KILPATRICK TOWNSEND

KT Client Success

Trademark Fundamentals Win the Day for adidas

After being sued for trademark infringement by an individual claiming to own the phrases “You’re Never Done” and “Never Done,” the Kilpatrick Townsend Trademark Team took a unique approach. Discovery revealed that the plaintiff had never completed any sales of goods bearing his marks. Without use of his mark, the plaintiff could not have any trademark rights, and his claims against adidas had to fail. Though trademark cases usually focus on the likelihood of confusion, because Kilpatrick Townsend attorneys Kollin Zimmermann and Bethany Nelson determined that the plaintiff’s case was done, they took early, strong action that saved the client a lot of money down the road.

adidas moved for early summary judgment on the foundational issue of mark ownership, and just as the opposing side filed a flurry of motions, the Central District of California court ruled in adidas’s favor in full and dismissed all claims against it.

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