

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FLEET FEET, INC.,)
)
 Plaintiff,)
)
 v.) 1:19-CV-885
)
 NIKE INC., et al.,)
)
 Defendants.)

PRELIMINARY INJUNCTION

The plaintiff, Fleet Feet, Inc., has shown a likelihood of success on the merits of its claim that the defendants Nike, Inc., Nike USA, Inc., and Nike Retail Services, Inc., are infringing the plaintiff’s trademarks, the plaintiff will suffer irreparable harm in the absence of a preliminary injunction, and the balance of the equities and the public interest favor an injunction.

For these reasons, as summarized here and in more detail in facts and analysis set forth in an Order entered concomitantly herewith, pursuant to Federal Rule of Civil Procedure 65, it is **ORDERED** that (1) Defendants Nike, Inc., Nike USA, Inc., and Nike Retail Services, Inc., (2) any of their employees, agents, servants, and officers, and (3) all those in active concert or participation with the Defendants or their employees, agents, servants, and officers, who receive actual notice by personal service or otherwise of this injunction (collectively, the “Enjoined Parties”), are hereby immediately **ENJOINED AND PROHIBITED** on a nationwide basis from any use whatsoever of the phrase “Sport Changes Everything,” or any other designation confusingly similar to the

RUNNING CHANGES EVERYTHING and CHANGE EVERYTHING marks owned by plaintiff, in any form of print, electronic, digital, or broadcast media, as a service mark, logo, hashtag, label, tagline, trade name, domain name, or other use as a stand-alone or emphasized phrase, in connection with the advertising, marketing, promotion, offering for sale, sale, or distribution of athletic shirts, athletic training programs and events, retail sporting goods store services and goods, and related goods and services.

This prohibition includes but is not limited to the release of new advertising materials, including but not limited to digital materials and videos, and the continued use of previously released or used advertising materials, including but not limited to digital materials and videos, so that the Enjoined Parties must

1) remove the phrase “Sport Changes Everything” from:

- a) its own websites and social media pages;
- b) its brick-and-mortar locations;
- c) billboards, banners, or similar large advertisements;

2) remove the phrase from or take down in whole if the phrase cannot be removed any:

- a) videos it posted on YouTube or other websites;
- b) digital, electronic, or other media within their control, including use at the direction of any defendant, use by the agent of any defendant, and use by third parties for which any defendant has paid.

This injunction does not prohibit the Enjoined Parties from using interviews with or statements by athletes who use this phrase as part of a larger statement or sentence, so

long as any written display of the phrase is not used separate and apart from other words or phrases, such as in a heading, tagline, different font or capitalization from surrounding text, logo, or other use suggesting it is a trademark.

This injunction does not require the Enjoined Parties to demand that third parties not under their control remove the phrase “Sport Changes Everything” from social media pages or posts, websites, or press articles whose content is not controlled or paid for by the Enjoined Parties but it does prohibit the Enjoined Parties from asking or soliciting third parties to use the phrase in ways that are prohibited if done directly by the Enjoined Parties.

In view of the shortness of time, Defendants Nike, Inc., Nike USA, Inc., or Nike Retail Services, Inc. are not prohibited from using the phrase “Sport Changes Everything” to promote and in connection with the Chicago Elite Classic in Chicago on December 6–7, 2019, so long as the phrase is not used with or linked to running.

Pursuant to Federal Rule of Civil Procedure 65(c), this injunction goes into effect upon plaintiff’s posting of a \$1,000,000 bond as security.

SO ORDERED and ENTERED, at 12:42 p.m., this the 2nd day of December, 2019.


UNITED STATES DISTRICT JUDGE