

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.
Petitioner

v.

ATHALONZ, LLC
Patent Owner

Case No. IPR2024-00639
Patent No. 11,375,768

**PETITIONER'S CITATIONS SUPPORTING ITS
REPLY ARGUMENTS**

Petitioner (“UA”) submits this list of citations in support of its Reply arguments and opinions of Grant Delgatty identified by Patent Owner (“PO”).

Petitioner’s Reply

• §I.A – proper construction for “first material” / “second material”

- Petition: p. 25, n.1- UA proposing “first material” and “second material” can be the same based on PO’s infringement contentions.
- ID: §III.C.3 – Board construing claim in accordance with PO’s proposal in POPR that “first material” must be different than “second material,” suggesting “parties are free to explore this issue further...”
- POR: §§VI.C; VII.A - PO arguing that “first material” must be different than “second material;” failure to show invalidity under that construction.

• §§VI.A; VI.C – Norton invalidates claims 1 and 5 under PO’s construction

- Petition: §§VII.E.i.4-5 (claim 1); VII.E.v (claim 5) - invalidity under UA’s construction; disclosure of different first / second materials in Norton.
- ID: §§III.C.3; III.F.2.a-b - Norton discloses different first / second materials.
- POR: §§ VI.C; VII.A; VII.D.1; VII.D.4 – PO arguing Norton fails to disclose different first and second materials; UA’s claim 5 arguments fail.

• §§VII.A-B - Won + Norton Invalidates Claim 1 under PO’s construction

- Petition: - §§VII.F; VII.F.i.4-5 - invalidity under UA’s construction; disclosure of different first / second materials in references.

- ID: §§III.C.3; III.G.2.b-c - finding Won + Norton discloses different first / second materials; “parties should consider further developing this issue....”
- POR: §§VI.C; VII.A; VII.E.1 - PO arguing that Won + Norton fails to disclose different first and second materials.
- **§§VIII.A-B - Won + Talarico Invalidates Claim 1 under PO’s construction**
 - Petition: §§VII.G; §§ VII.G.ii-iii - invalidity under UA’s construction; disclosure of different first / second materials in references.
 - ID: §§III.C.3; III.H.2.b-c - Won + Talarico ‘911 discloses different first / second materials; “parties should consider addressing this issue during trial.”
 - POR: §§VI.C; VII.A; VII.F.1 - PO arguing that Won + Talarico ‘911 fails to disclose different first and second materials.

EX1022 – Supplemental Declaration of Grant Delgatty

- ¶¶ 18-20, 27-28, 35-40, 41-47 - Norton, Won+ Norton, Won + Talarico
Invalidate Claim 1 under PO’s construction
 - Delgatty Declaration (EX1002) p. 40, n.1; §§IX.C.d-e; IX.D; IX.D.d-e; IX.E; IX.E.b-c - invalidity under UA’s construction; disclosure of different first / second materials in references.
 - Markison Declaration (EX2008) §§IX.C; X.B; X.C; X.E; XI.A; XI.D.1; XI.E.1; XI.F.1- arguing “first material” must be different than “second material;” failure to show invalidity under that construction.

DATED: May 1, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PETITIONER'S CITATIONS SUPPORTING ITS REPLY ARGUMENTS was served to Patent Owner by causing it to be sent by email to counsel for Patent Owner at the following email addresses:

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