96:3, 96:7, 98:10, 98:13, 98:14, 98:16, 100:21, 101:9, 101:21, 102:5, 111:21, 112:5
thought
27:18, 50:6, 55:5, 55:9, 59:5, 59:10
thoughts
17:8
three
20:7, 24:5, 40:11, 40:13, 101:21, 111:8
through
14:11, 27:18, 31:8, 51:19, 56:15, 91:20, 94:5, 95:3, 101:15, 101:17, 114:2, 114:15
throughout
28:10, 33:12, 34:2, 34:6, 34:14, 113:5, 113:9, 113:21, 114:17, 115:6
thursday
1:20, 127:18
time
1:21, 5:15, 7:7, 16:7, 17:20, 23:4, 59:20, 62:3, 68:16, 68:21, 93:10
times
5:21, 6:1, 20:19
title
41:10, 42:16
today
7:2, 7:13, 123:9
toe
36:13, 36:14, 36:20, 37:20, 43:9, 43:20, 44:7, 44:15, 49:9, 50:9, 50:13, 73:15, 75:7, 75:10, 75:19, 76:1, 76:8, 76:14, 76:17, 78:13, 78:19, 79:5, 79:8, 80:16, 80:21, 81:7, 81:10, 81:13, 81:17, 81:18, 95:14, 95:18, 113:18
together
14:8
told
46:13, 122:4
took
13:12, 14:1, 14:4, 40:11
top
8:13, 10:9, 37:10, 37:12, 38:14, 78:17, 86:2, 90:20, 91:3, 91:7, 96:17, 97:8, 97:13, 98:4, 98:17, 105:5, 109:13, 112:10, 112:18, 113:3, 114:12, 114:13
total
28:18
touching
80:10
tournament
15:7
towards
18:2, 37:3
trademark
1:2
traditional
14:10, 14:18
transcript
4:7, 4:15, 9:15, 20:1, 42:13, 78:7, 103:1, 108:22, 115:19
tread
79:16, 79:17
trial
1:4, 6:13
tried
121:5
true
74:9, 127:9
try
8:19
trying
12:20, 18:16, 92:15, 101:7, 116:9
turn
27:20
turning
104:12
two
24:4, 24:20, 39:12, 45:22, 64:9, 79:21, 80:9, 98:12
type
71:8
types
14:6, 23:1, 24:4
typical
37:9
typo
68:9, 69:15, 69:17, 72:6, 72:9, 72:10, 72:13, 72:14

U

uh-hmm
116:11
umezawa
112:19, 113:4, 113:16, 114:22
umezawa's
113:8, 113:20
un-sloped
74:18
under
1:6, 3:3, 7:1, 10:18, 17:14, 18:3, 18:14, 18:19, 19:2, 19:11, 66:15, 66:19, 67:6, 67:19, 119:9, 122:3, 122:4, 122:18, 122:22, 127:13
understand
7:1, 7:12, 14:7, 19:13, 20:12, 20:16, 29:6, 29:11, 46:14, 46:21, 48:12, 49:2, 49:6, 50:18, 51:3, 51:21, 58:4, 62:7, 63:18, 65:4, 74:15, 77:21, 79:15, 80:8, 82:10, 97:6, 107:4, 113:15, 118:7, 123:19
understandable
63:20
understanding
46:18, 46:20, 60:16, 62:22, 83:9, 92:2, 114:17, 117:3
understandings
118:5
understood
8:21, 46:7, 46:17, 47:3, 76:5
uniform
34:3, 34:10,

54:16, 71:8, 86:20, 87:4, 87:6, 87:13
united
1:2
unless
7:9
unpatentability
30:17, 31:3
unpatentable
119:18
unpredictable
119:17, 119:21
unsolved
121:2
until
118:9
upper
38:7, 81:15, 89:5, 89:9
upwards
37:4
usc
11:11
use
47:10, 97:17, 97:18, 106:20
user
48:7, 50:9
uses
50:20
using
9:2, 29:14
utility
12:12, 12:17
utilized
108:2

V

vague
26:2, 26:15, 27:1, 28:22, 29:17, 31:6, 36:3, 36:16, 36:21, 37:17, 38:13, 38:22, 39:19, 41:4, 41:16, 43:10, 44:2, 46:19, 48:13, 49:5, 49:10, 50:11, 51:5, 51:11, 52:1, 52:9, 53:6, 55:2, 57:15, 58:17, 61:19, 63:17, 82:7, 83:16, 89:14, 89:21, 90:16, 94:3, 94:12, 94:18, 96:15, 96:22, 97:12, 103:7, 106:14, 107:22, 108:11, 109:22, 110:9, 110:16, 115:2, 117:1, 118:13, 121:22, 122:9, 125:11
value
121:14
vans
15:3, 33:1, 34:13, 36:10, 40:11, 40:13
variability
37:10
variation
82:13
varied
12:11
variety
118:4
vary
51:15
vast
28:12
venable
3:5
version
40:14
versus
24:1
view
32:9, 36:5, 37:16, 38:5, 38:16, 39:2, 39:20, 53:5, 80:14, 80:19, 81:4, 81:6, 81:16, 83:8, 84:3, 84:13, 91:1, 94:21, 98:20, 99:19, 103:20, 104:5, 105:12, 105:13
viewed
78:22, 83:17
views
32:2, 84:15, 97:16
vii
105:8
viii
70:12
virtually
1:19, 2:8, 127:17
visible
83:8

W

walks
109:10
wall
35:17
want
7:8, 8:13, 10:7, 19:20, 30:3, 44:19, 48:19, 50:15, 54:10, 56:11, 59:22, 64:6, 64:16, 65:19, 67:10, 70:2, 72:22, 76:4, 78:8, 82:9, 85:9, 91:10, 92:12, 92:14, 100:8, 100:15, 101:1, 103:15, 106:2
washington
3:14
way
9:6, 10:14, 13:15, 14:5, 26:7, 27:16, 43:16, 49:4, 63:21, 78:21, 78:22, 114:4, 127:24
ways
30:13, 39:4
we'll
126:11
we're
9:1, 10:16, 42:8, 42:21, 64:7, 73:11, 75:10, 91:1, 101:12, 112:18
we've
18:1, 30:1, 59:18, 84:21, 100:10
wearer
96:12, 97:2
wearing
79:21, 124:19
weight
48:3, 48:6, 48:10, 52:16, 52:17, 52:20, 53:20
went
14:11, 15:10
west
3:6
whatever
9:10, 34:17, 48:8, 48:16, 52:20
wherein
71:10, 71:12, 75:10, 87:4
whereof
127:27
whether
36:1, 46:5, 51:1, 61:16, 80:15, 80:21, 120:11, 120:18, 125:8, 125:17

white
36:9, 77:12, 77:13, 81:17, 81:19, 81:20
within
120:1, 127:3
without
4:11, 32:8, 66:14, 119:21
witness
5:15, 5:18, 60:3, 100:13, 127:5, 127:10, 127:27
won
116:14, 117:11
wondering
98:12
word
25:1, 42:7, 108:13
wording
17:11
wore
124:15
work
10:15, 11:19, 14:5, 15:17, 15:21, 17:20, 18:1, 84:2, 121:15
worked
5:18, 6:3, 16:8
workers
24:9
working
11:13, 17:10, 17:13, 17:17, 17:18, 23:1
works
6:20, 30:12
world
124:15
wouldn't
43:14, 53:15, 55:6, 55:9, 92:12, 103:19, 104:6, 106:17
wraps
38:7, 81:13
write
16:20, 73:13, 122:11
written
33:21, 72:20, 72:21
wrong
55:5, 55:10, 59:5, 59:10, 101:7
wrote
17:12

X

xii
103:17
xii--xii
104:8

Y

yeah
6:16, 6:18, 11:20, 14:9, 17:11, 18:17, 18:22, 25:3, 30:12, 33:3, 33:4, 34:15, 35:3, 49:20, 51:5, 51:6, 57:7, 63:12, 66:18, 70:14, 72:1, 72:5, 72:8, 83:3, 84:21, 87:7, 91:16, 93:1, 97:13, 104:2, 104:10, 112:8, 113:13, 114:8, 114:13, 120:3, 122:15
year
11:5
years
12:14
yellow
40:19
york
3:7
yourself
125:21
yup
126:13

Z

zoom
6:21, 8:9, 8:18

$

$400
15:18

0

00636
1:12, 10:19
00637
1:13
00638
1:14
00639
1:15
00640
1:16

1

1
30:18, 68:10, 69:16, 100:14
1-3
107:11
1-5
30:18, 91:17, 94:20, 98:19, 99:18
1.5
54:2, 73:5
1.6
75:15, 76:13
10
67:22, 69:6, 69:18, 70:15, 71:5, 71:7, 71:19, 101:2, 102:1, 102:6, 106:6, 106:10, 106:22, 107:2
10,674,786
1:12
100
16:15, 123:12
1002
4:16, 19:16, 19:22, 111:6
1003
4:17, 9:12, 9:14
10036
3:7
1005
4:18, 78:4, 78:6, 88:18
1006
4:19, 102:21, 102:22
1007
4:20, 108:20, 108:21
1016
32:4
1017
4:21, 42:9, 42:10, 42:12
102
4:19
108
4:20
11
1:21, 45:13, 49:19, 54:12, 61:1, 64:4, 82:1, 82:12, 82:15, 82:16, 82:20, 83:4, 101:2, 102:1, 102:6, 102:14, 102:18, 103:18, 104:19, 105:16, 105:17, 106:22, 107:3, 127:19
11,013,291
1:13
11,064,760
1:14

11,375,768
1:15
11,510,456
1:16
115
4:9
12
21:16, 56:13, 60:4, 101:3, 102:15, 102:18, 102:20, 102:21, 103:2, 103:4, 103:10, 103:11, 103:16, 103:21, 104:8, 104:19, 104:22, 105:5, 105:14, 105:17, 105:20, 106:12, 106:17, 106:20, 107:3
127
2:3
15
59:19, 127:29
151
3:6
16
93:6, 112:17, 117:18, 117:22
17
1:21, 27:22, 31:17, 112:18, 113:3, 114:5, 114:6, 114:9, 114:12, 114:13, 115:10, 118:3, 127:19
18
118:3, 120:21
19
1:20, 4:16, 33:2, 33:8, 119:5, 127:18, 127:28
1909
3:13
1970
40:22, 42:19
1971
29:5

2

2
126:14, 126:17, 127:19
20
12:8, 116:12, 116:16
200
16:18
20006
3:14
2011
22:7
2013
122:3
2019
124:16
202
3:15
2020
4:9, 115:15, 115:18, 124:20
2022
24:1
2024
1:12, 1:13, 1:14, 1:15, 1:16, 1:20, 10:19, 21:2, 45:10, 127:18, 127:28
2026
127:29
212
3:8
24
39:6, 39:19, 39:22, 42:22
25
30:14, 30:16, 39:9, 39:18, 66:1, 66:3, 95:5, 102:14
27
44:19, 45:3, 49:22, 67:14
28
22:6, 104:7
29
22:13, 23:8, 24:17, 24:21, 60:4
291
20:9, 21:1, 21:13, 28:1, 44:22, 45:5, 47:9, 47:14, 49:7, 51:17, 52:7, 52:11, 53:2, 53:21, 91:10, 94:16, 98:18, 104:12, 104:15, 111:16

3

3.1
87:1
30
53:21
307
3:8
31
21:15, 21:20, 24:18, 25:1, 25:6, 26:21, 27:10
32
73:3, 73:6
33
83:2
34
95:10
36
76:21, 95:21
37
76:22, 85:15, 86:3, 126:14
38
74:14, 75:10, 75:16
39
86:16, 86:22
3b
80:11

4

40
64:16, 98:9, 126:14, 126:17, 127:19
41
69:4, 69:6, 71:18
42
3:6, 4:21, 87:21
43
112:17
44
60:4, 113:11
450,458
22:8
456
20:14, 67:11, 67:14, 69:2, 69:19, 70:2, 70:4, 71:18
46
100:14
47
28:8, 33:2, 34:4, 34:11, 98:19
49
101:14
4a
80:11
4b
80:11
4c
80:11

5

5-6
107:11
50
82:1, 82:12, 82:15, 82:16, 82:20
52
41:7
53
100:18, 101:20

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010

54
104:11, 104:15
55
100:14
5500
3:8
56
54:6, 102:3
563286
2:2
5b
88:4

6

60
103:12
61
22:8
62
74:13, 84:17, 85:5, 85:6, 85:8
636
42:10, 56:11, 78:4, 108:20
637
10:19, 21:2, 42:11, 78:4, 108:20
638
10:19, 42:11, 78:5, 108:20
639
10:19, 45:10
64
94:19, 99:17, 107:9, 107:10
640
10:20
65
103:11, 105:15, 106:12

7

70
99:1
72
107:14, 111:12
7310
3:15
74
111:18
75
113:14
760
20:10, 47:9
768
20:14, 45:9, 45:19, 54:10, 59:16, 60:21, 61:16, 64:7, 65:20, 67:3, 67:4, 112:12
78
4:18
786
20:9, 47:9, 56:10, 72:22, 84:19, 84:20, 100:16, 101:5, 101:8, 101:13, 107:6

8

800
3:13
894
3:15
8th
70:11

UNDER ARMOUR, INC. v. ATHALONZ, LLC
IPR2024-00639
ATHALONZ EXHIBIT 2010