

CLIENT SUCCESS

Scoring a Long-Awaited Win for adidas

Nearly 10 years ago, in November 2015, a one-man fashion startup company named LPD New York, LLC (“LPD”) sued adidas for breach of contract, unjust enrichment, and defamation to the tune of \$50 million.

LPD argued that adidas had agreed to do a collaboration with the fashion startup that would involve a wide range of streetwear co-branded with adidas’s and LPD’s respective trademarks. LPD claimed that adidas breached that agreement and defamed LPD by later claiming the co-branded products were unauthorized and illegitimate. adidas, on the other hand, argued that the low-level employee who communicated with LPD had no authority to bind adidas, that a collaboration had never been finalized, and that LPD’s subsequent manufacture and sale of apparel bearing the adidas trademarks constituted counterfeiting.

Over the next 10 years, more than a dozen Kilpatrick lawyers and paralegals played some part in representing adidas against LPD. At the outset, **Frederick Whitmer** and **Megan Bussey** secured dismissal of LPD’s breach of contract and trademark abandonment claims.

After LPD amended its complaint to assert claims of promissory estoppel, quasi contract, and implied licensing, a team led by **Rob Potter**

and **Forrest Flemming** succeeded in kicking out most of LPD’s affirmative defenses, LPD’s quasi contract and implied licensing claims, and one of LPD’s promissory estoppel claims. They also obtained summary judgment on liability for adidas’s counterclaims—LPD’s sales were, in fact, counterfeits. Achieving these substantive pretrial victories took the better part of eight years, because of the intervention of Covid and other circumstances.

Unfortunately, two of LPD’s claims survived for trial—promissory estoppel and defamation. Leading up to trial, Forrest and **Bryan Wolin**, with outstanding assistance from **Kristin Adams, Chandler Martin**, and **Louie Crumbley** obtained great results on a variety of motions in limine, further narrowing LPD’s remaining claims with each pass.

Forrest sat first chair and led the trial team, which included Chandler, **Jonathan Bronstein, Susie Moore, Nita Gray**, and **Charlie Henn**. Following a five-day trial, on February 19, 2025, the jury returned a verdict for adidas on all of LPD’s remaining claims. The jury also found LPD and its founder had engaged in willful infringement and counterfeiting and awarded adidas statutory damages.

For more information, please contact:

Forrest Flemming: FFlemming@ktslaw.com

Charlie Henn: CHenn@ktslaw.com

www.ktslaw.com