

# Trademark case: Fleet Feet Inc. v. NIKE Inc., USA

## Kluwer Trademark Blog

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NIKE no longer had a legally cognizable interest in the validity of the preliminary injunction.

NIKE, Inc., was precluded from appealing a district court's preliminary injunction issued in November 2019 barring the athletic footwear giant from using the phrase "Sport Changes Everything" in an advertising campaign, the U.S. Court of Appeals in Richmond has ruled. While the appeal was pending, NIKE ended its advertising campaign and disavowed any intent to resume use of the allegedly infringing tagline. Because NIKE no longer had a legally cognizable interest in the validity of the preliminary injunction, the appeal was moot. Even if the court were to assume that the injunction reached a category of "potential speech" beyond variations on NIKE's terminated tagline, NIKE did not identify any speech threatened or curtailed by the order (*Fleet Feet, Inc. v. NIKE, Inc.*, January 26, 2021, Diaz, A.).

Case date: 26 January 2021

Case number: No. 19-2390

Court: United States Court of Appeals, Fourth Circuit

A full summary of this case has been published on Kluwer IP Law.