



## **Banner Witcoff Represents NIKE in Two More IPR Wins Over adidas**

On February 19, 2019, the Patent Trial and Appeal Board (Board) ruled in favor of NIKE in a pair of inter partes reviews, holding that adidas failed to carry its burden of proving the challenged patents invalid. The NIKE patents-at-issue relate to innovations in NIKE's Flyknit business.

adidas filed its petitions in April 2016. After a trial and oral hearing, the Board unanimously ruled in NIKE's favor. adidas appealed to the United States Court of Appeals for the Federal Circuit (Federal Circuit). While the parties awaited oral argument at the Federal Circuit, the Supreme Court issued its opinion in *SAS Institute, Inc. v. Iancu*, 138 S. Ct. 1348 (2018), which caused the Federal Circuit to remand the appeal to the Board so that the Board could address a second ground of invalidity asserted by adidas. The parties submitted supplemental briefing and participated in a supplemental hearing in late 2018. A few months later, the Board unanimously ruled in NIKE's favor on adidas' second ground, again concluding that adidas failed to carry its burden.

Banner & Witcoff attorneys [Christopher J. Renk](#), [Michael J. Harris](#), and [Aaron P. Bowling](#) represented NIKE in these matters.

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