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Filing date: **02/04/2016**

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

| | |
|------------------------|---|
| Proceeding | 91221511 |
| Party | Plaintiff NIKE, Inc. |
| Correspondence Address | HELLEN HILL MINSKER BANNER & WITCOFF LTD 10 SOUTH WACKER DRIVE, SUITE 3000 CHICAGO, IL 60606 UNITED STATES hminsker@bannerwitcoff.com, mhouston@bannerwitcoff.com, esullivan@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com, capital |
| Submission | Plaintiff's Notice of Reliance |
| Filer's Name | Helen Hill Minsker |
| Filer's e-mail | hminsker@bannerwitcoff.com, mhouston@bannerwitcoff.com, esullivan@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com |
| Signature | /helen hill minsker/ |
| Date | 02/04/2016 |
| Attachments | 001 - FIRST NOTICE OF RELIANCE.pdf(382385 bytes) 001 - EXS 1-45.pdf(55284 bytes) Ex. A-01.pdf(1552300 bytes) Ex. A-02.pdf(1452006 bytes) Ex. A-03.pdf(322894 bytes) Ex. A-04.pdf(291778 bytes) Ex. A-05.pdf(770390 bytes) Ex. A-06.pdf(912089 bytes) Ex. A-07.pdf(692141 bytes) Ex. A-08.pdf(1835762 bytes) Ex. A-09.pdf(962228 bytes) Ex. A-10.pdf(886327 bytes) Ex. A-11.pdf(1165595 bytes) Ex. A-12.pdf(1500580 bytes) Ex. A-13.pdf(656742 bytes) Ex. A-14.pdf(2148338 bytes) Ex. A-15.pdf(565595 bytes) Ex. A-16.pdf(1944260 bytes) Ex. A-17.pdf(417991 bytes) Ex. A-18.pdf(1293370 bytes) Ex. A-19.pdf(1283639 bytes) Ex. A-20.pdf(548416 bytes) Ex. A-21.pdf(2542674 bytes) Ex. A-22.pdf(1113617 bytes) Ex. A-23.pdf(746256 bytes) Ex. A-24.pdf(681037 bytes) Ex. A-25.pdf(519286 bytes) Ex. A-26.pdf(438707 bytes) Ex. A-27.pdf(4692237 bytes) Ex. A-28.pdf(1420630 bytes) Ex. A-29.pdf(893801 bytes) Ex. A-30.pdf(1244021 bytes) Ex. A-31.pdf(1036804 bytes) |

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

| | | |
|----------------------------|---|--------------------------|
| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

EXHIBIT A:

**OPPOSER NIKE, INC.'S FIRST
NOTICE OF RELIANCE**

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

| | | |
|-----------------------------------|---|--------------------------|
| NIKE, INC., |) | |
| |) | |
| vs. Opposer, |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
| |) | |

OPPOSER NIKE, INC.’S FIRST NOTICE OF RELIANCE

Opposer, NIKE, Inc. (“NIKE”), by its undersigned attorneys and pursuant to Rules 2.120, 2.122, and 2.123 of the Trademark Rules of Practice, hereby gives notice that it intends to rely at trial on the following material evidence, relevant to the issues raised by the pleadings herein:

1. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1989. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT , illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Janet Filips, *Nike knows 'Just do it' just does it*, The Oregonian, Jan. 2, 1989, at E1 (Ex. A-1).
- b. Chris Kentouris, *Nike’s fitness division takes over 2d sales slot*, Footwear News, Jan. 23, 1989, at 26 (Ex. A-2).
- c. *‘Just Do It’*, Wash. Post, Feb. 6, 1989, at C5 (Ex. A-3).
- d. James Cox, *Nike ad ‘tongue twister’*, USA Today, Feb. 8, 1989, at A1 (Ex. E-4).

- e. Sharon Lee, *No Soft Sell*, FNM, Apr. 1989, at 19 (Ex. A-5).
- f. Leslie Savan, *Performance Anxiety*, Village Voice, Apr. 18, 1989 (Ex. A-6).
- g. *Nike hopes All-Star TV ad gets sales for 1989-90 season off on right foot*, Houston Post, Jul. 12, 1989 (Ex. A-7).
- h. Lena Williams, *For Advice, the Media as Mom*, N.Y. Times, Aug. 2, 1989, at C1 (Ex. A-8).
- i. Stuart Elliot, *Athletes' stories just do it' for Nike; Footwear firm looking for everyday folks*, USA Today, Aug. 30, 1989, at B2 (Ex. A-9).
- j. Joanne Lipman, *Disabled People Featured in More Ads*, Wall St. J., Sept. 7, 1989 (Ex. A-10).
- k. Richard Colby, *Nike Inc. just does it, sets sales record*, The Oregonian, Sept. 19, 1989 at D10 (Ex. A-11).
- l. Gordon Oliver, *Nike Inc. donates \$100,000 to gang-diversion program*, The Oregonian, Oct. 5, 1989, at B1 (Ex. A-12).
- m. Janis Carr, *Wheelchair athletes hail breakthrough; TV commercial turns spotlight on disabled*, The Orange County Register, Oct. 15, 1989, at C23 (Ex. A-13).

2. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1990. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Joan Tyner, *Makers of athletic shoes race for the gold*, Balt. Sun, Apr. 22, 1990, at D1 (Ex. A-14).
- b. Julie Tripp, *Portland agency's ad is tops in nation*, The Oregonian, May 25, 1990, at E11 (Ex. A-15).
- c. James Cox, *Shoes with an attitude; Nike walks all over its competition; Confidence keeps firm running*, USA Today, Aug. 2, 1990 (Ex. A-16).

3. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1991. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. *The Advertising Best*, Business Week, Jan. 14, 1991 (Ex. A-17).
- b. *Nike Gives \$1 Million For Dropout Prevention Grants*, L.A. Sentinel, Jan. 17, 1991, at B13 (Ex. A-18).
- c. Martin Smith, *Pepsi ad campaign the top one for 1990*, Orange County Register, Mar. 12, 1991, at D3 (Ex. A-19).
- d. Martha Moore, *Reebok ads 'play hard'*, USA Today, Aug. 2, 1991, at B1 (Ex. A-20).
- e. Jamie Beckett, *Advertising Diamonds, and Lumps of Coal; Best of 1991 have flair, avoid clichés*, S.F. Chronicle, Dec. 2, 1991, at B1 (Ex. A-21).

4. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1992. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has

had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Steven Stark, *Why Perot? No-nonsense, can-do savior*, Orlando Sentinel, June 9, 1992, at A9 (Ex. A-22).
- b. Gina Carroll, *Old idea, new ad*, Miami Herald, Oct. 20, 1992, at 2 (Ex. A-23).

5. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1993. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Harry Berkowitz, *Credo for slogans: Life is short; The catch words for ad campaigns aren't always enduring. But analysts say mottos are important as brand names depend more on strong identities.*, Orlando Sentinel, May 30, 1993, at F1 (Ex. A-24).
- b. *Nike to air commercial in Spanish*, Buffalo News, July 12, 1993, at 11 (Ex. A-25).
- c. Bill Zwecker, *Samaritan Leno Gets Cellular Jolt*, Chi. Sun-Times, Aug. 29, 1993, at 31 (Ex. A-26).

6. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1994. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Jo Ann Lewis, *It's postmodern; And if you don't get it, you don't get it.*, Wash. Post, Mar. 27, 1994, at G1 (Ex. A-27).
- b. John Burgess, *Blue-Chip Sneakers*, Wash. Post, May 29, 1994, at X9 (Ex. A-28).
- c. Ellen Neuborne, *Nike employee loyalty runs wild*, USA Today, July 11, 1994, at B5 (Ex. A-29).
- d. William Safire, *Don't like those imperatives? Get over it!* Houston Chronicle, Dec. 25, 1994, at 6 (Ex. A-30).

7. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1995. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Jeff Manning, *Nike to Bo: Just don't do it*, The Oregonian, Feb. 22, 1995, at D1 (Ex. A-31).
- b. Cartoon appearing in the Wash. Post National Weekly Edition, original article appearing in the Wash. Post Mar. 6, 1995 (Ex. A-32).
- c. Paula Span, *Disability Visibility*, The Oregonian, Mar. 30, 1995, at D3 (Ex. A-33).
- d. Sylvia Wieland Nogaki, *Starbucks hires Nike's former advertising whiz*, The Seattle Times, May 19, 1995, at E1 (Ex. A-34).
- e. Laura Castaneda, *Catchy slogans can turn splash into cash; Survey rates the top 60 ad campaigns*, The Dallas Morning News, Aug. 21, 1995, at D1 (Ex. A-35).

f. *The Daily Briefing*, Orange County Register, Sept. 15, 1995, at C1 (Ex. A-36).

8. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1996. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

a. *Nike just does what customers want*, Cleveland Plain Dealer, Jan. 6, 1996, at C1 (Ex. A-37).

b. *Shoe designers help keep dazzling Nike well-heeled*, Chi. Trib., Jan. 15, 1996, at C4 (Ex. A-38).

c. Bruce Horovitz, *Is Nike just being sneaky? Officials say handout signs tread on advertising-free venues*, USA Today, Aug. 2, 1996, at C10 (Ex. A-39).

d. Robyn Meredith, *The Media Business: Advertising; In the campaign for its new sports utility vehicle, Ford its traveling the young and haughty road*, N.Y. Times, Sept. 24, 1996, at D10 (Ex. A-40).

e. *People Watch*, Fort Worth Star-Telegram, Oct. 20, 1996, at 8 (Ex. A-41).

9. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1997. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Dean Narciso, *Business need memorable slogan? Sink hook into this book*, Columbus Dispatch, Apr. 21, 1997, at 2 (Ex. A-42).
- b. Jonathan Nicholas, *Dump Dan? Nike nearly just did it*, The Sunday Oregonian, Nov. 20, 1997, at L1 (Ex. A-43).

10. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1998. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Sharon King, *The Media Business: Advertising; Nike will focus on the soccer and women's sports markets while making cuts in its budget.*, N.Y. Times, May 11, 1998, at D8 (Ex. A-44).
- b. Dave Sittler, *It's Time For Blake To Resign*, Daily Oklahoman, Nov. 8, 1998, at 8 (Ex. A-45).

11. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 1999. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. George Lazarus, *Branding theme doesn't deliver for Navistar*, Chi. Trib., Feb. 8, 1999, at C3 (Ex. A-46).
- b. *Maybe the boss will toss a stick*, Buffalo News, Apr. 11, 1999, at B13 (Ex. A-47).

- c. Steven Levingston, *Advertisers save us from ourselves; Forget sensors, America can rely on Madison Ave.*, Cleveland Plain Dealer, July 18, 1999, at D6 (Ex. A-48).
- d. From staff and wire reports, Balt. Sun, Nov. 24, 1999, at D2 (Ex. A-49).
- e. *He just did it; Inventiveness put Nike's co-founder on the fast track*, Pittsburgh Post-Gazette, Dec. 29, 1999, at A14 (Ex. A-50).

12. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2000. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Rick Rogers, *Cruise in comfort on Norwegian ship*, Daily Oklahoman, Oct. 1, 2000, at 8 (Ex. A-51).
- b. Stuart Elliott, *The Media Business: Advertising-Addenda; A new look for an old standby: Con Edison revamps its corporate image*, N.Y. Times, Oct. 11, 2000, at C8 (Ex. A-52).
- c. Andy Dworkin & Tara Sullivan, *Nike knows 'what women want' in the movies*, The Oregonian, Dec. 13, 2000, at D3 (Ex. A-53).

13. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2001. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Charles Pillar, *Complexity, bugs converge to upset supply software*, Chi. Trib., Apr. 9, 2001, at 4 (Ex. A-54).
- b. Aaron Barnhart, *Get ready to rumble with A&E 's 'Ring'*, Kansas City Star, July 16, 2001, at D1 (Ex. A-55).

14. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2002. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Mark Grossman, *Domain name dispute grow more complex*, Miami Herald, Jan. 21, 2002, at G19 (Ex. A-56).
- b. John Eckberg and Kevin Aldridge, *New ad campaign aims to heal wounds from city's racial strife*, Cincinnati Enquirer, Feb. 6, 2002, at A1 (Ex. A-57).
- c. Nara Schoenberg, *Trade chic: Top stars join seller's market; They're perfectly willing to plug products*, S.D. Union-Tribune, May 26, 2002, at E3 (Ex. A-58).
- d. Chris Reidy, *Ad firms always on hunt for words brands live by*, Boston Globe, Oct. 20, 2002, at C1 (Ex. A-59).

15. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2003. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has

had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. J.K. Wall, *CART serving up a lot of logo*, Indianapolis Star, Jan. 20, 2003, at C1 (Ex. A-60).
- b. Annette Mardis, *5 questions with ...*, Tampa Tribune, Mar. 25, 2003, at 2 (Ex. A-61).
- c. Michael McCarthy, *Wake up consumers? Nike's brash CEO dares to just do it*, USA Today, June 16, 2003, at B1 (Ex. A-62).
- d. Michelle Oh and Julie Gordon, *Here come the judges*, USA Today, June 17, 2003, at B7 (Ex. A-63).

16. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2004. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Fran Spielman, *Corporate logos in parks? Daley thinks its 'fantastic'; Says companies deserve it if they foot the bill*, Chi. Sun-Times, Sept. 2, 2004, at 22 (Ex. A-64).
- b. Brendan Koerner, *Shouldn't have had that second piece*, N.Y. Times, Nov. 7, 2004, at 3-2 (Ex. A-65).
- c. Eric Dash, *Founder of Nike to hand off job to a new chief*, N.Y. Times, Nov. 19, 2004, at C1 (Ex. A-66).

17. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2005. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Paul Tharp, *Reebok plays catch-up*, N.Y. Post, June 17, 2005, at 37 (Ex. A-67).
- b. Rich Tomaselli, *Beauty's new, er, face; Nike latest marketer to embrace women by trading fantasy images for realistic ones*, Advertising Age, Aug. 15, 2005, at 1 (Ex. A-68).
- c. Stuart Elliott, *For Everyday Products, Ads Using the Everyday Woman*, N.Y. Times, Aug. 17, 2005, at C1 (Ex. A-69).
- d. Sam Howe Verhovek, *Savvy slogan leads to suit; "What happens here stays here"- Las Vega, company battling over phrase*, Seattle Times, Sept. 4, 2005, at A6 (Ex. A-70).

18. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2006. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Kathleen Fordyce, *A first for town: police commander; Capt. Richard Pichardo will be the town's first police commander when the department*

starts operating, probably in August, Miami Herald, June 25, 2006, at PP3 (Ex. A-71).

- b. Bloomberg News, *California and the West; Nike Chief Pledges Big Gift to Stanford; Philip Knight will donate \$105 million to build a new campus for the business school*, L.A. Times, Aug. 2, 2006, at C2 (Ex. A-72).

19. Pursuant to 37 C.F.R. § 2.122(e), the following article from 2007. The article reference NIKE and “JUST DO IT,” illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT: Holly Sanders, *Nike drops an old shoe -longtime ad firm just won't do it*, N.Y. Post, Mar. 14, 2007, at 42 (Ex. A-73).

20. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2008. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. David Barboza, *'Just do it': Global brands pull for China in Olympics; Marketing and ads tied to Games could reach \$6 billion in country*, International Herald Tribune, July 12, 2008, at 11 (Ex. A-74).
- b. Kenneth Hein, *Nike Prepares Global Effort; Based around Beijing Olympics, the campaign includes a new worldwide spot and an event called 'Human Race'*, ADWEEK, July 17, 2008 (Ex. A-75).
- c. *The Courage Within- Nike Celebrates Athletes' Drive with New 'Just Do It' Beijing Campaign; Nike set to launch global advertisement with*

mosaic of 'Just Do It' moments, Business Wire, July 17, 2008 (Ex. A-76).

- d. Lewis Lazare, *Zig keeps its sense of humor; Ethel's Chocolate project shows flair for the offbeat*, Chi. Sun Times, July 18, 2008, at 43 (Ex. A-77).
- e. Brent Hunsberger, *'Just do it' tagline still gets it done*, The Oregonian, July 18, 2008, at A1 (Ex. A-78).
- f. Brent Hunsberger, *Nike's seen success from 'just do it' for 20 years; Famous slogan helped the athletic wear company surpass its rivals*, Post-Standard, July 27, 2008, at D1 (Ex. A-79).
- g. Jeff Smith, *Teaching kids competition, not conflict*, The Oregonian, Oct. 21, 2008, at E3 (Ex. A-80).

21. Pursuant to 37 C.F.R. § 2.122(e), the following newspaper and other periodical articles from 2009. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. *Close-Up: What really makes a good ad slogan?*, Campaign, Sept. 11, 2009, at 11 (Ex. A-81).
- b. Laura Oppenheimer, *0. Hm. C'mon, say it with me: 'Oh. Hmmm '*, The Sunday Oregonian, Sept. 27, 2009, at Sunday Features (Ex. A-82).
- c. Morey Stettner, *Create Catchy Advertising That Connects With Buyers*, Investor's Business Daily, Inc., Oct. 12, 2009 (Ex. A-83).

- d. *Agenda for infrastructure in 2010*, Business Line, Dec. 21, 2009, at 7 (Ex. A-84).

22. Pursuant to 37 C.P.R. § 2.122(e), the following articles from 2010. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Peter J. Schwartz, *The World's Top Sports Brands*, Forbes.com, Feb. 3, 2010 (Ex. A-85).
- b. *The Work*, Advertising Age, Mar. 29, 2010, at 35 (Ex. A-86).

23. Pursuant to 37 C.P.R. § 2.122(e), the following article from 2011. This article references NIKE and its “JUST DO IT” trademark, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT: *Nike Unveils “The Chosen,” Its First Ever Action Sports ‘Just Do It’ Campaign*, Business Wire, June 2, 2011 (Ex. A-87).

23. Pursuant to 37 C.P.R. § 2.122(e), the following articles from 2013. All of these articles reference NIKE and “JUST DO IT” and/or advertisements featuring JUST DO IT, illustrating the impact the trademark has had on the general consuming public and showing the widespread renown, recognition, and fame of JUST DO IT:

- a. Jeffrey Martin, *‘Just Do It’ slogan going strong at 25*, USA Today, Aug. 21, 2013, at 3C (Ex. A-88).
- b. David Griner, *35 Years that Changed Advertising*, ADWEEK, Nov. 11, 2013, Vol. 54, No. 40, pg. 54 (Ex. A-89).
- c. Tim Nudd, *Ads of the Year*, ADWEEK, Dec. 9, 2013, Vol 54, No. 44, pg. 36 (Ex. A-90).

- d. Sebastian Joseph, *Top Ten Nike 'Just Do It' Ads*, MarketingWeek, Aug.
22, 2013 (Ex. A-91).

Respectfully submitted,
BANNER & WITCOFF, LTD.
Attorneys for Opposer

Date: February 4, 2016

By:



Helen Hill Minsker
Audra C. Eidem Heinze
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000

CERTIFICATE OF SERVICE

I hereby certify that a copy of Opposer NIKE, INC.'s FIRST NOTICE OF RELIANCE, AND ALL EXHIBIT THERETO was served by overnight courier service, as agreed to by the parties, to the following address on February 4, 2016, such being the Applicant's correspondence address listed in the TTABVUE system as of this date:

Matthew Heller
Capital E Finance Co, LLC
53 Appleton Street
Boston, Massachusetts 02116-6213
United States



John H. Heller

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

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| NIKE, INC., |) | |
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| Opposer, |) | Opposition No. 91221511 |
| vs. |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

EXHIBITS 1-45 to
OPPOSER NIKE, INC.'S FIRST
NOTICE OF RELIANCE

(PART 1 of 2)

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

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| NIKE, INC., |) | |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-1



How to make a lifestyle



The Oregonian/PAT MCLELLAND

Best resources often found within

By JANET FILIPS
of The Oregonian staff

What is it about resolutions? On the one hand, they're a national joke and a personal booby trap, with an expected lifespan about six hours longer than the bubbles in an uncorked bottle of champagne.

On the other hand, the approach of a spanking new calendar year, not yet tarred by human folly or nature's fury, can inspire a strange kind of optimism.

Well, seize that optimism right now and shore it up with planning. With a combination of hopefulness, effort, honesty and patience, a resolution can indeed be folded into the batter of your life.

Anybody who thinks about a resolution already has passed square one: awareness. Something in your life is off kilter; you realize you would be better off doing it differently.

But vague pronouncements about exercising, losing weight, quitting smoking and cutting drinking invariably lead to a dead end before the groundhog gets close to his shadow.

Here are some steps for fine-tuning a resolution into a way of life.

• **Think small.** When setting goals, leave Earth spinning on its axis. People's biggest pitfall is a tendency to take on the world, said Lisa Vance, fitness serv-

years of collecting dust on the couch, they want a conversion like Saul en route to Damascus. They vow to sweat for an hour five days a week or plunge into a Melba toast and tuna fish diet that would leave a sparrow's stomach growling.

The all-or-nothing approach ultimately leads to nothing because people become overwhelmed — or injured — by the enormity of the change. They quickly derail, chuck the whole schmere and wait for the next New Year — or, out of fear of failing, decide they'll never bother trying again.

• **Be honest; get specific.** Sit down with paper and pen and write out, in all honesty, what you hope to gain from your change. Flexibility? Admiring stares on the street? Endurance? Clothes and breath that don't smell of cigarettes? Self-esteem?

Then look at potential barriers to your success — a mother who urges you to eat thirds, child-care responsibilities in the evening, lack of an exercise partner, embarrassment about your body, fear of pain. That information will help you in choosing strategies.

• **Set a series of goals that are manageable, realistic and easy to measure.**

Sound lame? Mapping your course is actually the key to success, so hang in there, remembering that a lifestyle change is an inch-by-inch process. It takes months or even years to root out the old habit and let the new take hold.

Set targets for the first weeks, the first month, the first quarter, the second quarter, the first year.

for starters: Take three 10-minute walks each week for two weeks. The next two weeks, take three 10-minute walks and climb steps instead of riding elevators, or park at the far edge of the supermarket lot.

If you're cutting fat and cholesterol, look for problem foods in your routine diet and make a trade. For the first month, switch from regular milk and half and half to 2 percent milk; or from ice cream to low-fat frozen yogurt; or from fish once a month to weekly.

You're not setting the world on fire, but you have made a change that leaves you better off than yesterday.

"The key is to get started. Make small steps and build on those successes," said Dr. Minot Cleveland, director of "Fitness for Life," a preventive medicine program at the Veterans Administration Medical Center in Portland. "The important thing is to seize those practical opportunities."

Healthy choices are a struggle at first because change is stressful. But as you persist over the early moguls, "you'll get hooked," Cleveland said. "We really do train our mind-body complex."

• **Dangle a carrot in front of your nose every step of the way.** Rewards are an important way to bribe yourself in the early stages of change.

Make the prizes something you care about, supportive of your aim and proportionate to your accomplishment. In other words, don't reward a month of 2 percent milk with a porterhouse, or a week of swimming with a trip to Tahiti.

Nike knows 'Just do it' just does it

"Just do it" — Nike's catchy, down-to-earth slogan launched last August — was born of common sense, not consumer research, said Liz Dolan, director of public relations for the Beaverton company.

Nike was looking for a simple advertising line to crystallize a general notion of starting some kind of exercise and keeping at it.

"We began to realize how often we say that to each other at Nike — 'Just do it' — to test an idea," Dolan said. Letters from consumers have been unbelievable, she said, and other companies have requested "Just do it" banners for their own inspirational sales meetings.

"Everyone has to find their own path. For people stalling, it kind of got them going," she said. "Sooner or later, you realize there are no tricks, no number of motivational tapes you can listen to; you've just got to get out there and do it."

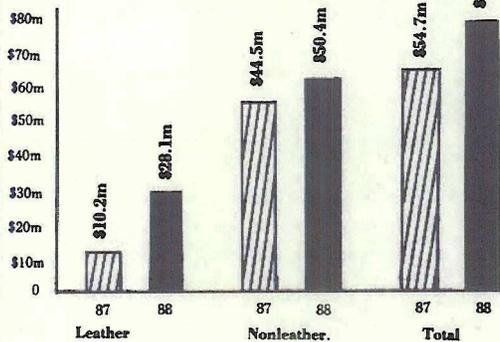
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-2

ATHLETIC FOOTWEAR EXPORTS

First Three Quarters
1987 vs. 1988

/// 87
■ 88

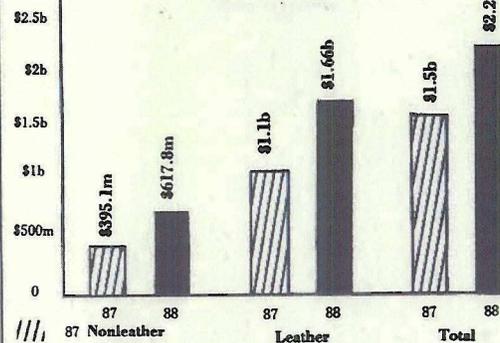
Source: Sporting Goods Manufacturers Association

N. PALM BEACH, Fla. — The dollar value of domestically made athletic footwear exports increased by 43.5 percent to \$78.5 million in the first three quarters of 1988, said a recent report from the Sporting Goods Manufacturers Association (SGMA).

Total leather athletic footwear exports for the first three quarters of 1988 were valued at \$28.1 million, more than double the \$10.2 million total for the comparable period in 1987. Total non-leather athletic footwear exports for the first three quarters in 1988 were valued at \$50.4 million, up 13.3 percent from \$44.5 million in the comparable period in 1987. Athletic footwear made up 14.9 percent of total sporting goods exported in the first three quarters of 1988. Sporting goods exports' dollar-worth totaled \$328.3 million between January and September 1988, a 51 percent increase from the \$348.6 million shipped during the same period in 1987.

By comparison, athletic footwear exports in the first three quarters of 1987 totaled \$54.7 million and made up 15.7 percent of the \$348.6 million in sporting goods exported in that period.

ATHLETIC FOOTWEAR IMPORTS

First Three Quarters
1987 vs. 1988

/// 87
■ 88

Source: Sporting Goods Manufacturers Association

Athletic import 9-mo. value leaps

N. PALM BEACH, Fla. — Total declared dollar value of athletic footwear imports for the first three quarters of 1988 shot up 51.7 percent, fueled by factory price increases, reveals a Sporting Goods Manufacturers Association (SGMA) survey of U.S. Census Bureau statistics.

In the first nine months of 1988 athletic footwear import dollars hit \$2.27 billion, compared with \$1.5 billion in the year-earlier period.

Leather athletic footwear dollars for the first three quarters of 1988 totaled \$1.66 billion, an increase of 50 percent over \$1.1 billion in the comparable 1987 period.

Non-leather athletic footwear dollars for the first three quarters of 1988 totaled \$617.8 billion, up 56.4 percent from \$395.1 billion in the year-earlier period.

SGMA readies video on selling athletic shoes

N. PALM BEACH, Fla. — By the end of April, the Sporting Goods Manufacturers Association (SGMA) is scheduled to complete the first two tapes in a four-video tape series designed to teach retailers the basics of selling athletic footwear, said Gregg Hartley, recently appointed executive director of the Athletic Footwear Association (AFA).

"There have been a number of retail sales tapes done, but nothing that we're aware of that has been geared specifically toward the athletic footwear industry," Hartley said.

The AFA started the project about three months ago, and if the first two tapes are satisfactory, the AFA plans to film two others, he said.

The videos will teach the staff how to size up the customer, determine his needs, evaluate the benefits of generic shoes and sell to match need with inventory, Hartley said. Each tape is expected to be 18-35 minutes long, he said.

The AFA may distribute the tapes through The Athletic Institute of the SGMA and the athletic footwear manufacturers, Hartley said.

Hartley joined SGMA the first week of January and also serves as the new executive director of



Gregg Hartley

the American Basketball Council (ABC) and the "Seniors Softball World Series," to be played in Greensboro, N.C., in September. He replaced Gary Brown, who left to work in the marketing department of Chase Manhattan Bank in Tampa.

Hartley is responsible for daily operations and communications for the three organizations. He previously was vice president of marketing at Fanatic Ltd., Paterson, N.Y. Prior to that, he worked at Beconta Inc., Elmsford, N.Y., where he was involved with the Puma distributorship and the Spalding license.

Nike's fitness division takes over 2d sales slot

By CHRIS KENTOURIS

SEATTLE (FNS) — Nike Inc.'s fitness division is now the second-largest contributor to company-wide sales, with its cross training shoes propelling the sales gain, according to George Porter, Nike's vice president of finance, who addressed a recent conference sponsored by the Seattle Society of Financial Analysts.

Cross training overtakes Nike's running category for the second position, bumping running down to the third spot. Nike's best-selling product remains its basketball line, but new products targeted toward women, such as the Side 1 line, will become an important factor in Nike sales for 1989, Porter said.

Ron Parham, Nike's director of investor relations, said sales from the fitness line soared to \$121 million in the six months ended Nov. 30, 1988, up from \$49 million in the comparable period a year earlier. Revenue from the running category rose to \$90.4 million from \$79.4 million a year earlier, and sales of the basket-

ball line grew to \$236 million from \$142 million a year earlier.

Porter emphasized that Nike's inventory was at its "best position" ever and downplayed the role futures orders would have on the company's operating performance. "Earnings rather than pairage is the important factor," he asserted, adding futures orders did not include apparel, and international sales, which he said would account for a larger percentage of total sales in 1989.

During the conference, Harry Carsh, Nike's corporate vice president, predicted Nike will remain a leader in the athletic market based on strong performances in all its product categories and a coordinated strategy for trade, consumer, and retail advertising.

Carsh attributed Nike's progress in part to its "Just Do It" advertising campaign, which emphasized physical fitness.

Reports in the financial community concerning a drop in Nike's futures orders for March had caused its stock to fall last month.

Avia will push walking in malls

PORTLAND, Ore. — Avia Athletic Footwear and The Athlete's Foot, the Atlanta-based retail chain, have developed a nationwide promotion for those walking in their local shopping mall.

"Doing laps around the mall has become a way for seniors and others to get fit," said Kellee Harris, Avia walking market manager.

Avia will offer award pins and recognition in Walking magazine, as incentives to keep walking. The promotion, which will begin in March, is held in conjunction with Avia's recent introduction of the 310 model walking shoe. This shoe is specifically designed for mall walking with extra traction for the smoother, slicker mall floors.

Those interested can register at one of the 400 The Athlete's Foot stores in malls. They will receive a special Walk 100 Miles kit. Walkers completing 25, 50 and 100 miles (cumulative), will receive award pins. All participants completing 100 miles will have their names listed in an Avia mall walking ad.

The 310 shoe is part of the mall segment of a new line of Avia walking shoes called Inroads. Models include street walking shoes for vigorous exercise walking; track walking shoes for racewalking, pacewalking and fast exercisers; and trail for off-road walking.

Hong Kong sets Oct. int'l show

HONG KONG (FNS) — Hong Kong will hold its first international sporting goods and apparel show in October.

Sponsored by the Hong Kong Trade Development Council (HKTD), the Hong Kong International Sporting Goods Fair 1989 is scheduled for Oct. 20-23 at the Hong Kong Convention and Exhibition Center.

The show will feature athletic footwear, sporting goods, sports-wear and camping goods from local and foreign manufacturers.

Gilbert Tam of the HKTD is in charge of applications. Exhibitor registration deadline is July 15, and a 10 percent discount is offered for applications received before the end of February.

MONEY TALKS

SEE PAGE 30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-3

The Washington Post

washingtonpost.com

STYLE

STYLE PLUS

'Just Do It'

189 words

6 February 1989

The Washington Post

FINAL

c05

English

(Copyright 1989)

The idea is, of course, to sell shoes, but Nike's "JUST DO IT" advertising campaign is turning into a rallying cry for personal action, some not necessarily related to exercise.

"You wouldn't believe the response," says Liz Dolan, director of Nike public relations, Beaverton, Ore. "We've gotten zillions of letters from consumers who've told us it's made them change their lives. One woman left her husband."

"We've struck a nerve somewhere," says Dan Wieden, president and creative director of Wieden & Kennedy, the 7-year-old Portland agency in charge of Nike advertising.

"It's almost a way of living your life. Get out of the head trips and act," says Wieden, who came up with the three words.

Although not a great exerciser himself—"I get up in the morning"—Wieden, 44, knows about results in other areas. "There's a huge freedom in knowing all you can about something and then act. There's something about action that creates mental channels and behavior follows."

So do sales. Nike's have doubled since the campaign started.

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NEWS

Nike ad `tongue twister`

James Cox

171 words

8 February 1989

USA Today

FINAL

01A

English

(Copyright 1989)

Nike's ad slogan - ``Just do it" - can be more than a mouthful.

The sneaker maker failed to overcome the language barrier when it used a Kenyan tribe in a new TV ad for its hiking shoes.

In the ad, a Samburu tribesman glares into the camera and speaks in Maa, his native tongue. ``Just do it" appears as a subtitle while he speaks.

What's he really saying?

``I don't want these. Give me big shoes," translates Lee Cronk, an anthropologist with the University of Cincinnati.

Another problem: The Samburu, who normally wear soles made from tire treads, often wore the **Nike** hiking shoes on the wrong feet.

Nike admits its film crew improvised after having difficulty getting a Maa version of its slogan.

``We never really knew what they were saying," concedes director Hannah Hempstead.

``We thought nobody in America would know what he said," says **Nike's** Elizabeth Dolan. Ideally, she jokes, he would have said ``something mean about Reebok."

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OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-5

NO SOFT SELL

No matter what the styling trend, women's athletic shoes are built to look softer than men's—in color, in silhouette and in components. Even the names given to women's athletic shoes connote a wimper, not a bang: Princess, Cory and Pastel versus Defiance, Magnum and Jammer. But don't tell the advertising agencies creating women's athletic footwear campaigns to use the cushy approach.

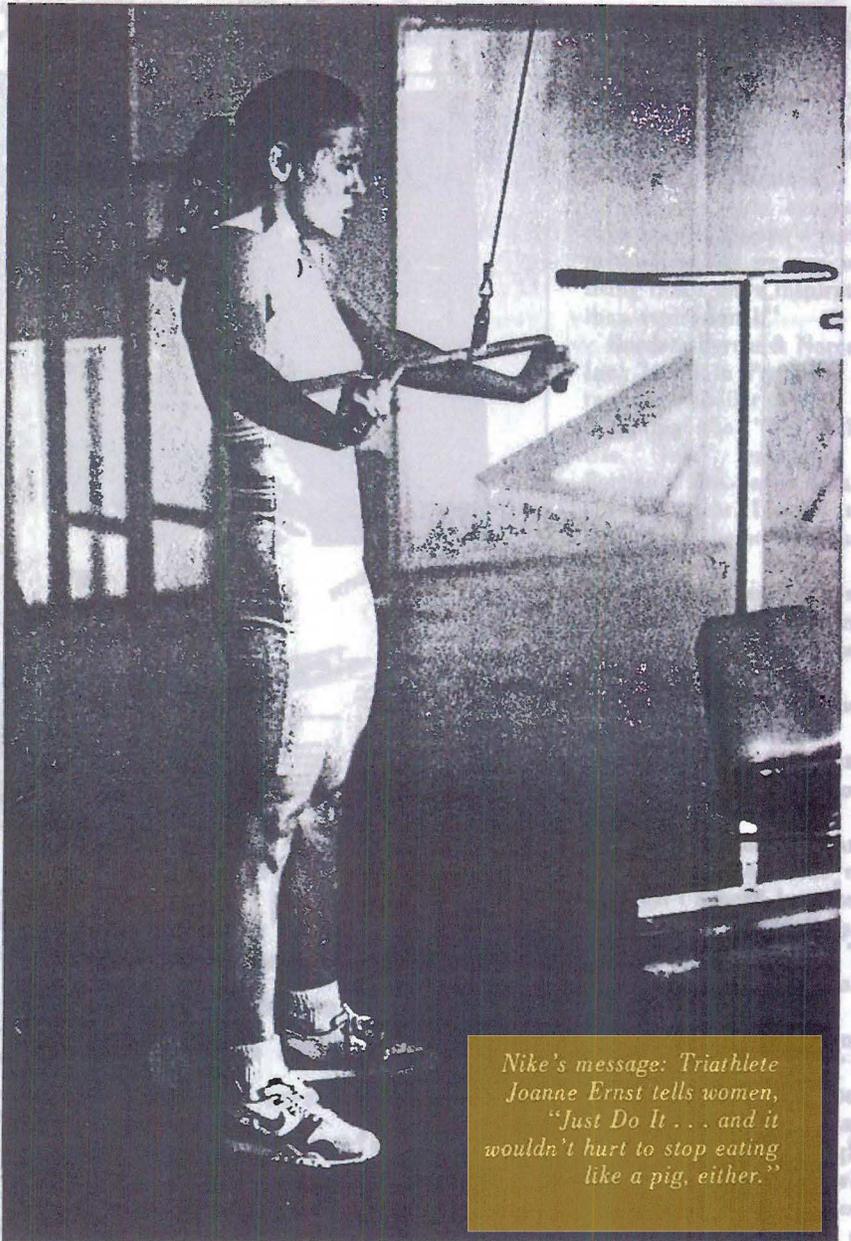
Women do not want toned-down versions of men's advertising, agencies say. Nor do they want to see campaigns that are blatantly targeted for them. The challenge for companies selling to both genders is maintaining the corporate message, while pushing separate "buy" buttons.

"I think there are some things that are unique to Nike. We can't suddenly change our tone. We can't say, 'Now we're talking to women, and we have to be softer,'" says Tim O'Kennedy, management supervisor for Wieden & Kennedy Inc., the Portland, Ore.-based advertising agency for Nike Inc., Beaverton, Ore. "It would demand that we put a different face on the brand, and we don't want to do that."

In fact, a mood-evoking, pastel approach could do more than confuse the consumer about a performance-oriented brand's image, advertising executives note. In the case of Nike's 1987 "Revolution" advertising campaign, a "softer, more relaxed" television commercial for women, featuring marathoner Priscilla Welch, diluted the entire sell.

O'Kennedy says his agency tried to create Nike's version of the female athlete's world. "It's not credible," O'Kennedy recalls. "It had a lot of the edge removed from it, and I hate that commercial as much as I love the Revolution campaign."

After Nike chairman Phil Knight declared the company would pursue the women's business full force in 1989, Wieden & Kennedy found itself in the unenviable position of carrying through on that promise. So the agency began by choosing portions of the Nike philosophy that are relevant to both women and men, O'Kennedy explains. And when actually developing the television, radio and print spots, Wieden & Kennedy tried to "underemphasize



Nike's message: Triathlete Joanne Ernst tells women, "Just Do It . . . and it wouldn't hurt to stop eating like a pig, either."

ATHLETIC FIRMS TAKE A HARD LOOK AT THE WOMEN'S MARKET

BY SHARON LEE

cocky, male advertising," such as the approach taken with the Bo Jackson ads in the current "Just Do It" campaign, and "revolve around tonality rather than message," he continues.

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OPPOSER NIKE, INC.’S
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EXHIBIT A-6

VILLAGE VOICE
APRIL 18, 1989

Performance Anxiety

6303-A

BY LESLIE SAVAN

In trying to outrun each other, sneaker ads are falling all over themselves. There are basically two ways to sell sneakers: "fashion/lifestyle" versus "performance/athletics." The major sneaker TV advertisers, vying for a bigger share of a \$5 billion industry, are zigzagging frantically between these two personalities. At the moment, performance, or athletics, is it—even though everyone selling sweat knows that some 80 per cent of all sneaker wearers don't even so much as mall-walk.

Several years ago, Nike was on top, until it was overtaken by Reebok's softer aerobic shoes, which became a working girl's marshmallow dream. "When Reeboks came on the scene, we started chasing the whole aerobics craze," says a Nike spokeswoman, "and it didn't work." Last year, Nike spent \$40 million on its athletic-oriented "Just Do It" campaign. Revenues jumped 40 per cent, and Nike is again overtaking Reebok for first place. (Reebok's sales are \$1.3 billion, Nike's are \$1.5 billion, but Reebok figures include its Avia, Frye, Rockport, and Ellesse shoe companies.)

After less than sterling results, Reebok has dropped its dadaist lifestyle campaign, "Reebok Lets U.B.U." The 20 per cent sales boost wasn't enough, and besides, while the department stores "loved" it, the athletic shoe outlets wanted sales points they could talk about, like an "Energy Return System," not Ralph Waldo Emerson.

we think that's fabulous." More fabulous is the publicity. "For the TV and print smoking ads, we're spending less than \$2 million total. But the PR value of these people attacking us is going to amount to much more."

The idea, of course, wasn't to offend anybody, it was just to make Avias, the fifth-ranking sneaker, seem more exclusive. Avia, which created the "only shoes designed specifically for exercise walking in malls," knows that sackfuls of its customers are couch potatoes. "We are all marketing toward performance, because those people set the image," Kipisz admits. "It's reverse psychology: The more you tell people they can't have something, the more they want it."

A pox on both their packages. A women's magazine recently ran an article called "Cigarette Face," and I thought of smokers. Ha, ha, I'll get the last laugh lines. But these purist athlete-aesthetes are not a barrel of laughs either. What's offensive isn't that Avia is telling some people that they don't want them as customers, but that it's pretending to do that.

By comparison, Nike's latest Spike and Mike ads spots are a respite from all the hyperventilation. They're the



pets and in are hot
sweaty chicks on Nau-
tiluses and exerbikes,
popping up post-show-
er in spike heels and
clinging minis. To
prove that this is about
the shoe's technical ad-
vantages, a voiceover pouts equations
like "force equals mass times accelera-
tion." The equations are to the babes as
the sneaks are to the stiletto heels: the
business end that gets results.

But they're not just using sex to sell,
a Reebok adman maintains. If you look
real hard, the girls are really giving the
same oxymoronic message as U.B.U.:
"If you buy the shoe on everyone's feet,
you can be an avant individual." "It's an
evolution of U.B.U.," says Steve Fried-
man, the account exec at Chât/Day.
"It's just a performance way of saying
'individual.' It's saying do the best you
can, feel good about yourself. It's a more
narcissistic approach."

But Reebok's tired and true gimmick
is modest compared to that of its corpo-
rate offspring, Avia. Over a close-up of
an ashtray (and amid a lot of scratchy,
fast-thumping, word-panning hipster
editing), an aerobics maven informs
you: "If this is the only kind of workout
you give your lungs, Avia doesn't want
you to buy their aerobic shoes." Oh,
there are other spots that try to ingratiate
by alienating fat slob and afternoon
drinkers, but Philip Morris, the would-
be John Brown of Smoker's Nation, is
fed up with this New Sparta attitude.
Insisting in its newsletter, *Smoker*, that
Reebok/Avia "has outraged smokers
across the country," PM is urging its
huffy readership to join a call-in cam-
paign against the oppressor.

"It's not a stop smoking campaign,"
Avia ad director Pat Kipisz insists. "We
know people smoke and work out, and

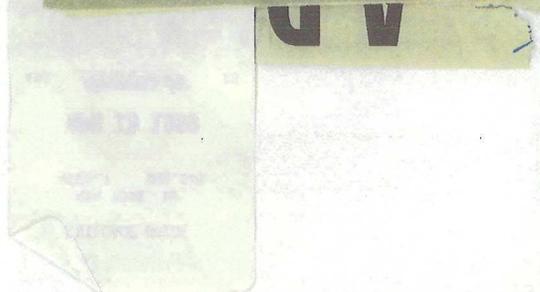


Reebok Lets U.B. Her

least silly because they're intentionally
silly. Spike's alter ego, Mars Blackmon,
says of Air Jordans, "This you can
buy." He says of Jordan's "vicious,
high-flying 360 slam dunk," "You can-
not do this... Can. Can't." This is a
little performance art, goofing on the
knee-jerk logo love that sneaker sales
depend on.

While it's become hip to hymn with
blacks on hardwood, advise they still
have to keep off the bermuda grass.
Nike's new ads for golf shoes are funny,
with Loudon Wainwright III singing a
lazy golf blues that makes fun of effete
white people and flatters them at the
same time, but the only black person I
could see is a caddy. Reebok's best spots
feature street basketball players, who
are lionized by camera and script—one
guy admits, "I shoot like a god"—and
who are stuck with a token white actor
who looks like he walked in from a soap
opera. Sneaker-ad basketball now forms
this zone where it is safe to be a black
man, where you are not accused of do-
ing crack or crime. And there is this
other zone—trendy, kicky, aerobic, nau-
tilus-laden and goofy with golfers—that
is full of white worker-outers. Thirty
per cent of all Nike footwear sales are
basketball shoes—and you know the
buyers are not all the "urban market,"
as the sneaker industry refers to young
black consumers. It's no surprise that
ads sell images and we buy them. You
can be a body builder, a ballerina, or a
def member of the urban market.

It makes you want to wear loafers.



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OPPOSER NIKE, INC.’S
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EXHIBIT A-7

The Houston Post
HOUSTON, TEXAS
D. & SAT. 314,581
SUN. 365,946

JUL 12 1989

BURRELLE'S

Nike hopes All-Star TV ad gets sales for 1989-90 season off on right foot

6303A
UNITED PRESS INTERNATIONAL

Scott Bedbury has been anxiously awaiting the fourth inning of Tuesday night's Major League All-Star Game for the last six months.

During the period of time, it's all he's been able to think about. Every night, every day, his thoughts have been narrowly focused on a mere 60-second stretch of the fourth inning which could help make or break Nike Inc.'s 1989-90 season.

The Beaverton, Ore., sporting apparel and shoe manufacturer has joined the likes of Apple Computer Inc. in launching a new product line with a blockbuster television advertisement during a major sporting event.

Apple introduced its ground-breaking Macintosh computer with an award-winning advertisement fashioned on the theme of George Orwell's book "1984" during Super Bowl XIX. Nike will introduce its fall line with Tuesday's ad, featuring All-Star Bo Jackson and entertainer Bo Diddley.

"Every year, you try to time your new campaign with back to school, and every year it seems to get earlier and earlier," Bedbury said. "This year, we were looking for a major sports platform and there is no bigger sporting event in July and August than the All-Star Game."

"Since a spot featuring Bo Jackson and Bo Diddley is the centerpiece of the campaign, it was a perfect fit since Jackson is playing in the game."

The ad will run just once during the game and then return to the airways as a regular fixture Aug. 13. Shorter versions also will be aired.

"The ad is going to run like crazy in August and September," Bedbury said. "But because of the cost, it will run just once during the All-Star Game."

While the Jackson-Diddley ad is the centerpiece of Nike's newest campaign, it is not the only commercial the company has planned for this fall.

"We have a number of unique commercials coming out, including one shot over the shoulder of a New York City bicycle messenger," Bedbury said. "It drove our film crew wild shooting it. They followed the messengers though the rush hour traffic in the heart of Manhattan. It may have been one of the most difficult commercials we'll ever do."

The latest campaign has a tough act to follow. Nike's "Just Do It" campaign of last season was one of the

most successful ever and, in part, responsible for the company's growing share of the \$5 billion athletic shoe market in the United States.

In earnings released Monday, Nike showed record yearly revenues of \$1.7 billion, up from \$1.2 billion in 1988-89. Industry sources say Nike's share of the market has gone over 23 percent.

"I think ad campaigns can greatly impact a company's sales," Bedbury said. "'Just Do It' has been phenomenally successful. It helped us become more than a company that made just running shoes or basketball shoes in the minds of the consumers."

"We wanted to capture, and were successful in capturing, the interest of the 48-year-old housewife who has just decided to take up walking as an exercise."

Nike has been one of the biggest success stories of the 1980s. The company came into the decade riding high, but then came crashing down when its focus shifted from performance wear to fashion wear. The hard lessons learned during those difficult days were not lost on Nike's current leadership.

"We're absolutely paranoid around here about the thin line between fashion and performance," Bedbury said. "L.A. Gear has marketed its products as fashion wear and found a niche in the industry, but everything Nike does is at the top of the performance pyramid. If the shoes become fashionable, that's nice."

The company's turnaround began in 1985. Nike signed Michael Jordan to an endorsement contract at the same time its design department came up with the "Air" sole design.

Along with the growth came a fascination with advertising.

"We discovered that television ads were the best at getting across the emotion of sports," Bedbury said. "We wanted to associate our products with a range of emotion — exhilaration, a real feel good."

The company struck upon the idea of combining shots of outstanding athletic performance with musical oldies. The first of the musical ads had the Beatles hit "Revolution" blaring away in the background.

"At the time of the 'Revolution' ad, we were spending \$8 million a year on advertising," Bedbury said. "This year we will spend six times that amount."

Besides the "Just Do It" campaign, Nike also has aired a series of commercials featuring black filmmaker Spike Lee and Jordan.

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EXHIBIT A-8



613 of 627 DOCUMENTS

Copyright 1989 The New York Times Company
The New York Times

August 2, 1989, Wednesday, Late Edition - Final

SECTION: Section C; Page 1, Column 1; Living Desk

LENGTH: 1371 words

HEADLINE: For Advice, the Media as Mom

BYLINE: By LENA WILLIAMS

BODY:

SOME sociologists say it is a benevolent form of brainwashing: maxims, homilies and parables offered by mothers to their children as a kind of gospel or moral discourse on life.

Although there are no scientific data to confirm or refute the claims of these experts, they assert that the proof is - as your mother used to say - "as clear as day." Consider: "Two wrongs, don't make a right." "What goes around comes around." "Little children should be seen and not heard." "An idle mind is the devil's workshop."

Mothers still repeat the same words of wisdom to their children, but increasingly their homilies - or "momilies," as one writer calls them - are being rivaled by an influential popular culture.

With more mothers holding jobs and many extended families geographically separated, parental lessons and lectures on moral behavior are less and less in the realm of motherhood. Now, many children are getting social standards and philosophy from Clint Eastwood, Kool Mo Dee and the Nike shoe company.

So while an older generation might reflect on the lesson, "It's no use crying over spilled milk," children and teen-agers might be more likely to heed the words sung by Bobby McFerrin: "Don't worry, be happy." Where a procrastinator might once have been advised, "A stitch in time saves nine," now, a young dawdler could be moved by the Nike commercial tag line: "Just do it." An exasperated parent might even resort to the warning made famous by Clint Eastwood: "Go ahead, make my day."

Though some child-development experts say such catch phrases are embraced by every young generation and believe their impact to be ephemeral, others believe that children, in the absence of strong parental influence, are relying more than ever on icons of popular culture for guidance.

The trend would not seem important were it not for the critical role maternal messages play in child development, the experts say. They provide children with many values and standards that will guide them through life.

"Momilies get repeated from generation to generation," said Michele Slung, who coined the term in her books "Momilies" and "More Momilies," published in 1985 and 1986 by Ballantine Books. "Sometimes the original meaning is lost, yet the sense remains. Many of them are all-purpose, a few are cruel, the majority loving. What's amazing is how, year in, year out, they guide our behavior, in ways both large and small."

Would any respectable adult, for example, dare leave home wearing torn underwear? (Not if you want your mother to claim you if you get in an accident.) Do you put money into your mouth? Probably not, since "you don't know where it's been."

When Jamal Ellis, a 17-year-old in Washington, was asked to recall a favorite expression of his mother, Aida, he paused and, with a laugh, volunteered: "Just because everyone else is doing it, doesn't mean. . . ."

He said that he respects her advice but that he is also inspired by the words of Kool Mo Dee, a rap star. "You know his song, 'How You Like Me Now,'" Jamal said. "Well, some friends once bet me that I wouldn't make the football team, because I didn't have the weight. Well, guess who played cornerback last year. Yeah, how they like me now."

"I think a lot of young people take a lot of their identity from the popular culture," said Todd Gitlin, professor of sociology at the University of California in Berkeley and author of books on the impact of television. "In modern society, the conventional authorities - the family, the church - are breaking down and struggling to reformulate themselves in this vacuum left by their collapse or uncertainty. Young people go flocking to the popular culture for membership."

What is new about this, he added, is that popular culture is becoming a kind of surrogate family. " 'Hill Street Blues,' 'The Cosby Show,' 'Roseanne': they're becoming fictionalized surrogates to our youth," Professor Gitlin said.

There is nothing necessarily wrong with homilies from fictional characters, companies or icons of popular culture, provided the message is positive, said Dr. Brenda Wade, a clinical psychologist in San Francisco.

"If the speaker's intent is to deliver a positive message, then it will be that," Dr. Wade said. "But some are not that way. When Clint Eastwood said 'Make my day,' he was daring someone to pull a trigger on a gun, so that he could outshoot him."

Even though some company officials say they are guided by a sense of social responsibility in advertising their products or services, they are often surprised at the impact a television commercial tag line or jingle can have on people's lives.

"We've gotten letters from people around the country thanking us for helping them to stop smoking or pick up running," said Liz Dolan, director of public relations for Nike, referring to the company's "Just do it" motto. "One woman said it inspired her to finally leave her husband."

The Western Union Corporation uses a series of vignettes in a television commercial promoting the company's credit-card money transfer service. The 30-second spot features several women reacting to their children's requests for money. One says, "What do you think, I'm made of money." Another says, "I'd better send it to her today, because she spends it like there's no tomorrow."

"The gist of the commercial is that the women care about the person they're sending the money to, but they feel a sense of exasperation," said John Lankalis, marketing director for Western Union. "These are the things moms, dads, parents and relatives down through the ages have said. It's something we all can relate to."

It may be that more and more people can relate to such messages because in today's hectic, fast-paced society, many mothers may be more preoccupied with getting dinner on the table than with counseling their children "not to count their chickens before they hatch."

"Moms are short on time and often can't explain things to their kids in details, so these truisms, and that's what they are, are a shortcut," Dr. Wade said of aphorisms new and old.

But Dr. Lorraine Hale, the executive director of Hale House in New York City, a shelter for infants with AIDS founded by her mother, Clara, believes that too many mothers today are not passing on their wisdom to their children. "Some of today's mothers are children themselves," said Dr. Hale, who has a doctorate in child development. "They don't always know how to communicate with their children, so the tendency is to yell or tell the kid to shut up."

She and others believe it is not until later in life that one truly comes to understand and appreciate the things their mothers tell them. "Mother would say: 'Do it right the first time, why waste time doing it over,'" Dr. Hale said. "Many times, I found myself saying: 'God, please let her be wrong this time.' She wasn't."

Although maternal sayings are found in every society, there are variations among particular groups. For example, many blacks recall their mothers having used the expression: "God don't like ugly." It was another way of saying: "Beauty is as beauty does."

A popular saying among Irish mothers was, "You can sing that if you have an air for it," meaning you were lying. Other mothers got the same message across with: "If you lie, you'll steal."

And what about fathers? Fathers also invoke wisdom, but seldom do they get the credit that mothers do.

"That's because," Ms. Slung said, "they probably got their wisdom from their mothers."

As Mother Said. . .

"It's no use crying over spilled milk."

"If a thing's worth doing, it's worth doing well."

"I can't shoot you, there's a law against it."

"A simple please and thank you will do."

"Don't be a follower, be a leader."

. . . As They Say Today

"Don't worry, be happy." - Bobby McFerrin

"Just do it." - Nike advertisement

"Go ahead, make my day." -Clint Eastwood in "Sudden Impact"

"Please, baby, baby, baby, please." - Spike Lee in "She's Gotta Have It"

"Just say no." - Slogan of Nancy Reagan's anti-drug campaign



MONEY

Athletes' stories 'just do it' for Nike; Footwear firm looking for everyday folks

Stuart Elliott

616 words

30 August 1989

USA Today

FINAL

02B

English

(Copyright 1989)

Nike Inc. has found a new way to take advantage of the spectacular success of the 'Just do it' campaign.

A new print ad introduces three people who have taken the words to heart - not as an ad slogan, but as a philosophy. And the footwear firm is looking for more folks who are just doing it, too.

Each of the three is introduced via a portrait photo. There's a description of what he or she did, -plus some handwritten words of wisdom.

Joanna Misztal is a member of the Polish national tennis team who defected to the USA. 'I don't think about what might have happened if I stayed,' she writes. 'I think about what wouldn't have happened if I never left.'

Pat Browne - blinded in a car accident - is the USA's leading blind golfer. 'I still do 99% of the things I used to do,' she writes. 'I just do them different ways now.'

Mike Elia never ran until recently. His first time out, he ran a mile in 5 minutes, 29 seconds. 'Well, it wasn't motivation in the sense of, 'What do I get if I win,' " he writes. 'It's more like, 'What will I have to endure if I lose.'

Nike is 'known for its athletes, the people it hires to endorse its shoes. This brings it to ground level, with people not on the sports pages every day,' says Jerry Cronin, copywriter at Wieden & Kennedy Inc., the **Nike** agency.

The ad appears in the Aug. 28 issues of People and Sports Illustrated magazines. At the end, the ad asks if 'you have a special story you'd like to tell about yourself or someone you know.' The address: **Nike** Inc., Attention 'Just do it' stories, 9000 S.W. Nimbus, Beaverton, Ore. 97005.

The ad search makes **Nike** the second marketer hunting for doers. This year, Dewar's White Label Scotch marks the 20th anniversary of its 'Profiles' campaign - saluting achievers in fields from the arts to business to science.

All in the family: Oldsmobile is revving up Year Two of 'New generation of Olds.'

The ads tout the 1990 models being introduced by the General Motors Corp. division. They continue the theme of the '89 model year: 'This is not your father's Oldsmobile.' New, though, are the family members making the pitches.

One new TV ad stars Ringo Starr and daughter, Lee. Its frantic, funny pace evokes A Hard Day's Night. The best line: Lee calls the Cutlass Supreme a 'fab four-door.'

Other ads star Peter Graves and daughter, Amanda; Josh Saviano of The Wonder Years; David and Gina Belafonte, offspring of Harry; Ted Einstein, grandson of Albert; and the campaign's first non-celebrities: 'Pop' Ebdon, age 100, and his son, Joe Jr., age 74.

The campaign wins praise from ad critics and scores high in consumer surveys. But Olds sales remain in a slump. Execs of Olds and agency Leo Burnett USA hope the new '90 models, such as the four-door Cutlass Supreme, deliver more on the 'New generation' promise of the ads than the '89 models.

Briefly ... A new TV ad for Manwich sauce proclaims, 'Oh, mamma, don't feed me no baloney ... I want a Manwich meal!' The bluesy tune is set to shots of kids devouring Manwich sandwiches. The ad is created by Ketchum Advertising/San

At **Nike**, officials jokingly refer to the recently filmed ad as the "Bo-lympics."

But it isn't just Jackson who is capturing the public's imagination. So is Walt Stack, the 83-year old San Francisco jogger who was featured in a **Nike** ad. "Some people wrote and told us that the ad made them reassess what they were doing with their lives," said Wieden. "A lot of people looked at him and said, 'Heck, if he can do that, why can't I?'"

That must also be the attitude at Wieden & Kennedy, which until Monday night had mostly been ignored by the Clios. "It's the one awards show we haven't linked up well with," said Wieden, whose agency has about 50 employees—a fraction of the number employed by most major ad firms. "I suppose now there'll be a lot more attention paid to what we're doing. Of course, it shouldn't matter what the Clios say, but it often does."

And what the Clios seemed to be saying about Southern California was that 1988 was not a very good creative year. Although nine TV broadcast Clios were awarded to Los Angeles-area outfits, more went to production companies than to ad agencies, and none received more than one award.

Even Joe Pytka, whose Los Angeles production company has made it a habit of virtually sweeping the Clios the past several years with its splashy ads for Pepsi, won just a single Clio this year. And the Venice ad firm Chiat/Day, which prides itself on its creative ads for clients such as Nissan and Eveready, went home without a single Clio this year, although its New York office did win one Clio last week in the print advertising competition.

Yet Bill Evans, president of the Clio Awards, said the West Coast has not lost its advertising luster. "The results simply suggest that there is no longer any central point for creativity in this country," Evans said.

"But at the same time, I didn't see any really fresh ideas this year such as the old ones like, 'Where's the Beef?'" said Evans. "Is the problem that ad agency people are short on ideas, or are they so busy with mega-mergers that they've taken their eyes off creating great ads?"

PHOTO: Bo Jackson and **Nike** propelled Wieden & Kennedy to a Clio award. PHOTO: **Nike** apparel ad featuring a droopy-eared pooch is another Clio-winning Wieden & Kennedy spot.

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OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-10

THE WALL STREET JOURNAL

Marketing & Media

Advertising

Disabled People Featured in More Ads

By Joanne Lipman

1,286 words

7 September 1989

The Wall Street Journal

English

(Copyright (c) 1989, Dow Jones & Co., Inc.)

Craig Blanchette, macho athlete and 1988 Olympic bronze medalist, is one of the latest stars of Nike's "Just do it" ad campaign. In gritty television commercials, he pumps iron, shoots baskets, and talks tough about working out.

Not until the last scene does the camera pull back to show that Mr. Blanchette is missing both legs. He won his medal in the exhibition sport of wheelchair racing, in which he holds two world records.

Nike tapped Mr. Blanchette for the campaign because "he's a great athlete, which ties in with our usual strategy . . . and he's a really motivating guy to be around," says Thomas Clarke, Nike's vice president of marketing. "The fact that he was handicapped was secondary."

But the fact is, the ad industry is becoming increasingly enchanted with the disabled -- and is bringing token handicapped actors into ads in much the same way it once gingerly introduced black faces. Nike will pour some 20% of its estimated \$20 million to \$25 million fall ad budget into the Blanchette commercial alone. The National Organization on Disability, a nonprofit group whose vice chairman is former Reagan press secretary James Brady, estimates that about 30 other advertisers recently have featured disabled people in their general ad campaigns.

Levi Strauss was one of the first, showing a blue jeans-clad paraplegic. More recently, McDonald's ads have featured deaf teenagers and a paraplegic girl; Apple computer has aired a commercial showing disabled people using its computers; and International Business Machines, Citicorp, Du Pont and AT&T, among others, have featured disabled people in their ads. In Hollywood, Media Access Office Inc., which acts as a liaison between the disabled and the California entertainment business, says demand for handicapped actors -- although never strong -- is on the rise.

"It's really only come into its own this last year or two," says Clifford Crase, editor and publisher of Sports 'n Spokes and Paraplegia News magazines in Phoenix, Ariz. But Mr. Crase, a paraplegic himself, hastens to add: "I think there's a lot of room for improvement. More companies could at least consider using disabled people" in their ads.

If it sounds like that crass bastion of capitalism, Madison Avenue, is developing a social conscience, think again. Times are tough for everyone -- from car salesmen to shampoo hawkers -- and marketers are catching on that there are about 37 million disabled people in the country. Their combined spending power, estimates the National Multiple Sclerosis Society, is a not-to-be-sneezed-at \$40 billion.

"They eat. They use toothpaste. They raise children. They don't want to be ignored," says Arney Rosenblat, the society's public affairs director. The group recently spearheaded a letter-writing campaign to 500 consumer companies to remind them that the disabled are "out there and you should take them into account." It also just created a public service TV ad campaign featuring, among others, a quadriplegic marine biologist and a paraplegic model.

McDonald's, which several groups credit for using handicapped actors realistically in commercials, is among those taking a pragmatic approach. "Our commercials are slice-of-life, and people who are physically or mentally challenged are part of life," a spokesman says. "All those folks are our customers, and we're happy to have them."

Still, ads with handicapped people remain relatively few and far between. And most of them use robust-looking types in wheelchairs, even though people in wheelchairs are only a fraction of the disabled. "It would be nice to have a severely disabled person depicted instead of your superjock 'crip,'" says David Lewis, a quadriplegic who is community relations coordinator for the Center for Independent Living, a nonprofit support group for the disabled based in Berkeley, Calif. "Usually disabled people in commercials look like able-bodied people in wheelchairs."

"At least it's happening," Mr. Lewis adds. "That's the way you make it in America as a minority. If you start to be integrated

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OPPOSER NIKE, INC.’S
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EXHIBIT A-11

Nike Inc. just does it, sets sales record

□ An advertising push and increasing markets are credited with lifting the company to new highs

By RICHARD COLBY
of The Oregonian staff

Nike Inc., riding its "Just Do It" advertising campaign and increasing markets for athletic shoes and non-athletic apparel, Monday reported a quarterly record \$802.6 million sales for 1990's first quarter.

The 18 percent sales jump from the same period last year was accompanied by a 33 percent net-income gain, to \$75.9 million or \$2.01 a share, from first quarter to first quarter.

Acknowledging he did not take to public speaking easily, a happy company chairman, Philip H. Knight, told a news conference: "I think it's safe to say that even I can't screw this one up!"

He and a former University of Oregon



The Oregonian/DOUG BEGHEL

Philip H. Knight, Nike Inc.'s chairman and chief executive officer, tells a news conference Monday about Nike's record first-quarter sales for the June 1-Aug. 31 period.

track coach, Bill Bowerman, founded Nike in 1968.

Knight said the Beaverton-based shoe and apparel company had increased its sales in all product areas for the quarter.

The sales mean Nike will continue adding to its 3,400 employees worldwide, half of them in the Portland area, Knight said, but he declined to say what the numbers would be.

The news conference preceded the company's annual meeting in the Multnomah Athletic Club.

"Our goal is to become the No. 1 sports and fitness company in the world," Tom Clarke, a Nike vice president, told about 200 persons attending the meeting.

Nike: Sprinting to pass Reebok

■ Continued from Page D10

Among companies that are predominantly makers of athletic shoes, Nike appeared Monday to have a good shot at regaining the No. 1 U.S. sales position this year from its Massachusetts-based rival, Reebok International Ltd.

Nike closed out fiscal 1989 May 31 at \$1.71 billion, compared to \$1.79 billion for Reebok's last complete fiscal year ending Dec. 31, 1988.

Reebok, which will report its third-quarter fiscal 1989 results in mid-October, had \$431.4 million sales in its second quarter ending June 30, compared with Nike's fourth-quarter \$413.4 million as of May 31.

But industry observer John Horan, publisher of Sporting Goods Management News in Yardley, Pa., said the strictly shoe-selling balance had already tipped in Nike's favor away from Reebok.

"They've been selling more shoes for the past three quarters," Horan said of Nike.

Among Nike's latest revenue results was a 48 percent gain in its shoe lines for tennis players.

Dale N. Wahl, Nike's treasurer, attributed that jump to technical improvements in the company's Air Tech Challenge line, including putting a toughening substance on the tennis shoe's toe area. Television advertising with tennis star Andre Agassi also apparently helped, Wahl said.

Overall, the first-quarter sales increase resulted from both increased unit volumes and pricing increases, he said. Wahl declined to make shoe price comparisons from last year to this year because technical changes in the products also had raised their costs.

Nike will open its new downtown

Portland store in the former I. Magnin location on Southwest Fifth Avenue by "early next summer," Knight said between the press conference and shareholders meeting. The new store, which will replace Nike's retail outlet at Southwest Fourth Avenue and Morrison Street, will be "an experiment," he said.

"We intend to make it an exciting store, but we have no plans beyond it," Knight said.

Clarke said the "Just Do It" advertising campaign theme, which started in mid-1988, would be continued at least through next summer.

He also told the annual meeting that more advertising dollars would be concentrated on television advertising for major athletic events, including the Super Bowl, the French Open and Wimbledon tennis tournaments and college and professional basketball playoffs.

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OPPOSER NIKE, INC.’S
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EXHIBIT A-12

Nike Inc. donates \$100,000 to gang-diversion program

□ The apparel company also gives \$20,000 to a housing project and plans to expand its outlet store in NE Portland

By **GORDON OLIVER** (2303A)
of *The Oregonian* staff

With Gov. Neil Goldschmidt at his side, Nike Chairman Philip H. Knight announced Wednesday that his company would contribute \$100,000 to the House of Umoja, a Philadelphia-based gang-diversion program that wants to begin operating in Northeast Portland.

Knight also said that Nike Inc., would sign a new five-year lease for its factory outlet store located in Northeast Portland, despite some problems during the past five years at the store. Nike will double the size of the store, located at 3044 N.E. Martin Luther King Jr. Blvd. in the mostly vacant Union Square mall, he said.

"Obviously we have met with some success and have met with troubling times," Knight said at a news conference inside the store. "We've had problems with druggies, and some of our customers have been harassed. But this is our neighborhood, and we will stay here."

At the same news conference, Knight donated \$20,000 to the Northeast Community Development Corp., a non-profit agency that works on housing rehabilitation projects in Northeast Portland. Knight handed the

check to Ron Herndon, chairman of the development corporation's board.

The donation fulfilled a Nike promise five years ago to give 10 percent of its Union Square profits to the community development corporation. Nike contributed \$10,000 to the community group when it opened the store in 1984, but only recently has it turned a profit at the store so that it could make another donation, Knight said.

Herndon said later that House of Umoja leaders are looking at buying one or two houses near Northeast Seventh Avenue and Alberta Street as a home for the program.

Ed Blackburn, crime prevention coordinator in the Office of Neighborhood Associations, said the Umoja program would be able to provide residential treatment to 15 to 30 young people and outreach services to 60 others.

With enough money, a House of Umoja could open next spring, he said.

Goldschmidt and Herndon both thanked Nike and praised Knight for his personal interest in the Northeast district. City Commissioner Dick Bogle read a statement from Mayor Bud Clark, who was home ill.

B Please turn to
NIKE, Page B4



The Oregonian/MARV BONDAROWICZ

Phillip H. Knight (left) of Nike Inc. shares a laugh with (from left) Ron Herndon, Gov. Neil Goldschmidt and Portland Commissioner Dick Bogle.

OCT 5 1989

BURRELLE'S

Nike: Urban 'Boys' Town' to be opened

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Continued from Page B1

Herndon said Nike was responsible for getting the community development corporation off the ground by donating \$10,000 in 1984 "when we were as broke as the Ten Commandments."

"They have stayed right here on Union Avenue (the former name of Martin Luther King Jr. Boulevard) when everybody else was getting out of here," he said. "That kind of commitment and integrity I find absent in a lot of other relationships we try to enter into."

Last week, Clark announced that he would ask the City Council for \$75,000 to use as seed money for the House of Umoja. He also issued a challenge to businesses to contribute toward the estimated \$300,000 that would be needed to launch the program, which has been described as an "urban Boys' Town."

The mayor's office has established a trustee account to accept public donations to the House of Umoja project, Bogle said.

The House of Umoja has operated for 20 years in Philadelphia, and it is considered one of the nation's most successful programs for diverting young people away from gangs. Goldschmidt and other speakers said the program could make a difference in Portland's battle against gangs.

"All of us wish we would have had something like the House of Umoja when we first discovered the gang problem," Goldschmidt said. "But it is not too late to rescue kids."

Goldschmidt showed up later at the regular monthly meeting of the Youth Gangs Task Force. He listened to committee reports for a half-hour before making a brief statement to about 100 committee members and observers, thanking them for their work against gangs.

"You folks are better as a group than any people who have ever gotten together to build Portland," the governor said. He promised that "we are not going back. We are going to win this."

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OPPOSER NIKE, INC.’S
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EXHIBIT A-13

Article 916

SPORTS

Wheelchair athletes hail breakthrough // TV commercial turns spotlight on disabled

Janis Carr: The Register

553 words

15 October 1989

The Orange County Register

EVENING

c23

English

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Every wheelchair athlete fights for acceptance in the athletic world.

"The only difference between me and Boris Becker is that I use an extra piece of equipment," said tennis player Randy Snow. "He uses a racket and I use a racket and a wheelchair."

The fight, however, became easier recently when **Nike**, a major shoe and sportswear manufacturer, aired its latest television commercial.

The fast-paced commercial shows Craig Blanchette, a road racer, in various stages of working out and talking about his training. Although the commercial only shows Blanchette working on his upper body, viewers don't find out until the final scene that he is a double amputee.

It is the first company of such magnitude to sponsor a wheelchair athlete.

"There's no question," Snow said, "that when a major company like that acknowledges disabled athletes with commercials and contracts that they are saying 'Hey, we don't care if you're in wheelchair."

"They're saying that we are just athletes."

Brad Parks, founder of the National Wheelchair Tennis Foundation, has been working on luring major companies into the disabled arena for 10 years.

"Being in the area of working with different sponsors, I know what it took to get that," Parks said. "But **Nike** is a progressive company. They've been known to take risks."

Parks said he didn't know if other companies would follow **Nike's** lead. "I don't know if one ad will do that much. But this is an incredible breakthrough for wheelchair sports."

Look for a featured article on wheelchair tennis in the December or January issue of Tennis magazine.

"Having an article in Tennis will help us a lot," Parks said. "The exposure will be great."

Steve and Karen Haas of Villa Park have qualified for the western final of the Buick Amateur Mixed Doubles tournament, Oct. 19-22, in Tucson, Ariz.

The Haases are one of 16 regional teams that won three rounds of matches to advance to the western final. The winning team meets the eastern champions in New York on Nov. 28-Dec. 3, during the Masters, the season-ending professional championships.

UC Irvine's Trevor Kronemann and Doug Eisenman of Cal have been selected to play in the Volvo Tennis/Collegiate Championships on Oct. 19-22 at the University of Georgia.

Kronemann, a senior, is ranked No. 4 in the national Volvo Tennis/Collegiate preseason rankings. The 32-player field consists of regional selections and at-large picks made by the Intercollegiate Tennis Coaches Association, based on a player's ranking and results.

Eisenman, a product of Foothill High in Santa Ana, received an at-large berth. He is ranked 20th.

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OPPOSER NIKE, INC.’S
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EXHIBIT A-14

Makers of athletic shoes race for the gold

Sportsmanship is left far behind

By Joan Tyner

Two men plunge headfirst from a bridge with elastic cords tied to their sneakers. After a disturbing instant, the one wearing Reebok's Pumps bounces back. His companion, clad in a pair of Nike's, isn't so lucky. The viewer, left to imagine the worst, sees an elastic cord spinning in air and hears the voice-over: "The Pump from Reebok — it fits a little better than your ordinary athletic shoe."

The ad, bizarre even by contemporary standards, represents an adieu to sportsmanlike competition among athletic shoe-makers. And Reebok isn't the only one jabbing the competition. In a interview with *Sports Illustrated*, a Nike spokeswoman quoted company Chairman Phillip Knight as saying "the most sophisticated piece of equipment in Reebok's research facility" is its Xerox machines.

"The gloves have really come off," says John Horan, publisher of *Sporting Goods Intelligence*, a Glen Mills, Pa., industry newsletter. "There was a time when these guys wouldn't whack each other's shoes; now it's starting to look like the cola wars."

Competition in the athletic shoe arena has been around since sneakers meant the high-top Keds you wore in gym class. Lately, though, gentlemanly sparring is turning cut-throat, a trait that will likely characterize marketing in the 1990s.

"It all comes down to taking market share," says Steven Eisner, president of Eisner & Associates, a Baltimore ad agency. "There are a lot of maturing industries out there; knocking the other guy is one way to get your product noticed by consumers."

Like many consumer product businesses, the \$8 billion athletic shoe market is bumping up against maturity. Sales growth that accompanied the social phenomenon that brought sneakers out of the gym and into the fashion world has peaked. And growth from legions of women wearing sneakers on their way to work and in aerobics classes is starting to slow, too. As Mr. Horan points out, "There are only 440 million feet in the country and only so many hours in the day you can get away with wearing athletic shoes."



THE SUN/GEORGE W. HOLSEY
Lamont Adams shops at Owings Mills Footlocker store.



A pair of Air Jordans

Thus, growing sales and profits means grabbing sales from the other guy. And in an industry that sells image as much as footwear, that means marketing.

Says Gregg Hartley, executive director of the Athletic Footwear Association, a trade group: "Priming the public is everything in this business. The truth is, a runner looking for a good shoe can choose from a half-dozen brands; it's the image that makes a person hot for a pair of Nike's or Reebok's."

Certainly, looks and performance are im-

portant. Local retailers still cringe at the memory of the mauve basketball shoes that didn't sell.

And because it largely targets inner-city youths, athletic shoe marketing is becoming increasingly controversial. Shoe companies say critics have created a selling machine that's dangerous and exploitative, driving overly acquisitive kids to violence.

Nonetheless, the industry's meteoric growth shows how savvy marketing can turn an everyday product into a gold mine.

Plain vanilla sneakers, the rough equivalent of social hari-kari among the junior high school set, have gone the way of the Edsel. A cruise through the Owings Mills Footlocker store reveals a dizzying assortment of high-tops and low-tops in plaid, checks, pulsating neons and radical glow-in-the-dark.

For the truly sports-minded, there are state-of-the-art jobs with mechanical-sounding features — air cylinder suspension systems, outrigger support and inflatable air bags. Reebok makes Weeboks — pint-sized sneakers for the car-seat crowd. And fashion

See SNEAKERS, 6D, Col. 1

11/4
11/8/17

SNEAKERS, from 1D

designers like Armani, Chanel and Calvin Klein have gotten into the act with entries like spectator sneakers for the ultra-chic.

"I've got 225 different styles of men's shoes alone," says Jeffrey Myers, store manager. "And that's not even half of what's out there."

Even more remarkable, much of what people take home comes from three companies that didn't even exist a quarter-century ago — Nike Inc. of Beaverton, Ore.; Reebok International Ltd., based in Boston; and L.A. Gear of Marina del Rey, Calif.

Together, the "big three" account for a whopping 60 percent of a market that moves 200 million pairs of shoes a year. More than 90 other manufacturers divvy up the rest.

Industry pioneers like Puma and Adidas are still around, but they and other brands from the past have pretty much been relegated to narrow market segments such as basketball shoes. The big three, says

Mr. Hartley, have done a superior job of "figuring out the design, colors and features that turn people on."

They've also become masters at the marketing game, wooing consumers with powerful jocks in flashy television ads. Industry sources estimate that the top three manufacturers spent a princely \$200 million on advertising and promotion last year, more than the earnings of many Fortune 500 companies.

And the juggernaut shows no signs of slowing, even at a time when many companies are pruning ad spending. "We'll spend whatever it takes," says Reebok's marketing and communications manager, Mimi George, who reckons the company will spend between \$40 million and \$60 million on advertising in 1990. "The competition in athletic footwear is tremendous. We're basically fighting over a few market-share points."

Reebok, which virtually created the aerobic segment in the '80s, is scrapping to regain the No. 1 spot it lost to Nike last year.

At the end of last year Nike weighed in with 24.8 percent of the market, up from 22.7 percent the year before; Reebok dropped to 23.7 from 27.1 percent; and L.A. Gear had 11 percent, up from 4.7 percent.

Nike, which devotes a whopping \$15 million to celebrity endorsements, says it plans to drop upward of \$100 million on advertising and promotion in 1990.

The company won't talk specifics, but industry speculation has it that basketball great Michael Jordan pulls down \$1.6 million a year for plugging Nike Air Jordans.

Some industry watchers view the Air Jordan phenomenon as the turning point in sports shoe marketing. "The Air Jordan wasn't something that just happened," says Footlocker's Mr. Myers. "Nike and Michael Jordan literally created a shoe together that hits every corner of the market, from the technical buyer to the kid who wants to wear the same shoes Michael does."

The campaign, along with Nike's "Just Do It" series of ads, has helped the company's revenues from shoes and related gear soar by 95 percent since 1987, pushing Nike ahead of arch-rival Reebok for the first time.

Marketing, says Elizabeth Dolan, a Nike spokeswoman, "is definitely more important than ever before. If you can't cough up \$50 million in an advertising campaign, it's very difficult to get your message heard."

Shoe companies increasingly are using mega-personalities to hawk their wares. Nike has signed up Madonna as a pitchwoman. And L.A. Gear's shoes reportedly soon will be promoted by former basketball player Kareem Abdul-Jabbar, Priscilla Presley of Elvis fame, and rock legend Michael Jackson, whose "Unstoppable" sneaker will look like a space boot.

"Today's society is really into hero worship," says Mr. Hartley of the

AFA: "People want to wear what they see the stars wearing."

The folks the companies want to reach are brand-conscious youngsters who think nothing of paying — or cajoling their parents into paying — \$90 for a pair of sneakers.

"I see kids shopping seven days a week, and I know they're not just shopping with me," says Harold Rudo, a shoe buyer for the Charley Rudo Inc. athletic gear chain in Baltimore. "I often wonder where they put it all."

Adds Mr. Myers: "You see great standoffs. The parents balk at the price one day, then two days later they're back with their checkbooks and a grinning kid."

The sheer volume of shoes on the market has created a whole new category of retailing populated by such stores as Footlocker, the Downtown Locker Room and Charley Rudo Inc., which now has seven stores. "The boom in athletic shoes has definitely helped us grow," says Mr. Rudo.

If marketing gets shoemakers on retail shelves, it's a steady stream of new and innovative shoes that keep

them there. Take Reebok. Last year, the company made a comeback on the success of its popular, if pricey, Pump basketball shoe, a technological marvel sporting an inflatable ankle support and a \$170 price tag.

The shoe, which is pumped by pressing a spot on the tongue, has sold about 100,000 pairs since it was introduced last November. It was a sellout during last year's Christmas season. Sales have since cooled, according to retailers, but the shoe did what Reebok wanted it to: It expanded the company's market and proved that buyers could be persuaded to pay more than twice the going rate for a pair of shoes.

Consider the results of a study by Yankelovich, Clancy and Shulman, a footwear consultancy: Only 34 percent of Pump buyers were Reebok devotees. Another 18 percent bought mostly from competitors; 48 percent weren't followers of any one brand.

This spring, Reebok is coming out with less costly Pumps retailing as low as \$90 to "widen the shoe's appeal." The company is adding new colors and versions aimed at the aerobics and cross-training segments of the market.

Such line extensions are a matter of course in the athletic shoe business. Because sales are largely driven by young, hip, often fickle buyers, manufacturers typically come out with a "new" shoe every six months. But new often means a new color or style. Developing and marketing a truly new entry can cost hundreds of thousands of dollars, and even then, success rides on the whim of buyers, not necessarily on the quality of the shoe.

"It's hard to find the right shoe, so when you hit, you've gotta roll with it," says Mr. Rudo. "Right now, nobody can touch the Pump."

Nike is trying. This fall, the company is introducing the "Nike Force" shoe, which will have an inflatable ankle collar activated by a built-in pump. The shoe will be promoted by an ad entitled "Kick Butt" featuring David Robinson, the Naval Academy graduate who plays center for the San Antonio Spurs.

Reebok has a long way to go on the ad trail if it hopes to snatch back the No. 1 spot from Nike. Its quirky "Reebok lets U.B.U." commercial



THE GUY/GEORGE W. HOLSEY

Andrea Lambros shows shoes to Soi B. and Marilyn Spector.

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showed images of people being themselves in wacky ways, like vacuuming carpets on lawns. Although often funny, the ads did nothing to promote shoes — or sales, either. Later, the company bombed again with its "Physics behind the Physiques" campaign featuring muscle-bound people working out in gyms.

The Reebok commercial that showed two men engaging in the daredevil Australian sport of bungee cord jumping proved too radical for American viewers. CBS yanked the spot after a single showing — during the telecast of an NCAA basketball tournament game last month — drew calls from parents, who were apparently concerned that their children would mimic the stunt. It was subsequently axed.

Ms. George defends the ad, saying Reebok was only trying to convey the "cutting-edge image of the product with a cutting-edge commercial."

"I guess we learned we can't please everybody with our ads," she says.

Some find fault with athletic marketing in general, blaming it for such tragedies as the killing of a Houston 16-year-old for a \$125 pair of Air Jordans. Another teen-ager was convicted in the case last month. During the trial, the prosecutor, Mark Vinson, expressed dismay that "we create [such] an image of luxury about athletic gear that it forces people to kill over it."

George Buntin, executive director of the Baltimore Chapter of the National Association for the Advancement of Colored People, said he heard similar sentiments during the NAACP campaign to rid inner-city Baltimore neighborhoods of illegal billboard advertising. He wonders, however, at the logic of taking marketers to task for what he views as a social problem.

"I don't know if we can go after everybody who advertises to the black community," Mr. Buntin says. "Cigarettes and alcohol clearly are harmful influences, and [ads for them are] overly represented in poor black neighborhoods. If there's a problem when it comes to something like shoes and pants, we've got to look at doing some internal work to change values."

Nike's Ms. Doian expresses a similar view, saying that "it's unfair to blame sneaker companies for problems in the inner city."

Nonetheless, Nike is spending 17 percent of its \$30 million 1990 basketball shoe ad budget on public service messages encouraging kids to stay in school.

Some suggest that the furor over athletic shoe marketing may make companies tread lightly in targeting minorities. Still, industry observers say viewers are likely to see more, not less, sport-shoe advertising.

"I think we're going to see a lot more slamming the competition in this business," says Mr. Hartley. "In the past, the competition was gentlemanly because these companies were taking sales away from other kinds of footwear. Now they're taking away from each other."

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

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EXHIBIT A-15



FOCUS - 594 of 620 DOCUMENTS

Copyright 1990 The Oregonian
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The Oregonian (Portland, Oregon)

May 25, 1990 Friday
FOURTH Edition

SECTION: BUSINESS; Pg. PAGE: E11

LENGTH: 293 words

HEADLINE: PORTLAND AGENCY'S AD IS TOPS IN NATION

BYLINE: JULIE TRIPP, of the Oregonian Staff <

BODY:

Friday, May 25, 1990 PORTLAND AGENCY'S AD IS TOPS IN NATION

When you're hot, you're hot and Wieden & Kennedy is sizzling.

The Portland advertising agency learned Wednesday night at a black-tie dinner at New York's Waldorf Astoria Hotel that it is the recipient of the \$100,000 MPA Kelly Award for its Nike Emotional Running magazine ad campaign.

The award from the Magazine Publishers of America is given annually to the advertising agency creative team that produces the best magazine advertising campaign of the year. The Nike campaign was chosen as the best of 1989 from among 25 nominees.

The Wieden & Kennedy team that will share the \$100,000 prize is made up of Jerry Cronin, copywriter; David Jenkins, art director; and Dan Wieden and David Kennedy, creative directors.

Two other agency campaigns made it into the prestigious list of nominees, one for Nike Women's Fitness and another for the Oregon Tourism Department.

George Hirsch, publisher of "Runner's World" magazine, said the agency's winning campaign for Nike "really knows its audience."

"The emotions it evokes so well are ones that only a runner can relate to," Hirsch said.

"And while it seems to be totally unconcerned about outsiders," Hirsch said in presenting the award, "the Nike 'Just do it' slogan gains new power for us all. This is really advertising that comes from the heart and goes straight to the heart and the gut."

Wieden & Kennedy joins a distinguished list of former Kelly award winners, including Ogilvy & Mather; Doyle Dane Bernbach Group; and McKinney & Silver. Past winning campaigns were for products including Paco Rabanne Cologne, American Express cards, Weight Watchers Frozen Foods and Absolut Vodka.

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LOAD-DATE: April 4, 2006

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EXHIBIT A-16



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Copyright 1990 Gannett Company Inc.
USA TODAY

August 2, 1990, Thursday, FINAL EDITION

SECTION: MONEY

LENGTH: 1391 words

HEADLINE: Shoes with an attitude;
Nike walks all over its competition;
Confidence keeps firm running

BYLINE: James Cox

DATELINE: BEAVERTON, Ore.

BODY:

Phil Knight, a middle-of-the pack, middle-distance runner in college, runs in front of the pack now. And the rest of the pack be damned.

Knight, chairman of Nike Inc., and Paul Fireman, chairman of Reebok International Ltd., dogged each other throughout the 1980s. Yet Knight, by choice, has never met the man who would take his place at the front.

"To some extent, I'm a hermit," he starts. Then the real reason. "I said once in a TV interview that I don't know him and I don't want to know him. I don't like him and I don't want to like him. That's competition. If you have a strong competitor, you don't want to go out drinking with him."

There it is. Nike attitude.

Nike recently raced past West Germany's adidas AG to become the globe's biggest purveyor of sporting togs and shoes. Two years ago, Nike stock hovered near \$ 25 a share. The company's shares closed Wednesday at \$ 85 1/2, down 1/2. A recent survey indicates that the Nike name is as widely known around the world as that of IBM. Nike ended its fiscal year May 31, posting record revenue of \$ 2.2 billion and record net income of \$ 243 million. Nike's U.S. footwear revenue finished up 29%, U.S. apparel revenue up 28%; and foreign revenue was up 38%. Worldwide, Nike's June-November orders are up 42%.

The Nike attitude is confidence or smugness, depending on your point of view. It entails the belief that virtually every Nike product is better than anything else on the market, that all Nike products are designed to enhance an athlete's performance rather than look good, and that the competition, by and large, is engaging in gimmickry and glitz. The attitude dictates Nike's approach to advertising, customer relations, shoe design and hiring.

This week, for instance, every other sneaker company you ever heard of has been trying to hustle business at the National Sporting Goods Association's trade show. In their booths at the Chicago's cavernous McCormick Place, sneaker executives are thinking, What's it gonna take to get this guy to order 20 dozen from our '91 line? A few drinks? Does he want to meet an NBA star?

Nike is there, too. The company's "booth" is the show's largest. It spans the width of the hall - 75,000 square feet in all. "The main purpose of our presence at the show is to convey our position as the No. 1 sports and fitness company in the world," says Tom Clarke, Nike's vice president of marketing. "We're letting the retailer see the roadmap of where we

Shoes with an attitude; Nike walks all over its competition; Confidence keeps firm running USA TODAY August 2, 1990, Thursday, FINAL EDITION

are going, rather than writing a lot of orders." The message to retailers: If you want somebody to buy your drinks, go someplace else. If you want the best shoes and you want to do business with winners, stick around. More attitude for you.

At Nike, Knight is compared to temperamental tennis star John McEnroe, who came to be a friend of the chairman's after signing a Nike endorsement deal in the early 1980s. The two men have the same fiery competitiveness, though Knight is "slightly less bratty," assures Nike spokeswoman Liz Dolan.

Actually, Knight can be quite charming. He's in a good mood these days. The U.S. market for brand-name sneakers, worth \$ 5 billion a year at retail, finally slowed its pace last year. Nike, which Knight founded and of which he still owns 34%, did not. It nipped Reebok for the industry's market share lead in 1989, taking 25%, vs. Reebok's 23%. Now, Nike has 28% of the market to Reebok's 22% and L.A. Gear's 12%.

At the University of Oregon in 1957 and 1958, Knight ran the 880 and the mile. He and Oregon track coach Bill Bowerman liked to tinker with shoe designs, so they each chipped in \$ 500 to start Blue Ribbon Sports in 1964, concentrating on distributing Japanese-made Tiger shoes in the USA. Seven years later, BRS started making its own shoes with the trademark "swoosh" on the sides. The new brand name - Nike, for the Greek goddess of victory - came to an employee in a dream.

The company remains steeped in the ethic of track and field, a sport in which athletes often are greatly responsible for their own training. Employees at Nike's suburban Portland offices have the sinewy look of serious runners. Company executives describe the Nike management structure, somewhat mystically, as a "matrix," rather than as a pyramid-shaped flow chart. Matrix management, they say, means big decisions - how much to spend on ads, which ads and shoe designs to approve - get made by relatively low-level managers. The matrix is a middle ground between traditional Western hierarchies and Japanese-style consensus management, they say.

The most visible thing about Nike is its marketing, not its matrix. The company's "Just Do It" advertising slogan is one of those rare gems that have transcended advertising to enter popular culture and language.

Oddly, Nike executives rarely boast about the company's advertising and sometimes appear uncomfortable talking about it. They won't say so, but they seem to feel that the success of Nike ads, along with the company's flair for stunning shoe designs, has obscured the technical excellence of the shoes.

Whether or not that's true, the reality is that huge, glitzy national ad campaigns by Nike, Reebok, L.A. Gear and Converse have served to take control of the market away from retailers. Customers, who used to buy what a given store pushed hardest or what their friends were wearing, now want the shoes they see pushed on TV by Michael Jordan, Bo Jackson and Andre Agassi.

Which doesn't mean that Nike ignores retailers. Quite the opposite.

Other shoe companies rely on independent sales representatives to call on their retail-store accounts. Nike has more than 300 sales reps, all company employees. Fifty more Nike reps don't sell shoes or take orders, but spend their time visiting retailers to explain the technical features of Nike shoes. In-house reps give the company control over the pitch heard by store owners, who presumably pass it on to consumers.

"If something's going to be late, or if an order's been cut, they notify us in writing. With the other guys, we'll have to call them, and they'll say, 'Oh that product was canceled weeks ago,'" says Mike Williams, a buyer for Bob's Stores Inc., a five-store chain in Connecticut.

The Nike attitude was once construed by retailers as arrogance. Stuck with 22 million unsold running shoes in the mid-1980s, the company devised an ordering scheme that forces retailers to commit to sizable minimum orders at least six months in advance. The payoff for retailers was a guaranteed price and access to Nike's broad line of shoes and clothes, but many resented the company telling them how much to order and when. Nike, however, contracts with South Korean, Thai, Chinese and other manufacturers to produce its shoes. It is so determined to keep its pipeline free of unwanted shoes - and so intent on keeping demand ahead of supply - that it allocates its shoes to retailers.

Retailers say they like doing business with Nike because shoes such as the Air Jordan and Air Max require little selling, seldom have to be discounted and are pricey enough to make the stores' 38% to 40% margins extra meaty. Unlike some rivals, Nike resists using its hottest shoes as leverage to make stores order less popular models, retailers say.

Shoes with an attitude; Nike walks all over its competition; Confidence keeps firm running USA TODAY August 2, 1990, Thursday, FINAL EDITION

"The whole industry looks up to them," says Williams of Bob's Stores. "When you look at Reebok, they're always comparing themselves, saying, 'We're going to get our customer service to be as good as Nike's.' "

Technically, sneakers can improve in three major ways: by better protecting the body from shock with more cushioning, by being lighter and by fitting better. At Nike, the job falls to the company's Advanced Product Engineers, or APEs, who tinker with shoe designs in search of perfection. It isn't all work: Nike's Air Force basketball shoes were redesigned to be lighter as the result of an APEs basketball game. Players, stopping every five minutes to knife off a portion of their shoes, figured out that past designs carried some unneeded leather and rubber.

Mark Parker, the company's vice president of research and development, sums up the Nike difference. "It's a more honest design than most of our competitors. It's the difference between technology and what I see many of them doing, which is pseudo-technology."

There's that attitude again.

GRAPHIC: PHOTO; color, Barbara Gundle (Phil Knight)

CUTLINE: PHIL KNOWS SHOES: Nike Chairman Knight used to tinker with shoe designs.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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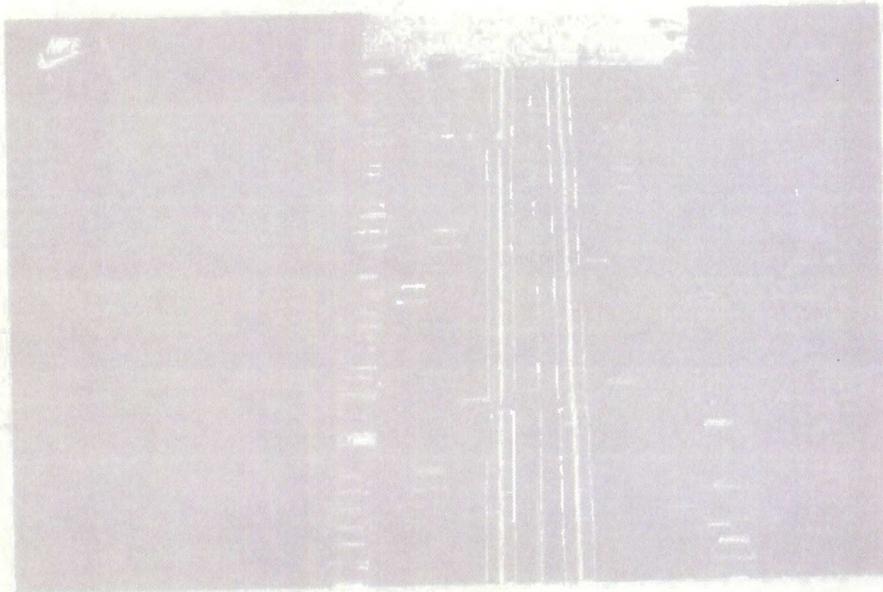
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EXHIBIT A-17



THE ADVERTISING BEST

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SOFT TOUCH

CALL IT THE KINGS OF TALKER AIR. IN ITS TV ADS, MICHAEL JORDAN STILL SLAMS AND BO JACKSON STEAL JAMS BUT THIS YEAR, A PRINT AD WITH LEGAC COPY AND THE IMAGE OF A ONE RUNNER GIVES A SOFTER NUANCE TO NIKE'S "JUST DO IT" RALLYING CRY. AGENCY: WISEN & KENNEDY.

FUNNYMAN

M INNESOTA DART WOLFPACK WELLSFORD USED A SERIES OF WITTY TV SPOTS TO UNRAVEL BRUCE TEICUMBERT RUBY BLUMOF WITZ IN THIS COMMERCIAL. MINNEAPOLIS ADMAN BILL HILLSMAN OFFERS A DEFT TAKEOFF OF "ROCKY AND ME."



A TOWERING AD

A IN AERIAL SHOT OF HUNDREDS OF PEOPLE IN THE UTAH DESERT CREATING A GIANT SIMON FACE THREE: GLOBAL HARMONY. THE AD WON MANY 1990 AWARDS. BY SAATCHI & SAATCHI FOR BRITISH AIRWAYS.

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OPPOSER NIKE, INC.’S
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EXHIBIT A-18

Nike Gives \$1 Million For Dropout Prevention Grants

Nike Inc. has announced it will team up with the National Foundation for the Improvement of Education (NFIE) to create a \$1 million "Just Do It" grants program for teachers.

The Just Do It Grants program with Nike is part of a two-pronged stay-in-school campaign being launched by Nike this fall that includes a new series of television ads featuring athletic superstars Bo Jackson, David Robinson and Michael Jordan pitching the value of education to the country's youth.

In making the announcement, Nike's CEO and founder Philip Knight cited the powerful effect which the company's Just Do It campaign has had in motivating the general public to engage in personal fitness programs. Knight said he has high hopes that the Just Do It Grants "will similarly stimulate teachers to come up with creative grass-roots programs to motivate kids to stay in school."

Nike, based in Beaverton, Oregon, is the world's leading manufacturer for athletic footwear, apparel and accessories. Three-fourths of the company's philanthropic budget is dedicated to inner-city youth programs with particular emphasis on education. Knight said Nike selected NFIE to administer the Just Do It Grants because of the foundation's expertise in the area of dropout prevention programs.

NFIE, known as the "teacher's foundation" because it was established and is heavily supported by educators, will award the \$5,000-\$25,000 grants over a period of three years. NFIE Executive Director Donna Rhodes said "The Nike funds will help create an important tool to combat the nation's 29 percent dropout rate."

"We're delighted that Nike has taken the posture that mental fitness and academic achievement are as important as physical fitness and athletic prowess. It's an important message which Nike is delivering through some impressive role models. We're pleased that the

company is lending its creative advertising resources as well as providing funding for teacher's grants to help solve the dropout problem."

The Nike ad campaign features athletes Bo Jackson, who is finishing a degree in child and family development at Auburn University; David Robinson, who graduated from the U.S. Naval Academy with a degree in mathematics; Michael Jordan, who went back to school to finish his degree in geography at the University of North Carolina; Georgetown University Basketball coach John Thompson and awarded-winning filmmaker Spike Lee.

"The Nike funds," said Rhodes, "provide a margin of difference for students who are on the verge of

mentally of physically checking out of school. And they represent important investment in this country's future."

Rhodes said that guidelines applications for the Just Do It dropout prevention grants were made available to teachers October 1990. Deadline for proposals is April 1, 1991. First-year winners will be named in June with implementation of the project slated in September, 1991.

NFIE, she explained, will be looking for the following proposals designed to implement by teachers; programs that encourage students to take responsibility for their own learning; initiatives that challenge

See Nike Gives On Page B-7c

This is a black-owned paper in L.A.
 This release was distributed to all of the minority papers in the U.S.

Nike Gives...

Con't From B-13

teachers to find ways of creating supportive environments to foster academic success; and efforts that tie self-esteem activities to academic achievement. "We'll be looking for projects that can make a real difference in the lives of students," she said.

The NFIE was established in 1969 as an independent foundation by the National Education Association to enable teachers to explore

ways in which to improve education and the teaching profession. NEA members annually contribute to its support.

NFIE's currently funded stay-in-school programs vary in focus and approach. They include an early intervention project in Eugene, Oregon, that seeks to bond students to their schools in the first three grades to increase their chances for academic success; Project CARE in El Paso, Texas, that takes teachers into the homes of students to engage parents in the education of

their children; a program in Boise, Idaho, that provides an alternative learning setting for pregnant teenagers; and the Adopt-A-Student project in St. Louis, Missouri, that is showing an impressive success rate with high school students. NFIE also administers Learning Tomorrow, a program to restructure schools, and the Christa McAuliffe Institute for Educational Pioneering, dedicated to the memory of the teacher who perished in the 1986 Challenger Space Shuttle tragedy.

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EXHIBIT A-19



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Copyright 1991 Orange County Register
Orange County Register (California)

March 12, 1991 Tuesday EVENING EDITION

SECTION: BUSINESS; Pg. D03

LENGTH: 817 words

HEADLINE: Pepsi ad campaign the top one for 1990

BYLINE: Martin J. Smith, The Orange County Register

BODY:

Even without "The Right One" Ray Charles as its pitchman, a Pepsi-Cola ad campaign that included hearty-partying, Pepsi-swilling senior citizens and Bingo-playing, Coke-drinking frat boys topped Adweek magazine's list of "America's Favorite Advertising" in 1990.

Rival Coca-Cola finished second with a campaign that included basketball star Michael Jordan slam-dunking a six-pack of Coke into a treehouse.

According to the most recent figures available, Pepsi spent an estimated \$ 786 million on US advertising in 1989, while Coca-Cola spent \$ 385 million.

The list, published in an Adweek special report Monday, was developed by Opinion Research Corp. of Princeton, NJ. The firm surveyed more than 11,000 people about their favorite ad campaigns from January to November 1990.

Pepsi's campaign, with the popular "Shady Acres" spot created by BBDO Worldwide of New York, helped the soft-drink maker to the top for the second year in a row. Adweek Editor Kathy Brown said the commercial was "a prime example of the kind of witty and entertaining advertising that consumers truly appreciate. "

Coke's campaign was a strong comeback after falling way behind Pepsi in consumers' minds last year. McCann-Erickson Worldwide's treehouse spot starring Jordan and his mom was the standout.

"Mom gave her word of approval and we all felt pretty good about Jordan as the wholesome hero," Brown said.

While the rest of Coke's spots did not have the standout power of Pepsi's, they do demonstrate the advertiser as a master of feel-good imagery, with upbeat families and friends communing over Coke.

The rest of Adweek's Top Ten:

Pepsi ad campaign the top one for 1990 Orange County Register (California) March 12, 1991 Tuesday

No. 3: McDonald's. Agency: Leo Burnett, Chicago. The ads "go down as easy as a chocolate shake," Brown said.

No. 4: Miller Lite. Agency: Backer Spielvogel Bates Worldwide, New York. Adweek suggested that the beer maker fell in the rankings because it eschewed the typical array of well-known sports legends for lesser-known athletes.

No. 5: Nike. Agency: Wieden & Kennedy, Portland, Ore. Through the power of ad slogans such as "Just do it" and "Nice shoes," Nike made it onto Adweek's list for the first time.

No. 6: Bud Light. Agency: DDB Needham Worldwide, New York. The ads scored well because Spuds MacKenzie was shunned for "fun-loving beach-party spots," Brown said.

No. 7: Budweiser. Agency: D'Arcy Masius Benton & Bowles, New York. Big-brother Bud trails Bud Light by a nose. But the ads, including the spot in which house painters create a swimming pool with a magical stroke of the paintbrush, are visually interesting.

No. 8: Energizer. Agency: Chiat/Day/Mojo, Venice. The clever campaign features the tireless pink bunny that "keeps going and going."

No. 9: California Raisins. Agency: Foote, Cone & Belding Communications, Chicago. The visually appealing escapades of the engaging troupe remain popular, though the Raisins' ranking slipped from 4th place.

No. 10: Diet Pepsi. Agency: BBDO Worldwide, New York. The company didn't find Ray Charles until January of this year.

SIDEBAR: Survey findings

Adweek magazine published the results Monday of an attitude survey that revealed consumer's ambivalence toward advertising.

While 59 percent of those surveyed think the quality of advertising has improved since the mid-1980s, 75 percent say advertising tries to manipulate them into buying products or services they don't want or need.

The issue of truth in advertising proved touchy, with 32 percent of those surveyed finding ads less believable than they were five years ago. Only 24 percent found them more trustworthy.

Among Adweek's other findings:

Women are more skeptical of advertising than are men, perhaps because women are bombarded by more messages and pay attention to a wider variety of ads.

Married consumers express more negative attitudes than their unmarried counterparts. That may be a reflection of age, since baby boomers and the over-45 crowd generally are more critical of ads than younger, less experienced consumers.

Seventy-two percent of consumers between the ages of 18 and 24 believe ads are of higher quality than five years ago. This group also gave advertising higher marks for believability than any other group.

Pepsi ad campaign the top one for 1990 Orange County Register (California) March 12, 1991 Tuesday

GRAPHIC: BLACK & WHITE PHOTO; Coca-Cola finished second with a campaign that included basketball star Michael Jordan.

CAPTION; SIDEBAR; Survey findings - see end of text

LOAD-DATE: March 19, 1997

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

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| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
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OPPOSER NIKE, INC.’S
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EXHIBIT A-20



FOCUS - 582 of 620 DOCUMENTS

Copyright 1991 Gannett Company Inc.
USA TODAY

August 2, 1991, Friday, FINAL EDITION

SECTION: MONEY; Pg. 1B

LENGTH: 275 words

HEADLINE: Reebok ads 'play hard'

BYLINE: Martha T. Moore

BODY:

Reebok International Ltd. wants advertising that's as hot as its shoes.

Its new ad campaign goes toe-to-toe with rival Nike Inc. in the pithy advice department. The first ad, airing during Monday Night Football, shows a "sky surfer" - a white-clad sky diver riding a snow board - somersaulting above the French Alps in his Pump cross-training shoes. The theme: "Life is short. Play hard."

Reebok, which will spend \$ 25 million on the campaign, scored with the Pump - 4 million pairs sold in 18 months - and its Blacktop outdoor basketball shoes. Second-quarter revenue rose 30% over 1990. The company commands 24% of \$ 6 billion-a-year athletic -shoe market to Nike's 30%.

But when it comes to great ads, Nike has gotten all the airtime. Their star-filled ads are virtual news events and their slogans - from "Just do it" to "Bo knows" - quickly become buzzwords. Meanwhile, Reebok has suffered a depressing series of gaffes: Its wacky "U.B.U." series flopped and a bungee-jumping ad was yanked last year for implying a Nike wearer fell to his death.

"Nike has known for a long time what they stand for," says Dick Sittig, new creative director of ad agency Chiat/Day/Mojo New York, which lost the account after the bungee spot but won it back this year. "They've had the advantage of getting a head start."

The Pump's success lets Reebok present itself as a serious sports shoe. Earlier ads talked form at the expense of performance, says David Ropes, vice president of marketing. "It's like we were a teenager, we were feeling our oats. We're still a teenager, but now we know what we want to be when we grow up."

GRAPHIC: PHOTO; color

CUTLINE: 'LIFE IS SHORT': One ad in new \$ 25 million Reebok campaign shows woman pounding tennis balls, one with the image of her boss' face.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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OPPOSER NIKE, INC.’S
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EXHIBIT A-21



FOCUS - 576 of 620 DOCUMENTS

Copyright 1991 The Chronicle Publishing Co.
The San Francisco Chronicle

DECEMBER 2, 1991, MONDAY, FINAL EDITION

SECTION: BUSINESS; Pg. B1; AD BEAT

LENGTH: 2044 words

HEADLINE: Advertising Diamonds, and Lumps of Coal
Best of 1991 have flair, avoid cliches

BYLINE: JAMIE BECKETT, Chronicle Staff Writer

BODY:

Picking the best and worst of the year's advertising is surprisingly tough. Most advertising isn't particularly good or bad. It's just there -- bland and mediocre and generally forgettable.

But a few ads stand out for their fresh approach, startling visual or sparkling copy and a strong selling message.

Besides the Top 10, Ad Beat also lists the year's worst -- ads that were offensive, dumb or misleading. In all cases, the choices are purely subjective, formed after viewing a year's worth of ads and discussing them with Chronicle staff, consumers and ad-industry executives.

And now for the best of the bunch:

1. Nike. The athletic shoe company made this list for the second straight year because its advertising runs faster and jumps higher. TV commercials using athletes such as two-sport celebrity Bo Jackson, basketball star Michael Jordan and tennis player Andre Agassi consistently score with viewers, who remember the ads and Nike's slogan "Just Do It."

Created by Wieden & Kennedy of Portland, these are not the typical sports-celebrity spots where a sweaty player walks off the field to mumble a few words about the product. Agassi fiercely plays tennis with a TV, using his racket to send the set careening across the floor. At one point, his slam is so hard the TV switches channels to Julia Child's cooking show. Jackson, out of football with an injured hip, plays a song-and-dance man until he decides to get back to the gym. As he emerges from the TV into a family's living room, his surprise exit line is "You watch too much TV, kid."

2. Absolut. For 11 years, the vodka maker has presented eye-catching magazine advertisements that make creative use of its name and uniquely shaped bottle. Designed by artists -- including Andy Warhol and Keith Haring -- the ads have often been visually stunning. Some use clever metaphors to amplify the brand name. An ad headlined "Absolut San Francisco" showed the bottle shrouded in fog, while "Absolut Attraction" showed a glass straining toward the vodka bottle. This year's batch included ads created by New Yorker magazine cartoonists, dress designers and emerging artists. Absolut excellence!

3. Tasters Choice. The coffee maker has us hooked on its soap opera-style TV commercials about a romance brewing between neighbors. After three episodes of flirting and coffee drinking, he's invited her to dinner. Now what? Chapter Four is set to air in January. The ads are adapted from a campaign by McCann-Erickson's London office.

4. Gap. The San Francisco-based retailer added spark to its black- and-white print and billboard "Individuals of Style" campaign -- which shows celebrities wearing Gap clothing -- with fast-paced TV ads that cut from a Paris bistro

Advertising Diamonds, and Lumps of Coal Best of 1991 have flair, avoid cliches The San Francisco Chronicle
DECEMBER 2, 1991, MONDAY, FINAL EDITION

to Chinese schoolchildren to jazz musicians in a smoky nightclub. Created by Atlas Citron Haligman & Bedecarre of San Francisco, the black- and-white TV spots are set to jazzy music and boast a terrific slogan: For Every Generation There's a Gap. Besides enhancing Gap's already hip image, the campaign helped the company buck the recession and post a 40 percent sales gain in the most recent quarter.

5. DuPont Stainmaster Xtralife Carpet and Little Caesars Pizza. After watching TV ads with babies to the point of ad nausea, I was surprised to find myself enjoying these. Instead of the requisite angelic baby, these advertisers use devilish infants to grab our attention and make their products memorable. DuPont's infant creates mayhem -- and a mess -- speeding around the living room in a wheeled walker until Mom arrives. In the Little Caesars spot, a string of cheese becomes a giant rubber band, efficiently retrieving a baby who wanders out of the house.

6. Chevy's Mexican Restaurant. To drive home the point that the Bay Area restaurant chain serves "fresh Mex," the San Francisco ad agency of Goodby Berlin & Silverstein cooked up fresh ads every day. To show how fresh, the ads identify the date with shots of bus transfers, bank slips, joggers' watches and daily newspapers. This is one fresh approach that appears to be working: Sales are up more than 20 percent since the ads began in May.

7. Nissan. "Rich guys shouldn't have all the fun" is the message of these whimsical TV commercials. First, the car maker featured a regular guy named Bob, whose name appeared on traffic signs when he was driving his Nissan Sentra. "No Parking Except for Bob," said one. Nissan continued the Walter Mitty- type fantasy this fall with the grandiose daydreams of another average guy. In one, the Nissan owner gives a lift to a millionaire whose Rolls-Royce breaks down. The millionaire likes the Nissan so much that he offers the man \$ 150,000 for it. But the man won't sell. The millionaire persists. "Two-fifty?" he asks. At that moment, the man snaps back to reality, where a toll- booth attendant is handing him \$ 2.50 in change.

8. Bass and Guinness. These British brewers prove that it's possible to make effective beer ads while avoiding beer-ad cliches -- the ubiquitous bikini-clad women toting frothy mugs. Both have devised print ads and billboards that give beer drinkers credit for having brains. Bass uses philosopher Friedrich Nietzsche, writer Mark Twain and other known thinkers in ads that pose such questions as, "Why Does Man Exist?" Guinness, meanwhile, aims at experienced quaffers with the line, "the beer you've been practicing for."

9. Saturn. General Motors' Saturn subsidiary makes car ads that don't look like car ads. Instead of shots of the car speeding down a seaside highway while an announcer drones on about zero-percent financing, Saturn's campaign uses satisfied customers to drive home its message: We try harder. One ad, created by Hal Riney & Partners of San Francisco, spotlights a woman who operates a taxicab company in Alaska. She bought the car, sight unseen, and had it shipped 2,500 miles. When the company had a recall on its reclining seat, it flew a mechanic to her remote town. Another ad focuses on a family of six that owns five Saturns. The customers tell a convincing story.

10. Egoiste. It's not an open-or- shut case whether these ads for Chanel's men's fragrance deserve a "best" or "worst" citation. The premise of the TV spot is that some guy has made a lot of women angry enough to scream out of hotel windows. First, one woman on a balcony opens the shutters and shrieks "egoiste" -- whatever that means. Then, the screen fills with 35 women on 35 balconies who go through the same bizarre routine. You can't help but watch this striking ad. But what does it say? And who wants to buy a cologne called Egoiste? Or is that a silly question?

Now for the baddies:

1. Green ads. Companies from Procter & Gamble to Pentax and US Sprint are proclaiming environmental correctness. But most strain to make the link between the product and how it benefits the planet. Mobil boasted about a "degradable" garbage bag that doesn't break down in landfills. Canon implied that its color copiers could "promote a greater awareness of . . . our entire environmental heritage."

2. Malt liquor ads. Makers of these high-alcohol beverages have few rivals for the title of Sleaziest Advertiser. Using rap musicians and rap music, they target poor minority men -- who health officials say are particularly at risk for alcoholism and alcohol-related afflictions. Rapper Ice Cube has appeared in short-lived ads for St. Ides that promise the drink will "put hair on your chest" and "get your girl in the mood quicker." G. Heileman Brewing Co. describes its Mickey's malt liquor as a "tower of power." Not surprisingly, this advertising provoked U.S. Surgeon General Antonia Novella to label the marketing "socially irresponsible." Well put.

3. Budweiser and Old Milwaukee. Beer companies continue to serve up advertising swill, relying on sex (and sometimes violence) to make their pitch. For Bud, on this list for the second straight year, women are typically barely clad babes who materialize from nowhere and simply hang around the studs. The beer-maker even shows moronic cus-

Advertising Diamonds, and Lumps of Coal Best of 1991 have flair, avoid cliches The San Francisco Chronicle
DECEMBER 2, 1991, MONDAY, FINAL EDITION

tomers switching TV channels from a high-brow, black and white foreign film to low-brow, violent scenes they prefer on another station.

To be fair, I have to note that Bud has begun to back off from its busty babes strategy. The brewer's newest TV spots use women in active roles, including a guitar-playing grandmother and a female trainer working with a male wheelchair athlete.

Old Milwaukee makes this list for the first time. Its commercials show a group of fishermen who are surprised when women in bathing suits -- dubbed "the Swedish bikini team" -- eagerly parachute in to join the group. According to the advertiser, the spots were meant to be a parody of other beer ads. But women at Stroh Brewing, parent of Old Milwaukee, didn't find them funny. They filed a sexual harassment lawsuit.

4. Nutri/System and other diet ads. Most diet-product ads are plump with promises but slim on facts. Nutri/System, which previously raised the ire of the American Heart Association for using its name without authorization, this year ran ads that implied that its diet program had been endorsed by Stanford University. The ads provoked a lawsuit by the university and a congressional investigation.

Other diet-product ads are even worse, often misleading consumers with promises of effortless weight loss or failing to note health risks. In October, the Federal Trade Commission took aim at three liquid-diet firms -- Optifast, Medifast and Ultrafast -- for misleading consumers and failing to acknowledge health risks associated with liquid diets. This sort of advertising ought to be put on a starvation diet.

5. Calvin Klein. OK, so we all talked about the clothing company's explicit spread in Vanity Fair, but what does it really say about Calvin Klein? That its jeans are so great you want to rub up against them in the shower? The 116-page ad chronicles the adventures of a make-believe rock band: guitars, sex, crowds, sex, motorcycles, sex. We even get to share an intimate moment with a man relieving himself at a urinal. Hey, Calvin, let's flush it!

6. Benetton. The Italian clothing maker says it wants to convey a message of brotherhood. So why use photographs that are bound to offend? Highly charged images have included a white baby suckling at the breast of a black woman, a white and a black man handcuffed together and a devilish-looking black child with an angelic-looking white girl. While Gap and others push image too, Klein and Benetton play up shock value.

7. Condom commercials. What condom commercials, you might ask? Network TV shows are rife with sex, yet until last month, ads for condoms were taboo. The Fox network deserves credit for airing the first, but Trojans' spot is mighty weak. "I'm a nice guy and I go out with nice girls," says a young man. But since "terrible things are happening to some really nice people" he wears a condom "to reduce the risk." The risk of what? The spot doesn't even mention AIDS. What's more, Fox won't allow references to contraception in the ads. It's time for the networks -- which aren't shy about airing programs on rape, incest, unplanned pregnancies and other sexual subjects -- to allow their advertising to catch up with the times.

8. Pet food ads. Companies used to advertise food for Rover or Muffy by telling us how tasty and meaty it was. Now, they tell us details we don't want to know. One food "reduces stool output," while another "provides urinary tract protection for your cat." Yuck.

9. Infomercials. These half-hour-long commercials that masquerade as TV shows make the list for a second straight year. Despite an attempt to clean up their act by forming a trade association, infomercials continue to deliver misleading messages about products such as spot removers and hair elixirs that often don't perform as promised.

10. Camel. We finally got rid of Spuds McKenzie -- Budweiser's dog mascot that some believed appealed to teenagers. Now we're saddled with Joe, the cigaret company's jowly camel, also an appealing character to youngsters. In addition to that offense, the ads are so dumb that I'd walk a mile to avoid them.

GRAPHIC: PHOTO (2)

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EXHIBIT A-22



FOCUS - 569 of 620 DOCUMENTS

Copyright 1992 Sentinel Communications Co.
Orlando Sentinel (Florida)

June 9, 1992 Tuesday, 3 STAR

SECTION: EDITORIAL; Pg. A9

LENGTH: 720 words

HEADLINE: WHY PEROT? NO-NONSENSE, CAN-DO SAVIOR

BYLINE: By Steven Stark, Boston Globe

BODY:

The rapid rise of Ross Perot has been something of a surprise. Yet perhaps no aspect of his ascent has been more astonishing than the sudden apparent willingness of the American public to consider a super-rich businessman as its president.

For much of our recent history, Americans have tended to distrust business leaders and great wealth. The new-found popularity of Perot suggests either a change in public attitudes, the reinvention of some national myths, or the possibility the Texas billionaire is headed for a fall.

To be sure, candidates such as Wendell Willkie, George Romney and Herbert Hoover came from the business world; there have been sporadic cries over the years for Lee Iacocca to make a run at the presidency. But Americans have tended to distrust the wealthy to act in the larger interest.

Unlike Perot, rich candidates such as Franklin Roosevelt and John Kennedy rarely advertised their wealth. Well-to-do railroad lawyer Abraham Lincoln and landowner Andrew Jackson may have had money, but they ran for president pretending to be far poorer than they were.

What's more, antagonism to business has increased in recent times. Thanks to two dominant, anticorporate movements of the '60s and '70s - consumerism and environmentalism - many Americans assume business rarely acts in their interest. This is reflected in polls which have shown, for example, that less than a quarter of all Americans have a "great deal" of confidence in the leaders of major companies.

These attitudes are also mirrored in pop culture portrayals of businessmen such as J.R. Ewing of Dallas. As critic John Leonard once wrote, television teaches viewers that "to be in business is to ride a monorail of avarice to disaster and bad sex." A recent study by Robert and Linda Lichter found the proportion of "bad-guy" businessmen on TV was almost double that of other occupations.

So what's Perot's secret? It could be that he is seen as a far different type of businessman than the rich sleaze, commonly portrayed on television. As a new, independent entrepreneur and one-time crusader against General Motors, Perot's public persona may have more in common with Ralph Nader than Roger Smith, no matter how much he has made. As such, Perot's wealth is actually a symbol that he took on the big boys, won, and can't be bought.

Perot also taps a yearning for systemized order. Ten of 41 presidents have been generals, in part because in prior eras they were thought to possess the organizational skills we associate with Perot. The same cultural trends that made H. Norman Schwarzkopf popular last year, or make basketball and football coaches regional folk heroes in much of the country, are helping to boost Perot. It's no coincidence his rise comes in an era of sitcoms such as Major Dad and

WHY PEROT? NO-NONSENSE, CAN-DO SAVIOR Orlando Sentinel (Florida) June 9, 1992 Tuesday, 3 STAR

Coach. As a cultural type, Perot may be closer to a Mike Ditka or a Mike Krzyzewski than he is to anyone in his own profession.

Finally, as Garry Wills has noted, Perot also fits the American mythical archetype of the private citizen drafted unwillingly into the messy world of politics to save his country. From his denunciation of the office he seeks to his insistence that he is not yet campaigning, Perot follows a tradition begun by founding father George Washington - a leader supposedly dragged from Mount Vernon against his wishes.

In this sphere, Perot's reputation as a businessman may be helping him. As "can-do" guys, wary of concessions, businessmen are known to hate government: In the anti-Washington culture that has enveloped America, why not turn to the profession that has never had any use for the whole mess since the beginning?

There are other cultural trends moving in Perot's direction. At a time when Nike's "Just do it" is the advertising slogan of the age, Perot embodies that desire in a multitude of ways. Moreover, he will hardly be hurt by the hit movie of the summer - Batman Returns - which is, after all, about a rich superhero who reluctantly spurns a life of privilege to save his fellow citizens.

Part George Washington, part Mr. Smith goes to Washington, part Wyatt Earp, Perot has tapped some deep veins in the American psyche, if only temporarily. Then again, there may be a simpler explanation. Americans still hate businessmen. They just hate politicians a lot more.

GRAPHIC: DRAWING: Ross Perot. DOROTHY AHLE.

LOAD-DATE: May 16, 1993

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EXHIBIT A-23



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Copyright 1992 The Miami Herald
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The Miami Herald

Found on Miami.com
The Miami Herald

October 20, 1992 Tuesday
FINAL EDITION

SECTION: SPECIAL SECTION; Pg. 2

LENGTH: 344 words

HEADLINE: OLD IDEA, NEW AD

BYLINE: GINA CARROLL Herald Staff Writer

BODY:

There's a new ad running in major magazines, and it has a lot to say to a lot of people.

The advertisement is one of Nike's, although the name doesn't appear anywhere in the ad. Only the now-familiar slogan "Just do it" gives it away.

There's a large color photo of a broken-down basketball hoop, and the copy reads:

"Goals. Some are realistic. Some aren't. You gotta bust your butt to find out. One thing's for sure. Life preys on one dimensional players. Those who put everything in one basket. It's not fair. But you realize, it's not your ball. So you've set many goals. Earn a Ph.D. Finish a marathon. Write a screenplay. Own an N.F.L. team. Run for president. Yeah, you're shooting for the stars. But that's cool. If you don't make one, you take what you've learned and alter your shot. Just do it."

Good advice.

* * *

Ever notice how something relatively minor can begin to occupy vast amounts of your time for no good reason?

Paperwork does this to me. For a caller this week, it was trying to be accurate. Seems the company he wants to apply to is the middle of interviewing people for director of human resources. The caller didn't want to apply for that job, but neither did he want to let much time go by without sending in his resume. Problem was, to whom should he address it?

Logic would dictate that the assistant director of human resources be named. That's what he thought, too. So he called, long distance, to find out who that is.

Except he forgot to ask for the correct spelling. So he called back.

This time, he was told the person who he thought was the assistant director wasn't, and he was given a different name.

OLD IDEA, NEW AD The Miami Herald October 20, 1992 Tuesday

Being a cautious type, he called a third time. Just to check, he said.

Yep, you guessed it. Different information again.

He decided to forget about applying for the job he wanted. Said he figured if no one knew what was going on in human resources, it would be pretty silly to apply to that office.

"The thing I'm most sorry about is the long-distance phone calls," he said. "But I guess I'd rather find out about the lack of a rudder now."

LOAD-DATE: November 12, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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EXHIBIT A-24



FOCUS - 543 of 620 DOCUMENTS

Copyright 1993 Sentinel Communications Co.
Orlando Sentinel (Florida)

May 30, 1993 Sunday, 3 STAR

SECTION: BUSINESS; Pg. F1

LENGTH: 904 words

HEADLINE: CREDO FOR SLOGANS: LIFE IS SHORT;
THE CATCH WORDS FOR AD CAMPAIGNS AREN'T ALWAYS ENDURING. BUT ANALYSTS SAY MOTTOS
ARE IMPORTANT AS BRAND NAMES DEPEND MORE ON STRONG IDENTITIES.

BYLINE: By Harry Berkowitz, Newsday

BODY:

Mercedes quickly sacrificed "Sacrifice Nothing." At&T's vow that "We'll Always Be There" lasted a few months. And Reebok, whose slogan "Life Is Short. Play Hard" had a short life, now proudly proclaims that it uses "No Slogans."

The world of ad slogans is often one of change - and that's part of the problem, marketing experts say.

"The real problem with slogans is that they are frequently conceived as part of one specific advertising campaign," said John Lister, president of Lister Butler Inc., a consulting firm on brand identity. "But the better slogans, the ones that become part of the brand's identity, are those that capture over the long term the philosophy of the brand."

Marketing experts say that is especially important at a time when many national brands are under attack from discount brands that don't rely much on image or advertising.

"There has never been a truly successful advertising campaign that hasn't had a great phrase or theme line to go along with it," said Phil Dusenberry, chairman of BBDO New York. "It's the perfect way to sum up your message."

BBDO's slogans include "It's the Right One Baby, Uh Huh," for Pepsi.

Dusenberry adds that in the age of television, advertising writers don't pay as much attention to creating slogans. "There's not as many today that you can point to as in the past as being wonderful," he said. "It's often an afterthought." At the same time, marketing consultants say, impatient and profit-hungry advertisers are reluctant to give slogans much time to catch on.

Many ad executives cite the 6-year-old Nike slogan, "Just Do It," as among the most effective and easy-to-remember modern slogans. "It's a tremendous call to action," said Tony DeGregorio, chief creative officer at Lintas: New York.

Nike's archcompetitor Reebok has been stymied. It tried and abandoned several slogans, including "UBU," "It's Time to Play," and "Life Is Short." "I think we got tired of changing them every year," said Dave Ropes, the company's vice president of marketing. In its new "Planet Reebok" spots, the message is no rules, no barriers and "No Slogans," he said.

Automakers are especially fond of slogans. But in the past few years they also have been fond of changing slogans. Many marketing executives ridiculed Mercedes for abandoning its 15-year-old slogan, "Engineered Like No Other Car in the World," last year in favor of "Sacrifice Nothing," which it used for a few months.

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EXHIBIT A-25



FOCUS - 539 of 620 DOCUMENTS

Copyright 1993 The Buffalo News
Buffalo News (New York)

July 12, 1993, Monday, City Edition

SECTION: BUSINESS; Pg. 11

LENGTH: 360 words

HEADLINE: NIKE TO AIR COMMERCIAL IN SPANISH

BYLINE: Associated Press

DATELINE: NEW YORK

BODY:

Some baseball fans may have trouble understanding the dialogue, but Nike Inc. expects they will get the message in a Spanish-language commercial set to run during CBS' broadcast of Tuesday's All-Star game.

The advertisement was shot in May near San Pedro in the Dominican Republic, which has produced many big league shortstops, including current stars Tony Fernandez, Manny Lee, Mariano Duncan and Rafael Belliard.

The ad, called "La Tierra de Mediocampistas," or "Land of the Shortstops," features glimpses of Dominican youngsters playing baseball on makeshift fields.

Scott Bedbury, director of advertising for Nike, said the commercial was designed to celebrate baseball by showing how much fun and grace some youngsters display playing the game.

The youth have only battered equipment and play on dusty fields bordered by buses and trailer homes, but seem to relish the game.

In the ad, a narrator notes in Spanish that many major league shortstops have come from the Dominican Republic. The narrator advises listeners to consider how far the players really had to go when they hear an American announcer say a shortstop "had to go far in the hole for that one."

As he speaks, a skinny youngster dives and spears a baseball on a dusty field and rights himself to throw.

The American announcer's words are the only English heard in the commercial, which will run twice during the All-Star game telecast. The Spanish narration is captioned in English.

The commercial ends with Nike's trademark slogan, "Just do it" but makes no mention of its shoes or apparel.

LOAD-DATE: July 14, 1993

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

| | | |
|----------------------------|---|--------------------------|
| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-26



FOCUS - 533 of 620 DOCUMENTS

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Chicago Sun-Times

August 29, 1993, SUNDAY , LATE SPORTS FINAL

SECTION: SUNDAY NEWS; CELEBS; Pg. 31

LENGTH: 188 words

HEADLINE: Samaritan Leno Gets Cellular Jolt

BYLINE: Bill Zwecker

BODY:

Good guy Jay Leno recently spotted a car broken down on a California highway. He stopped, offered his car phone so the six stranded men, who didn't speak English, could call for help. All six used the cellular phone. A few weeks later he got the bill . . . for \$ 92! They'd phoned El Salvador.

It was a regular gabfest at the counter of the Planet Cafe at Irving and Lincoln Friday. Vickie Lawrence, Bertice Berry and Mo Gaffney swept in to film a commercial promoting their upcoming daytime shows on Fox TV.

ABC tagged Maria Sansone to cover this weekend's Little League World Series. She's 12.

The talent lineup for Thursday's MTV Video Music Awards is heading to the stratosphere. Irish rockers U2 and Lyle Lovett have just been added as presenters, along with Arrested Development, George Clinton and guy-in-the-sky Shaquille O'Neal of the Orlando Magic. Shaq, by the way, caused a few chuckles when he told a reporter recently how he squeezed everything into his busy life. "Just do it!" said Shaq, before realizing his main endorser, Reebok, might not like him spouting Nike's famed tag line.

LOAD-DATE: August 31, 1993



FOCUS - 515 of 620 DOCUMENTS

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The Washington Post

March 27, 1994, Sunday, Final Edition

SECTION: SUNDAY SHOW; PAGE G1

LENGTH: 3641 words

HEADLINE: IT'S POSTMODERN;
And if you don't get it, you don't get it.

SERIES: Occasional

BYLINE: Jo Ann Lewis, Special to The Washington Post

BODY:

It's a building with a Chippendale top, an inscrutable novel, a teakettle, a photograph that "appropriates" (they used to say plagiarizes) an earlier work. It's Madonna, the French deconstructionists, "Beavis and Butt-head." It's Bill Clinton playing the sax on "Arsenio," obliterating the line between politics and entertainment.

It's cynical, self-referential, multicultural, revolutionary -- or counter-revolutionary. And though it began with architecture, it is currently used to describe art, film, literature, philosophy, history, law -- and, lately, politicians. It's a style, a Zeitgeist, a chimera.

"It's a big problem, really," muses the National Gallery's curator of 20th-century art, Mark Rosenthal.

"Isn't it dead already?" asks Catherine Texier, a New York novelist.

It's postmodern: a word, an attitude, a body of theory that blurs high culture and low, past and present, truth and the lie. But the faster the word seeps from theoretical journals into common parlance, the less anybody seems to know what it means.

In a Nexis database search of newspapers and magazines -- which included no specialized periodicals on either art or architecture -- "postmodern" turned up 3,578 times during the past 12 months -- a tenfold increase over a decade ago. Olsson's Books & Records currently lists 76 titles that contain the word, among them "Po Mo Tarot: Postmodern Deck," "Return to Cosmology: Postmodern Science," "Lawyers in a Postmodern World," "Lust for Shoes: Postmodern Postcard Book" and "Postmodern President: George Bush Meets the World."

The term has become most baffling in political discourse. To wit: a recent story in the Independent of London describes Prime Minister John Major's cabinet as "Britain's first postmodernist government." And a February New York Times dispatch from Mexico dubs the pipe-smoking, media-hip, ski-masked leader of the current Zapatista insurrection "the first postmodern guerrilla hero."

A postmodern guerrilla?

According to Jesse Sheidlower, an editor at Random House dictionaries, "postmodern" has been used in architectural texts since 1949, but didn't have enough "provenance or common currency" to be included in the Random House Unabridged until 1987, when it was defined -- most narrowly -- as "noting or pertaining to architecture of the late 20th

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

century ... that consciously uses complex forms, fantasy and allusions to historic styles in contrast to the austere forms ... of standard modern architecture."

The 1991 Random House Webster's Collegiate Dictionary reflected postmodern's expanding embrace: "of or pertaining to various movements in architecture, the arts and literature developing in the late 20th century in reaction to ... modernism, and characterized by the use of historical and vernacular style elements... ."

Which leaves us looking to the word "modernism" for help, though it doesn't offer much (from Random House's 1987 dictionary: "estrangement or divergence from the past ..."). But "modern" was most sharply defined, stylistically at least, by the Bauhaus architects in the 1920s who declared "less is more." To which postmodern architects of the '60s riposted with "less is a bore!"

Postmodernism's undisputed apotheosis came with Philip Johnson's AT&T building with the Chippendale top, which landed on Madison Avenue in midtown Manhattan in 1982 like a visitor from Mars. Critics across the country trumpeted the news, calling it the merciful end of the stripped-down, steel-and-glass box. The '80s art crowd yearned for "PoMo" souvenirs, and for those who couldn't afford to build mansions in the Hamptons, the market obliged with an overpriced Michael Graves-designed teakettle with a whistling bird.

Only architecture has produced a distinctive, easily identifiable "postmodern style," though art critics in the '80s borrowed the word to describe (among others) certain artists who "appropriate" (or deconstruct) earlier images from art, advertising and television.

It is in academe -- in the study of philosophy, literature and history -- that postmodernism has had its most profound, and some say dangerous, impact. Under the influence of French philosophers Jacques Derrida, Michel Foucault and Jean-Francois Lyotard -- who preach the debunking, dismantling and reexamination of accepted beliefs -- scholars and students have evolved a new analytical approach that, according to conservatives, threatens to eviscerate the whole notion of "truth" and the practice of scholarship.

Hogwash, say the postmoderns. "There are two big mistakes: to fear postmodern thought or to stake too much on it," says Stanley Fish, a professor of English and legal theory at Duke University.

Compared to an unplanned and increasingly fragmented city like, say, Los Angeles, Washington isn't much of a postmodern town -- although some would argue that the political scene, where the boundary between fact and fiction has all but vanished, is increasingly postmodern. But there's not much to actually see in Washington that could be called postmodern -- unless you count the building by Philip Johnson at Tysons Corner that looks like a giant shopping bag.

That could change, though. Michael Eisner, chairman of Walt Disney Co., is crazy about postmodern architecture and one of its biggest patrons. And though he refuses to comment on any building ideas he may have for his hoped-for theme park in Virginia, Washingtonians should consider the Graves-designed Disney headquarters in Burbank, Calif. -- with its 19-foot-tall "pillars" shaped like the Seven Dwarfs.

Then think of all those neoclassical pillars on government buildings around town -- at the National Archives, the National Gallery West Building, the White House and the Capitol.

And imagine the possibilities.

Herewith, architects, artists, critics, curators and others offer definitions of that proliferating and increasingly sneaky word, "postmodern."

MARCIA TUCKER, director,

The New Museum

of Contemporary Art,

New York

Postmodernism is the rejection of any absolute. It challenges the beliefs and boundaries held most dear in conventional thinking about art: that individual expression is the highest form of communication; that "art" is more exalted than mass media, popular culture, or folklore; that progress is inevitable and desirable.

DEBRA GOLDMAN,

columnist, Adweek

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

Postmodernism's basic tenet is that we can't really know reality -- we can only choose between different invented meanings. Advertising has been an engine of postmodernism because it created the pure image -- i.e. an image whose meanings are all invented. That's why Andy Warhol was drawn to advertising: He just added a layer of irony to the advertising image.

The vital difference between Warhol and advertising is that advertising, because it has to sell things, is, in the end, never ironic. The deadpan image of an athletic shoe, combined with a simple declarative Nike slogan like "Just Do It" became a cultural phenomenon. It was Andy Warhol's soup cans, but sincere.

Postmodernism has also seeped into ads for as venerable a brand as Coca-Cola. In a recent Diet Coke TV spot, women secretaries ogle a construction worker -- a form of role reversal that suggests that gender roles have been severed from their anatomical moorings. As the postmodernists like to say, "The signifier has been separated from the signified." All behaviors are up for grabs.

HILTON KRAMER, art critic
and editor, the New Criterion

The word is being used now to suggest anything that is without precedent in the last 15 minutes.

In architecture, it was postmodern to reject the Miesian glass box in favor of some more decorative, familiar, pop cultural style. In the visual arts, postmodernism took on a more political character: It became an art with an explicit left-wing political content, whether it was feminism, gay rights, animal rights or whatever. What defines it for its practitioners is their belief that modernism was formalistic and didn't have any political content, and was thus reactionary.

But, you understand, these distinctions are all full of baloney.

JENNY HOLZER, artist

I might be [a postmodernist] and not know it, but I hope not. One thing I'm sure it often means is bad architecture.

But a way it's used in the art world that's worrisome is to justify the lack of any kind of ethical position, or the possibility of one -- and to call something that's certifiably terrible okay because it's postmodern. [Painter] David Salle was once described a postmodernist because, on one canvas, he might depict a chair plus a woman with spaghetti spilled all over her. I try not to look like that. Which is why I hope I'm not one.

TERRIE SULTAN,
curator of contemporary art,
Corcoran Gallery of Art

Modernism finally slammed into a brick wall [with minimalism] and splintered, and postmodernism is what followed.

A lot of postmodern visual culture developed out of the writings of the French deconstructionists like Jean Baudrillard and Jacques Derrida. Baudrillard says we don't live in a real world: We live in a representation of a world. And as we get to the end of the century, we see how our world is very clearly fragmenting and recombining itself. I think postmodernism is over, and we're now into God knows what -- maybe post-postmodern.

DAVID ROSS, director,
Whitney Museum of American Art, New York

The postmodern moment is a post-ideological moment, because both are responding to the failure of certain idealized value systems, whether it's Marxist revolution or Thatcherism. So instead of being a specific term, it defines a broad field that encompasses many ideas -- a Zeitgeist in search of definition.

Modern [is] a thing: We can see it. Postmodern doesn't have a "thingness" yet. Postmodernism is not a style, it's a condition.

PETER BLAKE,
architect and critic

Postmodernism says, "There's nothing new on Earth, so I give up."

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

Postmodern covers a lot of things. The deconstructionists are considered postmodern, but I don't know what they do exactly. In architecture, it's easy: Postmodernism is a counter-revolutionary style, a style of the Reagan-Bush era, which treats architecture as another product of Seventh Avenue -- a fashion show -- and every few weeks you trot out a new style that amuses the nouveau riche, who have no style or taste or culture of their own, and want a flashy piece of junk.

You can't discuss postmodernism without understanding modernism, and why it failed. Modernism was the peeling away of God [in] the age of Enlightenment: We would become enlightened through reason. But with Hitler, modernism blew itself apart. People no longer had trust in progress. So modernism became postmodernism.

Modern is revolutionary. Postmodern is counter-revolutionary, invented by and for the rich, and a matter of total indifference to me.

MICHAEL GRAVES, architect,
professor of architecture,
Princeton University

Modernism took a very moralist point of view, and modernists are hostile to those who were trained to do something else. [Walter] Gropius was an absolute zealot about his belief in one correct way of thinking about the 20th century, and the future, and technology.

For a while, as students, we liked the narrowness [of modernism]. But after I began my practice, the work began to blossom and widen, and was more colorful, and began to take greater risks and chances. I didn't call it postmodern -- none of us thought much of it as a name. But we did know that we weren't modern in the manner of Mies and Gropius. Our interests were different and broader.

HOWARD FOX,
curator of contemporary art,
Los Angeles County
Museum of Art

Postmodernism as a concept didn't imply any concerted program or aesthetic or form or style. It was more a sociological condition in the '70s art world in which the authority of certain ideas we associate with modernism had begun to erode: originality, artistic genius, virtuoso workmanship, the notion of the sacrosanctness of the art object.

It was that mind-set -- the questioning of certain orthodoxies -- that enabled the proliferation of all kinds of styles and forms in an international, highly informed, fast-paced arena. Within the art world, there was a recognition that something was changing, and people tried to piggyback onto this term taken from architecture. But in the end, in the visual arts, it turned out to be a Teflon terminology.

The postmodern moment (roughly 1977 to '81) was, at heart, an acknowledgment that there could be a multiplicity of styles, and schools of thought, and directions -- even contrary ones -- all vying for the attention of the same audience. It was a recognition that there wasn't going to be a single movement that was going to maintain hegemony. The same conditions still prevail today, and we still have a nameless pluralism.

PETER HALLEY,
painter

I won't try to tell you what postmodern art is. But I have a very definite opinion about how I use the word in a general, historical sense: If one takes the idea that the period of modernity began with the Enlightenment, then something is coming to an end. The cultural and social principles that began to govern human affairs in the Enlightenment no longer seem valid, and are under scrutiny.

With the Enlightenment came the the idea that human affairs could be rationalized, and the utopian notion that the world is perfectable. Reason would suggest that if you come up with a logical, rational solution to a problem, you can then solve it. But in many areas, that has been disproved.

MARK ROSENTHAL,
curator of 20th century art,

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

National Gallery of Art

I think of postmodernism as an attitude which has to do with being highly analytical, and being very self-conscious, so one is always looking at one's own feelings about the thing to be sure one is taking one's own biases into account.

J. HOBERMAN, film critic,

The Village Voice

Postmodern filmmaking presupposes that the great modernist works -- by directors like D.W. Griffith, Eisenstein, Renoir, Hitchcock, Orson Welles -- already exist, and a postmodern filmmaker would quote from or allude to these films, sometimes in an ironic fashion. I think the first postmodern filmmaker was [Jean-Luc] Godard, though I'm not sure he thought of himself that way. But whenever artists are quoting from the past in an obvious or self-conscious way, that's a postmodern attitude. Steven Spielberg is a postmodern filmmaker, and certainly Brian De Palma. I use the word often to [describe] certain kinds of moviemaking, like "Star Wars," which takes some trivial form from the past -- like Flash Gordon -- and presents it as a self-conscious epic.

I think postmodernism started in film in the '70s, but it didn't begin in all media at the same time: It was a tendency, in the air from the 1960s on. In the art world, the word was used to refer to a certain group, including Barbara Kruger, Louise Lawler, Richard Prince and Cindy Sherman, and painters like David Salle. But I'd suggest that pop art was the first postmodern art.

I don't think people agree what modernism is, so postmodernism is hard to pin down. But in a general sense, it's come to stand for the feeling that the so-called fine arts have been absorbed into the mass media, and that there's no longer as clear a divide.

MICHAEL SORKIN,

writer and architect

In the non-architectural world, the benign form of postmodernism is irony, and the worst form is lies, Reagan being the great exemplar of that form of postmodern expression. In postmodern thought, all sorts of stable cultural relationships are thrown into doubt, and ... we're constantly being asked to rationalize new objects and new forms.

ROBERT MORRIS, artist

I don't know if this is a "statement" -- something so definitive wouldn't be very postmodern.

Nevertheless: Among the claims voiced by the postmoderns have been such assertions as the impossibility of the object surviving the image, as well as the impossibility of preferring the solution over the problem, or of arriving at a transcendent theoretical structure. Another impossibility would be that of not celebrating the market. Equally impossible would be a utopian vision, [and] the definitive impossibility of the defense of a discourse of truth.

STANLEY FISH,

author and professor,

Duke University

It's a form of analysis. Multiculturalism is just a demographic fact, and deconstruction is just a way of looking at social formations. Could anyone really live a postmodern life, and get up in the morning and say, "Today I'm just going to fall apart, or be pointlessly ornamental"? People who are afraid of it and those who have great faith in it are equally ridiculous.

GERTRUDE HIMMELFARB,

historian and professor emeritus,

City University of New York

Postmodernism is the denial of the very idea of truth, reality, morality, objectivity, reason or facts -- all words which postmodernists now actually put in quotation marks! It's a totally permissive philosophy -- anything goes -- and it's extraordinary how far it has gone.

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

The theory [is] that every group, class, gender and so on has its own culture; that there is no common culture binding us all together. In that sense, our culture has been deconstructed, along with everything else. Our culture is so fragmented that we have nothing left in common.

It is, really, a very extreme form of relativism -- absolute relativism, one might say -- where one can't even aspire after truth and objectivity. The postmodern philosophers say there is no reality, only language and rhetoric. For the postmodern historian, there is only the pleasure principle: that is to say, history at the pleasure of the historian.

JOAN ACOCELLA,

dance critic

In dance, it means something different from architecture. Modern dance began at the turn of the century with Isadora Duncan, and still exists today in the work of Mark Morris and others. But when [postmodernism began in dance] in the '60s, they wanted to get away from storytelling, and spectacle, and costumes, and music, and sets, and to get away from emotionalism -- in other words, from modern dance.

What is called postmodern dance today is often political, and expressionist; the conceptual aspect has died away. Now about half of it is about the three big issues of the '80s: sex, race and homophobia.

SHERRIE LEVINE, artist

One of my main strategies as an artist has been to put one image on top of another, hopefully creating an interesting gap between the original and the new one. This allegorical procedure seems to me a good method to produce a paradigm of historical movement, a history of influence.

ROBERT VENTURI,

architect, author

of "Complexity and Contradiction in Architecture," 1966 (a seminal postmodern work)

Marx said he was not a Marxist, Freud said he was not a Freudian, and if I may be pretentious, I am not a postmodernist. I don't like to think of architecture as changing fashion.

I am not a postmodernist because I don't agree with the definition of architecture described by postmodernism, which involves an arbitrary application of historical elements. Also, I don't believe in naming styles as an artist -- that's for historians. Good artists are not ideological; they do their job, and others can decide how it fits in. Bernini didn't know he was baroque. Beware of artists who give their work a stylistic name.

PHILIP JOHNSON,

architect

It's what happened when we all got tired of modern, and began using familiar forms from out of history. Modern was boring -- just more and more glass boxes. It all came from Bob Venturi's book. We all felt -- Venturi and [Robert A.M.] Stern and Graves and I -- that we should be more connected with the city, and with people. And more contextual: that we should relate to the older buildings. So postmodernism was driving away from the boredom of the modern, and reflected the desire for a new way of looking at the world.

PETER GALASSI,

curator of photography,

Museum of Modern Art, New York

Part of the problem with the word is that it's sometimes intended to refer to a style, or an idea, or the Zeitgeist as a whole. And the word can't possibly mean [so many] things at once. But it wouldn't have gained currency if there weren't a shared feeling that something had changed -- which I think it has.

But the only bedrock common denominator is that the conviction in modernism as a religion is gone. Modernism was a period of rapid invention -- a train, and if you, as an artist, got on, you did well; and if you stayed on the platform, you got left behind. Now the train has gotten to the station and people have gotten out and are just milling about. There's still good work going on that descends very directly from the modern tradition. But [artists] don't attach the same mis-

IT'S POSTMODERN; And if you don't get it, you don't get it. The Washington Post March 27, 1994, Sunday, Final Edition

sionary zeal to it. In the '20s, architects said if you make the house right, it will improve the life lived in it. But no one believes that anymore.

In certain circles, postmodern refers to a loose conglomeration of work that takes as its raw material the imagery of the mass media, rather than the world out there, and says this is our fundamental reality, this is the world we live in, and we're going to wrestle with that.

The postmodern revolution was not a revolution: It was a new spurt of energy.

CATHERINE TEXIER,

novelist and former co-editor

of underground magazine Between C and D

We called Between C and D a postmodern literary magazine, but it was a kind of joke, because nobody knew what it meant. Now fashion designers are deconstructing fashion: the label has gone down to the fashion world. It's used for everything, which is a sign that it's lost its potency. I think it means nothing anymore.

GRAPHIC: PHOTO, ELAINE CARDELLA FOR TWP; PHOTO, THOMAS AMMANN/ZURICH; PHOTO, HARRY N. ABRAMS INC./PUBLISHERS; PHOTO, GRAVES DESIGN COLLECTION; PHOTO, RIZZOLLI INTERNATIONAL PUBLICATIONS; ILLUSTRATION

LOAD-DATE: March 27, 1994

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

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| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-28



FOCUS - 511 of 620 DOCUMENTS

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May 29, 1994, Sunday, Final Edition

SECTION: BOOK WORLD; PAGE X9

LENGTH: 1034 words

HEADLINE: Blue-Chip Sneakers

SERIES: Occasional

BYLINE: John Burgess

BODY:

JUST DO IT

The Nike Spirit in the

Corporate World

By Donald Katz

Random House. 336 pp. \$ 23

"DADDY, is Michael Jordan real?" On the last page of this very readable book, we learn how the author's four-year-old son posed this question at bedtime one night. Yes, indeed, thought Dad, I'm tackling an important subject. In the mind of the boy, the "dream makers" at sports-shoe company Nike Inc. had transformed Jordan and other athletes into mythical superheroes whose existence apart from the images and sounds emitted by a television set was in doubt. Millions of adults around the world feel that way, too. They worship Jordan. And, not coincidentally, the shoes on his feet.

It's hard to believe it now, but a sneaker was once just a sneaker, humblest, plainest member of the footwear family. Then came the 1980s and sports shoes in a thousand designs, hues and prices. They acquired high-tech, bubble-injected soles and names such as Air Carnivore. They became the basis of a multi-billion-dollar global trade and of a new kind of fashion onepmanship in classrooms and malls. Some became so costly and desirable that in inner-city neighborhoods gunfights erupted over them.

More than any other company, it was Nike that placed the sports shoe alongside the VCR and imported car as the new icons of American consumer culture. By 1993 Nike was a \$ 4 billion-a-year operation employing 10,000 people. Seventy-seven percent of American males between the ages of 18 and 25, one study showed, wanted Nikes. Its "Just Do It" slogan had become second nature to an entire generation.

And all, Donald Katz tells us, from the company's knack for "turning the heroism of great athletes into a general desire to own certain shoes." Each time Michael Jordan lifted off from a basketball court's floor, he carried a pair of shoes and the fortunes of an entire company aloft with him. At home kids and grownups would cheer the athlete and push their noses to the screen to get a better look at what covered his feet.

The tale begins in 1963, when a young accountant and early convert to fitness and running named Philip Knight presented himself at a shoe company in Kobe, Japan. Cheap athletic footwear was one of Japan's early exports, and this company had a now-forgotten brand called Tiger. Knight and a partner bought 1,000 pairs for \$ 1,000. Over the following year, he hung out at high-school track meets in his spare time and sold shoes out of the back of his car. Things kept right on going. One of the world's most dynamic entrepreneurs was starting to make his mark.

Nike's rise was founded in large part on taking athletic endorsements to a new plane. An ad in Sports Illustrated cost tens of thousands of dollars, but Nike athletes in Nike shoes were pictured free on page after page. Nike paid big; it liked attitude in its clients. If they thumbed their noses at the "sports bureaucrats," it was a match made in heaven. Such was Nike's tie-in with John McEnroe, whose tennis-court antics helped to scuttle the sport's until-then unshakeable tradition of white dress and gentlemanly behavior. (There is a building at headquarters in Beaverton, Ore., named after him.)

Many of these "Nike guys" developed unshakeable loyalty to the company, as the world saw at the Barcelona Olympics with basketball's Dream Team. Members touched off an international incident by covering up the Reebok logos on awards jackets they were required to wear on the medal stand. "All of us on this team are hired guns," Katz quotes Jordan as saying. "So let's not pretend we're anything else."

As Nike burgeoned, Knight insisted to the world that it wasn't in the shoe and apparel business. It was a "sports and fitness company," devoted to athletic excellence the world over. He avoided the word fashion, which implied a frivolity inappropriate to the goal of getting people to be their very best, of "enriching" their lives. Nike was a family, a place free of corporate America's less benevolent practices, where almost everyone was fit and could pad the paycheck a bit by biking rather than driving to work. It was a creative hothouse of new advertising, blanketing TV with marvelously crafted, slow-motion "salutes" to the athletic spirit.

But from the outside, Nike was often seen as the single most culpable corruptor of sports. For the pros, no sum was too high -- tennis star Jim Courier signed a six-year, \$ 26 million deal. Nike, its critics said, assured that athletes would view endorsements as the real purpose of physical excellence. The company took heat as an exporter of jobs to low-wage factories in Asia.

Katz writes in a literate yet breezy tone, jumping from subject to subject, scene to scene, in no particular order. He captures long-ago conversations and events, in part due to the full cooperation he enjoyed from Knight and Nike. He is rarely judgmental, even when recounting the less lofty side of the company -- how, as John McEnroe's angry teen-age years faded into memory, he was "resegmented" to appeal to older, mature buyers. How Nike knew that people need only a couple pairs of shoes to cover their feet but would buy more in order to keep up with fashion. How Nike employees learned in 1993 that on some counts their company wasn't that different from the others when it laid off 250 of them.

At times, I wished Katz had dug a bit deeper. He describes a boycott that the Rev. Jesse Jackson organized against Nike in 1990. Among other things, Jackson wondered why a company that sold so much in the inner city had no blacks in senior jobs. Katz, in a position to know the answer, never really explains.

Sports junkies will find nuggets on many of this book's pages. Katz reconstructs negotiations that Shaquille O'Neal conducted with Nike over a possible endorsement contract (he wore a Reebok jacket onto Nike's Beaverton "campus"; the deal didn't happen). Or a pick-up game that ensued when Michael Jordan removed a bike helmet and made himself known to a group of young men on a Laguna Beach court. All in all, this is a good read for fans and for students of business and marketing alike.

John Burgess is technology editor of The Washington Post.

GRAPHIC: PHOTO, MICHAEL JORDAN ALOFT FOR HIS SLAM DUNK. BILL SMITH

LOAD-DATE: May 29, 1994



FOCUS - 505 of 620 DOCUMENTS

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USA TODAY

July 11, 1994, Monday, FINAL EDITION

SECTION: MONEY; Pg. 5B

LENGTH: 513 words

HEADLINE: Nike employee loyalty runs wild

BYLINE: Ellen Neuborne

BODY:

If you think kids are obsessed with their Nikes, take a closer look at Nike's employees.

From the CEO, to the stable of sports stars, to the sales force, obsession is clearly an understatement. **As one employee in Donald Katz's new book Just Do It says, "It's a cult. But it's a great cult."**

Just Do It chronicles the history of Nike as a force in sports and business, focusing on 17 months between 1992 and 1994. With the cooperation of usually reclusive CEO Phil Knight, Katz takes the reader "inside the berm" - the grassy outer walls of Nike's headquarters campus in Beaverton, Ore. Katz details the intensity of life in Nike, from the physical exertion of employees (some work out twice a day) to their decidedly un-'90s company loyalty:

-- Some Nike employees sport company logo tattoos. The calf is the most popular place for the "swoosh" but some are higher up the leg, just inches from the groin. So when they're running in a pair of split-leg shorts, the swoosh shows with every stride.

-- Nike endorser Michael Jordan, who nearly refused to accept the gold medal at the Olympics in Barcelona if it meant wearing a Reebok logo, says he was rougher on the court with non-Nike players, such as Shaquille O'Neal, because of their association with rival shoe companies.

Readers get a look at the machine that creates and markets athletic shoes (no Nike soldier ever says sneaker). Some of the most powerful marketing of the past 10 years has come out of Nike. Katz tells how the famous Just Do It slogan was born out of a frustrated Nike adman's explosive "Just f - - - it" during a brainstorming session. Or how Michael Jordan says he first realized how his athleticism affects people when he saw Nike set him to music in a marketing montage.

One of this book's greatest assets is its cast of characters. Information about Nike's stock is wrapped in a Charles Barkley anecdote. (At last year's annual meeting, Barkley, dressed in a purple suit, takes the mike to gripe about the stock price. He tops off his financial analysis saying, "Phil Knight is the only guy I know with a whole lot of money who is not an a - - - - -.") Contract negotiations are detailed in the story of Shaquille O'Neal's visit to Nike's campus - dressed in a Reebok jacket. If you're going to tell a business story, it helps to have some of the biggest names in sports on hand.

On the downside, if you're looking for an expose on how Nike has become too influential in sports, this is not your book. Controversial issues, which have dogged Nike for years, such as the increasing commercialization of sports or that young kids have been known to shoot each other for Nikes and other popular brand-name sports gear, are in the book. But most space goes to Knight and other Nike officials defending the company's position.

Nike employee loyalty runs wild USA TODAY July 11, 1994, Monday, FINAL EDITION

Whether or not you like Nike and the power it wields, the company is an undeniable influence on the business and sports worlds. And Just Do It offers an entertaining look at life inside the company that took shoes and elevated them to cultural icons.

GRAPHIC: PHOTO, b/w

LOAD-DATE: July 12, 1994

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
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OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-30



FOCUS - 492 of 620 DOCUMENTS

Copyright 1994 The Houston Chronicle Publishing Company
The Houston Chronicle

December 25, 1994, Sunday, 2 STAR Edition

SECTION: OUTLOOK; On Language; Pg. 6

LENGTH: 738 words

HEADLINE: Don't like those imperatives? Get over it!

BYLINE: WILLIAM SAFIRE; New York Times News Service

BODY:

'GET over whatever personal hang-ups you got," said Marion Barry, re-elected mayor of Washington, after having been brought low four years before on a cocaine charge. To those who did not vote for him, he repeated: ""Get over it. "

This imperious imperative caused a small furor in politics' hometown. The satirist Mark Russell hailed get over it as ""the city's new motto," adding cruelly about Barry that ""his will be the most watched nose since Cyrano de Bergerac's. "

And then there is the tune recorded in the summer by the Eagles, reunited after 14 years, titled" Get Over It. ""

And where did the rock group pick up the phrase? A bumper sticker after the 1992 presidential election read: ""Bush Lost.

Get Over It. " In its modern vogue sense, get over it has shouldered aside let's move on, last year's triumphant brushoff, and is, in one sense, challenging the ever-popular imperative exclamation forget it!

As an exhortation, get over it means ""surmount your self-created obstacle; cure your self-induced debilitation. " A related sense, more of a put-down, is ""it's your problem, not mine" (sung to the tune of Here's a Quarter, Call Someone Who Cares). It overlaps forget it in the narrow sense of ""don't bother me with that nonsense. "

On the other hand, one meaning of for get it is ""don't ask," its root meaning ""I am facing a situation of such stress that it will be impossible to cope. " ("Ask me how I feel. " ""How do you feel? " ""Don't ask. ")

Even as command economics is wan ing, command linguistics is

waxing. Grouchoism: ""There's a man outside waxing wroth. ""Let Roth wax him for a while. "Leo Rosten tells me that this old gag may have come from the playwright George S. Kaufman, who wrote "The Cocoanuts"" for the Marx Brothers in the 1920s.

Rosten's latest book, *Carnival of Wits*, draws a fine line between a wisecrack (wordplay for a specific situation) and a witticism (true wit that's universal); he once received a backhanded compliment from Groucho: ""From the moment I picked up your new book, I was convulsed with laughter.

Someday I intend to read it. "

""Lighten up! " say the kidders to the gloomers, which is what I am trying to do to this scholarly analysis with classic old gags. Do it now was the sign over the rolltop desk of George Merriam, a founder of Merriam-Webster. **Just do it is the Nike slogan, and Just say no was the imperative promoted by Nancy Reagan.**

What a wonderful language; there's a word for everything.

The chancellor of Syracuse University, Kenneth ""Buzz" Shaw, was expounding to trustees on plans for the school's 125th anniversary next year: ""halfway between a centennial and a sesquicentennial. " He looked to me for the right word for ""125th"; I flunked.

Somebody must have had this problem before. Frank Abate, the dictionary and reference specialist in Old Saybrook, Conn., rooted around and came up with the answer in a 1993 OED update, with a citation from a 1962 New York Times Book Review.

Seems that back then the people of Delavan, a town in Tazewell County, Ill., wanted to hold a 125th-anniversary whoop-de-do for the town's founding.

Delavan's celebratory group ""went to the Funk & Wagnalls dictionary people,"according to the New York Times. ""From there it received the suggestion of 'Quasquicentennial,' meaning a hundred plus a fourth. " Sure enough, in the next citation from a 1962 copy of the Bloomington (Ill.) Pantagraph, there was the coinage in use: ""The Delavan Quasquicentennial Celebration doesn't officially begin until noon today. "

""The combining form quasqui-," Abate says, ""blends parts of Latin quadrans-, 'one-fourth,' and sesqui-, derived from a blending and modification of Latin semis, 'one-half,' plus -que, an enclitic meaning 'and. ' " (An enclitic is an attachable word-element, like a suffix, from the Greek klit, ""slope. " Comparative etymology on this you won't get from me.)

While we're at it, if you're planning celebrations, there is a novennial (nine years), as well as duodecennial (12) and vigintennial (20); similarly, there is perennial (occurring year after year), along with

Don't like those imperatives? Get over it! The Houston Chronicle December 25, 1994, Sunday, 2 STAR Edition

plurennial (lasting for many years) and aeonial
(everlasting).

So, Buzz, I'll see you on the quad for Syracuse's
quasquicentennial. When we get to 175, we'll figure out a new
word.

LOAD-DATE: December 29, 1994

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

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| NIKE, INC., |) | |
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| |) | Application No. 86330661 |
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OPPOSER NIKE, INC.’S
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EXHIBIT A-31



FOCUS - 486 of 620 DOCUMENTS

Copyright 1995 The Oregonian
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The Oregonian (Portland, Oregon)

February 22, 1995 Wednesday
SECOND Edition

SECTION: BUSINESS; Pg. D01

LENGTH: 636 words

HEADLINE: NIKE TO BO: JUST DON'T DO IT

BYLINE: JEFF MANNING, of the Oregonian Staff <

BODY:

Wednesday, February 22, 1995 NIKE TO BO: JUST DON'T DO IT

Summary: The Beaverton company drops three celebrities in a move toward more use of everyday athletes in its advertising

"Just do it applies not just to celebrity athletes but to you and me." -- Keith Peters, Nike spokesman

Shoemaker Nike Inc. has given the boot to three of its highest-profile celebrity endorsers.

Deranged football fan Stanley Craver, a/k/a alias actor Dennis Hopper, is being retired by the Beaverton sports shoe and apparel company. Also out is Bo Jackson, who played football, baseball and electric guitar in his many Nike spots.

Professional golfer Curtis Strange exited the Nike stable as of the first of the year.

Sporting goods companies constantly adjust their rosters of celebrity endorsers as athletic fortunes wax and wane. But Nike's recent moves reflect a bit of a strategic marketing shift toward everyday athletes and away from high-profile celebrities.

"Just do it," Nike's highly successful corporate slogan, "applies not just to celebrity athletes but to you and me," company spokesman Keith Peters said.

Peters took issue with a report Monday in USA Today that the company is veering away from the celebrity endorsement business altogether. The national newspaper speculated that Nike might be conceding the celebrity endorsement strategy to competitor Reebok International Ltd., which counts basketball star Shaquille O'Neal among its athletes.

Peters noted that Ken Griffey Jr., arguably the most popular baseball player in the country, is featured in one of four Nike television ads currently running. The king of Nike celebrities, Michael Jordan, will soon appear in a new Nike spot as well.

"We work with a lot of athletes," Peters said. "To say that we're consciously choosing to work with fewer is a bit misleading."

NIKE TO BO: JUST DON'T DO IT The Oregonian (Portland, Oregon) February 22, 1995 Wednesday

Nike's new interest in hockey will become apparent when it unveils an ad featuring Boston Bruin Cam Neely, a former Portland Winter Hawk. Nike is in the process of buying Canstar Sports Inc., the world's largest maker of hockey equipment.

Hopper's run as demented football referee Stanley Craver peaked when he delivered a 90-second, George Patton-esque soliloquy during the Super Bowl. For some, Craver's demise comes none too soon. Mental health advocates said the wild-eyed fan sneaking into locker rooms to sniff linebackers' high-tops demeaned the mentally ill.

But it wasn't the criticism that persuaded Nike to pull the plug. "I think everybody feels with the season finale, the 'creative' behind the campaign has run its course," Peters said.

Hopper received more than \$1 million for the 10 Nike commercials.

Jackson, the most prominent two-sport athlete until Deion Sanders, was the centerpiece behind Nike's cross-training campaign. After cross-training grew to become a multimillion-dollar category for the company, Nike named the mammoth fitness center at its Beaverton campus in Jackson's honor.

In 1991, Jackson suffered a football injury that led to hip-replacement surgery and ended his football career.

Peters said it has been two years since Jackson taped a new commercial for Nike. The company paid Jackson almost \$3 million since 1987.

Peters dismissed as baseless the reports that Nike is ending or scaling back its relationship with Portland ad shop Wieden & Kennedy Inc. Trade magazine Advertising Age reported Feb. 8 that Nike is de-emphasizing its relationship with Wieden & Kennedy as it concentrates on overseas marketing.

"That was absolutely a nonstory," Peters said. "It was misrepresented by the trade (magazines) and it went much further than it ever should have."

The four television ads currently on the air and six more now being completed were all created by Wieden & Kennedy, Peters said.

ILLUSTRATION: Color Photo by Associated Press/

LOAD-DATE: April 5, 2006

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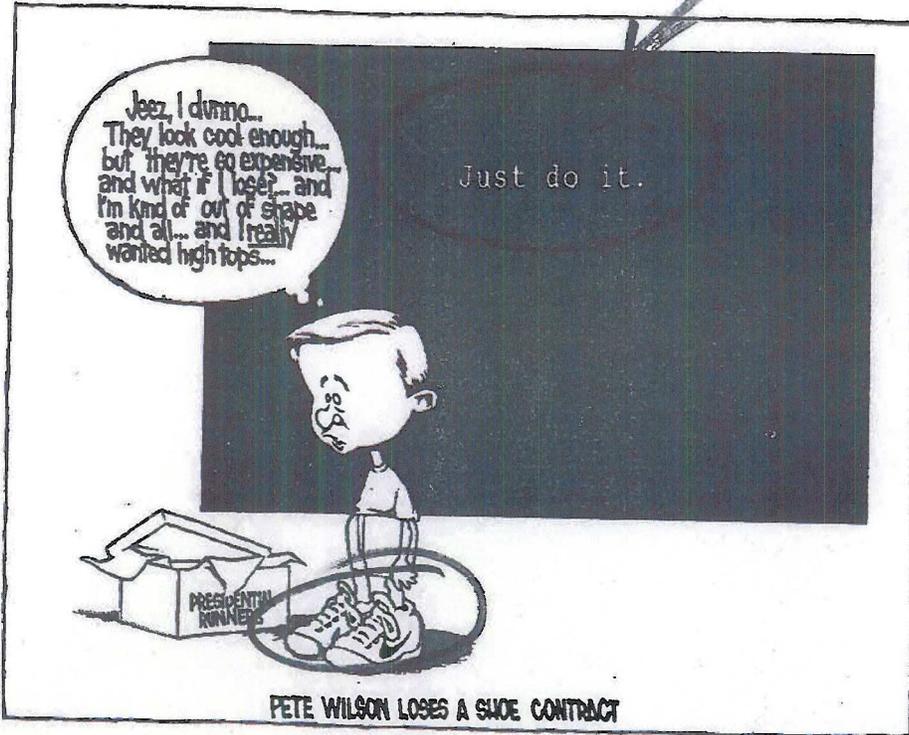
EXHIBIT A-32

JUST DO IT
file

Not to Run?

Decision facing California's Pete Wilson

MARCH 6, 1995



have qualms about the enterprise, one adviser says, but Wilson has been satisfied he can raise the money needed to run. "He will certainly have the money," says George Gorton, Wilson's top political adviser.

Wilson has a seasoned team of political advisers, but few of them have substantial experience in presidential campaigns, and they are engaged in a crash course of study about the rigors of running a national campaign.

They have begun to examine the calendar of caucuses and primaries next year and have begun to consider possible scenarios for a Wilson campaign. Should he, for example, attempt to run in both Iowa and New Hampshire, or possibly skip Iowa, where Senate Majority Leader Robert J. Dole of Kansas is the heavy favorite, and go straight to New Hampshire?

ALTHOUGH WILSON WOULD EXPECT to win his delegate-rich home state of California, that primary comes after most other major states hold their primaries, and the calendar offers no obvious early victories for Wilson. The Californian also could face trouble in the South. "He won't win a delegate in the South," says a top adviser to Sen. Phil Gramm of Texas, another candidate for the nomination.

But Wilson's advisers say the key to a Wilson campaign is what it was last year in the gubernatorial race against Democrat Kathleen Brown: an effective, conservative message and the tenacity to drive it home.

"I believe in my heart the governor's not decided," Gorton says. But he added: "I've looked at for him what I consider to be his chances to win. I think they're terribly good and have told him so."

Ken Khachigian, a California Republican political consultant, says, "My own feeling is that Pete's ready to go, and he's just waiting for people to finish their assignments."

The biggest obstacle at home is answering the question of whether Wilson can effectively govern the state of California while meeting the punishing demands of a primary and caucus schedule. This is particularly acute because Lt. Gov. Gray Davis, who would take over as acting governor when Wilson is away—and would become governor if Wilson won the presidency—is a Democrat.

WILSON FACES A MAJOR FIGHT THIS year over the budget and his proposal for a three-year, 15 percent tax cut, and many California Republicans would prefer to see Wilson concentrate on increasing GOP strength in the legislature in 1996 and finishing out his term, rather than running for president.

But several aides say they do not regard this as an insurmountable problem. "If he wants to run, the answer [to the question of

whether he could be both candidate and governor] is yes," one adviser says. "If he doesn't want to run, the answer is no."

Said another top aide, "The irony to me is that the very people who don't like Pete Wilson anyway are the ones who are trying to convince him to stay in the state and not run."

The governor's advisers also took pains to emphasize that on this question, Wilson is no Mario M. Cuomo, the former New York governor who in 1991 agonized for months before deciding not to run for president. "Wilson is no Hamlet," says Dick Dresner, Wilson's pollster.

Wilson is trying to retire the debt left over from his gubernatorial campaign last year, but his advisers say a recent meeting with his top fund-raisers about a possible presidential campaign was "surprisingly positive."

Many longtime Wilson contributors may

ness standpoint he looked like he was way ahead of everyone else."

Kicking off his campaign last month in Dallas, Gramm raked in a record \$4.1 million at a fund-raiser the night before the announce-

Sembler heard from Alexander within an hour of learning that his prospective candidate, Cheney, had chosen not to run. Bathgate, who signed on with Alexander after former Housing secretary Jack Kemp decided not to enter the

requires a "pre-meeting" with organizers.

Alexander also hopes to raise \$8 million from his home state, starting with the Grand Ole Opry dinner and continuing with four more dinners slated to bring in a total of \$5 million.

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EXHIBIT A-33



FOCUS - 473 of 620 DOCUMENTS

Copyright 1995 The Oregonian
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The Oregonian (Portland, Oregon)

March 30, 1995 Thursday
FOURTH Edition

SECTION: LIVING; Pg. D03

LENGTH: 872 words

HEADLINE: DISABILITY VISIBILITY

BYLINE: PAULA SPAN, LA Times - Washington Post Servi

BODY:

Thursday, March 30, 1995 DISABILITY VISIBILITY

Summary

Mainstream TV and print advertisers increasingly are using handicapped models and report positive consumer reaction

The Sears commercial is a fast-paced kaleidoscope of beaming customers showing off new clothes, reaching for tools, painting houses, videotaping their kids' Easter egg hunts -- all while a singer croons about "the many sides of Sears." In one scene, a fisherman relaxes on a dock at sunset with his pals and his dog; the fisherman is in a wheelchair.

Then there's the double-page magazine ad for Saturn that, like all Saturn's advertising, features a real-life car buyer or dealer. The photo shows satisfied customer June Rooks, a 44-year-old Navy research analyst, wearing a broad grin and a bright dress, and balanced on a pair of crutches. "When you've tackled everything else life has thrown your way," the headline says, "a little traffic certainly isn't going to stop you."

And a TV spot for Nike, in which an athletic young man runs through the forests and foothills of Malibu Canyon, presents his story in stark white-on-black titles: "Ric Munoz, Los Angeles. 80 miles every week. 10 marathons every year. HIV-positive." Followed by Nike's familiar hortatory slogan: "Just Do It."

After years of lobbying for inclusion in the imagery that penetrates virtually every American home, people with disabilities are becoming far more visible in mainstream advertising.

Kellogg's Corn Flakes commercials have starred a deaf teen-ager (who signs enthusiastically about crunchiness) and a woman in a wheelchair.

The list of big-budget advertisers whose TV commercials and print spreads incorporate actors and models with disabilities also includes AT&T, Toys R Us, McDonald's, Mitsubishi, Target, Nordstrom, Chrysler and Toyota.

Sandra Gordon, a former Easter Seal executive who consults with major corporations on disability issues, remembers in the '70s urging advertisers to include a wheelchair-user in ads with group photographs. "I was told that I was crazy, that it was a disgusting idea," Gordon recalls.

DISABILITY VISIBILITY The Oregonian (Portland, Oregon) March 30, 1995 Thursday

It's now more common for executives to talk like Sears marketing chief John Costello: "We are really committed to reflecting the full diversity of our consumer group in our advertising." Its national "many sides" ad, produced by Young & Rubicam, marks the first time Sears has used a disabled person in an ad. But, Costello says, "you can expect to see more."

The ads have evolved since the early '80s and the most-remembered spot that introduced Bill Demby, a Vietnam vet and double amputee shown vigorously playing basketball on artificial feet developed by Du Pont. But, Gordon notes, "it's very hard, if you're a person who's deaf or blind or uses a wheelchair, to live up to those 'supergimp' stereotypes."

Current ads are more likely to show people with disabilities in ordinary situations.

(Using able-bodied actors to play people with disabilities is simply not done, by the way. Years ago Ron Hatley, consumer-affairs manager at AT&T, hired an able-bodied actress to play a quadriplegic in a training video. "I just got blasted," he recalls).

The desire to influence public opinion is what made June Rooks agree to appear in the Saturn ad (though she, like others in these ads, was paid). Thinking disabled children might see it, "I wanted them to know they could grow up and have a good life," she says. She walks with crutches and a leg brace, legacies of childhood polio.

Munoz agreed to star in a Nike ad to demonstrate that "a huge number of HIV-positive people run marathons and do other things that would surprise people." The ad, he says, "shatters preconceptions."

Beyond public relations, however, companies have designs on a large and potentially lucrative market. The Census Bureau estimates that a startling 49 million Americans have some degree of disability; this group, which is disproportionately elderly, could include everyone from the blind or deaf to someone with learning disabilities such as dyslexia. Of this group, 24 million describe disabilities the Census Bureau classifies as "severe." The 49 million controls \$188 billion in discretionary income; the smaller, severely disabled group has \$55 billion to spend.

Advocates for disabled people say the market is happy to be courted. "It helps to see people with disabilities as a contributing force in this society -- tax-paying citizens who also buy Charmin or Colgate -- not just people who are asking for things," says Sandra Gordon.

Marketing executives report almost universally positive consumer reaction. The exception is Nike's commercial with the HIV-positive runner. Most callers to Nike's consumer hot line praised, but there has been a "predictable fringe response," says Nike spokesman Keith Peters.

But when Munoz ran the Los Angeles Marathon this month in three hours and 14 minutes ("pretty slow for me"), he didn't hear any of that. "Five different times along the way, complete strangers recognized me and congratulated me," he reports. "They were very approving of the ad. It was very gratifying."

The following fields overflowed: BYLINETITLE = LA Times - Washington Post Service <

LOAD-DATE: April 5, 2006

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EXHIBIT A-34



FOCUS - 472 of 620 DOCUMENTS

Copyright 1995 The Seattle Times Company
The Seattle Times

May 19, 1995, Friday, Final Edition

SECTION: BUSINESS; Pg. E1

LENGTH: 342 words

HEADLINE: STARBUCKS HIRES NIKE'S FORMER ADVERTISING WHIZ

BYLINE: BY SYLVIA WIELAND NOGAKI

BODY:

The former Nike advertising director who propelled the slogan "Just Do It" into the nation's lexicon of popular sayings and created the "Bo Knows" campaign is joining Starbucks.

Scott Bedbury, 37, will become Starbucks senior vice president of marketing June 5. During his tenure as Nike's worldwide advertising director from 1987 through October 1994, Nike's sales grew from \$ 700 million to \$ 4 billion, while Bedbury helped Nike create one of the most recognizable brands in the world.

"Scott is a uniquely qualified professional with more than 15 years of marketing and brand-building expertise," said Howard Schultz, Starbucks chairman and chief executive officer. Bedbury's experience at Nike, where he helped create a brand identity for a product previously viewed as a commodity, is similar to what Starbucks is trying to achieve, Schultz said.

Advertising industry experts applauded the choice.

"Scott Bedbury is a rare find," said Hank Barber, general manager of the Seattle office of McCann-Erickson. "He's perfect for the job."

The marketing position at Starbucks has been empty for more than a year, ever since former senior vice president of marketing, George Reynolds, moved into the special-projects area to coordinate a joint venture between Starbucks and Reynolds' former employer, Pepsi.

Schultz would not reveal Bedbury's salary.

Bedbury is expected to play a leading role in Starbucks' ongoing search for an advertising agency to handle Starbucks' \$ 7 million account.

Adweek, an industry publication, has reported that the selection has been narrowed to three agencies: Goodby, Silverstein & Partners, and Hal Riney & Partners, both in San Francisco, and Ketchum Advertising in Los Angeles.

GRAPHIC: PHOTO SCOTT BEDBURY

LOAD-DATE: May 20, 1995

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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OPPOSER NIKE, INC.'S
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EXHIBIT A-35



FOCUS - 463 of 620 DOCUMENTS

Copyright 1995 The Dallas Morning News
THE DALLAS MORNING NEWS

August 21, 1995, Monday, HOME FINAL EDITION

SECTION: BUSINESS; Pg. 1D

LENGTH: 537 words

HEADLINE: Catchy slogans can turn splash into cash Survey rates the top 60 ad campaigns

BYLINE: Laura Castaneda, Staff Writer of The Dallas Morning News

BODY:

Some ask, "Where's the Beef?" Others say, "It's Always Coca-Cola." And everyone knows they should "Just Do It."

There's no consensus about the top advertising campaigns. But one thing is certain - slogans that become part of the American vernacular often translate into marketing success.

"In a long-running campaign, it's extra helpful," says Jack Myers, editor of the newsletter Advertising Insights, referring to catchy slogans. "It creates a connection between a brand and a visual or auditory trigger."

Advertising Insights, in its August/September issue, chose the top 60 ad campaigns based on the impact they have had in America.

Most had slogans, such as Coca-Cola's "real thing" campaign and McDonald's "you-deserve-a-break today" commercials.

Mr. Myers says he considers one of the top 10, the macho western Marlboro ads, to be visual slogans. Two others in the top 10 didn't have slogans and were basically splashy one-time ads - Apple Computers "Big Brother" promotion and the Democratic National Committee's nuclear explosion warning against presidential candidate Barry Goldwater.

Another survey showed slightly different results.

A telephone poll conducted in July by The Wirthlin Group in New York for the Association of National Advertisers asked a representative sample of 1,002 people to recall, without any prompting, slogans and celebrity endorsers. It had a margin of error of plus or minus 3 percentage points.

The top slogans were Wendy's (Where's the Beef?), followed by Alka-Seltzer (Plop, plop, fizz, fizz . . .) and Nike (Just do it), the poll found. As for endorsers, the three leaders are Michael Jordan, Bill Cosby and Candice Bergen.

"What we wanted from people was the unaided representation of their remembrance," says Pat Hanlon of the ANA. "We are only printing the top three because those were the ones that stood out head and shoulders above the rest."

The likability of an ad is an important component of its effectiveness and a strong predictor of sales for goods, according to Impact, an advertising and marketing newsletter by the Princeton, N.J.-based Gallup and Robinson research firm.

General attitudes about advertising are also important, with those who like and value advertising showing more of an ability to recall specific ads.

Catchy slogans can turn splash into cash Survey rates the top 60 ad campaigns THE DALLAS MORNING NEWS
August 21, 1995, Monday, HOME FINAL EDITION

The newsletter's 1995 summer issue says a survey of 860 magazine readers aged 18 and older showed that 46 percent agree that advertising keeps them up-to-date about products and services, and 34 percent like to look at advertising.

The survey also found that 26 percent of those who say they like to look at advertising recalled three or more ads compared to 17 percent for those who don't, while 27 percent of those who feel advertising keeps them informed recall more ads than those who don't (12 percent).

The kind of recognition that comes with creating a slogan that becomes part of the U.S. lexicon is every marketer's dream.

"You want to maintain your trademark and identify," says Mr. Myers. "But I think that if you can transcend your own commercial message and get into the vernacular of the country, then you've really achieved something that makes you a part of society around you. That's fabulous."

GRAPHIC: CHART(S): (1. DMN) What Works In Advertising. 2. At A Glance.

LOAD-DATE: September 2, 1995

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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OPPOSER NIKE, INC.’S
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EXHIBIT A-36



FOCUS - 455 of 620 DOCUMENTS

Copyright 1995 Orange County Register
Orange County Register (California)

September 15, 1995 Friday MORNING EDITION

SECTION: BUSINESS; Pg. C01

LENGTH: 236 words

HEADLINE: THE DAILY BRIEFING

BODY:

CHATTER

If the shoe fits: Birkenstock reports that Norman Schwarzkopf, Steve Young, Michelle Pfeiffer, Madonna, Marlon Brando, Willard Scott, Jamie Lee Curtis and Whoopi Goldberg wear Birkenstocks, but "Jerry Garcia of the Grateful Dead never owned a single pair. "

Who's right? In touting its business database, Colorado-based InfoTech Marketing sent out press releases claiming the number of U.S. business establishments will top 7 million by the year 2000.

However, the Internal Revenue Service reports that 21.5 million business tax returns were filed in 1993.

Heigh ho, heigh ho: Bashful, Sleepy, Happy and Doc _ members of Walt Disney's Seven Dwarfs _ will join Dopey and Sneezy as part of the spring release of Disney's animation art sculptures. The Snow White figurine was released last December. And Grumpy is expected to be out by Christmas.

Lasting impression: Two of the advertising slogans best remembered by U.S. adults have not been broadcast for a decade, according to a study commissioned by the Association of National Advertisers. The ads? First is Wendy's "Where's the beef? " followed by Alka-Seltzer's "plop, plop, fizz, fizz. " Third is "Just do it," Nike's ad slogan since 1988.

LOAD-DATE: October 01, 1996

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

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| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-37



FOCUS - 443 of 620 DOCUMENTS

Copyright 1996 Plain Dealer Publishing Co.
Plain Dealer (Cleveland, Ohio)

January 6, 1996 Saturday, FINAL / ALL

SECTION: BUSINESS; Pg. 1C

LENGTH: 596 words

HEADLINE: NIKE JUST DOES WHAT CUSTOMERS WANT

BYLINE: BLOOMBERG BUSINESS NEWS

DATELINE: BEAVERTON, ORE.

BODY:

After four years, Tinker Hatfield gave basketball superstar Michael Jordan what he wanted: shiny stuff on his shoes.

"I'd been talking him out of using something shiny," said Hatfield, Nike Inc.'s top shoe designer. "This past year, I said, 'All right, you win.'

The company got all the attention it wanted once Hatfield put a patent-leather strip on the shoes, which Jordan wore in last spring's National Basketball Association playoffs in defiance of rules that a team's footwear must be the same color. During timeouts, television cameras zeroed in on Jordan's feet.

Nike dominates the U.S. athletic shoe industry, testimony to a marketing machine so successful that the company's "Just Do It" slogan and "swoosh" logo are part of U.S. pop culture.

Behind the slick promotion, though, are Hatfield and a team of designers turning out shoes that company executives say give the advertising its credibility.

"People see marketing more than the product, but the product by far is the most important and effective marketing tool," said Nike Chief Executive Philip Knight.

Nike has an uncanny knack for delivering the products customers want while rivals have tripped.

A few years ago, as black basketball shoes became popular on playgrounds and ball courts, Reebok International Ltd. introduced its first shoe endorsed by basketball sensation Shaquille O'Neal - in white.

Not Nike. It was there with a line of black basketball shoes. Nike now has more than 50 percent of the U.S. basketball shoe market, with about \$500 million in annual sales.

"Nike is one of the most in-touch companies out there," said Rick Burton, assistant director of the University of Oregon's Warsaw Sports Marketing Center. "The consumer says, 'I know they're talking to me.'

As the world's biggest athletic-shoe maker, Nike has a lot of products to use in delivering its message. Each year, Nike introduces 1,200 new shoes or variations on existing models.

Nike's designers also helped create shoes that spurred development of whole new industries, including cross-training and more recently, women's basketball.

A new shoe can spring to life in many ways, Hatfield said.

NIKE JUST DOES WHAT CUSTOMERS WANT Plain Dealer (Cleveland, Ohio) January 6, 1996 Saturday, FINAL / ALL

To create a new Air Jordan shoe, for example, Hatfield will meet with Jordan, not only to discuss last year's shoe, but also to talk over Jordan's life, what kind of music he's listening to, what colors he likes and whose suits he's buying.

"Then you just sort of blend it all together," Hatfield said, pointing to a design board at the company's Beaverton, Ore., headquarters with a drawing of Nike's latest Air Jordan shoe. The shoe, he said, was partly inspired by a section in the new Denver International Airport and a sleek red sports car.

To seek design ideas, Hatfield and his fellow designers travel to track and field events in Europe, Broadway shows in New York or museums in Chicago.

"Inspiration often comes at odd times," said Hatfield, 43, an architect who was originally hired by Nike to design buildings and became a shoe designer after winning a company-sponsored contest.

Once, Hatfield recalled, he walked by a store that had a poster advertising African contemporary radio. It helped cement an idea for an Air Jordan shoe.

Sometimes, people come to Hatfield with ideas. Some don't result in shoes for everyday wear.

Hatfield created a shoe that looks like a dinosaur foot for actors to wear in the movie "Jurassic Park." While children who have seen the shoe in his office like it, Nike decided against offering it for mass distribution. "It was a bit too weird," Hatfield said.

GRAPHIC: PHOTO BY: PLAIN DEALER FILE; Michael Jordan's shoes in last years' playoffs violated NBA rules about conformity but highlighted Nike's sense of style with their strips of patent leather.

LOAD-DATE: January 7, 1996

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
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OPPOSER NIKE, INC.’S
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EXHIBIT A-38



FOCUS - 438 of 620 DOCUMENTS

Copyright 1996 Chicago Tribune Company
Chicago Tribune

January 15, 1996 Monday, NORTH SPORTS FINAL EDITION

SECTION: BUSINESS; Pg. 4; ZONE: C

LENGTH: 492 words

HEADLINE: SHOE DESIGNERS HELP KEEP DAZZLING NIKE WELL-HEELED

BYLINE: Bloomberg Business News.

DATELINE: BEAVERTON, Ore.

BODY:

After four years, Tinker Hatfield gave basketball superstar Michael Jordan what he wanted: Shiny stuff on his shoes.

"I'd been talking him out of using something shiny," said Hatfield, Nike Inc.'s top shoe designer. "This past year I said, 'All right, you win.' "

The company got all the attention it wanted after Hatfield put a patent-leather strip on the shoes, which Jordan wore with the Bulls in last spring's National Basketball Association playoffs despite league rules that a team's footwear must be the same color. During timeouts, television cameras zeroed in on Jordan's feet.

It's well known that Nike dominates the U.S. athletic shoe industry, testimony to a marketing machine so successful that the "Just Do It" slogan and "swoosh" logo are part of pop culture.

Behind the slick promotion, though, are Hatfield and a team of designers who turn out shoes that company executives say give the advertising its credibility.

"People see marketing more than the product, but the product by far is the most important and effective marketing tool," said Nike chief executive Philip Knight.

Nike has an uncanny knack for delivering the products customers want while rivals have tripped.

A few years ago, as black basketball shoes became popular on playgrounds and the courts, Reebok International Ltd. introduced its first shoe endorsed by Orlando Magic sensation Shaquille O'Neal--in white.

Not Nike: It was there with a line of black shoes. Nike now has more than 50 percent of the U.S. basketball shoe market, with about \$500 million in annual sales.

"Nike is one of the most in-touch companies out there," said Rick Burton, a former advertising executive who is now assistant director of the University of Oregon's Warsaw Sports Marketing Center. "The consumer says, 'I know they're talking to me.' "

Nike's marketing and design savvy pays off with consistently strong earnings. Nike last month said that fiscal second-quarter earnings rose 39 percent, beating Wall Street expectations.

Nike's designers also helped create shoes that spurred development of new industries, including cross-training and, more recently, women's basketball shoes.

SHOE DESIGNERS HELP KEEP DAZZLING NIKE WELL-HEELED Chicago Tribune January 15, 1996 Monday,
NORTH SPORTS FINAL EDITION

A new shoe can spring to life in any number of ways, Hatfield said. To create a new Air Jordan, for example, Hatfield will meet with Jordan, not only to discuss last year's shoe, but also to talk over his life, what kind of music he's listening to, what colors he likes and whose suits he's buying.

"Then you just sort of blend it all together," Hatfield said, pointing to a design board at the company's Beaverton headquarters with a drawing of the latest Air Jordan. The shoe, he said, was partly inspired by a section in the new Denver International Airport and a sleek, red sports car.

Nike's goal now is to make the brand as recognizable in Shanghai or Berlin as in Beaverton.

If it succeeds, look for Hatfield's designs behind the marketing.

LOAD-DATE: January 15, 1996

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
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OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-39



FOCUS - 421 of 620 DOCUMENTS

Copyright 1996 Gannett Company, Inc.
USA TODAY

August 2, 1996, Friday, FINAL EDITION

SECTION: SPORTS; Pg. 10C

LENGTH: 404 words

HEADLINE: Is Nike just being sneaky? Officials say handout signs tread on advertising-free venues

BYLINE: Bruce Horovitz

BODY:

Nike is just doing it, again.

The feisty sneaker maker has devised yet another way to anger Olympic officials while linking its image to the Olympic Games: hand-held signs.

Bands of roving Nike employees have been passing out flashy, red, white and blue signs outside some Olympic venues and at some other Atlanta sites that say: "Just Do It USA." Just Do It, of course, is Nike's longtime ad slogan.

Nike says it hopes to hand out about 20,000 of these signs before the Games end. But angry Olympic officials want Nike to stop. All venues are supposed to be advertising-free inside. And fans who wave the "Just Do It USA" signs at Olympic events might be unintentionally giving Nike free exposure.

Even official Olympic sponsors are prohibited from having signs inside events, notes Michael Payne, marketing director for the International Olympic Committee, governing body of the Olympic Games.

"We've repeatedly asked Nike not to do this," says Darby Coker, a spokesman for the Atlanta Committee for the Olympic Games. Some Nike employees have been escorted away from venues while passing out signs, he says.

"It's pretty classless," adds Dave Fogelson, a spokesman for Reebok, which is an official Olympic product supplier. "For them to go to that low level for exposure is surprising."

Nike has its own name for the groups of employees who hand out the signs. "They're our SWAT team," says Mats Olsson, a Nike spokesman. "They create a consumer connection for the brand."

Nike says it's doing nothing wrong. "We're not making people

Is Nike just being sneaky? Officials say handout signs tread on advertising-free venues USA TODAY August 2, 1996, Friday,

hold up the signs," says spokesman Keith Peters. "We're supporting athletics."

But not all of those who hold up the signs support Nike.

Kathy Andrews, a teacher from St. Louis, waves her "Just Do It USA" sign during a U.S.-Cuba women's volleyball match.

"Who cares what company the sign came from?" says Andrews. "My loyalty is to the American team, not Nike."

Her friend, Kelly Brough, also waved a "Just Do It USA" banner. But neither woman wears Nikes. "I prefer sandals," says Kelly.

Nike has been criticized by Olympic officials for commercializing the Games -- even though it's not a sponsor. Marketing experts say Nike is simply being, well, Nike.

"Nike has always had an in-your-face approach," says Sam Craig, marketing professor at New York University. "This is consistent with that attitude."

GRAPHIC: PHOTO, B/W, Rex Perry, USA TODAY; Banner moment: Nike's Dara Wilk hands out free Just Do It USA posters at Nike Town in Atlanta.

LOAD-DATE: August 02, 1996

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
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OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-40



FOCUS - 370 of 620 DOCUMENTS

Copyright 1996 The New York Times Company
The New York Times

September 24, 1996, Tuesday, Late Edition - Final

SECTION: Section D; Page 10; Column 1; Business/Financial Desk

LENGTH: 747 words

HEADLINE: THE MEDIA BUSINESS: ADVERTISING;

In the campaign for its new sports utility vehicle, Ford its traveling the young and haughty road.

BYLINE: By Robyn Meredith

DATELINE: DETROIT

BODY:

THE Ford Motor Company is using old-fashioned snob appeal in an outdoorsy setting to sell its all-new Expedition, a big brother to its popular Ford Explorer model.

Ford is scheduled to begin its fall advertising blitz for 1997 models on Sunday. The centerpiece of a slew of new television spots will be ads for the Expedition, a giant sport utility vehicle. All ads are by J. Walter Thompson Detroit, a unit of WPP Group and Ford's longtime advertising agency.

Ford's most important ad campaign this fall takes aim at sporty yuppies who are willing to pay at least \$28,000 to impress their friends while driving a sport utility vehicle that seats up to nine people.

Like the Expedition itself, the ads are oversized and bold.

One TV spot begins with a helicopter hovering low over a snow-covered mountain. It drops off two skiers who have come to schuss down the untouched powder. The skiers are surprised to come across a Ford Expedition, which carries a 30-something couple dressed in expensive ski gear.

The couple are disgusted by the idea that they don't have the mountain entirely to themselves. "It is getting so crowded around here," the man says impatiently. "We're outta here," the woman replies. They toss their skis in the back of the Expedition and drive on to commune more privately with the great outdoors.

Another ad opens with two men who look to be in their early 40's riding on a small pontoon plane as it flies over beautiful summertime mountain scenery. As they get ready to land on a remote lake, near where they are to spend a week fishing, they gossip about their friend Peter, who did not join them because he is afraid of flying. "Peter's a wimp," one of his friends says.

Meanwhile, music reminiscent of that found in the Indiana Jones movies begins to play, and we see the rugged-looking Peter driving his Ford Expedition over seemingly impassable dirt roads. The Expedition makes it to the lake's edge just before the plane lands, to the amazement of those flying in, who had thought their fishing spot accessible only by air.

"The new Ford Expedition. The only way to get there," is the tag line for both ads.

THE MEDIA BUSINESS: ADVERTISING; In the campaign for its new sports utility vehicle, Ford its traveling the young and haughty road. The New York Times September 24, 1996, Tuesday, Late Edition - Final

Gerry L. Donnelly, national advertising manager for Ford vehicles, said his division was trying to avoid selling Expeditions mostly to owners of its popular Explorer. The ads are designed to woo buyers trading in luxury cars or large sport utility vehicles made by the General Motors Corporation -- the Chevrolet Suburban and Tahoe or GMC Yukon.

The upscale tone of the ads is designed to "separate Expedition from the Explorer," said Mr. Donnelly, who added that Ford hoped to sell about 150,000 Expeditions each year. "We obviously want to sell those and maintain our Explorer sales," he said.

Expedition ads are aimed at 40- to 50-year-old professionals with median incomes above \$82,000, he said.

Ford is expected to spend far more advertising the Expedition than the \$74 million it spent last year advertising the Explorer. For its entire 1997 lineup, it has bolstered ad spending 8 percent above last year's levels, Mr. Donnelly said.

Ford spent \$470 million last year advertising its various Ford models and another \$258 million on its Lincoln and Mercury brands, according to Competitive Media Reporting, which tracks advertising spending. Ford spent \$251 million the first six months of this year on its Ford models and spent another \$167 million on its Lincoln and Mercury models, according to Competitive Media.

While Ford has the most riding on its Expedition ads, ads for other 1997 models will begin showing Sunday. One of the latest Explorer ads shows parents insisting their young children turn off the Bullwinkle cartoons so the family can go for a drive together through a nearby wilderness. The two children whine until the Explorer comes across a real moose grazing, then they are thrilled.

Other ads in the campaign include some tired customer testimonials for Ford's 1997 Taurus. They emphasize the car's safety features and roominess, as well as the starting price of \$18,545.

But perhaps the most notable spot this fall is a fresh Mustang ad likely to appeal to the MTV generation because of its fast-paced music and its off-center images of urban scenes. It is designed to woo women as well as men, and has shots of a woman running and another practicing her boxing, along with the tag line "It's your race," which recalls the successful "Just do it" campaign for Nike shoes.

LOAD-DATE: September 24, 1996

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
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| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-41



FOCUS - 361 of 620 DOCUMENTS

Copyright 1996 Star-Telegram Newspaper, Inc.
Fort Worth Star-Telegram (Texas)

October 20, 1996, Sunday FINAL AM EDITION

SECTION: NEWS; Pg. 8

LENGTH: 895 words

HEADLINE: PEOPLE WATCH

BYLINE: Staff and Wire Reports

BODY:

LESS BLOOD AND GORE

Last season ABC, CBS, NBC and Fox broadcast less blood and gore than the season before, according to a study released last week. But critics and the networks alike were unsure whether the decline was a response to public pressure about violence, or merely a normal shift in programming tastes. As the study's director, Jeffrey Cole of UCLA, put it, "Was this the season everyone tried to imitate Friends or is there serious change going on?" The study, which will monitor this season too, cited only 5 of 114 television series in the 1995-96 season for portraying graphic violence or glorifying it.

THE JFK FILE

Newlywed John F. Kennedy Jr. delighted an ad luncheon crowd in Portland, Ore., with quips about his new wife, Carolyn, including that she "let me keep my maiden name. " Nike's famous slogan, he said, convinced him to take the wedding plunge; "One evening not so long ago, I was staring out my window, wondering whether I should make a major life decision. And my eyes focused on a billboard that said: 'Just Do It.' " About his wife's famous wedding dress, he said there is only one other in the world like it. "I believe it's owned by Dennis Rodman. "

MARKINGS

Bob Hautman, an artist from Plymouth, Minn., continued a family tradition last week by capturing the 1997-98 federal duck stamp contest with an acrylic painting of a Canada goose. He was a finalist five previous times. His brother Jim won in 1989 and 1994; his brother Joe won in 1991.

Publicist Chuck Jones, 53, convicted of pilfering 70 pairs of Marla Maples Trump's shoes and some underwear, was freed from jail Friday, a month after a judge reversed his conviction because of an

error at his trial. Jones, who spoke openly of his "sexual fascination" with women's shoes at his trial, was ordered to stay away from the Trump family.

A Tennessee judge has found that there's enough evidence against actress Jennifer O'Neill, 48, to ask a grand jury to consider charges of drunken driving and speeding last March. She failed a field sobriety test and refused a blood alcohol test a state trooper clocked her going 95 mph on Interstate 65.

MUSIC MAKERS

Rocker Bruce Springsteen will release three previously unaired songs that he recorded with the E Street Band in their brief reunion last year. The tunes will be included with a documentary vid on a five-song CD: Bruce Springsteen: Blood Brothers. It goes on sale Nov. 18.

A day later, Prince's album, Emancipation, will go on sale. His New Power Generations Records teamed up with EMI to make and distribute the three-disc album recorded while he was trying to extricate himself from his recording pact with Warner Bros.

A federal court in LA pulled the plug on a couple of ex-band members trying to revive Creedence Clearwater Revival. John Fogerty, who broke up the band in 1972, brought the action against Douglas Clifford and Stuart Cook.

TV OR NOT TV

Smart money says Ellen DeGeneres, star of ABC's Ellen, will return as host of the annual Grammy Awards, to air live on CBS Feb. 26 from New York.

Nickelodeon's expansion into prime time clicked big time last week, with the new Nick lineup of 7 o'clock shows, including The Secret World of Alex Mack and Hey Arnold! drawing more children ages 2-11 than any 7 p.m. programs on the broadcast networks except Friends.

THE ROYAL WATCH

Queen Elizabeth, who flew commercial for the first time last year in a cost-cutting gesture, will still get more than \$ 15 mil a year in travel allowance under a plan outlined by Prime Minister John Major.

The allowance will cover all 3,000 domestic and foreign trips the royals take each year plus service for the Royal Train and the fam's fleet of aircraft.

DR. FAT

Richard Simmons, in an apparent move to expand his fitness and diet influence, says he intends to become a full-fledged physician.

Simmons, who holds a B.A., said he's considering three universities, intends to begin pre-med courses in January, and is "already reading anatomy and medical books. " In his book, Farewell to Fat, Simmons, 48, says conventional docs don't give enough attention to nutrition and the nation's obesity epidemic. "I want to be a doctor, and I think I can help," he noted. Besides, "I look good in white. "

A SPELLING BEE

Aaron Spelling threw a birthday party for his 18-year-old son, Randy, recently, in preparation for which Hollywood agents received faxes: "Please submit all your high profile younger clients that are interested in attending Randy's birthday party," said the invitations. "Heavy press coverage expected." The invitations were intended to ensure that the party, which would also celebrate Sunset Beach, the Aaron's new soap opera in which young Randy appears, would be attended by the right guests. "Randy doesn't have that many celebrity friends," said party publicist Jerry Shandrew.

BIRTHDAYS

TV star Arlene Francis is 88. Country star Grandpa Jones is 83.

Columnist Art Buchwald is 71. Actor William Christopher is 64. Actor Jerry Orbach is 61. Country singer Wanda Jackson is 59. Actor Earl Hindman (Home Improvement) is 54. Singer Tom Petty is 46. Actress Melanie Mayron is 44. Baseball All-Star Keith Hernandez is 43. Rocker Jim Sonefeld (Hootie & The Blowfish) is 32. Rocker David Ryan (The Lemonheads) is 32. Rapper Snoop Doggy Dogg is 25.

COMPILED BY JIM DAVIS FROM WIRE REPORTS

LOAD-DATE: August 23, 1997

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

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| NIKE, INC., |) | |
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| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-42



FOCUS - 339 of 620 DOCUMENTS

Copyright 1997 The Columbus Dispatch
Columbus Dispatch (Ohio)

April 21, 1997, Monday

SECTION: BUSINESS TODAY, Pg. 2, BUSINESS BOOKSHELF

LENGTH: 495 words

HEADLINE: BUSINESS NEED MEMORABLE SLOGAN? SINK HOOK INTO THIS BOOK

BYLINE: Dean Narciso

BODY:

Unless you're Drs. Barth, Craig and Lacy Toothman who operate a North Side dentistry practice, you might have reason to consider a new book on self-promotion.

Seven Second Marketing (Bard Press, \$ 12.95), offers techniques to create and use a memory hook, "a brief, memorable self-introduction that . . . creates an unbreakable connection between you and your product," writes author Ivan Misner.

Misner was in town this month promoting the book and discussing the technique.

"I believe that word-of-mouth is a form of advertising," said Misner, who has a doctorate degree in organizational behavior and is founder of the California-based Business Network International, a business referral organization.

"If you want to be successful in business, you have to have a word-of-mouth element of your marketing plan."

He offered some well-worn choices such as "If you think a professional is expensive, hire an amateur," which, he admitted, can sound corny.

Karen McVey, founder of Women in New Growth Stages, and consultant with Cheryl's Cookies, said she had struggled with selling her ideas to audiences until she started using her memory hook:

"My name is Karen McVey," she now states. "I work for Cheryl & Co. and I eat cookies all day long."

She said the results were phenomenal; audience members more easily approached her after a speech to ask her about her career.

The book relates the importance of such devices, of first (and lasting) impressions and use of humor, and tells how to budget for the goal.

But the bedrock of the book is the hooks themselves. He says they should appeal to sight, hearing, taste, smell or touch.

"Young or old . . . see Nold," is the offering of Larry Nold of Mass Mutual Insurance & Financial Services of Findlay, Ohio.

John Nichols, a financial services owner in Indianapolis tells prospective customers, "See Nichols for dollars."

BUSINESS NEED MEMORABLE SLOGAN? SINK HOOK INTO THIS BOOK Columbus Dispatch (Ohio) April 21, 1997, Monday

Cliche, you say?

How about "When you need a phone, think Executone," from Dick Rieke, a salesman from Las Vegas.

Or "It is in my interest to save you interest."

The Toothman practice need not feel threatened by Glendale, Calif., dentist Dr. Joe Wilson's choice of catch phrases: "I believe in the tooth, the whole tooth, and nothing but the tooth, so help me God."

From Toledo, Ohio, dentist Dr. Paul S. Kozy: "Be true to your teeth or they will be false to you."

How about professions lacking a link to the five senses?

"Bean counters with a difference," is the hook of Eisenberg & Krauskopf, CPAs, of Tuckahoe, N.Y.

This entertaining book may appeal to wordsmiths of all stripes. Whether it will inspire those who acknowledge the effectiveness of memory hooks in generating business is another question.

Based on such campaigns as "Always Coca-Cola," Nike's "Just Do It" or Delta's "Delta Gets You There," this book could be of service in creating your own slogan.

Dean Narciso is a member of The Dispatch staff.

GRAPHIC: Photo, Ivan Misner, . . . touts 'memory hooks'

LOAD-DATE: April 22, 1997

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

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| NIKE, INC., |) | |
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| Opposer, |) | Opposition No. 91221511 |
| vs. |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |

OPPOSER NIKE, INC.’S
FIRST NOTICE OF RELIANCE

EXHIBIT A-43



FOCUS - 319 of 620 DOCUMENTS

Copyright 1997 The Sunday Oregonian
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The Sunday Oregonian (Portland, Oregon)

November 30, 1997 Sunday
SUNRISE Edition

SECTION: NORTHWEST LIVING; Pg. L01

LENGTH: 458 words

HEADLINE: DUMP DAN? NIKE NEARLY JUST DID IT

BYLINE: JONATHAN NICHOLAS, of The Oregonian staff <

BODY:

Sunday, November 30, 1997 DUMP DAN? NIKE NEARLY JUST DID IT

He's battered, bruised, bloodied. But make no mistake. There was only one place Dan Wieden was left standing last week.

In the winner's circle.

Forget 15 rounds.

We're talking 15 years.

That's how long the Portland ad man has been champion of the Nike account.

Then along came the challenger.

Hot and hungry.

Did the champ still have it?

The guts and the goods.

Wieden is the soft-spoken boss who brings a Zenlike calm to the breakneck business of leading the world's hottest advertising agency.

He has helped Nike become the world's most recognizable brand. Its slogan, "Just Do It," has become the world's best-known battle cry.

This kind of thing gets noticed.

Other Wieden clients include Microsoft and Coca-Cola, not exactly Davids in the world of Goliath global brands. And Wieden's reward?

In March, as its business continued to boom, Nike hired Goodby, Silverstein & Partners, a San Francisco agency, to create ads for Nike Town stores and some of its women's clothing and outdoor apparel lines.

In marriage terms, think of this as a one-night stand.

DUMP DAN? NIKE NEARLY JUST DID IT The Sunday Oregonian (Portland, Oregon) November 30, 1997 Sunday

Apparently Nike liked Goodby's performance. A few weeks back, Swoosh Central invited the San Francisco firm to pitch ideas for the main Nike brand.

In marriage terms, this is inviting someone over for a few nights to let her show you how much better she'd be than your current spouse.

Goodby's proposal reportedly included dumping that famous slogan. Still, in the end, it looks like Wieden won.

The result: Dan won't be firing 200 people, won't have to close offices in New York; Amsterdam, Netherlands; and Tokyo.

As for the grueling proceedings, said Nike spokesman Lee Weinstein: "In the end, it was good for all of us" . . . a sentiment that has not yet crossed Wieden's lips.

The lesson here, beyond the reminder that advertising is not a trade for the faint-hearted?

Maybe Nike, bruised by ongoing allegations that it exploits workers in the developing world, is gearing up to fight back. Maybe Wieden can recraft Nike's image as deftly as he crafted it.

Late last week, insiders said the mood at the agency still was unsettled. "The review," one said, "wasn't pretty. These things never are. It will take some time for wounds to heal."

But this much seems assured. The marriage that the trade magazine AdWeek calls "one of the most successful advertising partnerships in recent history" will survive.

Quietly, focused, Zenlike, Dan Wieden will go back to work this week, exhorting his troops to . . . insert your own killer slogan here.

There is no finish line to a Nicholas column. Extend it by phone at 221-8533, by fax at 294-5012, by e-mail at jxnicholas@aol.com or by writing to 1320 S.W. Broadway, Portland, Ore. 97201.

LOAD-DATE: April 6, 2006

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

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| NIKE, INC., |) | |
| |) | |
| vs. |) | Opposition No. 91221511 |
| |) | Application No. 86330661 |
| |) | |
| CAPITAL E FINANCE CO, LLC, |) | MARK: JUST DID IT |
| Applicant. |) | |
| |) | |

OPPOSER NIKE, INC.'S
FIRST NOTICE OF RELIANCE

EXHIBIT A-44



FOCUS - 250 of 620 DOCUMENTS

Copyright 1998 The New York Times Company
The New York Times

May 11, 1998, Monday, Late Edition - Final

SECTION: Section D; Page 8; Column 1; Business/Financial Desk

LENGTH: 1025 words

HEADLINE: THE MEDIA BUSINESS: ADVERTISING;
Nike will focus on the soccer and women's sports markets while making cuts in its budget.

BYLINE: By Sharon R. King

BODY:

AFTER reporting a surprising 69 percent plunge in earnings in its fiscal third quarter, Nike Inc., in an effort to regain a firmer footing, is returning to a place where it feels comfortable and in control: its role as the underdog.

The feat might sound improbable for a company considered the ubiquitous 900-pound gorilla of the \$18 billion athletic footwear industry, with 37 percent of the market.

But there are some global sports markets where Nike does not dominate, namely soccer.

In true in-your-face fashion, Nike wants to change that, setting 2002 as the year that it expects to catapult to No. 1 in the soccer industry from its current third place behind Adidas A.G. and Umbro International Inc. All this while cutting \$100 million, an amount equal to about one-third of its advertising budget in the 1999 fiscal year, which begins June 1.

"In that position of David versus Goliath, it's an exciting place to be," Tony Tijerino, a Nike spokesman, said. "We're still hungry and still fighting" for the business.

Soccer, performance apparel and women's sports are areas where Nike will focus its marketing push in the coming year, said Chris Zimmerman, Nike's director of United States advertising.

Nike is working hard to insure that the public sees little evidence of the pullback in spending -- which could include \$70 million in cuts to United States advertising spending and administrative expenses. In fact, some industry watchers say the advertising reductions may not occur until late 1999. Before that, the company will be focusing on the World Cup, which begins June 10 in France, back-to-school promotions and product introductions, including a new women's Air Jordan shoe.

Spearheading the soccer push is Nike's flagship agency, Wieden & Kennedy of Portland, Ore. The estimated \$30 million to \$40 million initiative includes a soccer amusement park in a Paris suburb. In addition, Nike is endorsing six World Cup teams, including the United States and Brazil -- considered the world's best -- as well as Brazil's hugely popular player, Ronaldo.

Advertisements, including commercials directed by John Woo, focus on enjoying the game. The Woo commercials show the Brazilian team playing an impromptu game in an airport, dodging angry security guards, and diving onto luggage carousels as they try to score.

THE MEDIA BUSINESS: ADVERTISING; Nike will focus on the soccer and women's sports markets while making cuts in its budget. The New York Times May 11, 1998, Monday, Late Edition - Final

On May 1, Nike introduced new World Cup print ads, featuring postage stamps of players wearing Nike apparel, swoosh soccer balls and Nike's new soccer boot, the Mercurial.

But Nike is not abandoning its higher-profile businesses. Nike has rolled out new "Fun Police" commercials during the National Basketball Association playoffs. The ads show such N.B.A. hotshots as Kevin Garnett of the Minnesota Timberwolves, Gary Payton of the Seattle SuperSonics and Tim Hardaway of the Miami Heat patrolling various sites, charged with promoting the idea that basketball is fun. In one advertisement, Fun Police, acting as ushers at a playoff game, switch spectators' seats, sending businessmen to the cheap nose-bleed seats while a group of astonished young boys end up courtside.

One place that spending cuts are unlikely is celebrity endorsements. Nike executives are adamant that the company will not back away from that strategy, as Reebok has recently. "From a sports marketing standpoint, we are not backing down one bit," said Bob Wood, vice president for American marketing at Nike. "We're always going to be with athletes and about athletes," he said, pointing to recent endorsement contracts signed with the football player Ryan Leaf and the Chicago Fire, a soccer team.

Footwear industry analysts agree. "Nike is not the kind of company that signs up a lot of athletes and then says, 'Let's go another way,'" said John Horan, publisher of Sporting Goods Intelligence, an industry newsletter. But Nike has cut back on athlete-focused advertising recently, Mr. Horan said.

In 1997, Nike spent \$211 million on advertising in the United States, a 7.7 percent increase from 1996, according to Competitive Media Reporting.

The company eliminated Sunday magazine spending in 1997 and reduced total magazine advertising by 16.1 percent. Network television and magazine advertising were the areas where most spending occurred.

The limited success of the "I Can" slogan, introduced at the beginning of the year, is still a sore spot. Many critics outside the company believe the softer sell, which emphasized individual athletic ability over emulating superstars, fell flat.

"I don't think their ads have the crispness they had years ago," Mr. Horan said, adding, that the "I Can" campaign "certainly has not captivated people the way 'Just Do It' did."

But Nike officials contend that the campaign did exactly what it was supposed to do. Mr. Wood emphasized that the new slogan was not a replacement for the hugely successful "Just Do It" mantra, which epitomized the company's character and is regarded as one of the most successful advertising campaigns ever. Some advertising executives anticipate that "Just Do It" will re-emerge during the company's back-to-school promotions. Wieden & Kennedy will handle the campaign. Nike and Wieden officials declined to comment.

As it continues to play down its trademark swoosh, Nike will introduce its Alpha program later this year, under which its most expensive apparel, sporting goods and sneakers will be marketed as a unit, using a swooshless five-dot logo. Nike is keeping most details about the introduction under wraps.

The Alpha work will be shared by Wieden & Kennedy and Nike's other leading agency, Goodby, Silverstein & Partners of San Francisco, part of the Omnicom Group. Goodby, widely known for its "Got Milk" work, has handled advertising for Nike's F.I.T. performance apparel.

The sales decline that prompted the Nike cost-cutting has caused the company to take a more strategic approach to advertising, said Josie Esquivel, a Morgan Stanley Dean Witter footwear analyst. "They're definitely not bulldozing their way into your neighborhood," she said. "Their message is irreverent, but toned down and a lot more fun."

LOAD-DATE: May 11, 1998

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

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OPPOSER NIKE, INC.'S
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EXHIBIT A-45



FOCUS - 239 of 620 DOCUMENTS

Copyright 1998 The Sunday Oklahoman
Daily Oklahoman (Oklahoma City, OK)

November 8, 1998, Sunday CITY EDITION

SECTION: SPORTS; Pg. 8, DAVE SITTLER

LENGTH: 620 words

HEADLINE: It's Time For Blake To Resign

BYLINE: Dave Sittler

DATELINE: COLLEGE STATION, Texas

BODY:

COLLEGE STATION, Texas - John "Boo" Blake is two games away from becoming a former Oklahoma football coach.

No, Eric Moore, that's not another negative media prediction. It was made months ago by the very coaches Moore defended last week with histrionics that seemed better-suited for the Jerry Springer Show.

The OU coaches first predicted the potential for their demise last spring. They repeated it throughout the summer on the Sooner Caravan Tour when they acknowledged to boosters that a winning season was the only way they could save their jobs.

"I said when I took this job that you'd see improvement in three years," Blake said in August. "It's time we turned the corner. We need to win."

Instead of turning the corner, OU hit yet another dead end under Blake and has ended up in the ditch for a third consecutive season.

If the OU coaches' prediction is correct, Texas A&M sealed their fate Saturday night when the Aggies embarrassed the Sooners, 29-0. With games left against Baylor and Texas Tech, the loss dropped OU to 3-6, killing the slim hope the Sooners held for a winning season.

All that's left to be decided is the timing for the announcement of Blake's departure. Blake's overall OU record now stands at an unacceptable 10-22. If Blake is the person his supporters claim, he'll end this nightmare himself. Even before Moore launched into his ill-timed diatribe, every Blake apologist pointed to the OU coach's strength of character and deep love for his alma mater.

If that's true, the time has arrived for Blake to demonstrate

It's Time For Blake To Resign Daily Oklahoman (Oklahoma City, OK) November 8, 1998, Sunday

it. Up until now, a defiant Blake has said he intends to step up instead of stepping down. There is a third option - just step aside.

At Tuesday's weekly press conference, Blake should do the right thing and reveal that the season finale against Texas Tech will also be his final game as OU's coach.

If Blake remains in denial and doesn't do it, others will do it for him within the next two weeks.

The loss to Texas A&M had to flip the switch and put into motion a plan OU administrators devised in the event this scenario became reality. It reportedly calls for Blake's dismissal or reassignment within 48 hours after the Tech game.

Should Blake come to his senses and do it himself, he would save both the players and school he claims to love from enduring two more weeks of speculation, turmoil and controversy.

Blake's announcement would allow OU to openly start its search for his replacement. It also might help salvage a recruiting season that is teetering on the brink of embarrassment. Some coaches who recruit against OU in Texas have confirmed the joke the Sooners' program has become under Blake. In recent weeks, when those coaches ask blue-chip prospects to list the other schools they are considering, OU doesn't show up on any of their lists.

If anything should send a distress signal to OU president David Boren, athletic director Joe Castiglione and the school's board of regents, it's word that the Sooners' recruiting efforts are in serious trouble and it's time for a change. Remember, the No. 1 reason OU gave when it gambled and took a chance on a woefully unprepared Blake was his ability to recruit.

They hoped he'd grow into the job's other requirements. But Blake, who makes \$ 501,000 a year, has only regressed in the area that was supposed to be a strength.

As part of his salary, Nike pays Blake \$ 150,000 a year just to get his permission for OU to wear its products. **The time has come for Blake to follow Nike's famous slogan. Just do it, Boo.** Say goodbye.

- Dave Sittler can be reached via e-mail at dsittler@oklahoman.com.

LOAD-DATE: November 9, 1998