

ESTTA Tracking number: **ESTTA1274592**Filing date: **03/27/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers information

Name	adidas AG
Granted to date of previous extension	03/26/2023
Address	ADI-DASSLER-STRASSE 1 HERZOGENAURACH, 91074 GERMANY

Name	adidas International Marketing BV
Granted to date of previous extension	03/26/2023
Address	HOOGOORDDREEF 9A, ATLAS ARENA AFRIKA BUILDING AMSTERDAM, ZO 1101 BA NETHERLANDS

Attorney information	NICHOLE DAVIS CHOLLET KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET, NE SUITE 2800 ATLANTA, GA 30309 UNITED STATES Primary email: nchollet@ktslaw.com Secondary email(s): aweathersby@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com 4048156500
Docket no.	

Applicant information

Application no.	90304243	Publication date	09/27/2022
Opposition filing date	03/27/2023	Opposition period ends	03/26/2023
Applicant	Black Lives Matter Global Network Foundation, Inc. C/O RYAN SWANSON & CLEVELAND, PLLC 1201 THIRD AVE, STE 3400 SEATTLE, WA 98101 UNITED STATES		

Goods/services affected by opposition

Class 018. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Bags, namely, hand bags, sports bags; tote bags
Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Clothing, namely, tops and bottoms; shirts; t-shirts; tank tops; hoodies; sweatshirts; sweatpants; jackets; headwear
Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Promoting public interest in and awareness of topics of interest to those in the fields of activism and community organizing in the Black community; online retail store services featuring apparel, headwear, face masks, jewelry, bags, bottles, mugs, pillows, blankets, lapel pins, flags, magnets, stickers, mobile device grips, and electronic gift cards; providing a website featuring news and information in the fields of activism and community organizing in the Black community; providing a website featuring voter registration information and technology that enables users to complete voter registration forms on-line

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks cited by opposer as basis for opposition

U.S. registration no.	0870136	Application date	07/11/1968
Register	Principal		
Registration date	05/27/1969	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	THE MARK CONSISTS OF THREE PARALLEL BANDS EXTENDING ALONG THE LENGTH OF EACH SLEEVE OF THE TRAINING SUIT AND ALONG THE LENGTH OF EACH LEG OF THE TROUSERS, THE BANDS ON THE SLEEVES BEING OF CONTRASTING COLOR TO THAT OF THE REMAINDER OF THE SLEEVE AND THE BANDS ON THE LEGS OF THE TROUSERS BEING OF CONTRASTING COLOR TO THAT OF THE REMAINDER OF THE TROUSER LEGS.		
Goods/services	Class 039. First use: First Use: Feb 1967 First Use In Commerce: Feb 1967 ATHLETIC TRAINING SUITS		

U.S. registration no.	2016963	Application date	03/28/1995
Register	Principal		
Registration date	11/19/1996	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel bands positioned along the length of each sleeve of a jacket. The dotted outline of a jacket is not part of the mark but is merely intended to show the position of the mark.		
Goods/services	Class 025. First use: First Use: 1967 First Use In Commerce: 1967 sports and leisure wear, namely jackets		

U.S. registration no.	2058619	Application date	03/28/1995
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Register	Principal		
Registration date	05/06/1997	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel bands positioned along the length of each sleeve of a shirt. The dotted outline of a shirt is not part of the mark but is merely intended to show the position of the mark.		
Goods/services	Class 025. First use: First Use: 1967 First Use In Commerce: 1967 sports and leisure wear, namely shirts		

U.S. registration no.	2278591	Application date	03/28/1995
Register	Principal		
Registration date	09/21/1999	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists three parallel bands extending along the length of each leg of the shorts, the bands being of contrasting color to that of the remainder of the shorts. The dotted lines are not a part of the mark and only used to indicate position.		
Goods/services	Class 025. First use: First Use: 1967 First Use In Commerce: 1967 sports and leisure wear, namely, shorts		

U.S. registration no.	2284308	Application date	03/28/1995
Register	Principal		
Registration date	10/12/1999	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists three parallel bands extending along the length of each leg of the pants, the bands being of contrasting color to that of the remainder of the pants. The dotted lines are not a part of the mark and only used to indicate position.		
Goods/services	Class 025. First use: First Use: 1967 First Use In Commerce: 1967 sports and leisure wear, namely pants		

U.S. registration no.	3029127	Application date	12/29/2004
Register	Principal		
Registration date	12/13/2005	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel stripes running along the sleeve of a shirt, t-shirt, sweatshirt, jacket or coat. The dotted outline of the garment is not claimed as part of the mark and is intended only to show the position of the mark.		
Goods/services	Class 025. First use: First Use: Feb 3, 1967 First Use In Commerce: Feb 3,		

	1967 Clothing, namely, T-Shirts, sweatshirts, jackets and coats
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U.S. registration no.	3087329	Application date	12/29/2004
Register	Principal		
Registration date	05/02/2006	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel stripes running along the side of a shirt, t-shirt, sweatshirt, vest, jacket or coat. The dotted outline of the garment is not claimed as part of the mark and is intended only to show the position of the mark.		
Goods/services	Class 025. First use: First Use: Feb 3, 1967 First Use In Commerce: Feb 3, 1967 Clothing, namely, shirts, t-shirts, sweatshirts, vests, jackets and coats		

U.S. registration no.	3183656	Application date	01/30/2006
Register	Principal		
Registration date	12/12/2006	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel stripes extending around the headwear.		
Goods/services	Class 025. First use: First Use: May 1993 First Use In Commerce: May 1993 Headwear		

U.S. registration no.	3183663	Application date	01/30/2006
Register	Principal		
Registration date	12/12/2006	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel stripes on a size adjusting bar at the rear of the headwear. The dotted outline of the visor is not claimed as part of the mark and is intended only to show the position of the mark		
Goods/services	Class 025. First use: First Use: Aug 1998 First Use In Commerce: Aug 1998 Headwear		

U.S. registration no.	3236505	Application date	01/30/2006
Register	Principal		
Registration date	05/01/2007	Foreign priority date	NONE
Word mark	NONE		
Design mark			

Description of mark	The mark consists of three parallel stripes extending from the rear of the headwear to the top of the headwear. The dotted outline of the hat, brim and strap are not claimed as part of the mark and is intended only to show the position of the mark.		
Goods/services	Class 025. First use: First Use: May 1993 First Use In Commerce: May 1993 Headwear		

U.S. registration no.	1833868	Application date	04/07/1992
Register	Principal		
Registration date	05/03/1994	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: 1949 First Use In Commerce: 1949 athletic footwear		

U.S. registration no.	2278589	Application date	03/07/1995
Register	Principal		
Registration date	09/21/1999	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: 1952 First Use In Commerce: 1952 athletic and leisure footwear		

U.S. registration no.	3029129	Application date	12/29/2004
Register	Principal		
Registration date	12/13/2005	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three parallel stripes applied to footwear, the stripes are positioned on the footwear upper in the area between the laces and the sole. The dotted outline of the footwear is not claimed as part of the mark and is intended only to show the position of the mark.		
Goods/services	Class 025. First use: First Use: Jan 1, 1952 First Use In Commerce: Jan 1, 1952 Footwear		

U.S. registration no.	3029135	Application date	12/29/2004
Register	Principal		
Registration date	12/13/2005	Foreign priority date	NONE

Word mark	NONE
Design mark	
Description of mark	The mark consists of three parallel stripes with serrated edges applied to footwear, the stripes are positioned on the footwear upper in the area between the laces and the sole. The dotted outline of the footwear is not claimed as part of the mark and is intended only to show the position of the mark.
Goods/services	Class 025. First use: First Use: Jan 1, 1952 First Use In Commerce: Jan 1, 1952 Footwear

U.S. registration no.	2909861	Application date	07/28/2003
Register	Principal		
Registration date	12/14/2004	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three stripes positioned on the top part of a slide. The dotted outline of the slide is not claimed as part of the mark and is intended only to show the position of the mark.		
Goods/services	Class 025. First use: First Use: 1972 First Use In Commerce: 1972 Footwear, namely, slides		

U.S. registration no.	2999646	Application date	07/28/2003
Register	Principal		
Registration date	09/27/2005	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: 1972 First Use In Commerce: 1972 Footwear, namely, slides		

U.S. registration no.	0961353	Application date	05/01/1970
Register	Principal		
Registration date	06/19/1973	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	THE MARK COMPRISES THREE WHITE STRIPES EXTENDING ACROSS THE BLUE BACKGROUND OF THE BOX CONTAINER AND THE OUTLINE OF THE CONTAINER BOX IS MADE TO APPEAR IN BROKEN LINES.		
Goods/services	Class 022. First use: First Use: 1967 First Use In Commerce: 1967 SPECIAL PURPOSE ATHLETIC SHOES Class 039. First use: First Use: 1967 First Use In Commerce: 1967 GENERAL PURPOSE SPORT SHOES		

U.S. registration	1674229	Application date	01/29/1990
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no.			
Register	Principal		
Registration date	02/04/1992	Foreign priority date	NONE
Word mark	THE BRAND WITH THE 3 STRIPES		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 018. First use: First Use: Jan 1968 First Use In Commerce: Jan 1968 [sport bags for general use and cross-country back-packs]</p> <p>Class 025. First use: First Use: Jan 1968 First Use In Commerce: Jan 1968 [sport and leisure wear; namely, shorts, pants, shirts, T-shirts, jerseys, tights, socks, gloves, jackets, swimwear, sweaters, caps and hats, pull-overs, warm-up suits, rain suits, ski suits, jumpsuits,] boots, slippers, sandals; shoes, boots and after ski boots for hiking and trekking, athletic shoes and general-purpose sports shoes</p> <p>Class 028. First use: First Use: Jan 1968 First Use In Commerce: Jan 1968 [sports balls, rackets for tennis, squash or shuttlecock; ice and rollerskates, skis and ski equipment; namely, cross-country skibindings and parts thereof, cross-country skiing overshoes, racket covers, hand-paddles and kickboards]</p>		

U.S. registration no.	6897937	Application date	12/18/2020
Register	Principal		
Registration date	11/15/2022	Foreign priority date	NONE
Word mark	THREE STRIPE LIFE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 018. First use: First Use: Jun 2019 First Use In Commerce: Jun 2019 All-purpose sports bags; all-purpose carrying bags; backpacks</p> <p>Class 025. First use: First Use: Jun 2016 First Use In Commerce: Jun 2016 Footwear; apparel, namely, shirts, tops; headwear</p>		

U.S. registration no.	4910643	Application date	02/04/2014
Register	Principal		
Registration date	03/08/2016	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of three diagonal quadrilaterals positioned parallel to each other upon a contrasting background. The shaded rectangle is not a feature of the mark.		
Goods/services	<p>Class 018. First use: First Use: None First Use In Commerce: None Articles made of leather and imitation leather, namely backpacks, bags for general and sports use, carry-all bags, athletic bags, duffle bags, shoulder bags, sling bags, handbags, purses, tote bags, waist packs, overnight bags, knapsacks, shoe bags and beach bags, wallets and key cases</p>		

	<p>Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, shirts, T-shirts, sweatshirts, jerseys, pullovers, tops, vests, sweaters, pants, shorts, bottoms, jackets, coats, dresses, skirts, skorts, underwear, bras, socks, tights, scarves, gloves, belts, wristbands, tracksuits, training suits, warm-up suits, athletic uniforms, swimwear, footwear, athletic footwear, boots, sandals, slides, caps, hats, visors, headbands</p> <p>Class 028. First use: First Use: None First Use In Commerce: None Athletic sporting goods, namely, shinguards, soccer gloves, goalkeepers' gloves, knee pads and knee guards for athletic use, leg guards; Balls for sports, soccer balls, basketballs, playground balls</p>
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U.S. registration no.	1815956	Application date	03/16/1992
Register	Principal		
Registration date	01/11/1994	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: 1952 First Use In Commerce: 1952 athletic footwear		

Attachments	2023.03.27 Notice of Opposition_90304243_Exhibit 1.pdf(3018558 bytes)
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Signature	/Nichole Davis Chollet/
Name	NICHOLE DAVIS CHOLLET
Date	03/27/2023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No. 90/304,243



Mark:

Filing Date: November 6, 2020

Publication Date: September 27, 2022

adidas AG,

Opposer,

v.

Black Lives Matter Global Network
Foundation, Inc.,

Applicant.

Opposition No. _____

NOTICE OF PARTIAL OPPOSITION

Opposer is adidas AG, a joint stock company organized under the laws of the Federal Republic of Germany with a principal place of business at Adi-Dassler-Strasse 1, Herzogenaurach, 91074, Federal Republic of Germany (collectively, “Opposer” or “adidas”).

Opposer believes that it will be damaged by the issuance of a registration in International Classes 18, 25, and 35 for the trademark shown below (“Applicant’s Mark”) as identified in intent-to-use Application Serial No. 90/304,243 (the “Application”) owned by Black Lives Matter Global Network Foundation, Inc. (“Applicant”):



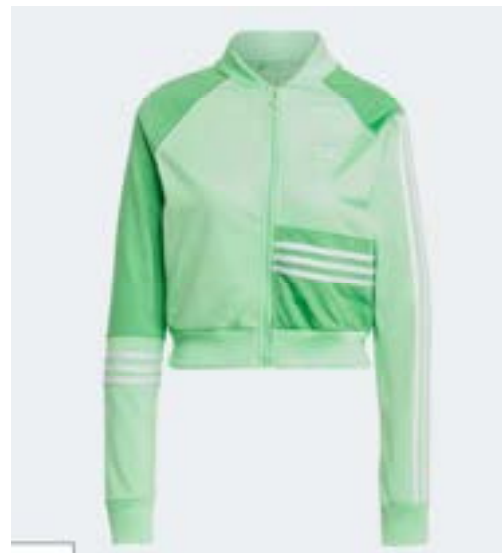
As grounds for this Partial Opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

1. adidas is currently, and for years has been, one of the world's leading manufacturers of athletic footwear, apparel, and sporting equipment. Over seventy years ago, adidas first placed three parallel stripes on its athletic shoes (the "Three-Stripe Mark"), and the Three-Stripe Mark came to signify the quality and reputation of adidas footwear to the sporting world early in the company's history.

2. At least as early as 1952, adidas began using the Three-Stripe Mark on footwear sold in the United States and worldwide. The Three-Stripe Mark quickly came to signify the quality and reputation of adidas footwear.

3. As early as 1967, adidas began using the Three-Stripe Mark on apparel sold in the United States and worldwide. The Three-Stripe Mark quickly came to signify the quality and reputation of adidas apparel as well.

4. Over the decades, adidas has used the Three-Stripe Mark extensively in connection with a wide variety of goods and services, including footwear, apparel, accessories, and related goods and services. Examples of adidas's use of the Three-Stripe Mark are depicted on the following pages:


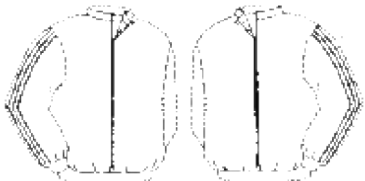



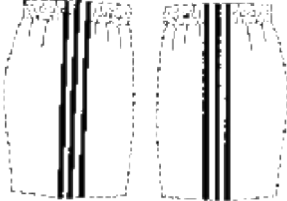
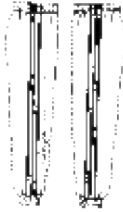



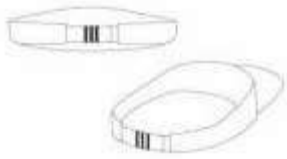


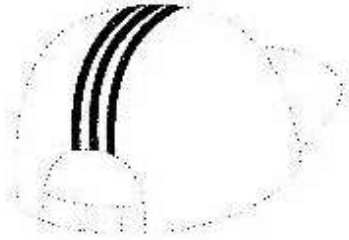
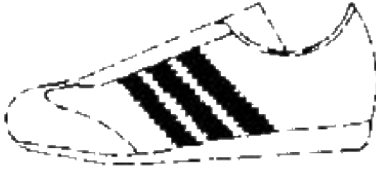

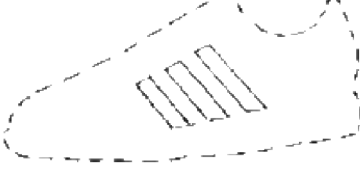



5. Additionally, adidas has used the adidas Marks in connection with a wide variety of sports-, athletic-, and fitness-related services, including retail services:

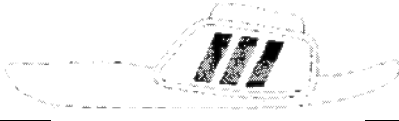
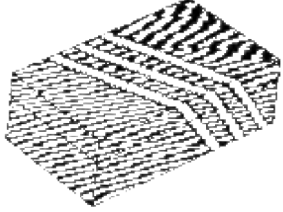



6. In addition to its common-law rights in the Three-Stripe Mark based on its extensive use of the mark, adidas owns numerous federal trademark registrations for the Three-Stripe Mark for footwear, apparel, accessories, and related goods, including those shown below and on the following pages:

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	0,870,136	July 11, 1968 May 27, 1969	Class 25: Athletic training suits.
	2,016,963	March 28, 1995 November 19, 1996	Class 25: Sports and leisure wear, namely jackets.

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	2,058,619	March 28, 1995 November 19, 1996	Class 25: Sports and leisure wear, namely shirts.
	2,278,591	March 28, 1995 September 21, 1999	Class 25: Sports and leisure wear, namely, shorts.
	2,284,308	March 28, 1995 October 12, 1999	Class 25: Sports and leisure wear, namely pants.
	3,029,127	December 29, 2004 December 13, 2005	Class 25: Clothing, namely, T-Shirts, sweatshirts, jackets and coats.
	3,087,329	December 29, 2004 May 2, 2006	Class 25: Clothing, namely, shirts, t-shirts, sweatshirts, vests, jackets and coats.
	3,183,656	January 30, 2006 December 12, 2006	Class 25: Headwear.
	3,183,663	January 30, 2006 December 12, 2006	Class 25: Headwear.

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	3,236,505	January 30, 2006 May 1, 2007	Class 25: headwear
	1,815,956	March 16, 1992 January 11, 1994	Class 25: Athletic footwear.
	1,833,868	April 7, 1992 May 3, 1994	Class 25: Athletic footwear.
	2,278,589	March 7, 1995 September 21, 1999	Class 25: Athletic and leisure footwear.
	3,029,129	December 29, 2004 December 13, 2005	Class 25: Footwear.
	3,029,135	December 29, 2004 December 13, 2005	Class 25: Footwear.
	2,909,861	July 28, 2003 December 14, 2004	Class 25: Footwear, namely, slides.

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	2,999,646	July 28, 2003 September 27, 2005	Class 25: Footwear, namely, slides.
	961,353	May 1, 1970 June 19, 1973	Class 25: Special purpose athletic shoes. Class 25: General purpose sport shoes.
THE BRAND WITH THE 3 STRIPES	1,674,229	January 29, 1990 February 4, 1992	Class 25: Boots, slippers, sandals; shoes, boots and after ski boots for hiking and trekking, athletic shoes and general-purpose sports shoes.
THREE STRIPE LIFE	6,897,937	December 18, 2020 November 15, 2022	Class 18: All-purpose sport bags; all-purpose carrying bags; backpacks Class 25: Footwear; apparel, namely shirts, tops; headwear
	4,910,643	February 4, 2014 March 8, 2016	Class 18: Articles made of leather and imitation leather, namely backpacks, bags for general and sports use, carry-all bags, athletic bags, duffle bags, shoulder bags, sling bags, handbags, purses, tote bags, waist packs, overnight bags, knapsacks, shoe bags and beach bags, wallets and key cases.

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			<p>Class 25: Clothing, namely, shirts, T-shirts, sweatshirts, jerseys, pullovers, tops, vests, sweaters, pants, shorts, bottoms, jackets, coats, dresses, skirts, skorts, underwear, bras, socks, tights, scarves, gloves, belts, wristbands, tracksuits, training suits, warm-up suits, athletic uniforms, swimwear, footwear, athletic footwear, boots, sandals, slides, caps, hats, visors, headbands.</p> <p>Class 28: Athletic sporting goods, namely, shinguards, soccer gloves, goalkeepers' gloves, knee pads and knee guards for athletic use, leg guards; Balls for sports, soccer balls, basketballs, playground balls.</p>

Copies of the Certificates of Registration for each of these marks are attached collectively as

Exhibit 1.

7. The above-identified registrations are valid and in full force and effect. Indeed, affidavits have been filed and accepted pursuant to Sections 8 and 15 of the Lanham Act for Registration Nos. 870,136, 961,353, 1,674,229, 1,815,956, 1,833,868, 2,016,963, 2,058,619,

2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,087,329, 3,183,656, and 3,183,663, rendering such registrations incontestable.

8. adidas has used the Three-Stripe Mark in connection with its frequent sponsorship of athletic tournaments and organizations, as well as professional athletes and collegiate sports teams. For example, adidas has had longstanding relationships with the University of Nebraska, the University of Louisville, Arizona State University, the University of Kansas, the University of Indiana, and the University of Miami. Among many others, adidas sponsors (a) NFL stars Von Miller, Superbowl L MVP and an eight-time selection for the Pro Bowl, and Patrick Mahomes, Superbowl LIV and LVII MVP, 2018 and 2022 NFL MVP and five-time selection for the Pro Bowl; (b) NBA stars James Harden and John Wall; and (c) soccer superstars Lionel Messi, Paul Pogba, and Karim Benzema. Similarly, for more than a decade, adidas has sponsored the world-famous Boston Marathon, along with many other events, teams, and individuals.

9. adidas has also used the Three-Stripe Mark in connection with its frequent sponsorship and collaborations with musical artists, including pop stars Beyoncé Knowles, Katy Perry and Selena Gomez and iconic rappers Bad Bunny, B.o.B, and DJ Kerwin Frost, and iconic fashion brands such as Fiorucci, Gucci, Missoni, Prada, Balenciaga, and Alexander Wang. In 2023, adidas launched its new adidas Sportswear label in collaboration with global superstar Jenna Ortega.

10. The Three-Stripe Mark is nonfunctional, and the public recognizes and understands that the Three-Stripe Mark distinguishes and identifies adidas's merchandise. Indeed, unsolicited media coverage has referred to adidas's "iconic three stripes" (Li, Joyce, "Jenna Ortega Signs on as adidas Global Ambassador," *Hypebeast*, February 1, 2023), adidas's "famous three stripes" (Odedra, Renuka, "World Cup 2022 Kits: adidas Release Bold New Shirts

for Spain, Germany, Japan and More,” *Goal*, August 30, 2022), adidas’s “signature three-stripe logo” (“The History of The Three-Stripe”, Feature.com, August 18, 2020), “iconic trio of stripes” (Tschorn, Adam, “Timeline: Highlights from a Century of Signature Kicks,” *Los Angeles Times*, February 14, 2019), “famous Adidas three stripes” (Pantorno, Joe, “Check out Yankees Aaron Judge Mother’s Day Cleats,” *Metro - New York*, May 10, 2018), “signature three stripes” (Butler-Young, Sheena, “The Inside Scoop on How Adidas Became One of the Industry’s Most Sought-After Brands,” *Footwear News*, March 14, 2017), “iconic three stripes” (Reimel, Erin, “Alexander Wang Announced a Major Collab With Adidas at Fashion Week,” *Glamour*, September 11, 2016), “famous Three Stripes” (Schwartz, Rob, “Three Brands That Won At The World Cup,” *Forbes*, July 13, 2014), “trademark three-stripe sneakers” (Brettman, Allan, “Adidas lifts 2012 forecast as sales in China soar in Q1,” *The Oregonian*, May 1, 2012), “ubiquitous three stripes” (Brettman, Allan, “Going ‘All In’ Against Nike,” *The Oregonian*, March 15, 2011), “trademark three-stripe logo” (Pennington, Bill, “Belts That Do More Than Hold Up Pants,” *New York Times*, July 27, 2009), “iconic three stripes” (“Game Time,” *Footwear News*, June 16, 2008), “signature three stripes” (Moore, Booth, “Ringling Endorsements; Form Follows Function with Much Olympic Wear, but Fashion and Funding are also at Play,” *L.A. Times*, August 13, 2004), the “famous brand with the three stripes” (Whiting, Sam, “Must Have,” *San Francisco Chronicle*, July 7, 2002), and the “legendary Adidas three stripes” (“Coty Inc.,” *Brand Strategy*, September 27, 1999).

11. For decades, adidas extensively and continuously has used and promoted the Three-Stripe Mark in connection with footwear, apparel, accessories, and related goods and services. In recent years, annual sales of products bearing the Three-Stripe Mark have totaled in

the billions of dollars globally and in the hundreds of millions of dollars within the United States. The Three-Stripe Mark has achieved international fame and tremendous public recognition.

12. Since introducing the Three-Stripe Mark, adidas has spent millions of dollars promoting the Three-Stripe Mark and products bearing the mark. For example, in March 2011, adidas launched an advertising campaign in the United States “featuring Chicago Bulls guard Derrick Rose, rapper B.o.B and pop singer Katy Perry, among others,” that “highlights [adidas’s] imprint on the world of sports, music and fashion,” and “show[s] the breadth and depth of the Adidas brand.” *See* Brettman, Allan, “Going ‘All In’ Against Nike,” *The Oregonian*, March 15, 2011. Similarly, adidas launched its “Sport 15” advertising campaign, which at the time represented adidas’s biggest ad spend in the United States. The campaign featured soccer superstar Lionel Messi, Derrick Rose of the Chicago Bulls, and DeMarco Murray of the Philadelphia Eagles. *See* McCarthy, Michael, “Ad of the Day: Adidas Comes Out Swinging in Big New Brand Campaign,” *AdWeek*, February 13, 2015. adidas’s 2016 campaign featured artists such as Luka Sabbat, Kyu Steed, Aleali May, Ikwa Zhao, and Reese Cooper, while touting the fame of adidas’s “signature three stripes.” *See* Allen, Rachael, “Adidas’ New Ad Campaign is All About the Future,” *Footwear News*, January 25, 2016. In 2017, adidas launched its “Calling All Creators” campaign to highlight its position “at the intersection of sport and culture.” *See* Oster, Erik, “Adidas Brings Superstars Like Lionel Messi and Karlie Kloss Together for a Feast in Its Latest Spot,” *AdWeek*, December 20, 2017. The advertisement featured superstars from sports and beyond, including then-FC Barcelona striker Lionel Messi, Connecticut Sun forward Chiney Ogwumike, Portland Trail Blazers point guard Damian Lillard, Portland Thorns midfielder Lindsey Horan, Green Bay Packers quarterback Aaron Rodgers and Houston Astros shortstop Carlos Correa, rapper Pusha T, musician/producer Pharrell Williams,

fashion designer Alexander Wang and supermodel Karlie Kloss. As an official sponsor of the 2018 World Cup, adidas introduced a “flashy campaign once again sitting at the intersection of sport, culture and music,” titled “Creativity is The Answer.” The advertisement involved “56 a-list creatives,” including Lionel Messi, Caroline Wozniacki, Karlie Kloss, Pharrell Williams, Aaron Judge, and Justin Turner. *See* McCarthy, John, “Adidas says it ‘re-engineered’ advertising with ‘Creativity is The Answer’ World Cup drive,” *The Drum*, June 04, 2018. In 2019, adidas recruited tennis star Billie Jean King and ESPN host Maria Taylor to “promote visibility of women in sport” with its “She Breaks Barriers” campaign. This advertisement also “features athletes Rahaf Khatib, Keni Harrison, Becky Sauerbrunn, and Layshia Clarendon.” *See* Smith, Jordan, “Adidas Launches Campaign for Equal Media Representation in Sport,” *Runner’s World*, March 12, 2019. In 2020, adidas kicked off a campaign “Change Is a Team Sport,” directed by and starring Jonah Hill, which emphasizes the power of teamwork and includes other icons such as K-pop’s super girl group BLACKPINK, chart-topping producer-singer Pharrell Williams, Brazil’s leading diva Anitta, Hong Kong-born singer-rapper Jackson Wang, DJ Kerwin Frost, Japanese fashion designer Nigo, professional gamer Ninja, American actress Yara Shahidi, and French soccer player Paul Pogba. adidas’s 2021 “Impossible is Nothing” campaign is a documentary-style work that extensively features the Three-Stripe Mark throughout on apparel and footwear and is inclusive of people from different sports, genders, ethnicities, and nationalities, including Siya Kolisi, the first Black captain of the South African rugby team, Tiffany Abreu, the first trans woman to play in Brazilian Volleyball Superliga, Cyrill Gutsch, the award-winning designer and brand/product developer of Parley, Ranveer Singh, award-winning Hindi film actor, Mohamed Salah Hamed Mahrous Ghaly, Egyptian professional footballer for Liverpool and captain of the Egypt national team, and numerous WNBA

superstars, including Candace Parker, Nneka Ogwumike, Layshia Clarendon, and Angel McCoughtry. In 2022, adidas launched a campaign in connection with the 2022 FIFA World Cup called “When Football Is Everything, Impossible is Nothing,” which featured icons from across sports and media such as Lionel Messi, Karim Benzema, Achraf Hakimi, Son Heung-Min, Jude Bellingham, Pedro ‘Pedri’ González López, Serge Gnabry and Stormzy.

13. As a result of adidas’s continuous and exclusive use of the Three-Stripe Mark in connection with its goods and services, the mark enjoys wide public acceptance and association with adidas and has come to be recognized widely and favorably by the public as an indicator of the origin of adidas’s goods and services.

14. Notwithstanding adidas’s prior rights, and well after the Three-Stripe Mark became famous, Applicant filed the Application to register Applicant’s Mark for use in connection with, *inter alia*, “Bags, namely, hand bags, sport bags; tote bags” in International Class 18; “Clothing, namely, tops and bottoms; shirts; t-shirts; tank tops; hoodies; sweatshirts; sweatpants; jackets; headwear” in International Class 25; and “Promoting public interest in and awareness of topics of interest to those in the fields of activism and community organizing in the Black community; *online retail store services featuring apparel, headwear, face masks, jewelry, bags, bottles, mugs, pillows, blankets, lapel pins, flags, magnets, stickers, mobile device grips, and electronic gift cards*; providing a website featuring news and information in the fields of activism and community organizing in the Black community; providing a website featuring voter registration information and technology that enables users to complete voter registration forms on-line” in International Class 35 (emphasis added).

15. The United States Patent and Trademark Office published the Application for opposition on September 27, 2022. adidas timely filed extensions of time to oppose and is now timely filing this Notice of Opposition.

16. There is no issue as to priority. adidas began using the Three-Stripe Mark in commerce in connection with footwear, apparel, accessories, and related goods and services well prior to Applicant's November 6, 2020 filing date and any claimed date of first use.

17. Consumers familiar with the goods and services long associated with the Three-Stripe Mark are likely to assume that the goods and services offered under Applicant's Mark originate from the same source, or that they are affiliated, connected, or associated with or sponsored by adidas.

18. Applicant's Mark, as shown in the Application, incorporates three stripes in a manner that is confusingly similar to the Three-Stripe Mark in appearance and overall commercial impression.

19. The goods and services identified in Classes 18, 25, and 35 of the Application are identical and/or highly related to the goods and services adidas long has offered in connection with the Three-Stripe Mark.

20. Applicant's Mark so closely resembles the previously used, and previously registered, Three-Stripe Mark that the use and registration of Applicant's Mark in Classes 18, 25, and 35 is likely to cause confusion, deception, or mistake as to the affiliation, connection, or association of Applicant with adidas, or the origin, sponsorship, or approval of Applicant's goods and services by adidas in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to adidas and the public. Further, any defect, objection, or fault found with the

goods and services offered or sold under Applicant's Mark in Classes 18, 25, and 35 necessarily would reflect on and seriously injure adidas's reputation.

21. Additionally, registration of Applicant's Mark in Classes 18, 25, and 35 is likely to dilute the distinctiveness of the Three-Stripe Mark by eroding consumers' exclusive identification of the Three-Stripe Mark with adidas, and otherwise lessening the capacity of the Three-Stripe Mark to identify and distinguish the goods and services of adidas, in violation of Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1).

22. If Applicant is granted registration in Classes 18, 25, or 35 for the opposed Application, it would obtain a *prima facie* exclusive right to use Applicant's Mark in connection with such goods and services. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that this partial opposition be sustained and that the registration of Application Serial No. 90/304,243 in Classes 18, 25, and 35 be refused.

The Commissioner is authorized to charge Kilpatrick Townsend & Stockton LLP's Deposit Account No. 20-1430 if there is a deficiency in the enclosed filing fee. Please direct all correspondence regarding this proceeding to Nichole Chollet at the address and telephone number identified below.

DATED: March 27, 2023

Respectfully submitted,

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CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing Notice of Opposition is being filed electronically with the TTAB via ESTTA on this day, March 27, 2023.

/Kris Teilhaber/
Kilpatrick Townsend & Stockton LLP