ESTTA Tracking number: **ESTTA724972**
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.
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Submission	Plaintiff's Notice of Reliance
Filer's Name	Helen Hill Minsker
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Signature	/helen hill minsker/
Date	02/04/2016
Attachments	002 - EXS 46-91.pdf(55273 bytes) Ex. A-46.pdf(1125232 bytes) Ex. A-47.pdf(725123 bytes) Ex. A-48.pdf(1000464 bytes) Ex. A-49.pdf(1756932 bytes) Ex. A-50.pdf(610954 bytes) Ex. A-51.pdf(1057930 bytes) Ex. A-52.pdf(1215674 bytes) Ex. A-53.pdf(1299422 bytes) Ex. A-54.pdf(1166688 bytes) Ex. A-55.pdf(947015 bytes) Ex. A-56.pdf(1141253 bytes) Ex. A-57.pdf(1418989 bytes) Ex. A-58.pdf(1463043 bytes) Ex. A-59.pdf(1754118 bytes) Ex. A-60.pdf(850878 bytes) Ex. A-61.pdf(1065317 bytes) Ex. A-62.pdf(2574521 bytes) Ex. A-63.pdf(1053548 bytes) Ex. A-64.pdf(567486 bytes) Ex. A-65.pdf(1030975 bytes) Ex. A-66.pdf(1295644 bytes) Ex. A-67.pdf(435725 bytes) Ex. A-68.pdf(82715 bytes) Ex. A-69.pdf(73427 bytes) Ex. A-70.pdf(1483870 bytes) Ex. A-71.pdf(1102841 bytes) Ex. A-72.pdf(825645 bytes) Ex. A-73.pdf(859378 bytes) Ex. A-74.pdf(1220757 bytes) Ex. A-75.pdf(496996 bytes) Ex. A-76.pdf(541594 bytes) Ex. A-77.pdf(1159411 bytes)

	Ex. A-78.pdf(1164239 bytes) Ex. A-79.pdf(1416389 bytes) Ex. A-80.pdf(1026398 bytes) Ex. A-81.pdf(1641715 bytes) Ex. A-82.pdf(1971539 bytes) Ex. A-83.pdf(873463 bytes) Ex. A-84.pdf(1025313 bytes) Ex. A-85.pdf(1157207 bytes) Ex. A-86.pdf(85207 bytes) Ex. A-87.pdf(78478 bytes) Ex. A-88.pdf(78944 bytes) Ex. A-89.pdf(98232 bytes) Ex. A-90.pdf(92189 bytes) Ex. A-91.pdf(89991 bytes)

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

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

EXHIBITS 46-91 to OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

(PART 2 of 2)

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

NIKE, INC.,	)	
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-46

FOCUS - 231 of 620 DOCUMENTS

Copyright 1999 Chicago Tribune Company
Chicago Tribune

February 8, 1999 Monday, NORTH SPORTS FINAL EDITION

SECTION: BUSINESS; Pg. 3; ZONE: C; On marketing.

LENGTH: 714 words

HEADLINE: BRANDING THEME DOESN'T DELIVER FOR NAVISTAR

BYLINE: George Lazarus.

BODY:

So much for branding in Navistar International Corp.'s first such initiative, launched last fall.

Out the door at Navistar is Ogilvy & Mather Chicago, hired only 15 months ago to create a so-called branding campaign unveiled as "Delivering. Beyond the Expected," a new theme to further strengthen the corporate banner, as well as showcase Navistar's trucks, buses and engines.

That campaign, which aired on ABC-TV Monday night football, also appeared in newspapers, business magazines and trade publications, marking the first time Navistar had done any significant national advertising since 1986.

However, there were staffing problems on the account at Ogilvy, 111 E. Wacker, just across the Chicago River from Navistar's headquarters in NBC Tower, 455 N. Cityfront Plaza Dr.

Andy Opila, Navistar vice president of branding, said the $8 billion firm will be looking at "a stronger strategic partnership" and increased staffing at a new agency. He indicated the theme developed by Ogilvy would be retained.

Opila said Navistar has already identified some contenders, but there appears to be an opportunity for other agencies to get into the act.

Navistar has been spending about $4 million to $5 million annually on advertising--not a big budget, but an expenditure expected to double.

Y&R Chicago resigned Navistar in the summer of 1997 after working on the account for 13 years, during which International Harvester Corp. changed its name to Navistar.

An Ogilvy executive confirmed that staffing--people moving on and off the account--was a problem, but while account supervision binds any relationship, the agency is principally hired for creative. Agencies unfortunately get into trouble when they don't have enough senior people on a particular account.

Conversely, the problem at Navistar appears to be that there are too many executives--perhaps a dozen--involved in making a decision on the advertising, insiders say. Navistar is not unique in such a situation.

As for branding, it's become a too-popular buzzword or crutch that advertisers lean on. Ask 12 executives for a definition and you might get 13 different answers. Basically, branding is whatever advertising and other marketing communications can accomplish in promoting the name of the company and its products or services.

MJ on the air: Sure enough, there was Michael Jordan in a new 30-second Gatorade TV commercial, with a new "Is it in you?" slogan, that aired on Sunday's telecasts of NBA games. Fans would sure like to see MJ suited up, but now he's officially retired with a batch of endorsement deals, his current 10-year relationship with Quaker Oats Co. running

through 2001. This Foote, Cone & Belding Chicago-created Gatorade commercial is only the second such commercial since he stepped off the hardwood, the other being a retrospective by Nike, another of the firms with which MJ has a relationship. The new Gatorade pitch, which replaces "Life is a sport. Drink it up," may well remind consumers of Nike's longtime "Just Do It."

Platinum shopping: Oakbrook Terrace-based Platinum Technology has been holding discussions with a selected number of agencies, including Young & Rubicam San Francisco, for advertising in high-tech and business publications. Rapp Collins Chicago, which does direct response advertising for the client, is said not to be affected. Platinum has been using Carat Freeman in Boston for media buying.

On the move: Scott Hume, recently Midwest editor of Adweek, on Monday rejoins Restaurants & Institutions (R&I) as managing editor, reporting to Pat Dailey, editor in chief of this twice-a-month publication of the Cahners Business Information Group in Des Plaines.

Hume once was a senior editor of R&I and later worked at Ad Age. . . . Jeff Urban to VP-director of sports and event marketing at Frankel . . . Jim Delaney rejoined Publicis & Hal Riney Chicago as a senior VP and creative director, teaming up with Jim Newcombe, who also joined Riney in those same posts. . . . Amy Hoffar to manager, corporate public relations, Leo Burnett Co. . . Julie Colbrese and Shireen Moore to executive VPs, Davidson Marketing

Strictly Personal: Birthday greetings to Judy Faulkner-Krause, 43; real-estate consultant Larry Stone, 81; and Jennifer G. Falk, 26.

GRAPHIC: PHOTOPHOTO: (Jeff) Urban.

LOAD-DATE: February 8, 1999

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

NIKE, INC.,	)	
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-47

FOCUS - 223 of 620 DOCUMENTS

Copyright 1999 The Buffalo News
Buffalo News (New York)

April 11, 1999, Sunday, FINAL EDITION

SECTION: BUSINESS, Pg. 13B

LENGTH: 341 words

HEADLINE: MAYBE THE BOSS WILL TOSS A STICK

BODY:

MAN'S BEST friend has a better time than the typical American worker, according to author Matt Weinstein. His book about having more fun at work is called "Work Like Your Dog."

Weinstein says dogs approach their work -- being our pets -- with dedication, loyalty and sensitivity, as well as joy, enthusiasm and a willingness to see work as play. So, he says, take a cue from the family pooch and bring a playful attitude to the job; it will go a long way toward making work more interesting and rewarding.

Weinstein has some advice for managers: Do not repress the natural urge to play. Encourage your staff to take breaks during the day to have a little fun.

And the winner is...

ADVERTISING AGE magazine is out with a special edition marking 100 years of the ad business. Here's what it says are the most memorable and creative aspects of what it a calls "The Advertising Century:"

Top Campaign -- Volkswagen, "Think Small," Doyle Dane Bernbach, 1959. Runner-up -- Coca-Cola, "The Pause that Refreshes," D'Arcy Co., 1929.

Top Advertising Icon -- Marlboro Man. Runner-up -- Ronald McDonald.

Top Jingle -- "You Deserve a Break Today," McDonald's. Runner-up -- "Be All that You Can Be," U.S. Army.

Top Ad Slogan -- "Diamonds Are Forever," DeBeers. Runner-up -- "Just Do It," Nike.

Top Advertising Person -- William Bernbach (1911-1982) of Doyle Dane Bernbach. Runner-up -- Marion Harper Jr. (1916-1989), Interpublic Group of Cos.

Shop along the way

MOVE OVER, AAA: You've got more company.

Target Stores is launching a travel club that allows customers to call a toll-free number to buy airline tickets, book hotel rooms, rent cars and even purchase Broadway tickets.

The service will not be available in Target stores, just over the telephone at (800) 794-9879. The fee is $ 29.95 a year.

Like AAA, the travel club offers customized trip maps featuring direct or scenic routes and detailed directions on how to get to specific locations, with one major difference: Maps will show Target stores en route.

LOAD-DATE: April 13, 1999

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

NIKE, INC.,	)	
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-48

FOCUS - 215 of 620 DOCUMENTS

Copyright 1999 Plain Dealer Publishing Co.
Plain Dealer (Cleveland, Ohio)

July 18, 1999 Sunday, FINAL / ALL

SECTION: BUSINESS; Pg. 6D

LENGTH: 551 words

HEADLINE: ADVERTISERS SAVE US FROM OURSELVES ;
FORGET CENSORS;;
AMERICA CAN RELY;
ON MADISON AVE.

BYLINE: By STEVEN LEVINGSTON; BOSTON GLOBE

BODY:

Several advertisers, including Philip Morris, recently pulled their commercials from the Fox cartoon sitcom "The Family Guy." Philip Morris, which had planned a youth smoking prevention campaign, told the New York Times that the show "is not consistent with our values as a company."

High above New York City in the executive offices of the Philip Morris Cos., a senior vice president and his underling were reviewing episodes of "The Family Guy." The VP watched with delight as the dysfunctional Griffin family paraded through its politically incorrect antics that gave perfect voice to his own private notions. At one point, the VP laughed so hard he tumbled onto his back, snorting and gasping for air.

"Hilariously tasteless," grunted the VP. "Satirically brilliant!"

When he came to his senses, he turned to his underling and ordered: "Withdraw our sponsorship."

"But, sir," said the underling.

"We cannot have our good name associated with this trash," the VP declared.

The giddy human sentiment, on display a moment earlier, was now lost within the corporate man.

"We're not alone in this," the VP continued. "Sponsors are fleeing in droves from this radical junk."

"Yes, sir. I have the list right here: Kentucky Fried Chicken, McDonald's, Pepsi, Sprint, Chrysler, the Gap, Coca-Cola."

"Tell me," the VP asked his underling, "is it wrong for Corporate America to use its muscle to silence original voices? Voices that we, in our level-headed judgment, deem a threat to the national good? After all, an offended viewer is a vengeful consumer."

"God bless America!" the underling cheered.

"Yes," the VP continued, "our influence is undeniable. And with clout comes responsibility. We understand the implications of that new study from the Annenberg Public Policy Center - the one that says more kids recognize the Budweiser frogs and Joe Camel than Vice President Al Gore. And that survey by the Colonial Williamsburg Foundation,

which found that 79 percent of adults could identify the Nike slogan 'Just do it,' but only 47 percent knew that 'life, liberty, and the pursuit of happiness' were rights guaranteed by our founding fathers.'

The underling's eyes widened in astonishment.

'Which leads to the inescapable question,' the VP concluded. "Who rules America?"

"Us?" the underling offered.

"Precisely," the VP said. "Now prepare a statement for the media. It will read: 'The Family Guy' is not consistent with our values as a company.'

'Excuse me, sir, but about our values - do they include freedom of speech?' the underling wondered.

'Let me ask you something,' the VP said sternly. "Do you like your job?"

"Yes, sir."

"Then shut up."

"Mmm," the underling mumbled with tightened lips.

"Now go find me another show that can proudly wear our name."

Bouncing back, the underling said, "I do know of a new sitcom that mirrors the best of our values."

"Tell me."

"It's about a company that makes a product that kills many of the people who use it. It's hilariously funny to watch how the company denies the danger of its product. Gosh, sir, you just can't believe this: Each episode plays out an incredible, new lie the company comes up with. You have to see it to believe it."

"I like it!" the VP exclaimed, snorting with laughter. "That's just the thing for us!"

GRAPHIC: ILLUSTRATION BY: ASSOCIATED PRESS; The "Family Guy," Peter Griffin, and his family - dog Brian, left, son Chris, daughter Meg, Peter, wife Lois and baby Stewie.

LOAD-DATE: July 19, 1999

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

NIKE, INC.,	)	
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-49

FOCUS - 195 of 620 DOCUMENTS

Copyright 1999 The Baltimore Sun Company
THE BALTIMORE SUN

November 24, 1999, Wednesday ,FINAL

SECTION: BUSINESS ,2D Business Digest

LENGTH: 1299 words

SOURCE: From staff and wire reports

BODY:

Negotiating privileges awarded for new uses of Fells Point site

The Baltimore Development Corp. said yesterday that it has awarded two 90-day exclusive negotiating privileges for the redevelopment of a 54,000-square- foot plot of land in Fells Point to a Baltimore-based engineering firm and a local restaurant.

Whitman Requardt and Associates said it would build an office building and 400-space parking garage that would allow it to remain in Baltimore. On the rest of the space, the Black Olive said it would build a four-story building featuring a cafe and market, a catering and party facility and a bed-and-breakfast.

The plot of land at 801 S. Caroline St. is currently operated as a parking lot by a private company that leases the space from the city. It is in the East Baltimore Empowerment Zone.

Sinclair acquires 80% of NetFanatics Inc.

Sinclair Broadcast Group Inc. of Cockeysville said yesterday that it has acquired an 80 percent stake in NetFanatics Inc. of Columbia for $2 million and other services.

Len Ostroff, Sinclair's chief operating officer, said NetFanatics will design and host Web sites coordinated with the on-air ads of Sinclair's clients.

Sinclair owns or programs 58 television stations and 52 radio stations nationwide.

Middle River plant has a new name

Lockheed Martin's missile launcher factory in Middle River has changed its name to Lockheed Martin Naval Electronics & Surveillance Systems -- Baltimore, and its leader has been promoted.

The factory was formerly known as Lockheed Martin Launching Systems. It still reports to the Naval Electronics main facility in Moorestown, N.J.

Michael B. Hughes, the former vice president of the Middle River operation, has been transferred to Moorestown to lead the corporation's effort to win a contract for a new generation of Navy vessels called DD 21. Business Operations Director Jon Wing will run the Middle River plant in an acting capacity until a permanent replacement for Hughes is named.

GTS Duratek planning to repurchase shares

GTS Duratek said yesterday that it plans to repurchase up to 200,000 shares of its common stock from New York-based GP Strategies Corp. at a price of $6.65 per share in a private transaction.

The Columbia-based company's board of directors authorized GTS to repurchase up to 4 million shares of its common stock. To date, GTS has bought about 1.5 million shares.

GTS Duratek had about 13 million shares outstanding as of Nov. 22. The company provides services that protect people and the environment from radiation and from radioactive wastes.

MetLife IPO could be largest in U.S. history

Metropolitan Life Insurance Co., the second-largest U.S. life insurer, filed preliminary papers yesterday to raise as much as $6.5 billion in an initial public offering, potentially the largest IPO in U.S. history.

MetLife said it plans to sell 255 million shares, or 31 percent, to the public in a projected range of $14 to $24, according to the prospectus filed with the Securities and Exchange Commission. After the sale, the New York-based company will distribute shares or cash to the 11.1 million customers holding Met Life policies.

Other insurance companies including Prudential Life Insurance Co. of America and John Hancock Mutual Life Insurance Co. also plan to switch to public ownership to have stock to buy rivals, pay employees and raise money.

Exxon, Mobil said to offer to divest more stations

Exxon Corp. and Mobil Corp. are offering to sell or break ties to 15 percent of their national network of service stations to win government approval for their $81 billion merger, according to industry sources.

The number of service stations involved, 2, 400, according to people who have seen company documents, is much larger than in earlier reports, which indicated that the companies might shed about 1,000 stations.

Industry officials familiar with the negotiations confirmed that the FTC is seeking the divestiture of an Exxon refinery in Benecia, Calif., and up to 2,400 stations under both flags, as reported in the Wall Street Journal yesterday. They include about 1,220 Mobil stations from Virginia to New Jersey and about 300 in Texas, plus about 520 Exxon stations from New York to Maine and about 360 in California.

Deere's 4th-quarter loss exceeds expectations

Farm equipment maker Deere & Co. suffered a fourth-quarter loss due to the cost of an early-retirement program and weak demand for agriculture equipment due to depressed commodity prices.

Deere reported yesterday that it lost $29.5 million, or 13 cents a share, on revenue of $2.78 billion for the three months ending Oct. 31. That compares with net income of $162.1 million, or 71 cents a share, on revenue of $3.2 billion during the corresponding period a year earlier.

The loss exceeded Wall Street expectations of 6 cents a share.

Lycos Inc. to buy Gamesville. com

In the second major Internet gaming deal this week, Lycos Inc. said it would buy privately held Gamesville.com, the second most popular online games site, for $207 million in stock.

Lycos said in a statement that it plans to fold this latest in a string of programming, commerce and community acquisitions into its network of sites, the fourth most popular on the Web.

The deal came a day after Electronic Arts Inc., a top maker of video game software, agreed to pay America Online Inc. $81 million to become its exclusive supplier of online games.

Wieden & Kennedy lands rest of Nike's ad account

Nike Inc., the footwear and apparel marketing powerhouse, said yesterday that it is consolidating its U.S. advertising with longtime agency Wieden & Kennedy Inc. and ending its relationship with Goodby, Silverstein & Partners.

Wieden & Kennedy, of Portland, Ore., has served Nike since 1982, except for a brief period in the mid-1980s. It produced Nike's famous "Just Do It" tag line and has created some of its most memorable campaigns.

In early 1997, Nike added San Francisco-based Goodby, Silverstein, a unit of the Omnicom Group, to its shop roster. Nike's billings, the amount it spends on advertising, have been estimated by industry publications at $350 million annually.

AOL and Intuit to offer bill-paying service

America Online Inc., the dominant provider of consumer Internet services, and Intuit Inc., the financial services software company, said yesterday that they will offer an online service for paying household bills early next year. The companies said the new bill-management service will provide consumers with a simple way to receive, view, track and pay both electronic and traditional paper-based bills online.

Intuit, known to millions of consumers for its Quicken home finance software, would become the exclusive provider of the bill-tracking and payment service beginning in early 2000.

The AOL-Intuit bill-paying system would be offered to the nearly 20 million members of AOL's online service and AOL.com, a Web link to the online service -- significantly boosting the potential U.S. audience of electronic bill payers.

Christmas gift tab put at $496 per family

American families will spend an average $496 on Christmas gifts during the holiday season, nearly matching last year's strong pace, against a backdrop of strong consumer confidence, subdued inflationary pressure and higher wages, the Conference Board said yesterday.

Total holiday retail sales this year will top $50 billion, 1.5 percent higher than in 1998, the board said.

Families will spend an average $1 less than they did in 1998, but $31 more than they spent in 1997. The total sales figure will rise because the number of households has risen, the board said.

LOAD-DATE: November 25, 1999

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

NIKE, INC.,	)	
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-50

FOCUS - 192 of 620 DOCUMENTS

Copyright 1999 P.G. Publishing Co.
Pittsburgh Post-Gazette (Pennsylvania)

December 29, 1999, Wednesday, SOONER EDITION

SECTION: EDITORIAL, Pg. A-14

LENGTH: 341 words

HEADLINE: HE JUST DID IT;
INVENTIVENESS PUT NIKE'S CO-FOUNDER ON THE FAST TRACK

BODY:

Bill Bowerman is not likely to appear on any "Person of the Century" lists making the rounds, but maybe he should. Mr. Bowerman, who died last Friday at the age of 88, was a quintessential 20th-century American tinkerer, a man whose boundless optimism, drive and curiosity improved the lives of millions around the world - millions of runners, in particular.

A towering man fond of cowboy hats, Mr. Bowerman is widely acknowledged as one of the greatest track coaches of all time. He coached at the University of Oregon for 24 years, capturing four NCAA track and field championships. He also coached the disappointing U.S. Olympic team at Munich in 1972. His 1967 book, "Jogging," sold millions of copies.

But what truly propels Mr. Bowerman into the pantheon of 20th-century legends is the epiphany he had one morning at the breakfast table in 1971. He stared at his waffles and saw a way to make a better running shoe. Before long, Mr. Bowerman, who as far back as the 1950s had been handcrafting his athletes' shoes, was pouring rubber into his wife's waffle iron to give birth to the modern distance-running shoe. His tinkering damaged his neurological system, the result of toxic fumes from glue containing hexane.

More than his or any other book, Mr. Bowerman's innovation unleashed the jogging craze of the 1970s, and helped transform Nike, a scrappy company he had founded with one of his former Oregon disciples, Phil Knight, into one of the global icons of American marketing. No slogan encapsulated the spirit of 20thcentury America better, perhaps, than Nike's "Just Do It."

When it comes to running, Mr. Bowerman certainly made it easier to just do it. He estimated that every ounce shaved off a miler's shoe was 200 fewer pounds lifted in a race.

Then there is the question of cushioning. Anyone who seriously questions Mr. Bowerman's contribution to American life should run five miles in a pair of simple, nonrunning sneakers (a pair of Keds will do) such as those that might have been available in the 1960s.

LOAD-DATE: January 7, 2000

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

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

EXHIBIT A-51

FOCUS - 174 of 620 DOCUMENTS

Copyright 2000 The Sunday Oklahoman
Daily Oklahoman (Oklahoma City, OK)

October 01, 2000, Sunday CITY EDITION

SECTION: DESTINATIONS; Pg. 8

LENGTH: 700 words

HEADLINE: Cruise in comfort on Norwegian ship

BYLINE: Rick Rogers, Staff Writer

BODY:

Anyone who watches television learns to identify products by their logos or advertising slogans. We don't need visuals to know that "Just do it!" is associated with Nike, "Like a rock" with Chevy Trucks or "Have it your way" with Burger King.

Today, the same holds true with regard to major cruise lines, from Holland America's "A Tradition of Excellence" to Cunard's "Advancing Civilization Since 1840."

Then there's Norwegian Cruise Line's "As far from the everyday as a ship can take you." Based on my recent Alaskan experience, Norwegian's slogan clearly lives up to its claim.

Much of the trip's appeal was the destination itself, but the nature of cruising means you're spending considerable time aboard ship as well. Amenities count for a lot in those situations.

"When we told the designers what we wanted on the Norwegian Sky, we knew we were asking for the moon," said the ship's hotel director Klaus Lugmaier. "And they delivered!"

The newest addition to Norwegian's fleet, the Norwegian Sky, places a premium on comfort, service and personal attention. With one crew member for every three passengers, being pampered takes on a whole new meaning.

The Norwegian Sky divides its time between the Caribbean (winter cruises) and Alaska (summer cruises). The 853-foot Sky can maintain a cruise speed of 23 knots but is also nimble enough to navigate the icy waters of Alaska's Inside Passage.

Cabins are small but comfortable and number more than 900, about one-third have private balconies. The Sky also offers a limited number of spacious suites and penthouses.

With eight restaurants and a dozen bars and lounges, you're unlikely to hear anyone utter the phrase "I'm hungry." And with

five hot tubs, two swimming pools, basketball courts, a jogging track, ping pong tables, a spa and a fitness center, you'll never hear the dreaded words "There's nothing to do" either.

Part of the fun of cruising is learning your way around the ship and the seemingly endless variety of entertainment offerings that operate around the clock. Daytime activities include art auctions and bingo marathons with evenings devoted to gambling, nightclubbing and dancing.

Daylight is plentiful this time of year; the Alaskan sunrise occurs between 4 and 5 a.m. during the summer months. It was equally unusual to see passengers reading by natural light as late as 10 p.m.

The Norwegian Sky is one of the first passenger ships to offer Freestyle Cruising. Instead of two fixed dinner seatings, passengers had the freedom to dine whenever they wanted.

"It comes very close to an a la carte restaurant," said executive chef Peter Laufer of the new self-service cafes. "The serving lines move faster and that allows us to accommodate unexpected rushes."

Guests who prefer a more formal experience can still take their meals in one of two large dining rooms, or enjoy a more leisurely meal at one of the ship's numerous bistros and cafes.

The Norwegian Sky also places a premium on quality entertainment. During our week-long cruise, the 18-member Jean Ann Ryan Company performed three shows: "Hey Mr. Producer!" a collection of highlights from Cameron Mackintosh musicals; "Runnin' Wild," a Bob Fosse tribute; and "Sea Legs Cirque," an innovative circus-like variety show.

"People have this idea of cruise ship entertainment being cheesy so we were pleasantly surprised to learn about these shows," said Alan Grundy, one of the company's featured dancers.

"Jean Ann's main thing is dancing and for those of us who dance for a living, it's been terrific. And with three distinct shows being offered, you're constantly adapting to different styles of dance - ballroom, theater, jazz."

For passengers who have the need to fill every waking hour with something to do, there's also shopping, a fully-staffed casino, lectures, slide presentations and a library.

Given the seemingly endless number of shipboard activities and Norwegian's desire to please, I couldn't help but agree with one of the cruise line's lesser-known slogans: "You're at sea level but you'll feel like you're on cloud nine."

LOAD-DATE: February 22, 2002

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

NIKE, INC.,	)	
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-52

FOCUS - 173 of 620 DOCUMENTS

Copyright 2000 The New York Times Company
The New York Times

October 11, 2000, Wednesday, Late Edition - Final

SECTION: Section C; Page 8; Column 3; Business/Financial Desk

LENGTH: 763 words

HEADLINE: THE MEDIA BUSINESS: ADVERTISING -- ADDENDA;
A new look for an old standby: Con Edison revamps its corporate image.

BYLINE: By Stuart Elliott

BODY:

ONE of the best-known companies in New York is undergoing the first substantial makeover of its brand identity since John V. Lindsay was mayor, Nelson A. Rockefeller was governor and a subway token still cost 15 cents.

Can you dig it? For those of you with memories of New York of the 1950's and 1960's, that is a hint about which company is changing its public face.

Yes, nostalgia buffs, it is Consolidated Edison, the electric and gas utility once known for the signs decorating its construction projects that read "Dig we must." Con Edison, as the company is popularly known, is introducing the identity overhaul this week, along with a logo -- the stylized letters "c" and "e" nested together -- meant to symbolize its business operations.

The changes are emblematic of the substantive shifts in the once-staid world of utilities as deregulation and competition require suppliers of natural gas, electricity and telephone service to vie for the attention of fickle consumers along with the purveyors of products like soft drinks, automobiles and fast food.

"The energy business is changing," said Frances Resheske, vice president for public affairs at Con Edison in New York, who is responsible for tasks like advertising, public relations and employee communications. "It's important we educate customers as to what's going on."

For instance, Con Edison is "now the transportation part of the business instead of the generation part," she added, "because we sold our generating plants as part of deregulation."

This is the first such overhaul for the Con Ed identity since 1968, according to Ms. Resheske. About the only element left unchanged is the corporate color scheme, which remains blue and white, evocative of Columbia University (at least to a columnist who was admitted there but attended Northwestern University instead.)

The rebranding is being brought to the attention of current and potential Con Ed customers with an elaborate advertising campaign by AG Worldwide in New York, which also developed the new identity program. The ads carry the theme "On it" -- sort of a cross between "Just do it," the longtime Nike slogan, and "Bring it on," the phrase now tripping off the tongues of the youth of America.

Con Ed plans to spend more than $3 million for the ads, which will be centered on employees at work around the five boroughs and Westchester County. The campaign was planned, Ms. Resheske said, before the actors' strike against advertisers and agencies that began in May, which has led to the substitution of workers for strikers in many ads.

The new logo presents the name Con Edison as conEdison. The "E" is meant to suggest words like energy, experienced, economic, equipped and experienced as well as to salute the company's founder, Thomas A. Edison. The logo will be emblazoned on everything from trucks to hardhats to bills.

Speaking of which, the revamping is undoubtedly likely to raise the hackles of those who reflexively condemn promotional campaigns for public utilities as unnecessary and extravagant every time they sit down to pay their electric, gas or telephone bills.

"If a company is evolving, that message has to be sent directly to the consumer," said Peter Arnell, chairman and executive creative director at AG, which since March has been part of the Draft Worldwide unit of the Interpublic Group of Companies.

"It's not ethereal in this case," he added of the rebranding, "because it's important for Con Edison to be seen in a new and different way."

Ms. Resheske agreed, saying: "This is not an image campaign. We are focusing on important nuts and bolts. It's about who we really are and what we really stand for, our commitment to our customers 24 hours a day, 7 days a week, and our 14,000 men and women."

The choice of AG to modify the Con Edison identity is surprising because the agency is far more practiced in developing and polishing brands for fashion and apparel marketers than for prosaic purveyors of power and heat. Con Edison is no Banana Republic, Hanes hosiery, Tommy Hilfiger or Donna Karan, to name just a few of the most familiar AG clients.

"Con Edison spent more than four months interviewing us," Mr. Arnell said, "and they really did dig" -- that a purposeful echo of the old Con Edison slogan, which he correctly recalled in a pop quiz.

"What we know in fashion and style applies to any industry," Mr. Arnell said, "how to distill the essence of a brand and how to represent it in a clear, simple way."

Besides, he added, "they loved the fact I grew up in Brooklyn."

http://www.nytimes.com

GRAPHIC: Photo: Con Edison's old corporate symbol, left, unchanged since the era of John V. Lindsay and Nelson A. Rockefeller, has been modernized, right.

LOAD-DATE: October 11, 2000

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

NIKE, INC.,	)	
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-53

FOCUS - 171 of 620 DOCUMENTS

Copyright 2000 The Oregonian
The Oregonian

December 13, 2000 Wednesday SUNRISE EDITION

SECTION: BUSINESS; Pg. D03, MARKETING

LENGTH: 888 words

HEADLINE: NIKE KNOWS 'WHAT WOMEN WANT' IN THE MOVIES

SOURCE: By ANDY DWORKIN and TARA SULLIVAN, The Oregonian

BODY:

MARKETING

Mel Gibson knows what women want -- and apparently it's a new Nike slogan.

In the movie "What Women Want," which opens Friday, Gibson stars as an ad executive who can read women's thoughts. The script calls for Gibson to be bidding on a big ad account focused on women. Enter Nike, which leapt at the producers' offer to be the film's women-focused company.

Beaverton-based Nike lent its brand to the movie, as well as three of its advertising executives. Nancy Monsarrat, Rory Rubin and Jackie Thomas play themselves in the film -- Nike executives considering Gibson's final ad pitch.

Nike also paid for its Portland ad agency, Wieden+Kennedy, to make the ad Gibson pitches. In that scene, Gibson narrates over images of a woman running, and instantly hears the three executives' thoughts. Then Gibson's ad ends, not with Nike's famous "Just Do It," but with a new slogan: "No Games. Just Sports."

"We said, 'Um, that's not our tag line,' " Nike spokesman Scott Reames said. "But they wouldn't change it." -- Andy Dworkin

AGENCY NEWS

Portland public relations firm Landrey & Hunt has disbanded as the partners pursue separate interests.

After five years together, Bruce Landrey and Tom Hunt have decided to go their separate ways. Landrey said the split will allow each of them to concentrate on areas of personal interest and broaden the qualities each can deliver to their clients.

Landrey has joined WestGroup Marketing Communications as principal. The 18-year-old firm has offices in Colorado and Orange County, Calif, and will serve the Pacific Northwest from a new Portland office headed by Landrey. His interest in branding and messaging and working with technology sector companies matches those of WestGroup.

Hunt has joined Conkling Fiskum & McCormick as partner. With offices in Portland, Salem and Washington, D.C., CFM represents a broad array of corporations, trade associations, nonprofit organizations, education institutions and jurisdictions. Hunt's interest in the broader spectrum of public affairs and marketing and marketing communications fits well with the 10-year-old public affairs and strategic communications agency.

Hunt initially formed the agency with Tony Bacon in 1983 as Bacon & Hunt Inc. Landrey later joined in 1995 to form Landrey & Hunt. -- Tara Sullivan

Chambers Communications of Eugene has produced a marketing video, "Danjur: The Royal Rocket," for Oakhurst Thoroughbreds of Newburg. The video displays the qualities of the million-dollar horse for prospective breeding.

KVO Public Relations has been named agency of record by Integrated Device Technology Inc. based in Santa Clara, Calif.

Eugene-based PremiereLink Communications Inc. has been awarded Web site development and print design projects by the city of Oakridge. The firm also has been chosen by Eugene restaurateur Cordy Jensen to design Web sites for Oregon Electric Station and Steelhead Brewery and Cafe restaurants.

Jeff Dayne and Co. has completed the logo design for CascadeStation, a mixed-use commercial development. The design will be incorporated into sales literature and signage for the project.

Cole & Weber won Best Association Web site and Best Energy Web site at the 2000 WebAwards with its betterbricks.com entry for the Northwest Energy Efficiency Alliance. The awards were announced by the Web Marketing Association. The firm also won Standard of Excellence awards for Outlast and Texas Instruments.

Bradshaw Advertising has been named agency of record by Miller Paint, and will develop a new television campaign.

Rosen/Brown Direct is donating a majority of its services in the completion of marketing projects for Clackamas Women's Services. The firm will develop, design and produce a newsletter, a donor brochure, and community outreach poster.

The Portland Metro Chapter of the Public Relations Society of America has awarded New Venture Communications nine awards at the Oregon Spotlights 2000. The firm received Spotlight Awards for WebTrends and WebCriteria in the products and campaigns category; and for WebCriteria in the recurring column category. The firm also won six Awards of Excellence.

PEOPLE

CMD has promoted Jim Chadderdon from director of strategic marketing services to vice president of marketing and strategic services. The firm also has added to its account services team: Jana Cole, previously marketing manager for EyeVelocity, account supervisor; Cory Beck, Gerber Advertising, account executive; and Maria Benjamin, Bradshaw Advertising, account executive.

Gary F. Livesay has been appointed chief financial officer of Obie Media in Eugene. Livesay served as financial officer of Regional Television Group since 1982.

Conkling Fiskum & McCormick has added communications professionals in an expansion of the firm. Tom Eiland, Eiland Research, will merge his research practice into CFM and serve as partner; Tom Hunt, Landrey & Hunt Inc., joins as partner; Ken Strobeck, Oregon House legislator, joins as vice president for public affairs; and Madeline Turnock, Landrey & Hunt Inc., joins the public relations team.

Chris Kiggins has joined Robley Marketing as account supervisor primarily responsible for managing the Salu.net account. Kiggins previously served as marketing communications manager for MedicaLogic.

LOAD-DATE: December 14, 2000

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

NIKE, INC.,	)	
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-54

FOCUS - 168 of 620 DOCUMENTS

Copyright 2001 Chicago Tribune Company
Chicago Tribune

April 9, 2001 Monday
NORTH SPORTS FINAL EDITION

SECTION: BUSINESS; ZONE: CN; Pg. 4

LENGTH: 758 words

HEADLINE: COMPLEXITY, BUGS CONVERGE TO UPSET SUPPLY SOFTWARE

BYLINE: By Charles Piller, Los Angeles Times

DATELINE: SAN FRANCISCO

BODY:

When Nike Inc. recently saw that it was going to have a terrible quarter, the apparel giant seemed to disavow its famous "Just do it" marketing slogan. Instead, Nike just blamed its software.

The dramatic earnings shortfall was largely due to the failure of its costly new "supply chain" software, the company said.

When it works, such software comprehensively manages orders, manufacturing and inventory, and sends the final product to market. It tracks raw materials and communicates with suppliers with increasing efficiency, often eliminating hundreds of steps in the process.

But Nike's move to upgrade such processes has been a nightmare. Too many slow-selling styles went to the wrong places; the company produced 5 million pairs of spring shoe styles for which it had no orders. Popular models like Air Force One were in short supply or delivered late to impatient retailers.

Pointing the finger at the software's maker, Dallas-based I2 Technologies Inc., Nike CEO Phil Knight reportedly quipped to analysts, "This is what we get for $400 million?"

Nike and I2 declined to specify what went wrong. But, in general, their experience provides a valuable lesson in e-business: Moving too fast and throwing caution aside can overwhelm even the best technology.

Nike was willing to invest such a large sum on supply chain software because the potential for savings is so huge. Networking equipment-maker Cisco Systems claims annual savings of nearly $700 million after an investment of $170 million over five years. Much of the savings derives from shorter time to market for Cisco products.

Nike's recent missteps made the company more determined than ever to implement the sophisticated supply chain software system it had envisioned.

But Knight acknowledged last month that the Beaverton, Ore.-based firm has a long way to go.

"I've sat here several times over the last three or four years trying to answer the question, 'Is that light at the end of the tunnel?'" he said. "Actually, the end of the tunnel is an oncoming freight train, and we're sort of there again today."

The Nike episode may have sounded familiar to candymaker Hershey Foods Corp. The company pushed to finish a four-year software project in 30 months, resulting in disastrous product delays just before Halloween. Profit dropped correspondingly.

Who's to blame for such debacles? Such situations are so complex, said analyst Eric Upin of the investment bank Robertson Stephens, that "it's like trying to analyze how a marriage failed."

Public disputes between a software vendor and a large client are rare. But just as divorce hits as many as half of all marriages, serious problems in the implementation of supply chain software are typical.

"As many as 50 percent of all major [large-company] software programs have major problems. They're either significantly delayed, significantly over budget or have significant functional problems; they operate too slowly or don't do what they are supposed to do," Upin said.

And those are the ones that ultimately work.

"My guess is about half of these projects fail," said Charles Phillips, an analyst at Morgan Stanley Dean Witter.

Nike began its project a year ago and recently acknowledged that it will take three more years to come to fruition. Like Hershey, the shoe giant apparently fell into the trap of pushing too much complexity too quickly, before its personnel or factories or shippers were ready for the change.

Why such a phenomenal failure rate, intolerable for most business productivity efforts? Start with buggy software.

Supply chain applications for major corporations normally start at $1 million, plus customization, hardware and maintenance fees that can push the total into the stratosphere, as Nike painfully discovered. It would stand to reason that such huge sums would buy fail-safe reliability.

Yet the opposite is often true. Complexity breeds mistakes, said to Eric Bowden, editor of BugNet, an online publication that tracks software errors.

"It's absolutely impossible to write a piece of code that doesn't have a bug in it," he said. BugNet estimates that on average, for every thousand lines of source code--the digital instructions that constitute every software program--there is one bug. Supply chain software has millions of lines of code.

That means thousands of bugs. All it takes is one to divert 150,000 pairs of Air Garnetts to Indiana when Hoosier teens wanted Air Jordans.

Yet the benefits of doing things right can be so compelling that most companies forge ahead despite such pitfalls. Business. Technology.

LOAD-DATE: April 9, 2001

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

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

EXHIBIT A-55

FOCUS - 164 of 620 DOCUMENTS

Copyright 2001 The Kansas City Star Co.

THE KANSAS CITY STAR

Found on KansasCity.com
Kansas City Star (Kansas & Missouri)

July 16, 2001, Monday METROPOLITAN EDITION

SECTION: FYI; Pg. D1 ;AARON BARNHART

LENGTH: 557 words

HEADLINE: Get ready to rumble with A&E's 'Ring'

BYLINE: AARON BARNHART

BODY:

You'd be hard-pressed to find a fan of professional boxing who wasn't aware of the sport's long history of corruption. You'd have better luck finding someone who truly thought the main purpose of the Olympic Games is to celebrate amateur athletics.

Few viewers, then, will fault "Boxing: In and Out of the Ring," which recounts boxing's long ignominious past as well as its current mess. It airs 8 p.m. Sunday on A&E.

Among the lowlights covered by the film: the influence of organized crime in the early 20th century, a 1977 ratings-fixing scandal and the recent arrest of a top boxing federation president on bribery charges.

And then there's Don King, the sport's top promoter, who has been sued by at least 20 fighters who say he took them to the top - and to the cleaners.

So why do millions keep spending $50 a pop for pay-per-view access to fights? Maybe it's because, as this film suggests, the sport's checkered past and characters like King add to its entertainment value.

Speaking of sports, if you take to heart the old Nike slogan, "Just do it," you can't help but admire the athletes of the Women's Professional Football League, a tenuous enterprise launched two years ago and the subject of the documentary "True-Hearted Vixens," which airs at 11 p.m. Sunday as part of PBS' "P.O.V." (Point of View) series.

The Vixens in the title are the Minnesota Vixens, one of two teams that conducted a barnstorming tour in 1999 to raise interest in a full-fledged league. We follow the team's ups and downs through

numbingly long bus trips, disheartening losses and less than stellar fan support. The women play hard, but their desire is undermined by the men who coach them, pay them and promote them at, among other places, Hooters.

"We'd be Chuck Darwin's favorite band," declares the drummer in "Hysteria: The Def Leppard Story," a fictionalized telling of how the British supergroup came to define pop metal in the 1980s despite calamities, dissension and levels of substance abuse that would make even David Crosby wince.

"Hysteria," the latest attempt by VH1 to turn its biographical "Behind the Music" series into works of art, airs at 8 p.m. Wednesday and stars Anthony Michael Hall and several actors you've probably seen before but can't recall quite where.

Def Leppard's story is unique in that the group made a successful comeback after its drummer lost an arm in an automobile wreck. It is not unique in the group's indulgent excesses - sex and booze, mainly - during its years of peak fame. Those are richly documented here; so is the arm-severing incident. Tune in and see which sickens you more.

To commemorate this week's release of "Jurassic Park III," Turner Classic Movies will introduce a newly restored version of its ancestor "The Lost World." The 1925 silent film about dinosaurs living in our times - based on the novel by Sir Arthur Conan Doyle - airs at 7 p.m. Friday on TCM.

Two newly composed scores to the film will air simultaneously, one of them on the secondary audio program (SAP) on your TV or VCR.

The Academy Award-winning "Traffic" airs on pay-per-view beginning Tuesday.

You can reach Aaron Barnhart through the TV Barn Web site at www.tvbarn.com or by calling (816) 234-4790.

LOAD-DATE: July 18, 2001

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-56

FOCUS - 157 of 620 DOCUMENTS

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The Miami Herald
Found on Miami.com
The Miami Herald

January 21, 2002 Monday FINAL EDITION

SECTION: BUSINESS MONDAY; Pg. 19G

LENGTH: 719 words

HEADLINE: DOMAIN NAME DISPUTES GROW MORE COMPLEX

BYLINE: MARK GROSSMAN, Special to The Herald

BODY:

It has been about two and one-half years since the International Corporation for Assigned Names and Numbers handed down a policy to address the issue of cybersquatting. So where do we stand? Has ICANN proved effective in defeating domain name hijackers?

The answer may depend upon whom you ask. If you ask Bruce Springsteen, as well as a whole host of famous (and not-so-famous) people, you may hear that the policy isn't all it's cracked up to be. Early last year, the Boss unsuccessfully tried to acquire his own name as a "dot com" using ICANN's dispute resolution policy.

Others, like Nike Corp., have used the with great success. (Just last month, Nike acquired its famous "Just Do It" slogan as a "dot org.").

Almost 10 years ago, before there was an ICANN, there was an organization called the Internet Assigned Numbers Authority (IANA). Back then, if you wanted to acquire a domain name, you had to go through IANA.

But things were different in those days. Low demand combined with a bountiful supply of available domain names provided little incentive for anyone to create a domain name resolution process.

In 1992, the U.S. government bestowed upon Network Solutions Inc. (NSI) the honor of being the exclusive registrar for five years of the ".com," ".net" and ".org" top-level domain names. The problem was that when NSI acquired this honor, no one, not even the U.S. government, had yet given serious thought to creating a domain name resolution process. In 1995, as public pressure mounted to address the issue of domain name disputes, NSI came out with its first formal domain name resolution policy.

A registrant could avoid having her domain name placed in NSI purgatory by showing that she had registered her domain name before the complainant registered his trademark, or by demonstrating that she owned a competing trademark in the domain name.

Despite NSI's efforts, its domain name dispute policy was the subject of sharp criticism. Some felt it favored trademark owners, while others believed it favored registrants.

After a lengthy fact-finding process, in 1998 the U.S. government created ICANN, and charged the company with the responsibility of managing the ever increasing system of domain name registrations and disputes. In conjunction

with the World Intellectual Property Organization (WIPO), ICANN drafted a policy to deal with the issue of cybersquatters on a worldwide basis.

On October 24, 1999, the final policy was released. It's called the Uniform Domain Name Dispute Resolution Process.

The UDRP has led to a host of problems, including inconsistent decisions and forum shopping. According to a study released last August, out of the four ICANN-accredited providers of domain name resolution services (WIPO, the National Arbitration Forum or NAF, the Center for Public Resources or CPR, and E-Resolution), WIPO arbitrators handled 58 percent of the cases, compared to 34 percent for NAF, 7 percent for E-Resolution, and 1 percent for CPR.

This is not surprising, considering that complainants won over 80 percent of the time with WIPO, but only 63 percent of the time with E-Resolution, and 59 percent of the time with CPR.

Still, the UDRP has certain undeniable benefits, the most obvious of which is cost. Consider this: If you try to settle your domain name dispute in federal court, your litigation bill will be incredibly high. The UDRP is much cheaper, with filing fees ranging anywhere from $950 to $3,000, depending on the number of arbitrators you elect to use.

Also, arbitration decisions are handed down quickly, usually within a month or two after the case is filed. Federal litigation can take years, during which time you likely won't be able to use your domain name.

Clearly, the UDRP is a cost-effective, efficient method for settling domain name disputes. It's far from perfect, but then again, nothing's perfect. If you're unsure about how to proceed, talk to your tech attorney.

Mark Grossman is a shareholder and chairs the Computer and E-Commerce Law Group of Becker & Poliakoff, P.A.

Visit his website at www.

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Law.com. Online research provided by LexisNexis. This column was co-authored by Bradley Gross, an attorney in the Technology Law Group.

NOTES: TECH LAW

LOAD-DATE: January 26, 2002

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-57

FOCUS - 151 of 620 DOCUMENTS

Copyright 2002 The Cincinnati Enquirer
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The Cincinnati Enquirer

February 6, 2002 Wednesday Late Edition

SECTION: NEW; Pg. 1A

LENGTH: 1306 words

HEADLINE: New ad campaign aims to heal wounds from city's racial strife

BYLINE: John Eckberg and Kevin Aldridge, The Cincinnati Enquirer

BODY:

CAN's slogan urges action

Slogan: Campaign calls for action

By John Eckberg and Kevin Aldridge

The Cincinnati Enquirer

"Cincinnati CAN. You can, too."

That's the slogan and public service campaign Cincinnati Community Action Now (CAN) will unveil today to urge people to work together to heal racial wounds and take individual responsibility for building a stronger city.

"This is the right message at the right time for the people of Cincinnati," said CAN co-chairman Ross Love, who worked on the public service campaigns for the Partnership for a Drug-Free America. "I view this as a charge for everybody in the community to work to make Cincinnati a better place to live, work and play."

The slogan will air this year as public service announcements on television spots, in newspaper advertisements, radio ads and on billboards. The ads will debut before a Greater Cincinnati Chamber of Commerce luncheon.

Even though the slogan is expected to rely on the generosity of media outlets for placement -- rather than on paid positions -- CAN members believe it still has the potential to deliver an emotional jolt.

But some advertising experts warn that catchy slogans and pat phrases can backfire if there is not a clear message of substance behind them.

The public service ads, developed by the Northlich ad and public relations agency, are the culmination of nearly four months of planning by CAN. The print ads -- which will be carried by the Enquirer and the Cincinnati Herald -- will begin running almost immediately, said Mark Serrianne, a CAN member and president and CEO of Northlich. Tapes will be delivered to participating radio and television stations today and should receive air play soon after, he said.

Jerry Malsh, head of local ad agency J. Malsh & Co. and a marketing instructor at the University of Cincinnati, said "PSA (public-service announcement) slogans can have just as much, if not more and longer lasting impact than those for paid media clients."

"Nancy Reagan's delivery of "Just Say No!' became as quoted as Nike's "Just Do It!"

Mr. Malsh said some campaigns run for years and years.

" "Thanks To You, It's Working' has been so successful for the United Way that it's now being shared with the NFL in a powerful example of co-branding," he said.

But advertising expert Robert A. Hansen is not so sure.

Mr. Hansen, an associate professor at the Curtis L. Carlson School of Management at the University of Minnesota, suggested that for slogans to work, they cannot exist in a vacuum.

"Public-sector people like slogans," he said. "I wouldn't say that slogans flat out don't work, but they are much more likely to work if the campaign has substance that gets at the root causes of a behavior."

And if the ads are based on what must be accomplished.

The word "slogan" is a misnomer, said David S. Bukvic, president and chief executive of Mann Bukvic Gatch Partners, a downtown advertising agency.

In recent years, the advertising community has rejected the notion of slogans. Instead, a slogan is known as a "core theme."

Usually, core themes fall into one of two camps: it boasts or it urges action, Mr. Bukvic said. In other words, it tells what the agency or advertiser does or it suggests what people should do.

"It has to be clear, and this one sounds fairly clear, but you don't want to judge core themes until you see the execution," he said.

Mike Maul, president of Wordsworth Communications, a public relations consulting firm based in Fairfax, held off on grading this core theme but said a good one can have great impact.

One challenge for Cincinnati CAN is that citizens have become skeptical of pat phrases.

"There must be believability and substance," Mr. Maul said. "If you choose one that isn't grounded in some way with bedrock of what you're doing, it becomes an ad slogan and people are jaundiced about ad slogans."

CAN leaders believe that Cincinnatians will be engaged and respond to their message.

"We have a community that looks at people as "us' or "them,' " Mr. Love said. "What Northlich has done is gotten us to look at people as people rather than a group of "thems.' "

A 30-second TV ad (right) shows a black man and a white man moving toward each other oin screen speaking of why those of another race don't understand them. As the men's faces merge into one, they simultaneouslyrepeat their common desires. Two 15-second spots show hands of different races raised in the air followed by the questions "Who's responsible for making Cincinnati better?" and "Who is responsible for uniting Cincinnati?"

About the campaign

TV ads

In the 30-second TV ad, a black face and a white face appear on opposite sides of the screen, moving closer together as the ad progresses until they have merged into one face. The black face and the white face say simultaneously, "I don't understand why they can't see where I'm coming from. It's simple. I want my kids to go to a good school. I want to feel safe when I walk out my door. I want the same opportunity that everyone else gets."

A narrator jumps in: "Right now, it may feel like Cincinnati's split along racial lines. But we're more united than it seems. Once we've found common ground, it's easier to find common solutions."

Then, as the two faces merge, they say "Bottom line -- I want to be treated with common courtesy and respect." The narrator concludes, "Cincinnati CAN. You can, too.

The two 15-second television ads show hands of different races raised in the air followed by the questions: "Who's responsible for making Cincinnati better?" and "Who is responsible for uniting Cincinnati?"

Radio spots

The radio spots -- a 60-second ad and a 30-second version -- focus on the question: "What would happen if we erased racism . . . prejudice . . . stereotypes."

It concludes by saying "Unfortunately we can't just erase Cincinnati's racial problems. But if we work together, over time, we can make them fade."

Print campaign

The print ads will be similar to the 15-second television ads, showing hands raised in the air.

One set of print ads will ask: "Who's responsible for making Cincinnati better?" and the other, "Who's responsible for uniting Cincinnati?" The campaign slogan will then be repeated.

The campaign also includes black and white campaign-style buttons that carry the campaign slogan. How they will be distributed has not been detailed.

A tough genre

Public service ads fared poorly when Advertising Age took time in 2000 to catalog what it considered the best ad slogans, jingles, icons and campaigns of the century.

The jingle created for the U.S. Army -- Be all that you can be -- placed second in that category. But just one public service slogan -- Loose lips sink ships, created during World War II -- could muster even an honorable mention.

Smokey the Bear wasn't among the top 10 icons (a category led by the Marlboro Man). The ad campaign featuring Smokey on behalf of the U.S. Forest Service was the only public service campaign on Ad Age's top 100 list, ranking 26th.

Top 10 slogans of the century

1. Diamonds are forever (DeBeers) 2. Just do it (Nike) 3. The pause that refreshes (Coca-Cola) 4. Tastes great, less filling (Miller Lite) 5. We try harder (Avis) 6. Good to the last drop (Maxwell House) 7. Breakfast of champions (Wheaties) 8. Does she . . . or doesn't she? (Clairol) 9. When it rains it pours (Morton Salt) 10. Where's the beef? (Wendy's) Other honorable mention slogans Look Ma, no cavities! (Crest toothpaste) Let your fingers do the walking (Yellow Pages) M&Ms melt in your mouth, not in your hand (M&M candies) We bring good things to life (General Electric)

Ross Love, co-chairman of Cincinnati Community Action Now, and Mark Serrianne, president and chief executive of the Northlich ad agency, talk over the new campaign.

LOAD-DATE: July 23, 2003

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

NIKE, INC.,	)	
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-58

FOCUS - 147 of 620 DOCUMENTS

Copyright 2002 The San Diego Union-Tribune
The San Diego Union-Tribune

May 26, 2002, Sunday

SECTION: LIFESTYLE;Pg. E-3

LENGTH: 1039 words

HEADLINE: Trade chic: Top stars join seller's market; They're perfectly willing to plug products

BYLINE: Nara Schoenberg; CHICAGO TRIBUNE

BODY:

No need to plunk down $8.75 to see Penelope Cruz in a movie. The "Vanilla Sky" star and very good friend of Tom Cruise is appearing in the glossy pages of fashion magazines, hawking perfume for Ralph Lauren.

And she's in good company. Oscar-winning actress Anjelica Huston is doing her part for Gap button-down shirts. Uma Thurman is posing for Lancome. And when Madonna and her husband, director Guy Ritchie, picked a project for their second artistic collaboration, it wasn't a movie or a video but a BMW commercial.

In recent months, art-house stars who wouldn't be caught dead in mainstream commercial movies -- Jennifer Jason Leigh, Marcia Gay Harden, Patricia Arquette -- have appeared in actual commercials. "NYPD Blue" star Dennis Franz has plugged Nextel in ads -- based largely on the idea that he isn't the kind of guy who would normally lend his name to a consumer product.

Even rebel folksinger Shawn Colvin has found a niche, strumming her guitar for Folgers brand coffee.

The recent rash of artists-in-ads represents a new era in the ongoing evolution of the advertising industry into a paragon of chic. Once derided as a sell-out profession or dismissed as the drab, stultifying work of plugging family sedans and laundry soap, advertising has become a hot profession among the young and the hip, a sensitive barometer of pop cultural trends and an accepted forum for edgy musicians and Hollywood stars.

The trend began in the 1980s, with a handful of stylish ads, such as Apple's "1984," and accelerated in the 1990s, with slogans such as Nike's "Just Do It" becoming centerpieces of pop culture.

And now it has come to this: The same kind of A-list artists and celebrities who might once have slipped off to Japan to make ads on the sly are doing them out in the open, in the windows of apparel stores and the pages of magazines.

"There's nobody who would be resistant to doing an ad now, and that's a huge shift from even five years ago, when you had a whole segment of the population that would just never do an ad because they were too cool, they were too hip," says Warren Berger, author of the recent book "Advertising Today."

Says Steve Lashever, talent agent at Creative Artist Agency, which represented Cruz and Thurman in their commercials, "In general, I'd say a lot of celebrities are open to the right association with the right products with the right creative and the right deal. It's more desirable than ever."

He noted that female clients in particular find it beneficial to be associated with beauty products. "First, on the creative, we know they're going to look beautiful. They'll be directed and photographed by top professionals, who will utilize the top makeup artists, hair stylists and wardrobe specialists."

Pitching values

A wide range of factors have brought us to this point, industry observers say -- among them a chain reaction that began with a handful of edgy ads produced in the late 1980s and early '90s.

Young people with artistic leanings were intrigued by the ads, among them Nike's "Just do it" campaigns, which, in a break with the hard sells of the '70s and early '80s, pitched a set of values and ideals rather than a particular product. Inspired by the ads, the young and the hip increasingly found themselves attracted to careers in advertising, which in turn produced more ads that appealed to teens and twentysomethings.

And then there were the young people themselves. By the late 1990s, advertisers were starting to cater to Generation Y, the kids of the baby boomers, a surprisingly receptive audience for commercial speech.

Not everyone is excited about advertising's dashing new image. Adbusters magazine editor Kalle Lasn says some glamour ads are selling "bogus empowerment" that only draws Americans into a "vicious cycle of consumption."

"One of the biggest, and perhaps best, examples of this is the Nike campaign: This sort of omnipotent 'Just Do It' principle, where you feel that when you buy Nike sneakers -- if you can afford to buy Nike sneakers -- you're going to be in some sense empowered."

But that's a baby boomer-style argument whose time may have come and gone. Today's twentysomethings, savvy but gleeful consumers reared on ads, television and video games, take their empowerment where they can, embracing the best commercials freely and proudly.

New generation

Advertising's coolness quotient didn't really explode until the mid-1990s, when a few other factors fell into place -- the most important of which was probably the rise of Generation Y.

The 71 million members of America's largest generation since the baby boom were born from 1977-1994, according to demographer Susan Mitchell, author of "American Generations." Essentially the children of the boomers, they nevertheless differed from their parents in key respects.

Baby boomers, experts say, tend to see the world in terms of pitched battles between opposing forces -- war vs. peace, racism vs. civil rights, sexists vs. feminists. Their children, the product of gentler times, often see bridges where their parents saw walls, similarities where their parents saw differences.

Among the results: Kids these days tend to be less combative, and less judgmental about advertising and big business than their parents.

Today, it's still hard to find someone with Tom Cruise's box-office appeal appearing in a jeans ad, but just about anyone else is fair game. The past 12 months have brought a dazzling array of artists to ads for the Gap, from Nathan Lane and Matthew Broderick -- the twin toasts of Broadway -- to indie film star Patricia Arquette and 2002 Golden Globe-winner Jennifer Garner.

Not everyone is impressed by such developments, and even those who are point out only a small fraction of ads -- maybe 10 percent -- benefit from the money and talent associated with ad chic. Still, observers such as Berger say they are pleased to see the quality of ads improving, at least in some cases.

"The fact is, we live in a commercial society, and we're going to be exposed to (ads) one way or another. It's a reality and it ain't goin' away," Berger says.

"The only question is whether (the ads) are going to be bad or good."

GRAPHIC: 2 PICS; 1,2. Alex Garcia / Chicago Tribune photos; 1. Matt Orser, an art director at Leo Burnett, goes through magazines to stay aware of creative trends he can utilize in his work. 2. Former graffiti artist Matt Orser applies some strategic Post-it notes to his face to enliven a creative meeting.

LOAD-DATE: May 26, 2002

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

NIKE, INC.,	)	
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-59

FOCUS - 138 of 620 DOCUMENTS

Copyright 2002 Globe Newspaper Company
The Boston Globe

October 20, 2002, Sunday ,THIRD EDITION

SECTION: BUSINESS; Pg. C1

LENGTH: 1236 words

HEADLINE: AD FIRMS ALWAYS ON HUNT FOR WORDS BRANDS LIVE BY

BYLINE: By Chris Reidy, Globe Staff

BODY:

Some call them slogans. In the advertising business, they're known as taglines, a phrase that sums up a brand's message at the end of an ad. Famous taglines can become part of the culture, such as: Nike's "Just do it," Wendy's "Where's the beef?" and De Beers's "A diamond is forever."

In recent weeks, several local companies have come out with new taglines. Dunkin' Donuts says its products are "Just the thing." Gillette Co. promotes its Duracell batteries as "Trusted everywhere." Ads for Sam Adams Light ballyhoo its "Shockingly great taste." CVS Corp. has a new tagline with "Life to the fullest." Staples Inc. has just retired its long-running "Yeah, we've got that" and is preparing to unveil a new line in a few months.

To a marketer, a brand is an ongoing story, and a tagline is the title of that story's latest chapter.

A few classic lines endure, such as Maxwell House noting its coffee is "Good to the last drop." But as brands evolve - and consumer perceptions change - taglines require updating. According to Ken Kimmel, vice president of Dunkin' Donuts Concepts, a tagline is the "glue that holds your message together." Over six months, the company reviewed hundreds of possibilities before choosing, "Just the thing."

A good tagline can make consumers see an old product in a new way, said Boston University communication professor Sue Parenio. "Pork, the other white meat" is such an example. For years, the pork industry attempted to make the case that pork was as healthful as chicken. Then marketers managed to get attention with a catchy phrase.

"Five words that reposition a product? Now that's a tagline," Parenio said.

Boston ad agency Arnold Worldwide did the trick in only two. It introduced "Drivers wanted" for Volkswagen in 1995, and sales soared at the automaker.

"You want something that stays in the consumer's mind," said Arnold chairman and chief creative officer Ron Lawner. "That's where the tagline comes in."

By itself, a tagline may not seem noteworthy. But for marketers, "Just do it" or Apple's "Think different" is a blank slate they can freight with meaning during the course of an ad campaign. Over time, the hope is that a tagline instantly evokes positive attributes about a brand for the consumer.

Randolph-based Dunkin' Donuts had a 15-year run with a pitchman named "Fred the baker" who starred in ads that often used the tagline "Time to make the doughnuts." One reason Fred stopped doing ads in 1997 was that Dunkin' Donuts was expanding beyond doughnuts and putting more emphasis on coffee and other baked goods.

In 2001, it debuted the line of "Loosen up a little." But after the Sept. 11 terrorist attacks, it was deemed too irreverent for the times and it was deleted from ads. At first, the possibility was left open for a return. But it was later decided

that "Loosen up" required too much setup time for a 30-second TV ad. The new line of "Just the thing" was introduced in August.

" 'Loosen up a little' was perfect for the go-go '90s," said Marty Donohue, chief creative officer of Dunkin's ad agency, Hill Holliday Connors Cosmopulos of Boston. "Dot-coms were rampant, and people were under a lot of stress. Dunkin' Donuts was seen as a safe haven. The problem was, though, you had to spend half your 30 seconds talking about how hectic life was. You had to explain it and set it up. That left us with only 15 seconds to talk about the product.

" 'Just the thing' gets to the point quickly," he said. "It's wonderfully simple and you get it right off the bat. It's so perfectly Dunkin' Donuts. The new tagline is as comforting as a doughnut and a cup of coffee."

Quincy-based Stop & Shop has a new ad campaign and a new ad agency, Mullen of Wenham, but kept its two-year-old "All the ingredients" line. Judi McGrath Palmer, the chain's director of customer relationship marketing, explained why: To measure the effectiveness of its ads, Stop & Shop has weekly customer surveys done on its behalf. Those surveys figured in the chain's decision to retire its previous tagline of "It's that simple" and to replace it in 2000 with "All the ingredients."

A new tagline needs a year to 18 months to "seed its message" and "move the needle," said Palmer, using a marketer's phrase for increasing sales. "It's that simple" she said, had a history of survey results that "did not meet our expectations." That's not the case with "All the ingredients," which tested so positively that it's been retained. New ads augment the tag with a second line: "You take care of your family. Let Stop & Shop take care of you."

This second line makes "All the ingredients" work harder, Palmer said. Together "they allow us to tell a lot of stories about why Stop & Shop should be the store for you."

There may be few greater marketing challenges than selling batteries. Consumers can grow fond of coffee and supermarkets, but it's hard for them to connect emotionally with a battery. New ads from Duracell, a division of Boston-based Gillette, seek to make such a connection.

Previous Duracell ads focused on performance and the "relaunch" of the new and improved CopperTop line. Many of those ads were tagged, "The new CopperTop."

The latest ads, out last month, feature a new tagline of "Trusted everywhere." They suggest that choosing a battery is a more important decision than consumers might think. The subliminal message: A trustworthy battery is a better value than the cheapest battery.

In a statement, Gillette said, "The 'Trusted everywhere' campaign represents a significant departure from the brand's historical performance-based communications to a new emotional platform that leverages trust as a powerful equity of the Duracell brand."

The goal of most taglines is to last for many years. Some lines, though, have a deliberately short life. One advertiser that has used such an approach is Boston Beer Co. Its temporary line, "Taste the revolution," was recently replaced with a permanent one, "Shockingly great taste," which may strike some critics as appropriate.

Over the summer, Boston Beer drew unwanted attention with a marketing stunt that many found shocking - its annual concert event was linked to an August radio-station promotion that resulted in allegations of a couple having sex in St. Patrick's Cathedral in New York City.

"Shockingly great taste" was in the works before the controversy erupted, first appearing on billboards in July, the company said. The line is for Sam Adams Light, which debuted last year.

"Taste the revolution" was an introductory tagline, one that invited consumers to give a new beer a try, said company public relations manager Michelle Sullivan. The plan was always to phase out "Taste the revolution" and replace it with a permanent line that focused on great taste.

At promotional events to introduce Sam Adams Light, a common reaction by consumers drinking it for the first time was: "Wow! Gosh, I can't believe this is a light beer," Sullivan said.

That experience partly inspired the tagline. Several variations were tried, including, "Surprisingly great taste," but focus-group testing found that "surprisingly" was too weak a word.

"When 'Shockingly great taste' was tested, it had a high-remembrance ratio," Sullivan said, "and we felt it was right on with the reaction that people were having in the real world."

Chris Reidy can be reached at reidy@globe.com.

GRAPHIC: PHOTO

LOAD-DATE: October 21, 2002

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

NIKE, INC.,	)	
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-60

FOCUS - 127 of 620 DOCUMENTS

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The Indianapolis Star

January 20, 2003 Monday City final Edition

SECTION: BUSINESS - INDIANAPOLIS, INC.; DOWNTOWN DIGEST; Pg. 1C

LENGTH: 454 words

HEADLINE: CART serving up a lot of logo

BYLINE: J.K. WALL

BODY:

Brevity, it seems, is foreign to the folks at CART.

Championship Auto Racing Teams unveiled a new racing logo last week packed with more slogan than logo. It reads: Bridgestone Presents the Champ Car World Series Powered by Ford.

"Certainly, it's a mouthful to say," said Merrill Cain, spokesman for CART.

And certainly, it eschews the succinctness of other successful slogans -- like Nike's "Just Do It," or the milk industry's "Got Milk?" or Bud weiser's "Waasssuup."

But hey, CART apparently has a lot to say about itself this season. Bridgestone is the official tire sponsor and Ford the exclusive engine manufacturer. The term Champ Car harks back to the early days of open-wheel racing.

"It's kind of a lot to get into one logo," Cain said.

Fast, or fasting?

When California Cafe abruptly closed in June 2001 because it couldn't get a street-level location at Circle Centre mall, the company said it planned to find a new Indianapolis home quickly.

"We hope as fast as we can to find another location," said Anita Johnson, Midwest director for the cafe's owner, Constellation Concepts.

"As fast as we can" now stands at 19 months.

Constellation says it still likes Indianapolis, even though it has pulled back from new U.S. stores in the wake of a weak economy and Sept. 11.

"One of these days, we would love to get back into Indianapolis," said Pat Bohm, executive assistant to the president at Constellation.

High on Guidant

Guidant Corp. has had a tough month, but even so a stock picker likes what he sees. Richard Moroney, financial adviser and editor of the Dow Theory Forecasts newsletter, picked Guidant as one of two "energetic opportunities" for long-term investors.

His endorsement comes after Guidant called off its merger with Cook Inc. on Jan. 2 when the heart stent they were developing yielded poor results. Guidant also lowered 2003 earnings guidance.

"While the stent meltdown is certainly bad news, Guidant's other business units are launching new products and delivering double-digit sales growth," Moroney reported.

Guidant's nonstent business includes pacemakers and implantable heart defibrillators.

MIBOR honors

The Indiana Roof Ballroom sported dancing real estate people on Saturday night as the Metropolitan Indianapolis Board of Realtors played host to its annual President's Ball.

MIBOR installed its new president, F.C. Tucker salesman Bob Lewis, and presented three service awards.

Pat Williams of Carpenter GMAC Real Estate was named Realtor of the Year. Affiliate of the Year was Alan Anderson of First American Title Insurance Co.

Delbert Ludlow and Wanda Grabner shared the distinguished service award.

Call Star reporter J.K. Wall at 1-317-444-6287.

LOAD-DATE: January 23, 2003

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

NIKE, INC.,	)	
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-61

FOCUS - 124 of 620 DOCUMENTS

Copyright 2003 The Tribune Co. Publishes The Tampa Tribune
Tampa Tribune (Florida)

March 25, 2003, Tuesday, FINAL EDITION

SECTION: PASCO, Pg. 2

LENGTH: 657 words

HEADLINE: 5 QUESTIONS WITH ...

BYLINE: Annette Mardis

BODY:

Q. Why is it so difficult to find volunteers to serve as advocates in court for abused, neglected or abandoned children?

A. The Guardian ad Litem Program may not be well enough known. We would like to be as familiar as the popular slogan of Nike, "Just Do It," or Checkers' "Ya gotta eat!" It would be wonderful if everyone knew that a guardian ad litem was a "powerful voice for a child."
I think, too, that child abuse is not a very attractive subject. It is easier to find volunteers to visit a sick child in the hospital than it is to find volunteers willing to stand up for a child's best interests in a courtroom.

The latter entails collecting all the relevant facts about the child and his family that caused the court to be involved. This is accomplished through personal interviews, observations and reviewing pertinent records. Using all this information, the guardian ad litem then prepares a report for consideration by the judge. The report includes recommendations concerning the child and might include a statement of the child's wishes.

These responsibilities require a big commitment on the part of volunteers, but without that commitment, some children's voices are not heard.

Q. What qualities do you look for in guardian ad litem volunteers?

A. Guardians ad litem must be 19 years old and have access to a phone and transportation. Prospective volunteers must sign releases for criminal background checks. They participate in a free 30-hour training class, court watch and screening interviews.

Volunteers care deeply about what happens to the children they represent. They are thorough in their approach and objective in their reports. They are flexible. They believe every child deserves the opportunity to be loved and nurtured by caregivers on whom they can depend forever.

Guardians are creative, as they look outside the proverbial box to find solutions that will lead to the right permanent placement for a particular child.

Q. How many volunteers do you have in Pasco and how many are needed?

A. In the west Pasco program in New Port Richey, there are 77 guardians ad litem. In Dade City there are currently 15 volunteers. Both offices would be proud to double their numbers in order to move closer to the goal of having a guardian ad litem for each child for which the program is court appointed.

Q. How many abused and neglected children pass through Pasco courts each year? Is that number increasing or decreasing?

A. For 2002, there were 187 dependency cases filed in west Pasco. In east Pasco there were 86 dependency petitions filed. These statistics do not reflect the actual number of children, as there could be more than one child involved in each case.

As of January, the number of children represented in west Pasco was 529; in east Pasco, 179. These figures reflect the total number of children to which the Guardian ad Litem Programs are appointed. Actually, less than half the number of children have a guardian ad litem volunteer assigned and working for their best interests.

Unfortunately, the number of children needing a guardian ad litem keeps growing each year.

Q. Are there cases that particularly have touched your heart?

A. Yes. In some ways, each child "touches my heart." Since I am the area coordinator, each child's situation crosses my desk in some form, and I always wonder when this child will be afforded a "forever family": a family that will love and protect and nurture this child forever.

Some children are remembered through the eyes of guardians ad litem as they tell me about the child's plight. Some are remembered due to the horrendous abuse they have suffered. There are also special situations in which it was the guardian ad litem who filed the petition to terminate the parents' rights.

These beautiful children became free for adoption by that "forever family" due in part to the powerful voice of the guardian ad litem.

GRAPHIC: PHOTO
Marcia G. Flannery, area coordinator of the west Pasco Guardian ad Litem Program in the 6th Judicial Circuit.

NOTES: 5 QUESTION WITH... EDITOR'S NOTE: For information on the Guardian ad Litem Program, call (727) 847-8170.

LOAD-DATE: March 27, 2003

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

NIKE, INC.,	)	
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-62

FOCUS - 117 of 620 DOCUMENTS

Copyright 2003 Gannett Company, Inc.
USA TODAY

June 16, 2003, Monday, FINAL EDITION

SECTION: MONEY; Pg. 1B

LENGTH: 1928 words

HEADLINE: Wake up consumers? Nike's brash CEO dares to just do it

BYLINE: Michael McCarthy

DATELINE: BEAVERTON, Ore.

BODY:
BEAVERTON, Ore. -- Nike CEO Phil Knight still believes, to quote his company's most controversial Olympics ad, you don't win silver, you lose gold.

The *enfant terrible* of the sports and marketing worlds is as competitive as ever as he heads for France to be lauded as "Advertiser of the Year" at the 50th Cannes Lions advertising festival this week.

Knight, 65, is the first marketer to get the top nod a second time at the so-called Olympics of Advertising. He also won in 1994. And Nike commercials have taken the Grand Prix for the world's best TV ads two of the last five years: 2002 and 1998.

While many marketers are playing it safe amid global economic woes, Knight still sees his role as that of an *agent provocateur*.

"Our job is to wake up the consumers," says Knight, in an interview at Nike's world headquarters here. "If we become predictable, that's not waking them up."

If the strategy sometimes backfires, so be it. He says he personally pushed through a darkly comic spot to air during the 2000 Olympics that showed a killer with a chain saw chasing Olympic runner Suzy Favor Hamilton. "Why sport?" the ad ask. "Because you'll live longer," said Hamilton.

But some parents and Olympic fans didn't laugh, and NBC yanked it. Knight concedes it "bombed" on network TV. But online, he adds, it was "one of the most downloaded ads of the year, so there were a few people who liked it."

Roger Hatchuel, Cannes Lions chairman, believes rewarding risk takers like Knight can inspire an ad industry many believe is in a creative slump. "There are no limits to how many Oscars good actors can win. Equally good advertisers should be recognized when their work has been consistently outstanding and innovative," he said in announcing Knight's selection.

After some up and down years for Nike -- the world's No. 1 athletic firm and holder of 40% of the U.S. athletic footwear market -- Knight returns to Cannes at the top of his game:

* Hoops. Knight recently beat rivals Reebok and Adidas to sign high school star LeBron James, touted as the next Michael Jordan, to a $ 90 million endorsement deal.

Knight himself helped lead the recruiting of the No. 1 NBA draft pick, even attending some of his games, according to Nike staff. With Jordan retired, the signing shows Knight is still willing to go the distance against Reebok, Adidas or anybody else to protect his franchise with young consumers.

"He's delegating to some extent, but it's still his company. He knows it better than anybody else. He created it," observes John Shanley, managing director of Wells Fargo Securities, who calls the James signing a "crucial" victory for Nike.

* Soccer. Knight also just made headlines by signing Freddy Adu, a 14-year-old soccer prodigy viewed as America's first potential breakthrough star, to an estimated $ 1 million endorsement deal. Knight predicts soccer is about to finally kick its way into America's Big Four pro sports, icing hockey. It just needs more star power, he says, and Adu could light the match. "If you fly across the state of Oregon on Saturday morning, every . . . field is filled with kids playing soccer," he notes. "Someday, they're going to grow up."

* Retailing. Knight has reached a truce for now in a long, acrimonious power struggle over promotional space and inventory with No. 1 U.S. sneaker retailer Foot Locker. The dispute has been the talk of the $ 15.7 billion U.S. athletic footwear business.

Knight also is holding his own in an unfamiliar arena, the U.S. Supreme Court. Nike is embroiled in a First Amendment case (Nike vs. Kasky) that may have wide-ranging impact for Madison Avenue.

The case arose from questions about Nike's labor practices in Asia. After years of criticism that its subcontractors were running sweatshops, Nike launched a public relations blitz in the mid-1990s -- including press conferences, letters to the editor, etc. -- to defend its labor practices. California consumer activist Marc Kasky sued Nike in 1998 under the state's false advertising laws, saying it was making misleading public statements.

The California Supreme Court ruled 4-3 in May that Nike's statements amounted to commercial speech and could be regulated as an ad. Nike argued it was engaging in protected free speech and appealed to the U.S. Supreme Court, which may rule this month.

Knight jokes that he's used to "much more fun" courts -- the kind with hoops and nets. But he was clearly energized by his visit to the high court for arguments. "It was like a Super Bowl in another venue," he says, choosing his words carefully. "It was an electric atmosphere, very intense. The intellect in the room was huge."

Making a name

Knight, whose face has been plastered on *Sports Illustrated* as the "most powerful person in sports," has never played pro sports or owned a team, although he holds a minority stake in baseball's Arizona Diamondbacks.

But some jocks with Nike shoe deals, such as Miami Heat center Alonzo Mourning, are so loyal to him and his brand that they've been heard to say they work for Nike, instead of their own teams.

Knight casts an equally long shadow over the marketing world, although he's never written an ad or directed a commercial.

He rewrote the rules of sports marketing by signing a young basketball player, calling him Air Jordan and making him the world's most famous endorser. Nike's ad campaigns, such as "Just Do It," are icons of pop culture. A Nike Super Bowl spot with Jordan and Bugs Bunny became a feature film in 1996: *Space Jam*.

And the "swoosh" logo is one of the most recognized in the world.

Dan Wieden, chief creative officer of ad agency Wieden & Kennedy, has worked closely with Knight for more than 20 years. He wrote Nike's famous "Just Do It" slogan on his Selectric typewriter in 1988. Knight can be "insufferably dissatisfied with everything," says Wieden. "He's also one of the rare clients who challenge you to do something better, rather than something safer."

Knight's view of their creative process: "I wrote all the good ads. Dan did all the bad ones."

Over his 40-year career, Knight has seen his image, and Nike's, swing wildly. At first, they were lovable underdogs from the Northwest -- "the children of Holden Caulfield," says Knight -- taking on German sneaker giant Adidas.

On top, Knight was seen by some as the arrogant bully, and Nike as a remorseless marketing machine using Asian factory workers to achieve world domination.

These days, Knight seems to have softened his Terminator persona. Gone are the mirrored, wraparound sunglasses and black cap. He's relaxed and freewheeling as he cracks jokes with Wieden, lounging in blue jeans, black T-shirt, pin-striped suit jacket and a pair of well-worn Nike Shox.

Some insights and lessons from Knight's rise as a marketing legend:

* You don't win silver, you lose gold. A key to understanding Knight, say those who work with him, is that he sees himself as a regular guy and sports fanatic rather than as a tycoon -- and Nike as a company built by and for sports nuts. Nike's campus here is a virtual shrine to sports, with 16 buildings named for stars such as Tiger Woods, Jordan and Mia Hamm. Amenities for the 4,800 employees include tracks, soccer and football fields, an 11-lane swimming pool, a climbing wall, weight rooms and spinning and Pilates studios.

For Knight the marketer, as long as ad messages seem to come honestly from the athletes, he's happy.

His most controversial ads may have been the "Search and Destroy" effort for the1996 Olympics that showed athletes with defiant slogans such as "I didn't come here to trade pins," and "You don't win silver, you lose gold."

The media and sports worlds held up Nike as a poster child for bad sportsmanship. Michael Payne of the International Olympic Committee accused Nike of "trashing" Olympic ideals. Olympic swimmer Amy White, a 1984 silver medalist, called the ads a "slap in the face" to anyone who didn't win gold.

Knight believed the ads honestly reflected the competitive mind-set of world-class athletes. And still do, says Wieden: With gold on the line, "They're not going to sing Julie Andrews songs together."

* On the run. An enduring influence is the late Bill Bowerman, co-founder of Nike and Knight's mentor and track coach at the University of Oregon. He was known for instilling a fiercely competitive spirit in his college runners.

In 1962, after traveling to Japan seeking business partnerships, Knight founded Blue Ribbon Sports on a handshake deal with Bowerman. The goal: import cheap, high-tech "Tiger" shoes from Japan to challenge athletic shoe leader Adidas. (Knight renamed it Nike in 1972 after his first full-time employee, Jeff Johnson, dreamed it should be named for the Greek goddess of victory.)

Knight sold shoes out of his station wagon at track meets and got his break when the late Steve Prefontaine became the first running star to wear Nikes. A $ 500 investment is now a $ 10 billion company employing 23,000 worldwide.

* Just do it. Nike takes chances in ads to sound off on social and political issues in sports. There was Charles Barkley in 1994 declaring, "I'm not a role model." In 1996, Woods reminded the world there were golf courses he could not play because of the color of his skin. Young girls addressed the issue of Title IX in the "If You Let Me Play" spot in 1995.

Knight knows he risks offending by getting on his soapbox but says the publicity and, yes, notoriety, are worth it. Such ads are "equalizers" in vying for attention with bigger ad spenders such as Coca-Cola and McDonald's, he says. "Good campaigns define who you are. We have to get consumers' attention. We don't have six months to check with focus groups."

* Loyalty cuts both ways. In an industry where marketers hire and fire ad agencies at will, Knight has been remarkably loyal, sticking mostly with Wieden & Kennedy for 21 years.

"The thing about Knight is that if you meet his challenges, he will stay loyal, which is an incredibly important thing," says Wieden. "But you have to meet those challenges."

* I hate advertising. The Advertiser of the Year started out as one of those clients who dislikes and distrusts the ad process. The first time he met Wieden, he stunned him with: "Hi, I'm Phil Knight. And I hate advertising."

What changed his mind? That's simple, says Knight. "It worked."

TEXT OF BIO BOX BEGINS HERE

About Phil Knight

Titles: Chairman, co-founder, president and CEO of Nike.

Education: B.S., business administration, University of Oregon (1959); MBA, Stanford University (1962). Also a certified public accountant.

Personal: 65 years old, married, two sons and one daughter.

Wealth: Oregon's sole billionaire, estimated net worth $ 5 billion (mostly in Nike shares).

Interests: An Asia-phile and fan of Japanese business methods, his office and Nike's campus include Japanese design elements, including a rock garden dedicated to Japanese businessmen who gave him a start-up loan when U.S. banks passed. Also loves sports cars and tennis, running and golf "depending on whether I want to abuse my elbows, knees or my emotions."

Little-known fact: Wrote a $ 35 check in 1972 to Carolyn Davidson, a Portland State University student, to design the "swoosh" logo. Unimpressed, he said he'd "get used" to the design.

GRAPHIC: PHOTO, Color, Nike; Advertiser of the Year: Nike CEO Phil Knight doesn't believe in playing it safe, so some of his ads have been controversial. One showing a killer with a chain saw chasing an Olympic runner bombed" on TV, he concedes, but it was a downloading hit on the Net.

LOAD-DATE: June 16, 2003

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

NIKE, INC.,	)	
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-63

FOCUS - 116 of 620 DOCUMENTS

Copyright 2003 Gannett Company, Inc.
USA TODAY

June 17, 2003, Tuesday, FINAL EDITION

SECTION: MONEY; Pg. 7B

LENGTH: 685 words

HEADLINE: Here come the judges

BYLINE: Michelle Oh and Julie Gordon

BODY:
Ninety-nine top ad executives from around the world are gathering at the 50th Annual Cannes Lions Advertising Festival this week in France to wade through 16,392 entries from 70 countries in five different competitions. Their mission: to decide who is awarded Gold, Silver and Bronze Lions at the "Olympics of Advertising."

The USA is well represented, with nine of the judges. And U.S. agency executives are leading three of the five judging panels as jury presidents.

Dan Wieden, CEO and chief creative officer of Wieden & Kennedy in Portland, Ore., is jury president for both the Film and Outdoor and Press juries that pick the best TV, print and billboard ads. Daniel Morel, CEO of Wunderman in New York, heads the Lions Direct jury, which rewards the best direct marketing efforts.

Serving as a Cannes Lions juror is a career highlight, but there's also accountability.

In many competitions, the judges pick winners months in advance and then show up on awards night. But at Cannes Lions, attendees get to view the entries themselves -- before the juries cut them to a so-called short list of contenders and then to winners.

That lets everybody judge the judges -- and their picks. Many a judge has had to explain to critics from their home regions why an ad didn't make the cut to the short list. Or why one took home a bronze instead of gold.

Here's a look at the U.S. judges at Cannes Lions:

Film (TV and cinema)

* Wieden. Jury president and also heads Press & Poster jury. Claim to Fame: has overseen creation of some of the most popular ad campaigns, including "Just Do It" for Nike and "This is *SportsCenter*" for ESPN. Leads one of the ad industry's few remaining large independent agencies ($ 800 million in billings; offices in New York, Amsterdam, London and Tokyo). Little-known fact: wrote famous Nike slogan "Just Do It" on his Selectric typewriter in 1988.

* Steve Rabosky, chief creative officer, Saatchi & Saatchi, Los Angeles. Claim to Fame: helped create popular ad campaigns for Energizer and Apple Computer. Currently oversees creative efforts for Toyota Motor Sales USA.

Outdoor and Press (billboards, print ads)

* Gary Koepke, co-founder, Modernista, Boston. Claim to fame: The creative director and graphic designer has won gold awards in most major design shows. Previously worked on Nike, ESPN and Coca-Cola campaigns at Wieden & Kennedy. Little-known fact: founding creative director of *Vibe* magazine.

Cyber (Web sites, online ads)

* Leonard Ellis, executive vice president, Wunderman, New York. Claim to fame: has pioneered online marketing strategies -- before, during and after the dot-com bubble. Heads Wunderman's interactive strategy and handles its alliances with WPP Group and others.

Direct (direct mail, telemarketing, interactive)

* Morel. Jury president. Claim to fame: leads one of the world's biggest direct-marketing services companies with $ 380 million in revenue. Little-known fact: served three years in the French Navy.

* Carla Hendra, president, OgilvyOne North America, New York. Claim to fame: manages North America staff of more than 600 in nine offices. Clients include IBM, American Express, AT&T Wireless. Headed 2001 Cyber jury.

* Shelley Lanman, chief creative officer, Draft Worldwide, New York. Claim to fame: leads team on brands including Verizon, American Express, Novartis and Hewlett-Packard.

Media (planning, buying)

* Fred Sattler, executive media director, Doner Advertising, Southfield, Mich. Claim to fame: a 20-year media veteran, he became the country's first director of media strategy at TBWA/Chiat/Day in Los Angeles, where he combined the account planning and media planning functions.

* Mark Stewart, director of strategy, Universal McCann, New York. Claim to fame: Promoted to North American Media Director in 1997, Stewart has helped win accounts such as Sony, Motorola and Sprint. Named "1999 U.S. Media Director of the Year" by *MediaWeek.*

Contributing: Michael McCarthy in Cannes, France

GRAPHIC: PHOTO, B/W; Carla Hendra

LOAD-DATE: June 17, 2003

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-64

FOCUS - 98 of 620 DOCUMENTS

Copyright 2004 Chicago Sun-Times, Inc.
Chicago Sun-Times

September 2, 2004 Thursday

SECTION: NEWS; Pg. 22

LENGTH: 299 words

HEADLINE: Corporate logos in parks? Daley thinks it's 'fantastic';
Says companies deserve it if they foot the bill

BYLINE: Fran Spielman

BODY:

Move over, Nike. If Mayor Daley has his way, Chicago will have even more new parks with corporate names and logos.

One day after the watchdog group Friends of the Parks urged City Hall to make Chicago parks a refuge from commercialization, Daley publicly embraced the Nike "swoosh" -- symbolizing the winged Greek goddess -- on the new soccer field in Douglas Park.

It was almost as if he were following the advertising slogan that Nike made famous: Just Do It.

"It's great, fantastic. Look at Millennium Park. You see names all over, right? Nothing wrong with that. . . . I thank Nike for contributing that and doing it. We should recognize that," the mayor said.

If Chicago corporations want to cough up the bucks to help the city build more parks and athletic fields, Daley is more than happy to return the favor by plastering their names or corporate logos across the city. But, he denied that parks are "for sale."

"If someone's willing to build a soccer field, a baseball field -- all these things, why not? That's the only way you're going to do it. They do it in private stadiums. Why can't we do it for public facilities? It would be fantastic," he said.

"If we can get the Chicago Sun-Times to sponsor something for a million dollars, I'll put a Sun-Times logo on it. Channel 2, 5, 7, Fox, CLTV. Come on. I want 10, 15, 20 million [dollars]. . . . Walk right down here on Michigan [Avenue] and it says right there, Chicago Tribune Foundation ice skating rink.' You haven't criticized that. Why not? Why can they do it? . . . Now, you're holding somebody to a different standard. Treat everyone the same. Please."

The Chicago Sun-Times reported this week that the "swoosh" was embedded in the Douglas Park soccer field's artificial turf in exchange for a $500,000 donation.

GRAPHIC: A Nike logo is part of the Douglas Parksoccer field. John H. White

LOAD-DATE: September 8, 2004

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

NIKE, INC.,	)	
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-65

FOCUS - 97 of 620 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

November 7, 2004 Sunday
Late Edition - Final

SECTION: Section 3; Column 4; SundayBusiness; OPENERS: THE GOODS; Pg. 2

LENGTH: 614 words

HEADLINE: Shouldn't Have Had That Second Piece

BYLINE: By Brendan I. Koerner

BODY:

A good advertising slogan sticks in the mind like the multiplication tables. Maxwell House, as virtually everyone knows, is "good to the last drop"; Nike implores you to "just do it"; and Jolt Cola has "all the sugar, twice the caffeine."

The last aphorism doesn't ring a bell? Then you probably weren't a preteen when Jolt was introduced in 1986. The jitters-inducing soft drink was briefly a junior-high-school fad before maturing into a niche brand, popular among computer nerds. Yet nostalgia for Jolt runs deep in the under-35 set, as Kevin Gass and Laurence Molloy discovered. When the entrepreneurs surveyed 1,000 young consumers in 2000, they found that 80 percent still knew the Jolt slogan by heart. "That was, like, the light-bulb flash over our heads," said Mr. Gass. "At that point, we came up with putting Jolt in a gum."

Jolt Gum, like its cola counterpart, provides a speedy kick -- two tablets contain the caffeine equivalent of a cup of coffee. At 12 pieces per $1.49 pack, there are few cheaper ways to catch a caffeine buzz, said Mr. Gass, who founded GumRunners L.L.C. with Mr. Molloy to develop and market Jolt Gum.

The concept is simple enough, but the product's voyage from concept to shelf took far longer than expected. GumRunners first had to obtain a license from the maker of Jolt Cola, Wet Planet Beverages in Rochester. Mr. Gass and Mr. Molloy, both former marketing executives at Colgate-Palmolive, pitched the gum as yet another way to exploit Jolt's cachet among consumers who hit puberty in the Reagan era. The idea dovetailed with Wet Planet's recent brand-building tactic of placing the Jolt logo on everything from key chains to thong underwear.

License in hand, GumRunners had to formulate a gum that energized chewers but didn't taste like potting soil. Pure caffeine has an intolerably bitter flavor, one that the company had a tricky time masking. "We went through iteration after iteration," said Mr. Gass, who estimated that GumRunners produced four tons worth of test pieces. "It took us two years to get the product ready to go."

Jolt Gum might have still been on the drawing board without the aid of Mauricio Bobadilla, the food scientist who finally perfected the six-sweetener blend, featuring everything from dextrose to aspartame. Mr. Gass compares Mr. Bobadilla's work to that done by acoustic engineers, who use inverse sound waves to block out noise. At GumRunners headquarters in Hackensack, N.J., Mr. Bobadilla is referred to simply as MM -- "Magic Man."

The gum spent most of 2003 in test markets in New England and Oklahoma before going nationwide last January. It is now available in about 10,000 stores. GumRunners hopes the gum will be popular among cyclists and joggers looking for a boost mid-workout, but who probably don't want to pause for a hot latte.

Jolt Gum has attracted plenty of attention with a catchy slogan of its own -- "Two More, Do More." It has also drawn unwanted notice from lawyers for the Wm. Wrigley Jr. Company in Chicago. They have filed suit against GumRunners, alleging that Jolt Gum infringes on a 2002 Wrigley patent, involving a caffeinated gum that was never brought to market. (Wrigley once sold another caffeinated gum called Stay Alert, but it's no longer on the market.) The suit specifically targets Jolt Gum's coating, which contains a sweetener called sucralose.

Mr. Gass declined to comment on the suit, preferring to trumpet the Department of Defense's decision to include Jolt Gum in an experimental line of ready-to-eat meals. Soldiers may need a caffeine boost, but they can also do without one of coffee's main side effects. Combat is no time for a bathroom break.

URL: http://www.nytimes.com

GRAPHIC: Photo: The makers of Jolt Gum aren't bashful about promoting its caffeine content. Two pieces contain the same kick as a cup of coffee.

LOAD-DATE: November 7, 2004

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

NIKE, INC.,	)	
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-66

FOCUS - 96 of 620 DOCUMENTS

Copyright 2004 The New York Times Company
The New York Times

November 19, 2004 Friday
Late Edition - Final

SECTION: Section C; Column 5; Business/Financial Desk; Pg. 1

LENGTH: 824 words

HEADLINE: Founder of Nike To Hand Off Job To a New Chief

BYLINE: By ERIC DASH

BODY:

Philip H. Knight, the brash founder of Nike who became as synonymous with the sneaker brand as its swoosh logo, resigned yesterday as chief executive after more than 32 years at the helm.

William D. Perez, 57, the chief executive of S.C. Johnson & Sons, who spent 34 years there selling consumer products like Pledge and Off, will take over as Nike's leader, culminating a largely secretive search that took more than two years.

Mr. Knight, 66, will remain chairman and continue to oversee strategic planning.

The selection of Mr. Perez, a little-known but well-respected executive, to head Nike, a multibillion-dollar apparel company, came as a surprise to many in the sporting goods business. He has never sold a single pair of sneakers yet must fill the shoes of someone who redefined the athletic footwear industry.

But while Mr. Perez's experience with Nike has been limited to the shoes he has used to run 11 marathons, he is considered an excellent marketer with a record of buying and managing well-known brands.

"Bill is a highly regarded and deeply talented leader with more than 30 years' experience as a builder of global brands," said Mr. Knight, who led the search process. "This begins an exciting new chapter in Nike's ongoing business evolution."

It also signals the end of an era. Mr. Knight, who co-founded Nike in 1972 after selling running shoes from the trunk of his car, made it into a company with more than $12.3 billion in sales and turned the swoosh into one of the world's most recognizable brand symbols.

With hip slogans like "Just Do It," huge endorsement deals with sports stars like Michael Jordan and hot-selling shoes that emphasized performance as well as design, he put his stamp not only on Nike but on the footwear industry as a whole.

"Phil Knight has for a very long time been a part of the heart and soul of Nike," said Kevin Adler, a vice president at the Relay Sports and Even Marketing division of Publicis Groupe.

"How many C.E.O.'s do you know who literally have the corporate brand tattooed on their body?" he added. "Phil Knight does."

Mr. Knight will step down as chief executive at the end of December. Nike executives said that he still planned to come to the office every day, but would focus on long-term strategy and leave the day-to-day management to Mr. Perez.

In a statement, Mr. Perez said: "I am thrilled and honored to run Nike. I was drawn to the company because the Nike brand perpetually stays current."

Mr. Perez will receive a salary of $1.35 million along with incentives-based stock options and cash bonus awards, according to public filings.

For nearly a decade, speculation loomed over who would replace the iconoclastic Mr. Knight. The selection of Mr. Perez comes after a nearly two-year process, led by Mr. Knight and the search firm Heidrick & Struggles, that was kept largely from public view.

"This is kind of earth-shattering news. It is a surprise not only to the investment community but to a lot of people in the Nike organization," said John J. Shanley, an analyst at Susquehanna Investment Group.

"They had two strong co-presidents, and the odds-on bet was that Charlie Denson would be the heir apparent," he said.

Indeed, the two current co-presidents, Charles Denson and Mark Parker, were considered for the top position and are expected to remain at the company.

But the company also cast its net outside. The search committee interviewed at least three other top managers from consumer products companies, a person with direct knowledge of the search said, but recommended Mr. Perez to the board several weeks ago.

The announcement of a successor comes at a time of strength in Nike's financial performance. After several years of poor results in the stock market, the company's share price rose 24 percent over the last year. Yesterday it closed at $85 a share, not far from its all-time high.

But the choice of Mr. Perez may signal Nike's desire to widen its scope, especially as the company's North American core sales growth has significantly slowed, analysts said.

During his long career at S.C. Johnson, Mr. Perez rose through the sales and marketing ranks, where he was known as a straight-shooter and a mathematical whiz. When he became S.C. Johnson's CEO in 1996, he guided the packaged goods company through three major acquisitions, that allowed them to obtain, among others, the Ziploc and Windex brands.

Recently, analysts said, Nike has begun an effort to diversify with several brand acquisitions, adding the retro-styled Converse line, Hurley skateboarding gear and the Starter sports apparel to its portfolio.

"Nike is a great marketer in its own right, but it is limited in terms of dealing with the athletic and footwear industry," Mr. Shanley said. "If you are going to look outside of the box, perhaps the best way of doing that is with someone without the heritage and baggage of the footwear industry."

URL: http://www.nytimes.com

GRAPHIC: Chart: "Solid Run"Nike has grown to be the world's largest shoemaker and one of the most recognizable brands.Graph tracks Nike's weekly closing stock price since 1991.Global wholesale sales of athletic footwearGraph tracks the global wholesale sales of athletic footwear for Nike, Adidas, Reebok and others from 1991-2003.NIKE -- Market share'91: 23%'92: 26'93: 25'94: 25'95: 30'96: 35'97: 39'98: 35'99: 36'00: 36'01: 35'02: 34'03: 33(Sources by Sporting Goods Intelligence
Bloomberg Financial Markets)

LOAD-DATE: November 19, 2004

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

NIKE, INC.,	)	
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-67

FOCUS - 89 of 620 DOCUMENTS

Copyright 2005 N.Y.P. Holdings, Inc.
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The New York Post

June 17, 2005 Friday

SECTION: All Editions; Pg. 37

LENGTH: 165 words

HEADLINE: REEBOK PLAYS CATCH-UP

BYLINE: PAUL THARP

BODY:

Can a pro quarterback hurl a football across the Hudson?

Reebok thinks yes, and has two of the game's greats - the Giants' Eli Manning and the Jets' Chad Pennington - playing a game of catch on Monday across the nearly one-mile-wide river.

It's part of Reebok's multimillion-dollar effort to show off its new can-do slogan for achievement that it hopes will beat Nike's long-time winner, "Just Do It."

Reebok's new slogan - "I Am What I Am" - will emerge in a commercial being shot on Monday showing the two quarterbacks on either side of the Hudson, throwing footballs high into the air to give the impression their tosses are soaring nearly a mile into each other's arms.

Manning starts off the shoot just past dawn on the Jersey City side in Liberty State Park with the film crew from Reebok and its agency, McGarry Bowen.

After numerous takes and presumably many lost footballs, the crew moves over into Manhattan, where Pennington will hurl his tosses from the West Side Highway.

GRAPHIC: FANCY FOOTWORK: N.Y. Giants' quarterback Eli Manning (left) is featured in a new Reebok commericial. [Reuters]

LOAD-DATE: June 17, 2005

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

NIKE, INC.,	)	
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-68

Copyright 2005 Crain Communications
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Advertising Age

August 15, 2005

SECTION: NEWS; Pg. 1

LENGTH: 761 words

HEADLINE: Beauty's new, er, face;
Nike latest marketer to embrace women by trading fantasy images for realistic ones

BYLINE: RICH THOMASELLI

BODY:

One more and it's a trend.

In the latest nod to ``real'' women-and the latest blow to the wafer-thin body image-Nike has introduced a campaign that celebrates women's big butts, thunder thighs and tomboy knees.

It comes on the heels of a Dove campaign that touched a cultural hot-button and set off a flood of media coverage culminating with models from the ads appearing on the cover of People magazine.

And it could mark a shift in how women are portrayed in media and advertising, images often blasted as being unattainable and the cause of low self-esteem and even eating disorders among young girls.

``It is a change that women-and some men, too-have been agitating for 35 years,'' said noted feminist Gloria Steinem, the founder of Ms. magazine. ``I spent 15 years of my life pleading for ads that reflected our readers by age, race and ethnicity. We could demonstrate that women responded better to ads that were more inclusive of them, but they just weren't coming.''

Today, they appear to be.

``There's a definite trend going on in society and the marketplace of self-acceptance and being comfortable in your own skin,'' said Glamour VP-Publisher William Wackermann, whose magazine has printed the un-glamorous campaigns from both Dove and Nike. ``Dove was a wonderful campaign, and Nike is just brilliant. The copy is clever and fresh.''

The ads, from Nike's longtime Portland agency, Wieden & Kennedy, are authoritative and bold, with a bit of humor. The six different images represent six different parts of the body, including a posterior in an ad that shows a well-rounded bum and copy that reads: ``My Butt is big and round like the letter C, and 10,000 lunges have made it rounder but not smaller. And that's just fine. It's a space heater for my side of the bed. It's my ambassador. To those who walk behind me, it's a border collie that herds skinny women away from the best deals at clothing sales. My butt is big and that's just fine. And those who might scorn it are invited to kiss it. Just do it.''

`HOT TOPIC'

Other ads refer to ``thunder thighs,'' legs that ``were once two hairy sticks,'' and shoulders that ``aren't dainty.''

Nancy Monsarrat, Nike's U.S. ad director, called the branding campaign an extension of the ``If You Let Me Play'' campaign geared toward women that Nike ran in the late 1990s-with one exception. ``In the `90s we finally got smart and said, `Hey, let's talk to women.' But we never talked specifically about women's bodies, and that's a hot topic right now.''

There will be no TV executions in the campaign, which is designed to drive the audience to NikeWomen.com and, ultimately, its fitness apparel. But there is a digital component, which made its debut last week on the same Web site, which features short films of women discussing topics such as their bodies and working out. ``Women come in all shapes and sizes, which is no surprise, but when you talk to women in an honest way, they respond,'' said Ms. Monsarrat.

Ms. Steinem wasn't positive about the Nike campaign. ``It's a step forward,'' she said, ``but I just question whether Nike would do an ad about a man talking about his butt.''

Some have said the trend started earlier this year with Dove's ``Campaign for Real Beauty'' effort, which features women of all shapes and sizes happily posing in their underwear and hawking Dove's new cellulite-firming body lotion.

The campaign has created huge buzz-and disparate reactions. While some have praised the work from WPP Group's Ogilvy & Mather for ``keeping it real,'' others have found it less genuine. The women range in dress size from six to 12, for instance, and the average American woman is size 14. Advertising Age's Bob Garfield called the campaign ``confounding'' and added ``sizes six and eight notwithstanding, they're all still head-turners, with straight white teeth, no visible pores and not a cell of cellulite.'' Chicago Sun-Times columnist Richard Roeper wrote that if he wanted to see ``plump gals baring too much skin,'' he would attend the city's annual summer food festival, a jab that resulted in more than 1,000 calls, letters and e-mails.

Trend expert Faith Popcorn of Brain Reserve, New York, said the shift did not start in advertisements. ``No copywriter did this,'' she said. ``It started when we started to celebrate the black and Hispanic culture. In those cultures you can be a little `butty' and even have a little mustache, too, and it's considered cool and attractive. Now these white girls are looking at themselves and saying, `I don't want to be a stick, I want to be natural.'''

GRAPHIC: Art Credit: Baby got back: And Nike's advice if you don't like it * No apologies: One of six images celebrating six different body parts.

LOAD-DATE: August 19, 2005

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

NIKE, INC.,	)	
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-69

Copyright 2005 The New York Times Company
The New York Times

August 17, 2005 Wednesday
Late Edition - Final

SECTION: Section C; Column 1; Business/Financial Desk; The Advertising Column; Pg. 1

LENGTH: 1177 words

HEADLINE: For Everyday Products, Ads Using the Everyday Woman

BYLINE: By STUART ELLIOTT

BODY:

Madison Avenue is increasingly interested in using everyday women in advertising instead of just waifish supermodels.

The change comes after the Dove line of personal-care products sold by Unilever introduced what it called a "campaign for real beauty," which presents women in advertisements as they are rather than as some believe they ought to be.

If the fad becomes a trend and shows legs, so to speak, it has the potential to fundamentally change decades of image-making on Madison Avenue. But that is a big if indeed. There have been many previous instances of ads that showed so-called real women in place of professional models, which receded as the allure of glamour again reared its beautiful head.

This week, Nike is introducing a humorous print and online campaign for exercise gear, frankly glorifying body parts that until now were almost never seen in ads, much less celebrated. One ad, which begins boldly, "My butt is big," features an oversize photograph of the derriere in question.

Another Nike ad declares, "I have thunder thighs," while a third asserts: "My shoulders aren't dainty or proportional to my hips. Some say they are like a man's. I say, leave men out of it."

The Nike ads, by Wieden & Kennedy in Portland, Ore., are arriving days after the Chicken of the Sea brand of tuna introduced a television commercial showing a gorgeous young woman being ogled by the men in her office. She can escape their wolfish ways only in the elevator, which she enters alone, then breathes a sigh of relief -- revealing that she really has a more-than-ample stomach, which she had been holding in.

The Nike campaign was in the works, executives say, well before the much-publicized arrival last month of Dove print and outdoor ads showing six women, none of them models, sizes 4 to 12, smiling in their underwear. (The first of the Dove "real beauty" ads, showing older, wrinkled women, started appearing last fall.)

The Chicken of the Sea commercial is adapted from a spot that its parent, Thai Union Frozen Products, began running in Asia in 2001.

Even so, the arrival of all the ads at the same time suggests that change may be in the air. "We've gotten tired of airbrushed pictures none of us can relate to or recognize," said Linda Kaplan Thaler, one of the most prominent women in advertising, whose agency, the Kaplan Thaler Group in New York, was not involved in creating any of the campaigns.

Advertisers are "loosening the reins," said Ms. Kaplan Thaler, who is chief executive and chief creative officer at her agency, which is owned by the Publicis Groupe, in recognition of the reality that "women are the majority of consumers and are buying most of the products."

But those facts have been evident for years. Why the new style of ads now?

One reason, said Nathan Coyle, senior strategist at Brain Reserve in New York, a consulting company, is the advent of reality television.

"Your neighbors, everyday people, are the new celebrities," Mr. Coyle said, which feeds the desire for marketers "to shift from depicting women who are unattainable to women who are attainable."

Kelly Simmons, president of a brand consulting company in Philadelphia named Bubble, offered another reason: the aging of the baby-boom generation -- the 76 million Americans born from 1946 to 1964 -- who have long set the pace for marketers and advertising agencies. The first baby boomers will start turning 60 on Jan. 1.

"There's no question baby boomers feel better about their bodies," Ms. Simmons said, "and are determined to age beautifully," adding, "It feels there are real voices of women coming through" in the Dove and Nike ads. "I applaud the trend."

Nancy Monsarrat, United States director for advertising at Nike in Beaverton, Ore., said that in addition to the different attitudes about body image among boomer women, "younger women have a different perspective" from that of their counterparts a decade or two ago.

"They're more personally independent about who they can and should be," Ms. Monsarrat said, which is also reflected in the campaign's approach.

"One of the things we've noticed is if you go to an exercise class, if you go to a marathon, active women come in a lot of shapes and sizes," she added. "This can be a great celebration of that."

Fitness and health are also the focus of the Chicken of the Sea commercial, said John Signorino, the company's president and chief executive, in San Diego.

He imported the spot to the United States after consumers -- including, he said, his wife -- received overseas versions of it from friends by e-mail.

"It's an effort to show consumers, in an attention-getting way, that tuna, and Chicken of the Sea, fit into a healthy lifestyle," Mr. Signorino said.

The commercial is being shown, or soon will be, on networks like ABC, CBS, HGTV and Oxygen, he added, and will be circulated through e-mail. The spot is adapted from the original version created by an agency in Bangkok named Chaiyo.

Ms. Monsarrat said the Nike campaign, which is also scheduled to appear on a Web site (www.nikewomen.com), is in keeping with her company's efforts, dating back more than a decade, to address issues about women's self-images

in a positive way, without stereotypes.

She cited campaigns that carried themes like "This is not a goddess" and "If you let me play," all of which were intended, she said, to be "honest in how we communicate with our target consumer."

Nike was not alone in the 1990's in running ads meant to question the conventional wisdom about images of women in advertising.

In 1997, the Body Shop gained international attention for a campaign carrying the theme "Love your body," which featured a Rubenesque plastic doll named Ruby.

The print ads and posters showed the voluptuous, even zaftig, Ruby reclining on a sofa under this headline: "There are 3 billion women who don't look like supermodels and only 8 who do."

And since 1997, the Advertising Women of New York club has presented awards to campaigns that its members deem to be breaking ground by portraying women in realistic, nonstereotypical ways.

In addition to Nike, winners of such awards have included Adidas, Avon, Gatorade, John Hancock and Reebok.

The waxing and waning of so-called real women in advertising comes as marketers and agencies embrace the idea, then revert to traditional images when they believe it is time for a new direction as consumers lose interest.

"Advertising sometimes starts trends and sometimes it follows trends," Ms. Kaplan Thaler said.

Even if they do not turn up in ads, "real women have always been here, are here and continue to be here," she added. "I'm always happy to see advertising that does not dictate a norm none of us can achieve."

Still, said Ms. Simmons of Bubble, who studies sex issues in marketing, more remains to be done before the stereotypes are banished.

"The emphasis is still on women's bodies" in the new ads, Ms. Simmons said. "It's not like we're looking at their irises."

URL: http://www.nytimes.com

GRAPHIC: Photo: Nike is now focusing on "real" womanly features that ads usually avoid. (pg. C1)
Dove's "campaign for real beauty," seen on a billboard on Broadway, uses six women of various sizes who are not professional models. (Photo by Ruby Washington/The New York Times)(pg. C2)

LOAD-DATE: August 17, 2005

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

NIKE, INC.,	)	
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-70

FOCUS - 78 of 620 DOCUMENTS

Copyright 2005 The Seattle Times Company
The Seattle Times

September 4, 2005 Sunday
Fourth Edition

SECTION: ROP ZONE; News; Pg. A6

LENGTH: 876 words

HEADLINE: Savvy slogan leads to suit;
"What happens here stays here" - Las Vegas, company battling over phrase

BYLINE: Sam Howe Verhovek, Los Angeles Times

BODY:

LAS VEGAS The five-word slogan turned out to be a marketing masterpiece, a mantra that marked the unceremonious end of Las Vegas' family-friendly era and the full-scale resurrection of Sin City: "What Happens Here Stays Here."

But keeping those words in Las Vegas has become contentious.

A potentially high-stakes lawsuit is unfolding in federal court in Reno, Nev., over trademark rights to the famous phrase.

In Las Vegas, the slogan also has sparked a political dispute.

The Las Vegas Convention and Visitors Authority, which says it spent $85 million in the past three years to link Las Vegas with the slogan, wants licensing rights to the phrase and its many variants.

The authority is seeking a cease-and-desist order against a California clothier that sells racy underwear, baseball caps and sweat pants, reading "What Happens in Vegas Stays in Vegas!" in local hotels and gift stores.

The clothing company, acting without permission from the tourism authority, obtained federal trademark approval for the phrase earlier this year.

The manufacturer, Pure Pleasure of Placerville, plans to sell clothes carrying variations on the phrase, such as "What Happens on Spring Break Stays on Spring Break!"

Las Vegas wants to stop it. But with licensing rights worth potentially millions of dollars on the line, the clothing company is fighting back in court, arguing that Las Vegas is hardly the first place in the world where people have promised to look the other way.

There's that old saying among traveling salesmen: "What happens on the road stays on the road."

And the one from Alcoholics Anonymous meetings: "What you see here, what you hear here, whom you see here, stays here."

The clothing company's lawyers also cite a sign in a now-defunct Cambridge, Mass., tavern that declared, "What Happens Here, Stays Here." That was nearly 10 years before Las Vegas began its ad campaign.

And there are all the variations on the phrase used in Las Vegas, such as the pitch used by one major resort-casino: "What Happens at the Palms Never Happened."

An effective slogan

The case is a powerful indication of how valuable the phrase has become since Las Vegas began the campaign in late 2002.

It is widely seen as a chief reason Las Vegas hit a record of 37.4 million visitors last year and is projected to reach 38.2 million in 2005.

"It's only a few years old, but it's basically considered one of the most effective slogans for tourism ever," said Daniel Fesenmaier, a professor at Temple University's School of Tourism and Hospitality Management, who evaluates the effectiveness of tourism advertising.

When Las Vegas' effort in the 1990s to market itself as family friendly produced less than a bonanza, the new slogan became "a very effective way of announcing to the world, `Hey, we're Vegas, and let's go back to who we really are,' " Fesenmaier said.

Many people regard the campaign as genius.

Even the clothing company's lawyer, Daniel Ballard, said the "What Happens Here" ads are "absolutely fabulous."

But Ballard said in a telephone interview from Sacramento, Calif., that the success of the television campaign was insufficient grounds to justify stopping his client from using its version of the phrase.

No one seems to know the origin of "What Happens Here Stays Here," and that probably won't be answered in court.

The phrase might be centuries old, and no doubt has its parallels in dozens of languages.

But can it be trademarked?

"Service marks"

Absolutely, say officials for the tourism authority and R&R Partners, the Las Vegas advertising agency that came up with the campaign.

Just as slogans popularized by Nike ("Just Do It") and Burger King ("Have It Your Way") are "service marks," the technical term for a federally trademarked phrase or slogan, Las Vegas deserves to hold rights to "What Happens Here Stays Here," lawyers for the ad company and the tourism authority say.

But Pure Pleasure, which started the clothing line a few months after the tourism authority began its campaign, said it got to the trademark office first.

Pure Pleasure's owner, Dorothy Tovar, applied for a clothing trademark in February 2003 for "What Happens in Vegas Stays in Vegas" and received approval in March from the U.S. Patent and Trademark Office.

The Reno lawsuit, expected to go to trial in the fall, seeks to reverse that approval.

Some trademark experts said Las Vegas authorities could have a valid claim in court, even if the phrase were used in other contexts before it became associated with Las Vegas.

If the plaintiffs can show that their advertising campaign succeeded in getting people to associate "What Happens Here Stays Here" with Las Vegas, they could succeed in establishing trademark rights to the phrase.

"If they can show that with all this advertising, all this effort, they've established a clear link in people's minds, that's important," said Jerome Gilson, a Chicago attorney specializing in trademark and unfair-competition law.

"And I'd venture to say that if they hired a reputable survey company and went out on the streets and asked a thousand people, `What does this phrase suggest to you?' a big percentage would identify with Las Vegas," Gilson said.

"I mean, it's very catchy. Unless you're from Mars, when you hear it you think of Las Vegas."

GRAPHIC: photo; Laura Rauch / The Associated Press : Las Vegas, pictured on New Year's Eve 1999, has dropped an effort to market itself as family friendly. A slogan that some call a stroke of genius has helped restore its reputation as Sin City. (0395223461)

LOAD-DATE: September 5, 2005

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

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

EXHIBIT A-71

Copyright 2006 The Miami Herald
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The Miami Herald
Found on Miami.com
The Miami Herald

June 25, 2006 Sunday

SECTION: PP; Pg. 3

LENGTH: 648 words

HEADLINE: 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.

BYLINE: KATHLEEN FORDYCE, kfordyce@MiamiHerald.com

BODY:

Growing up fascinated by medicine and crazy about animals, Richard Pichardo dreamed of becoming a veterinarian.

But after his first ride with a police officer at 18, he was hooked.

"I always liked the cowboys and Indians stuff, and when I rode that night, we had a pursuit with the bad guys," he said. ``It was so exciting."

After 23 years with the Miami-Dade Police Department, he is still passionate about his career -- especially his newest challenge as Cutler Bay's first police commander.

"I'm committed to Cutler Bay," he said. ``I want to make this the poster example of what municipalities should be."

Pichardo, 41, who lives in Cutler Bay with his wife and four children, said his officers will work closely with residents on their main concerns, including traffic enforcement, car break-ins and speeding.

He plans to follow the model set in Key Biscayne, where he said residents and police have fostered a partnership.

"The people there love their officers; they even bring them food and cookies," he said. ``The community there is very supportive."

He has already started interviewing officers interested in joining the force and said he hopes to have them on hand at the popular Whispering Pines Fourth of July party so he can introduce them. The department will have about 40 officers, all provided under a contract with Miami-Dade police.

He also said he wants to keep a pledge made by the late Mayor John Cosgrove, who wanted to have the officers knock on every door in town during their first year to say hello.

"I want to keep that vision," Pichardo said. ``It's a lot of doors, and it will take a while, but we can do it."

His determination has earned him the nickname Nike, he said, because he often repeats the company's popular slogan, ``Just Do It."

'I don't like to hear, `I can't do it,' " he said. ``I don't like excuses."

Those who have worked with him say that attitude sets him apart.

'He's the `go-to' guy," said Miami-Dade police Maj. Victor Ramirez, who has worked with Pichardo off and on for the past 20 years, most recently at the Cutler Ridge district station, which Ramirez heads. ``He's the kind of guy that will run with it. He's assertive and enthusiastic."

Pichardo was born in Venezuela and moved to Hialeah when he was 6.

He said he was influenced by his single mother, who worked at a factory and was paid by the piece to iron clothes.

"My mother was a very hard-working woman," he said. ``She was electric, always on the go."

When he was 12, his mother bought him a horse, which they kept at a race track far from home. To feed it every day, he took a 40-minute bus ride from school and walked a mile to the track -- then turned around and did the same to get home.

He spent summers in school and graduated at 16, then went on to Miami Dade College. He became a police officer in 1983.

He has worked in Liberty City, Kendall and at the Cutler Ridge station, where he spent the past five years.

His personnel file is filled with awards and thank you letters.

He waded into a polluted canal to chase a suspect, jumped over a fence lined with razor wire to help catch an armed robber near Southland Mall and brought a woman with young children food, infant clothing and toys from his home after Hurricane Wilma left her homeless.

He has won numerous awards, most recently the Exceptional Service Award last year for the mall pursuit and was named the Departmental Officer of the Month in April 2002.

He earned a bachelor's degree in professional studies from Barry University in 2000 and is working on a master's in criminal justice at Florida International University.

Even though he chose police work as his career, he still loves animals. He breeds and trains horses and owns two, which he keeps in the Redland.

"Since I was a kid, I have loved them," he said. ``I got back into them to teach my son responsibility. Now my little girl loves them, too."

LOAD-DATE: June 25, 2006

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-72

Copyright 2006 Los Angeles Times
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Los Angeles Times

August 2, 2006 Wednesday
Home Edition

SECTION: BUSINESS; Business Desk; Part C; Pg. 2

LENGTH: 332 words

HEADLINE: 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.

BYLINE: From Bloomberg News

BODY:

Philip H. Knight, founder and chairman of Nike Inc., has pledged $105 million to help build a new campus for Stanford University's Graduate School of Business. It is the largest single donation to a U.S. business school, according to an accreditation agency.

The eight-building, 340,000-square-foot complex will be called the Knight Management Center, Stanford said in a statement. Knight's gift will finance $100 million of the project's $275-million cost. The campus will include a 450-seat auditorium, classrooms, study rooms, dining areas and offices. About $5 million of Knight's gift will be used for faculty endowments.

"This really makes it possible for us to put our academic vision in place," Business School Dean Robert Joss said in a telephone interview Tuesday. "This is a very defining moment because we have a new curriculum in place, and this new campus makes all of that possible."

Previously, the largest single gift to a business school was a $100-million donation in 2004 by New York real estate developer Stephen Ross to his alma mater, the University of Michigan, for the Ross School of Business, said Joshua Sprunger, a spokesman for the Center on Philanthropy at Indiana University.

Knight, 68, earned a master of business administration degree from the Northern California school in 1962. According to Forbes magazine, he is ranked the 70th richest person in the world with a net worth of $7.3 billion.

"Stanford Business School was an important part of my life," Knight said in the statement. "This is a once-in-a-lifetime chance to give back to the school and help it continue to push the boundaries of excellence in management education."

Knight started Beaverton, Ore.-based Nike in 1972 selling sneakers from his car. He pioneered the use of sports celebrities, such as basketball star Michael Jordan, to plug the shoes, known for their swoosh logo and "Just Do It" slogan.

Knight has made several donations to the business school, including funding for the Knight Building.

GRAPHIC: PHOTO: 'JUST DO IT': Billionaire Philip Knight has made several donations to Stanford, where he earned his MBA degree. PHOTOGRAPHER: Matthew Staver Bloomberg News

LOAD-DATE: August 2, 2006

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-73

Copyright 2007 N.Y.P. Holdings, Inc.
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The New York Post

March 14, 2007 Wednesday

SECTION: All Editions; Pg. 42

LENGTH: 450 words

HEADLINE: NIKE DROPS AN OLD SHOE - LONGTIME AD FIRM JUST WON'T DO IT

BYLINE: HOLLY M. SANDERS

BODY:

It seems no ad agency is safe.

After 25 years, athletic shoe giant Nike said yesterday it would shift some business away from long-time creative partner Wieden & Kennedy and start bringing in new agencies.

The fraying of one of the most successful and envied pairings in advertising confirmed what many on Madison Avenue already suspected: there is no loyalty anymore.

These days marketers are constantly looking for new creative juices and more are "cheating" on their long-time agencies.

Some decide to hire multiple agencies and parcel out work. Others jump from agency to agency. Only a few stick with one shop.

More than 20 percent of chief marketing officers dumped their ad agency in 2006, according to a new survey from the CMO Council. And 11 percent of the 350 top marketers surveyed plan to make a change to their ad agencies this year.

Traditional agencies cling to the notion that if they just make better ads, their clients won't look elsewhere. But the reasons for infidelity are more complicated.

The average chief marketing officer lasts less than two years on the job. While their tenures keep getting shorter, their lists of responsibilities keep getting longer.

Marketers are under huge pressure to prove their ad pitches are working, causing them to take more control in-house.

As a result, many marketers are moving away from the "agency of record" model, where one shop serviced all their advertising needs.

It's been a rude awakening for many of the most respected agencies on Madison Avenue, which were used to pocketing 15-percent commissions.

"We would argue that ad agencies have gotten very fat at the trough," said Brian Regan, senior vice president of the CMO Council.

"The whole paradigm that arose to create and sustain a very comfortable relationship between client and agency is being forced to transform."

While the transition has been tough for older agencies, a new breed of small, nimble agencies says there's never been a better time to break into the business.

"We play the mistress agency," said Anne Bologna, a partner at New York's Toy, which gets projects from clients that purport to have steady agencies. "Unfortunately, for the wife agency, who gets to go to more interesting places?"

Wieden & Kennedy crafted one memorable ad after another for Nike, including one of the most enduring slogans in advertising history: "Just Do It."

Nike's sales soared. Wieden won awards. Everyone seemed happy, or so it appeared.

"We've had a very solid relationship through the last 25 years and it will continue," said Nike spokeswoman Dean Stoyer. "We've been very honest with each other and upfront. This coming out in the press is no surprise."

LOAD-DATE: March 14, 2007

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-74

factiva.

Finance

'Just do it': Global brands pull for China in Olympics Marketing and ads tied to Games could reach $6 billion in country

By David Barboza
The New York Times Media Group
1,155 words
12 July 2008
International Herald Tribune
1
11
English
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BEIJING -- With less than a month to go before the Beijing Olympics, it is becoming increasingly clear who global corporations will be rooting for this summer: China.

McDonald's is airing a "Cheer for China" television spot here. Nike ads feature the star Chinese hurdler, Liu Xiang, and other Chinese athletes besting foreign competitors. And this year Pepsi painted its familiar blue cans red for a limited-edition "Go Red for China" promotion.

The campaigns for Western companies are part of an advertising blitz the likes of which this ostensibly Communist nation has never seen.

Ads are papered over bus shelters, projected on giant outdoor television screens and plastered on billboards. Commercials even flicker back at commuters as they zoom through subway tunnels.

Olympic-related marketing and advertising in China could reach $6 billion this year, according to CSM Media Research in Beijing.

A record 63 companies have become sponsors or partners of the Beijing Olympics, and that does not include companies like Nike and Pepsico that are not official sponsors.

"You've never seen the Olympics in a market that has such domestic, commercial scale," says Michael Wood, the greater China chief executive at Leo Burnett, the global advertising agency. "When the Olympics were in Los Angeles and Atlanta, the U.S. market was already fully developed."

China, already the world's second-largest advertising market after the United States, is everyone's dream consumer-product market.

"For most international brands here, China is the growth market for the next 10 years," said Jonathan Chajet, strategy director at Interbrand, the brand consultancy.

But the growing economic clout of China and rising nationalism among its youth - as well as the newfound moxie of homegrown brands - pose challenges for foreign companies trying to woo the burgeoning Chinese middle class. So, advertisers are doing everything they can to be heard and seen celebrating the country and its athletes.

The promise of selling a billion bottles of Coca-Cola to China's 1.3 billion people is no longer a pipe dream; last year, 24 billion bottles of Coke were sold in China. KFC, a unit of Yum Brands, now has more than 2,000 restaurants in China. McDonald's and Starbucks are ubiquitous. And Nokia, the world's biggest cellphone maker, sold about 70 million telephones to Chinese consumers in 2007, racking up sales of $10 billion.

But those global brands are trying to extend their reach into so-called second- and third-tier cities.

But how to reach them?

Earlier this year protesters disrupted the Olympic torch relay in London, Paris and San Francisco, angering many Chinese and stirring up nationalistic sentiment.

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The powerful earthquake that struck Sichuan Province in May, killing more than 69,000 people, also strengthened national bonds ahead of the Olympics.

At the same time, the government is pushing Chinese companies to bulk up and compete with foreign brands, too. And Chinese start-ups are also trying to tap into Olympic fever by touting their home-court advantage.

For instance, a print advertising campaign by Anta, one of the biggest Chinese sportswear companies, shows a crowd of flag-waving youths gesturing like wild revolutionaries in a state of Olympic euphoria. Many of the Anta TV ads include the song lyrics, "I love you, China!"

Other ads, like one by Yili, a maker of dairy products, are similarly patriotic, telling youths that by drinking milk, "I make China strong!"

More than a dozen Chinese companies have paid millions to become Olympic sponsors, including Lenovo, the sole Chinese global sponsor. And some companies are hinting that, like the top Chinese athletes, they can go head-to-head with the best in the West.

No wonder some multinational companies are going native, trying to show solidarity with the Chinese masses.

"For most international brands, this is a double-edged sword," said Chajet at Interbrand. "They're premium, high-tech and status brands. But there's rising nationalism, and the Olympics is a rallying cry for the Chinese, who are looking for a reason not to buy foreign."

To win over Chinese consumers, Adidas, which already has more than 4,000 stores in China, has new television and print spots showing legions of everyday Chinese guiding the country's top athletes to gold-medal performances.

The campaign, which won a Golden Lion at the Cannes International Advertising Festival, is all about rooting for country.

Erica Kerner, director of the Beijing Olympic Games program for Adidas, even said: "This is about rallying the nation."

Gatorade, owned by Pepsico, has a television spot that features Chinese athletes counting down to the year 2008. It concludes with a group of children, perhaps age 7, at what looks like an Olympic training center hitting table tennis balls in unison, and counting down to 2012 and 2016.

A Volkswagon campaign encourages people to "honk for China"; McDonald's ads say "I'm lovin' it when China wins"; and Nike, though not an Olympic sponsor, is the official outfitter of about 30 of China's Olympic sports teams.

Marketing experts say one downside to the advertising frenzy is the clutter.

In the sea of ads featuring Chinese athletes touting everything from Cadillacs to traditional Chinese medicine, with endless shots of the Olympic stadium they call the Bird's Nest, is a simple question: whose ad was that anyway?

"The sameness of the ads is the frightening thing," said Terry Rhoads, managing director at Zou Marketing, a sports consultancy in Shanghai. "You have to wonder about the ad agencies."

An avalanche of Olympic television advertising and special programming on Chinese television is made more confusing by ambush marketing, whereby nonsponsors try to grab some Olympic glory without paying the high sponsorship fees. Pepsico, for instance, is not an Olympic sponsor, but Gatorade brand sponsors some Chinese athletes. Nike is also not an Olympic sponsor, but the company has created some of the most attractive television ads, encouraging Chinese athletes to "**Just do it**."

The Beijing Olympic committee also signed up a record number of sponsors, including three beer makers - Budweiser, Tsingtao and Yanjing Beer - adding to the confusion about who is, and is not, a genuine sponsor.

With so many companies eager to market to China's increasingly wealthy consumers, advertising agencies and China's sports industry - which controls Olympic athletes and shares in their sponsorship dollars - have already captured lots of gold.

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"There's never been an Olympics with such a big home market," says Dick Van Motman, the chief executive of DDB China, the advertising agency.

For global brands to succeed, he said, that means "reinforcing your image; aligning yourself with the China dream; and aligning yourself with China entering the world stage. That's the real game."

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-75

factiva

CREATIVE - NEWS
Nike Prepares Global Effort; Based around Beijing Olympics, the campaign includes a new worldwide spot and an event called 'Human Race'

Kenneth Hein, Brandweek
ONLINE
474 words
17 July 2008
ADWEEK
English
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NEW YORK This week Nike pushes forth with what it is calling the largest campaign in the brand's history. Based around the Olympics in Beijing, Nike will debut a new global spot called "Courage," continue to promote the Nike Hyperdunk shoe and launch the "Human Race" event.

The new TV spot breaks first in Asia and Latin America. It will air in the U.S. on Aug. 8. The ad celebrates the 20th anniversary of the "**Just do it**" campaign by showing a collage of inspirational sports imagery. Michael Jordan kissing his National Basketball Association championship trophy and Lance Armstrong defeating cancer are among the 30-plus different athletes from 17 different countries that appear. The Killers' "All These Things That I've Done" serves as the soundtrack.

Consumers can then go to Nike.com/courage to freeze the many moments in the spot, read narrative about why they were important and add their own comments. Independent Wieden + Kennedy, Portland, Ore., handles.

"The TV ad celebrates quite frankly what we felt is one of the most inspirational brand statements of all time -- **Just do it**," said Joaquin Hidalgo, vp, global brand marketing, Nike. "It's at the core of an athlete's persona whether they are a professional or amateur. It's a call to arms to do better, to get to the next level."

The hefty ad investment has some analysts concerned. Nike's sales growth has slowed along with the economy. In the U.S., for the fourth quarter ended May 31, revenue grew only 4 percent to $1.7 billion, compared with 16 percent to $5.1 billion worldwide.

Hidalgo said the investment is one that would cement the brand for the future. Nike's Olympic efforts are "a way to connect to the world. It's the most important in the history of the brand. ... We're investing in demand creation to ensure we're driving brand strength for current and future revenue growth for the company."

Nike spent $75 million on advertising in the U.S. through April, per Nielsen Monitor-Plus. In comparison, last year's ad expenditure was $190 million and almost $220 million in 2006.

"The levels we are investing at, we feel are appropriate to connect with consumer and drive growth," Hidalgo said.

Nike will use the Olympics as a platform to promote its Hyperdunk basketball shoe ever. On Aug. 31, it is spearheading "The Human Race," slated to be the largest single-day running event in history with 1 million runners in 25 cities. High-profile entertainers such as Kanye West and the All-American Rejects will be on hand to celebrate with participants.

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

NIKE, INC.,	)	
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-76

factiva.

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

471 words
17 July 2008
08:03
Business Wire
English
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BEAVERTON, Ore. - (BUSINESS WIRE) - On the twentieth anniversary of the launch of '**Just Do It**', Nike (NYSE:NKE) today kicks off its global advertising campaign for Beijing, with a new emotionally charged 60-second commercial, "Courage."

The TV ad celebrates one of the most inspirational brand statements of all time, '**Just Do It**', by capturing the very essence of an athlete's motivation. The campaign also provides an innovative interactive platform, through nike.com/courage, where consumers can explore the story behind each iconic moment of the commercial. In the US and Europe, they can join the conversation by adding their own personal comments on the site starting next week.

The high-energy ad features 31 different Nike athletes from over a dozen different countries, including USA, Russia, Portugal, Switzerland, Afghanistan and South Africa. Some recognizable athlete faces from the past and present are featured and include: Michael Jordan, Cristiano Ronaldo, Roger Federer, Maria Sharapova, Liu Xiang, Michael Johnson, Steve Prefontaine, LeBron James, John McEnroe, Wayne Rooney, Joan Benoit and Kobe Bryant. The ad also includes amazing athlete stories such as seven-time Tour de France champion Lance Armstrong and closes with South African sprinter Oscar Pistorius.

"The commercial celebrates courage as the essence of the '**Just Do It**' spirit," said Joaquin Hidalgo, Nike Vice President of Global Brand Marketing. "The fast paced cut takes viewers on an inspiring journey highlighting obstacles athletes at every level must face and overcome."

The TV commercial will kick off in Nike's Asia Pacific and Americas regions on July 19th. In Europe, the Middle East and Africa regions the ad will begin select airing on July 25th and in the USA on August 8th. The 60 and 30-second ads were developed with Wieden+Kennedy Portland and feature the soundtrack "All These Things That I've Done" by The Killers.

Media can visit www.nikemedia.com for more information on all of Nike's innovative products for Beijing and the Nike+ Human Race.

About Nike

NIKE, Inc. based near Beaverton, Oregon, is the world's leading designer, marketer and distributor of authentic athletic footwear, apparel, equipment and accessories for a wide variety of sports and fitness activities. Wholly owned Nike subsidiaries include Converse Inc., which designs, markets and distributes athletic footwear, apparel and accessories; Cole Haan Holdings Incorporated, which designs, markets and distributes luxury shoes, handbags, accessories and coats; Umbro Ltd., a leading United Kingdom-based global football (soccer) brand; and Hurley International LLC, which designs, markets and distributes action sports and youth lifestyle footwear, apparel and accessories. For more information visit http://www.nikebiz.com/.

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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-77

FOCUS - 28 of 620 DOCUMENTS

Copyright 2008 Chicago Sun-Times, Inc.
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Chicago Sun Times

July 18, 2008 Friday
Final Edition

SECTION: FINANCIAL; Lewis Lazare; Pg. 43

LENGTH: 702 words

HEADLINE: Zig keeps its sense of humor; Ethel's Chocolate project shows flair for the offbeat

BYLINE: Lewis Lazare, The Chicago Sun-Times

BODY:

It wasn't a game-changing moment, necessarily, but we got the feeling the unique character of the agency formerly known as Hadrian's Wall/Chicago shifted a bit when -- in late 2006 -- it became a branch outpost of the Toronto-based agency called Zig.

What had been perhaps the city's hottest boutique agency -- certainly its most quirkily creative -- seemed to become just a bit more, you know, corporate. Which isn't altogether surprising. It almost inevitably happens whenever a little company suddenly becomes part of something bigger.

Now known as Zig/Chicago, the shop even has its own dedicated press relations person -- a not unwelcome turn of events. But surely a sign Zig is something a little different from it was a couple of years ago.

In any event, when we got a gander at Zig's newest project for the funky chain of chocolate candy and specialty drinks outlets known as Ethel's Chocolate Lounge, we were happy to see the agency still has its endearing sense of humor and its smart sense about how to tackle a marketing project -- no matter how offbeat or off the beaten track. What Zig was initially asked to do for Ethel's certainly wouldn't be classified as one of the world's most challenging advertising assignments -- namely help develop in-store signage and promotions to draw attention to the chain's first strawberry festival, which runs through Aug. 8.

Still, the results suggest no challenge is too small or insignificant for Zig to attack with clever, smart humor. What we liked most among the variety of things Zig has done for Ethel's is a thermometer sign that asks the question "How good would an Ethel's frozen strawberry drink taste right now?" Next to the thermometer are different descriptives to match different temperature readings. At over 120 degrees, the drink would be "life saving," while at a steamy 100 degrees, the drink is "transcendant." And so it goes on down to a rather more bone-chilling 20 degrees, when the frozen drink would just be "delicious." Another simple but immensely likable execution features mouth-watering shots of the frozen drinks and copy that aptly subverts the familiar "Get 'em While They're Hot" saying.

Nothing here screams "aren't we creative!" thank heavens. The work just pulls us in and pleases.

Lew's view: B+

JUST DOING IT -- FOR 20 YEARS

In an era when advertising tag lines are created and then discarded with alarming speed, it's reassuring to know a few wise companies with great tags have opted to stick with theirs for the long haul -- especially when they so suc-

cinctly and rightly sum up what a company is about. A case in point -- and one familiar to millions of people around the world -- is Nike, which this month celebrates the 20th anniversary of the debut of its celebrated "Just Do It" line. That tag has been affixed to almost all of the sophisticated advertising that has come out of the sports shoes and apparel giant's longtime ad agency, Wieden + Kennedy in Portland, Ore.

To honor the anniversary of the line, while acknowledging the upcoming Beijing Summer Olympics, Nike on Saturday will unveil a new spot called "Courage" from W+K. Like so much of the Nike television work, this spot has no voiceover, just the driving musical underscoring provided by the Killers and their "All These Things That I've Done." Per Joaquin Hidalgo, Nike's vice president of global brand marketing, the commercial is no more nor less than a celebration of courage as the essence of the "Just Do It" spirit.

What viewers will see in "Courage" is an extraordinary display of film editing that binds together a montage of images of athletes from all over the world intently engaged in striving for sporting glory. Interspersed with those visuals are some bits of footage of wild animals dashing across the African serengeti and other oddities that look as if they might be outtakes from Stanley Kubrick's "2001: A Space Odyssey."

But Chicagoans will be pleased to note that one of the last and most affecting images in the astonishing cavalcade of athletic visuals that comprise "Courage" is that of a tearful Chicago Bulls player Michael Jordan, circa 1991, clutching his first NBA championship trophy with his father looking on over his shoulder.

GRAPHIC:
Color Photo: A new spot from Wieden + Kennedy honors the two-decade anniversary of Nike's "Just Do It" tag line -- and includes a classic image from Bulls lore. ;
Color Photo: Zig/Chicago is developing in-store signage and promotions for Ethel's Chocolate Lounge to bring attention to the chain's first strawberry festival, which runs through Aug. 8. ;

LOAD-DATE: July 27, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	Application No. 86330661
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CAPITAL E FINANCE CO, LLC,	)	MARK: JUST DID IT
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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-78

FOCUS - 29 of 620 DOCUMENTS

Copyright 2008 The Oregonian
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The Oregonian (Portland, Oregon)

July 18, 2008 Friday
Sunrise Edition

SECTION: Business; Pg. A01

LENGTH: 985 words

HEADLINE: 'Just do it' tagline still gets it done

BYLINE: BRENT HUNSBERGER, The Oregonian

BODY:

SUMMARY: Advertising | The iconic saying, now 20 years old, is featured in Nike's Olympics campaign

Nike's 'Just Do It' slogan celebrates 20 years The iconic saying, now 20, is featured in the company's Olympics campaign 'Just do

it' tagline

still gets

it done Slogan targets

athletes and

average Joes

BRENT HUNSBERGER

It's been 20 years since Portland ad man Dan Wieden came up with the phrase "Do It," attached "Just" to the front and pitched the tagline to lukewarm reception from Nike executives on the losing side of a shoe war with Reebok.

Today, the eight-letter phrase is among the two or three slogans rated most memorable in advertising history, and Nike is the world's largest sporting goods maker.

The Beaverton-area company, of course, is exploiting the anniversary of "Just Do It" to launch a worldwide marketing campaign for the Olympics in August. Its online component and international rollout this weekend shows how Nike's $18.5 billion business and marketing strategy have changed since 1988, when Reebok surpassed its $877 million in sales.

Wieden+Kennedy, still working the Nike account, has grown in the same directions.

On Thursday, Nike unveiled Wieden+Kennedy's TV commercial from the new campaign, designed to move consumers to exercise --and buy Nike products.

Wieden, co-founder of Portland ad firm Wieden+Kennedy, penned "Do It" as a sort of "connective device" that evoked an athlete's transformation to a great competitor. Later, he added another word for emphasis.

"We're usually not big ones for taglines," Wieden explained in a 1989 interview with The Oregonian. "But because we were doing so many spots and the look had to be different, we felt we needed to have some cement to the thing. We felt 'Just Do It' would work for those at the competitive level as well as for people interested only in fitness."

It did exactly that, experts say, and more.

From a marketer's perspective, the line was gold. It summed up Nike's image concisely and memorably for consumers. And it drew lasting admiration from marketing experts.

"It was quick, easy, cocky, to the point, and a bit irreverent, all of which Nike is," said Peter Moore, who designed the Air Jordan logo for Nike and later headed up Adidas' North American operations in Portland.

"It's an immediate call to action with no thinking involved," said Portland State assistant marketing professor Jill Mosteller.

"Time-worn expression"

The slogan also spoke to everyone who has ever procrastinated about exercising, said Bill Borders, co-founder of Portland ad agency Borders, Perrin & Norrander.

"It is essentially a time-worn expression that had been around for ages," Borders said. "But it lifts that phrase out of common usage and breathes new life into it.

"Not bad for eight letters."

"Just Do It" slips off the tongue with ease and, therefore, easily lodges in our brains, said Steve Cone, author of the new book "Powerlines: Words That Sell Brands, Grip Fans and Sometimes Change History."

Unlike many companies, Cone added, Nike has deployed its slogan consistently and effectively across many media, without altering it.

"To be effective, a tagline should project personality and attitude," said Cone, chief marking officer for Epsilon, a marketing services firm. "Nike's line does that in spades. Most lines today do not."

Wieden, unavailable for comment Thursday, has said in past interviews that neither Nike executives nor the public immediately embraced the line.

But news coverage shows it didn't take long.

Coming off a successful "Revolution" ad campaign, the first "Just Do It" spot featured 80-year-old distance runner Walt Stack and debuted July 1, 1988.

Subsequent TV and print ads used clever lines, catchy music and multisport athlete Bo Jackson's "Bo Knows" chutzpa. By 1990, the agency had harvested a key industry award in New York.

People wrote to Nike saying "Just Do It" had inspired them to leave abusive husbands and achieve heroic feats.

By 1998, Nike's global sales had ballooned to $9.2 billion. Its share of the U.S. athletic shoe market jumped from 18 percent to 43 percent, according to the Center for Applied Research, and it remains dominant today.

Taglines tricky to write

In 1999, Advertising Age ranked the catchphrase No. 2 in its survey of the most memorable slogans of the 20th Century --behind De Beers' "Diamonds are forever."

Taglines are tricky, Borders said.

As Nike unveiled the initial $20 million "Just Do It" drive, Borders' firm was launching a $30 million campaign for underdog shoemaker Avia. Its tagline: "For Athletic Use Only," concocted after research showed 80 percent of consumers weren't using the shoes for sports.

"The challenge is to capture as briefly as possible the essence of a brand promise," Borders said, "and to do it in a way that hasn't been done, will be readily recalled and --ideally --be picked up by everyone and played back in everyday parlance. Not so easy."

Nike's new ad, "Courage," like its most recent "My Better" spots, is fast-paced, featuring images of more than 30 athletes over 60 seconds. Among them: Oregon distance-running icon Steve Prefontaine, 1984 Olympic contenders Mary Decker Slaney and Henry Marsh and Boston Red Sox pitcher Jon Lester.

Its rapid-fire imagery is meant to pique viewers' curiosity and prompt them to see it again.

For that, Nike has designed a Web site (www.nike.com/courage) where viewers can watch the ad and pause it to read the name and a brief biography of each athlete. The site also invites viewers to post their own videos showing courage on video-hosting site YouTube.

The spot airs this weekend in Asia and Latin America, where both Nike and rival Adidas have posted double-digit sales growth in the past year. It won't hit airwaves in the U.S., where Nike's sales are holding even, until the Olympics start Aug. 8 in Beijing.

Brent Hunsberger: 503-221-8359; brenthunsberger@

news.oregonian.com; blog.oregonlive.com/playbooksandprofits

LOAD-DATE: July 21, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NIKE, INC.,	)	
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vs.	)	Application No. 86330661
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CAPITAL E FINANCE CO, LLC,	)	MARK: JUST DID IT
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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-79

FOCUS - 28 of 235 DOCUMENTS

Copyright 2008 Post-Standard
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The Post-Standard
The Post-Standard (Syracuse, New York)

July 27, 2008 Sunday
FINAL EDITION

SECTION: BUSINESS; Pg. D1

LENGTH: 684 words

HEADLINE: NIKE'S SEEN SUCCESS FROM 'JUST DO IT' FOR 20 YEARS;
FAMOUS SLOGAN HELPED THE ATHLETIC WEAR COMPANY SURPASS ITS RIVALS.

BYLINE: By Brent Hunsberger Newhouse News Service

BODY:

It's been 20 years since ad man Dan Wieden came up with the phrase "Do It," attached "Just" to the front and pitched the tagline to lukewarm reception from Nike executives on the losing side of a shoe war with Reebok.

Today, the eight-letter phrase is among the two or three slogans rated most memorable in advertising history, and Nike is the world's largest sporting goods maker.

The company, of course, is exploiting the anniversary of "Just Do It" to launch a worldwide marketing campaign for the Olympics in August. Its online component and international rollout this past weekend show how Nike's $18.5 billion business and marketing strategy have changed since 1988, when Reebok surpassed its $877 million in sales.

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Top slogans

Results of Advertising Age magazine's 1999 survey of the 10 best ad slogans of the 20th century:

1. Diamonds are forever (De Beers)
2. Just do it (Nike)
3. The pause that refreshes (Coca-Cola)
4. Tastes great, less filling (Miller Lite)
5. We try harder (Avis)
6. Good to the last drop (Maxwell House)
7. Breakfast of champions (Wheaties)
8. Does she ... or doesn't she? (Clairol)

9. When it rains it pours (Morton Salt)

10. Where's the beef? (Wendy's)

Source: Advertising Age

LOAD-DATE: July 29, 2008

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	Application No. 86330661
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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-80

FOCUS - 24 of 620 DOCUMENTS

Copyright 2008 The Oregonian
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The Oregonian (Portland, Oregon)

October 21, 2008 Tuesday
Sunrise Edition

SECTION: Sports; Pg. E03

LENGTH: 622 words

HEADLINE: Teaching kids competition, not conflict

BYLINE: JEFF SMITH, The Oregonian

BODY:

JEFF SMITH

EUGENE --He's been to 46 states, spoken on more than 200 college campuses and appeared on "The Oprah Winfrey Show."

As much as Don McPherson would like to think his IQ and his beliefs are the reason for his numerous public speaking requests, he knows better. He knows what to thank for the chance to get his message across.

"I know that a big part of my appeal is because I was an All-American quarterback," said McPherson, who starred at Syracuse (1984-87) before playing with the Philadelphia Eagles and Houston Oilers. "I was blessed by God to be able to throw the ball far."

But McPherson learned early in life never to rest on his laurels. So even though he's being inducted later this year into the College Football Hall of Fame, he's using that honor to send another message.

"I'm proud to say I'm a Hall of Famer and a feminist," said McPherson, adding that he strives to "make people think a little differently" about issues, including race and violence against women.

McPherson was given another venue to showcase his beliefs Monday night in a lecture at the Knight Law Center on the University of Oregon campus. The speech, titled, "Shifting Sport Culture," was arranged by the UO School of Law's Competition Not Conflict program.

Program director Tori Klein approached McPherson about the idea in August and received an enthusiastic reply. Even though he lives in New York, McPherson recognized the importance of the UO program and agreed to give his lecture.

Since ending his playing days in the Canadian Football League in 1994, McPherson, who set 22 school records at Syracuse and finished as runner-up for the 1987 Heisman Trophy, has closely followed the shifting culture of sports.

McPherson doesn't believe the common perception that professional athletes are behaving worse than ever. The difference, he said, is the massive amount of media exposure.

"Athletes today on the college and professional level are better behaved," McPherson said. "The athletes in my day would not be able to handle the media scrutiny. . . . People tend to think that it's getting worse at that level. The area where it's getting worse is on the youth level."

Teaching children how to conduct themselves in athletics is a big part of the Competition Not Conflict program. The program, which began as a nonprofit organization last year, was aided by a recent $460,000 gift from Oregon athletic director Pat Kilkenny and his wife, Stephanie.

Klein said the donation has allowed her program to begin reaching across to all levels of sports, ranging from elementary school children to those involved in collegiate athletics.

"It's permeating every level," Klein said. "Where do you draw the line? Now it's gone all the way down to the first- and second-graders. People are realizing, 'Wait a minute, when did that shift?' "

McPherson believes the shift happened in the early 1990s, using ESPN and Nike as examples while acknowledging that the companies' intent wasn't malicious. In particular, McPherson pointed out how Nike's popular slogan of "Just Do It" labeled sports as "a moment" rather than "a process."

"It's not something you just do," McPherson said. "It is something you do every day. You don't get better on game day. You get better preparing for the game. If we don't proactively teach (children) what we expect out of sports, then the message of the larger sports culture is going to teach them something more dangerous."

McPherson credited the UO's Competition Not Conflict program with being part of the long-term solution.

"It's not going to happen with people outside of athletics throwing stones," he said. "It's going to happen with people within athletics engaging in it."

Jeff Smith: 503-221-8546; jeffsmith@news.oregonian.com

LOAD-DATE: October 22, 2008

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

NIKE, INC.,	)	
Opposer,	)	Opposition No. 91221511
vs.	)	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-81

9/11/09 Campaign 11
2009 WLNR 17838987

Campaign
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September 11, 2009

Close-Up: What really makes a good ad slogan?

Encapsulating everything a brand stands for in a 'snappy line' is no easy task, Matt Williams writes.

It's been quite a year for Aleksandr Orlov. Not only has the lovable meerkat helped Comparethemarket.com gain huge market share and transformed the price comparison sector, but his 'simples' catchphrase has now been named by AdSlogans as the 2008/09 advertising slogan of the year.

From Audi's 'vorsprung durch technik' to **Nike**'s '**just** do **it**', a slogan can be a powerful tool. That one short sentence needs to sum up a brand's positioning, integrate all of its different marketing channels and give consumers a memorable message to take away with them.

But there's a theory that the desire for creating a relevant slogan is diminishing. With the number of new marketing sectors for brands to capitalise on, it seems that the need for a simple slogan has been replaced by the need for an in-depth marketing idea.

'Most advertising channels don't actually lend themselves to an endline now, which has made slogans become quite unfashionable,' Mark Roalfe, the chairman of Rainey Kelly Campbell Roalfe/Y&R, says.

'But this shouldn't be the case. Particularly in today's fast-paced world, where most people only seem to communicate in 140 characters or less, the need to sum up a brand's ideal in one snappy line is even more enticing.'

He points to Carlsberg's 'probably the best lager in the world' slogan as a great example of where this works.

The line carries so much impact that the brand can now get away with simply using the word 'probably' and consumers would instantly link it to the drink.

There is no set formula to creating a great slogan, but history has shown that some approaches are far more effective than others.

The majority of the best slogans are declarative. There is no room for modesty here. BMW tells us that it makes 'the world's best driving machine' and British Airways states that it is 'the world's favourite airline' - consumers trust that confidence.

Other brands opt for a more obvious statement about just what makes their product great. 'A Mars a day helps you work, rest and play', while the sheer choice at Burger King means you can 'have it your way'.

These slogans connect a consumer with the brand as much as the ad they're attached to, thereby helping to increase brand loyalty. They are also relevant to the brand too. 'Because you're worth it' clearly belongs to L'Oreal. However, if a slogan is too generic, it can easily lose its sense of purpose.

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There are some proven ways for brands to ensure that they are maximising memorability.

Common techniques include alliteration ('lick the lid of life'), repetition ('making the unmissable unmissable') or rhyme ('for mash get Smash'). These techniques make the line entertaining and easy to recall.

Darren Bailes, the creative director of VCCP, says: 'When we created an ad for Pimm's, the endline 'anyone for Pimm's?' didn't get taken up Instead, it was the other lines in the ad ('I make that Pimm's o'clock', for example) that worked because they were more entertaining.'

Consumers took the lines from the Pimm's ad and regularly repeated them, whether they were intentionally referring to the brand or not. Get the slogan into the vernacular, as Pimm's did, and as Comparethemarket has done, and you stand yourself in very good stead. Simples.

- Got a view? E-mail us at campaign@haymarket.com

CREATIVE - Trevor Beattie, partner, Beattie McGuinness Bungay

'Slogans are the height of writing. If you can sum up your emotions about a brand in half-a-dozen words or less, then you've cracked it It's a language by which most of us communicate, so if you can use those few words to make an idea sound appealing, then that can be so powerful.

'I always think that the best approach in writing a good slogan is to write what you want to say long hand and then, within those four or five paragraphs, chances are you'll find a set of words that you can extract.

'This will ensure the slogan says exactly what you need to say about a brand, without overly complicating things.'

CREATIVE - Darren Bailes, creative director, VCCP

'People from the old-fashioned school of advertising tend to like using slogans because it allows them to show people just how clever they are.

'But we're not here to be clever, we're here to entertain and sell our ideas to consumers. The ad itself should do the talking, not a couple of words at the end.

'With 'simples', we basically created a culture and a language that people were able to take up and have fun with. It was just a little gift for people to take away from the ad, a small part of a much bigger idea.'

PLANNER - Ben Kay, head of planning, Rainey Kelly Campbell Roalfe/Y&R

'The best slogans take simple products and brand truths and give them an attitude that people can adapt and take on as their own.

'A simple, engaging line for sausages is successful because it comes from a more impactful idea.

'But the days of coming up with neat little taglines to sign off a TV ad are gone. Now the interesting thing is taking a thought and developing it throughout a brand, and then the great slogan is usually born out of that.

'The problem comes when you apply a generic slogan, as that means the line becomes less of an idea and doesn't give the consumers any thought to grab hold of and take with them.'

PLANNER - Tom Morton, executive planning director, TBWA\Media Arts

'Many of today's best endlines are more like mottos or attitude statements. 'Lead a Muller life' is a company motto, a point of view about yoghurt as a food for a full and healthy life.

'Ideally the lines are deep enough that they can influence the shape of brand activity even when the endline doesn't appear. That's even more important when many of the growth channels of marketing - content, events, mobile - don't even carry endlines.

'So a good slogan can really work for brand owners to hold it all together.'

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---- INDEX REFERENCES ---

COMPANY: BRITISH AIRWAYS (SOUTH AFRICA); TBWA; BRITISH AIRWAYS (MALAWI); TRAVEL TRENDS BOTSWANA (PTY) LTD; RAINEY KELLY CAMPBELL ROALFE; BRITISH AIRWAYS (UGANDA); BRITISH AIRWAYS (GHANA); BRITISH AIRWAYS PLC; BRITISH AIRWAYS

NEWS SUBJECT: (Market Share (1MA91); Sales & Marketing (1MA51); Business Management (1BU42))

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Language: EN

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Word Count: 1209
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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

EXHIBIT A-82

Copyright 2009 The Sunday Oregonian
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The Sunday Oregonian (Portland, Oregon)

September 27, 2009 Sunday
Sunrise Edition

SECTION: Sunday Features (O!)

LENGTH: 1877 words

HEADLINE: O. Hm. C'mon, say it with me: 'Oh. Hmmm'

BYLINE: LAURA OPPENHEIMER, The Oregonian

BODY:

SUMMARY: Ad man Jelly Helm, rehoning his own direction, prods Oregon Council for the Humanities to do the same

O. Hm. C'mon, say it with me: 'Oh. Hmmm' Helm advises

they update

conversation

LAURA OPPENHEIMER

Cocktails in hand, the crowd scrunches together to hear the perplexing case of advertising superstar Jelly Helm: "Advertising is broken."

Meaningful brands, on the other hand --Wii, Facebook, Obama, Prius, Nascar --persuade people to enlist. We identify. "It's like a bigger version of who we already are," says the lanky, khaki-clad Helm, who'd blend into the audience at this industrial-feeling bar if he weren't working them into a froth of applause. Starbucks used to get it, Helm continues. Now the java conglomerate hawks music and stuffed bears, baristas don't actually grind beans, "and the coffee squirts out like diarrhea."

Little did the crowd know, that December evening, that they witnessed the birth of another brand --a new image for the humanities, unveiled last week by unlikely partners.

Oregon Council for the Humanities hosted the inaugural Think & Drink as part of a push to attract a bigger, younger following. To become less elitist, more inclusive. To make the humanities relevant.

The group simply needed somebody to tell its story. Helm, meanwhile, had just defected from corporate advertising. Here was a storyteller in search of a tale he believed in.

*

Perhaps, when you hear "humanities," you picture silver-haired professors droning about Plato or transcendentalism. Not long ago, you might have found some truth in that stereotype.

Congress created and funded the National Endowment for the Humanities, and an affiliate in each state, in 1971. Oregon Council for the Humanities traditionally published a magazine, hosted distinguished speakers and sponsored research.

Events appealed to an older, upper-class audience. Many people didn't understand the humanities in general or this group in particular, with its mouthful of a name --staffers have fielded wayward calls for homeless services and the Humane Society.

Two-and-a-half years ago, Cara Ungar-Gutierrez came on board as the group's fourth leader, fresh from a stint as education director at the Oregon Historical Society. Not yet 40, she represents a new generation in the humanities.

Lectures are out; conversation is in. Current events and pop culture belong. And anybody with a thought-provoking perspective can be a scholar.

"It doesn't have to be somebody with a Ph.D. Not that I have anything against people with Ph.Ds," jokes Ungar-Gutierrez, who earned a doctorate in composition and rhetoric from Miami University in Ohio.

This shift is evident at the downtown Portland office, where the nine-person staff discusses everything from "The Daily Show" to literature. Programming has evolved, too.

Rather than invite 12 high-schoolers to write research papers, the group hosts a summit where 100 teenagers explore happiness, say, or generational identity. A longtime speakers bureau, Oregon Chautauqua, became a "conversation project" with topics from Mexican immigrants to female photographers. When debate erupted last winter about Portland Mayor Sam Adams' relationship with a teenager, humanities leaders scrambled to organize a community forum, "Private Lives in the Public Eye."

They also launched Think & Drink at Rontoms bar on East Burnside Street. The first speaker should represent the group's transformation: somebody provocative, maybe not an academic. Organizers had never heard of Jelly Helm,but the man with the memorable nickname came highly recommended.

A youngish 44-year-old who speaks with a hint of Kentucky, Helm has won major advertising awards. At Wieden+Kennedy, Portland's premier creative firm, he crafted a talent-development boot camp. One of his commercials, a Super Bowl spot for Nike, is in the permanent collection at the Museum of Modern Art.

Humanities leaders, however, didn't realize Helm was buried in professional soul-searching. After being demoted as W+K's executive creative director in summer 2008, he decided to leave altogether. As he sees it, traditional advertising is giving way to companies or groups or projects that have, at their heart, a compelling story.

"It just feels like the world is changing," Helm says, "and I wanted to be in the middle of it."

*

Think & Drink went so well, it forged a friendship between Helm and the women who steer the humanities council.

He invited them to an open house at his new studio, where he intended to do some creative dabbling during a year's sabbatical. They invited him to humanities events. And, when they plotted their first real advertising campaign early this year, they asked for advice.

Armed with $70,000 --7 percent of their $1 million budget, three-fourths of it from federal and state government --humanities leaders planned to overhaul their logo, brochures, Web site. Everything. "We've changed, and we need a brand that shows that," says Kathleen Holt, magazine editor and communications director.

She expected nothing but pointers from Helm, even when he half-jokingly suggested that she send an application "to some guy who has an office in Old Town." After all, he'd worked on multimillion-dollar accounts for some of the biggest companies in the world.

Helm pinned the application to his wall, where it stayed for weeks. This was a nonprofit with limited resources.

"My old frame might have been, 'What's their budget? What's their status? Is this a cool thing to work on?' " he says. "My new thing is, 'What's your purpose?' "

He also examined his own purpose and came up with a satisfactory answer: listening, hearing a story, understanding what's special about it.

The Friday night before proposals were due, Helm sat at home perusing oregonhum.org. He hunted for ways to simplify the clunky title, Oregon Council for the Humanities, playing with words until he stumbled onto "O. Hm." It was the perfect shorthand for Oregon Humanities, which could be the new name. And when he said it out loud --"Oh. Hmmmm." --he found a second meaning.

"That's the sound of what happens when you're at one of these events. That's been the purpose of the humanities forever, to get people to hear an idea so everything cracks open for them."

Monday morning, he called Holt to say he was really inspired, but the numbers wouldn't pencil out . . . unless he came up with just the right idea. "Which I did."

Helm stopped by the next day and made his pitch.

Everybody was quiet for a moment.

"I love it," Ungar-Gutierrez, the executive director, said.

"I love it, too," chimed in Holt, the communications manager.

"I love it, too!" agreed the branding guru.

* Winning over the rest of the humanities world wouldn't be quite so easy. Helm was proposing a new, whimsical hook for an old, distinguished discipline.

Humanities councils play to the personalities of the areas they serve, says Edythe Manza, state liaison at the National Endowment for the Humanities. Many are trying to engage a bigger audience; some, like Oregon, use social networking sites such as Facebook and Twitter.

It can be a challenge, Manza says, to reassure loyal humanities fans and snag new ones at the same time. "Change is hard, but we're optimistic."

Ungar-Gutierrez and Holt didn't officially need anybody's approval to move forward. But they wanted buy-in, and a lively debate matched the spirit of the humanities --and the spirit of Oregon. So they created a branding advisory group and, in June, invited Helm to speak to their board.

He showed up in a hooded, blue Patagonia jacket, carrying cookies baked by one of his two young sons. New letterhead, business cards and a short film were in the works.

It's exciting, Helm told the board, to see a nonprofit change with the times. But the name felt patriarchal, like this group bestowed the humanities on people. That led to Oregon Humanities and O. Hm., "a nice little accident."

O. Hm. is not the brand, he explained. It's a campaign to help tell the story, kind of like "Just Do It." Nike resurrects the iconic slogan from time to time, making it fresh.

"There's a chance some people will say, 'That's the dumbest thing you've ever done,' " Helm told the board. "The point is to start a conversation. I think branding is a very human and artful thing, not a scientific thing."

By this time, he'd won over many of the 19 volunteer board members.

John Frohnmayer, a former independent candidate for U.S. Senate, initially balked. He hated to lose the logo, which reminded him of a medieval manuscript illumination. But the more he heard from Helm, the more he wanted to shake things up --force people to react.

"I think it's a kind of an entree," Frohnmayer told fellow board members.

Carol Edelman, a semiretired architect, liked making the humanities more real-world. She liked a lot of the new programs, too. But she wasn't sure she liked O. Hm.

"It's flip. I somehow have a feeling it's making light of the thing that's most key."

After a lot of listening, Helm weighed in. "I do respectfully hear all the comments," he said. "But it's the right way to go."

*

By August, the newly minted Oregon Humanities crew counted down to officially unleashing their new identity. The branding committee met one last time, a design firm worked on the Web site and some skeptics warmed to the strategy.

Edelman, who worried about being flip, embraced O. Hm. as part of a campaign --not a stand-in for the brand. "The worst thing that can happen is, some longtime supporter will think, 'What the hell are you doing? But I still like the magazine and I still like the programs,' " she says.

Helm has taken on bigger clients, including Wikipedia. But it was Oregon Humanities that first inspired him again, and he needed to finish one major piece: a short, promotional film about the power of ideas.

For two days Helm's building welcomed a parade of prominent thinkers, from writers to musicians to Portland State University President Wim Wiewel. They reported to a makeshift studio cloaked in drapes, where Helm asked about ideas that challenged them. He asked them to say "Oh. Hmmmm."

Upstairs, Helm's workspace doubled as a green room. When shooting got behind, the talent plopped on his cafe-esque collection of couches and chairs, browsed mile-long bookshelves organized by color of the spine, peeked out into Old Town.

Oregon Poet Laureate Lawson Inada was deep in thought with Rich Wandschneider, former director of Fishtrap writers community. Thomas Lauderdale, pianist and ringleader of Pink Martini, chatted with the producers of "Live Wire!" radio show. Intentional or not, it's the sort of freewheeling conversation Oregon Humanities wants to spark.

Holt, the communications director, showed off materials almost ready to debut. Business cards replace formalities with a staffer's first name and three alternative titles (in her case, "word wrangler, straight talker, wry observer"). Fold-over pins work as bookmarks or jewelry. Blank journals are inscribed with a short mission statement: "Get together, share ideas, listen, think, grow." And a neon "O. Hm." sign will glow from the Oregon Humanities office on dark, rainy afternoons.

"It's so great," Holt said, surveying the wall. "And it was in front of us the whole time."

Laura Oppenheimer: 503-294-7669; loppenheimer@news.oregonian.com

LOAD-DATE: September 28, 2009

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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-83

10/12/09 Inv. Bus. Daily (Pg. Unavail. Online)
2009 WLNR 20140594

Investor's Business Daily
Copyright 2009 Investor's Business Daily, Inc.

October 12, 2009

Section: Managing For Success

Create Catchy Advertising That Connects With Buyers

MOREY STETTNER

Three brothers who own a commercial construction firm felt stymied by their advertising. They were unhappy with poor results from running costly ads in trade magazines.

AmyK Hutchens, a consultant, advised the firm's chief executive. The CEO knew his company's ads were uninspired and not particularly memorable, so he sought fresh ideas.

"I knew what it was like to grow up with two brothers, so I was able to make an intense association with him," said Hutchens, chief executive of AmyK Inc., a business strategy firm in San Diego, Calif. "I came up with two slogans that made his business more relatable."

For the first campaign, she proposed: "Of course we're competitive. We're brothers." She developed the second slogan for when they completed a construction project: "Hey, Mom, look what we built." The clever new campaigns generated hundreds of calls.

To create catchy advertising for your company, connect with your target audience through humor or fear, Hutchens says. As the brothers who run the construction firm discovered, funny slogans that resonate with people can trigger warm feelings for your organization.

Another key to successful advertising is to focus on the customer's experience, not your own. If you boast about your company's greatness, the public may shrug.

Hutchens learned this lesson firsthand. When she launched her consulting business in 2000, she chose the tag line "Bringing Business to Mind." Results improved when she appealed more directly to the customer. Her current tag line is "Ignite Brilliance."

Hutchens cites **Nike**'s famous line, "**Just** do **it**," as a successful customer-centric message. By contrast, she says Ford's longtime ad campaign, "Quality is job one," was less effective in reaching out to car shoppers and capturing their experience.

For Hutchens, the most critical component of an ad campaign is its ability to forge a strong association with potential buyers. Unless a slogan grabs people intensely, it can fail.

"It has to be either funny and positive or able to make people feel an intense fear where they identify with their pain point," she said. "It also has to be visual so that you create a picture in the mind."

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To test your next ad campaign, preview it for a focus group and ask participants to describe what they feel. Ideally, you want them to respond deeply at a gut level.

"If you don't get an extreme reaction, you won't get extreme results," Hutchens said.

That's easy to overlook, she warns. Many business owners grow so enamored of their product or service that they assume everyone needs it. A better approach is to forge an emotional connection with consumers so they decide for themselves that they want it.

---- INDEX REFERENCES ---

INDUSTRY: (Construction (1CO11))

Language: EN

OTHER INDEXING: (AMYK INC; CREATE CATCHY ADVERTISING; NIKE) (AmyK Hutchens; Ford; Hutchens; Ideally)

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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-84

12/21/09 Bus. Line (Hindu) 7
2009 WLNR 25617979

Business Line
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December 21, 2009

Section: MENTOR

Agenda for infrastructure in 2010

The beginning of the end of the first decade of this millennium is round the corner, and it is time we took a step back and checked if we managed to do what we intended to in the area of 'infrastructure development,' begins Amrit Pandurangi, Leader-Transportation and Infrastructure Practice, PricewaterhouseCoopers, during the course of a recent year-end email interaction with Business Line.

"The good news first. The debate about 'investing' in infrastructure, importance of mainstreaming private sector into infrastructure creation and financing, and PPP as a good model for the country are all over," he adds. "No one — and that is, all political parties and the bureaucrats — is asking those questions now."

So, what is the bad news? Not only we haven't moved fast enough in implementation but we are not yet willing to accept that we have failed in execution, Amrit rues.

Excerpts from the brief interview:

At the start of the century, or even mid-decade, what were the policy expectations to be fulfilled by the end of the first decade?

We began the decade with good goals — of rapidly expanding investments in all infrastructure sectors, focus on connectivity across the length and breadth of the country, significantly higher importance on core infrastructure sector policies and institutions and trusting the private sector to deliver infrastructure.

At the close of 2009, where are we?

Culturally, we seem to have this problem of taking a very casual approach to some serious issues.

Poor execution happens because we don't seem to "plan" well, don't seem to "build capacity in institutions to execute," don't seem to believe in serious "communication with affected parties," don't seem to feel bad when we don't deliver, etc.

Many people will probably accuse India of not having the right infrastructure policies or strategies. I don't agree. We may not have the best of policies or strategies in place, but we are more than half way there.

We are in an evolving and growing market and we needn't wait for perfect policies and strategies. However, when it comes to implementing what we have agreed, we score a mere 1 on 10.

For 2010, what should be the agenda?

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So we are now in the last year of this decade and what can we do to make this decade not a lost one. The solution is very simple.

Even as we are trying to fine tune our policies and strategies, let us focus on learning from our good implementers. Look around and you will find lots of them — from the private sector and the public sector. If the Delhi Metro can give us a proud network ahead of schedule, and if Tatas can set up an ultra mega power project faster than planned, why not learn from them. Simple and well-established concepts of resource planning, project management, capacity building, communication and monitoring your progress with mid-course correction need to be accepted first and brought into practice in a massive way — almost with a missionary zeal in all infrastructure projects.

And private sector expertise can be pulled in for this in a big way. This "mindset change" needs a strong political push as also a reward-penalty system to bring in a much higher level of accountability. Let us make 2010 the "launch year" for the next decade — the decade of focus on execution. As the famous **Nike** ad says... ' **just** do **it**.'

D. MURALI

Even as we are trying to fine tune our policies and strategies, let us focus on learning from the good implementers.

---- INDEX REFERENCES ---

COMPANY: PRICEWATERHOUSECOOPERS; PAN PACIFIC PETROLEUM (VIETNAM) PTY LTD; PRICEWATERHOUSECOOPERS LLP

INDUSTRY: (Land Transportation (1LA43); Transportation (1TR48); Passenger Railroads (1PA89); Passenger Transportation (1PA35); Railroads (1RA98))

Language: EN

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Word Count: 685
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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-85

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Forbes.com

Forbes Sports Values

The World's Top Sports Brands

Peter J. Schwartz, 02.03.10, 5:00 PM ET

In the multibillion-dollar sports industry, the most competitive contests are often fought off the playing field, where athletes, businesses, teams and events jostle for name recognition in hopes of capturing a bigger share of the entertainment dollar. So who's doing it best?

Our second Forbes Fab 40, a ranking of the world's top sports brands, reveals that Tiger Woods, Nike, Manchester United and the Super Bowl are the most valuable names in their respective categories.

To determine our list, we ranked athletes based on endorsement income relative to peers in their sport; businesses based on the amount of the enterprise's private market value attributable to its name; teams based on the portion of their overall value not a result of market demographics and league; and events based on revenue generated per day of competition. While polls can provide a whimsical take on how someone feels at a particular moment, our brand values quantify the equity built up in a name over many years.

In Pictures: World's Top Sports Brands

That's why Tiger Woods holds top spot among athletes with a brand value of $82 million. Even though Woods isn't likely to see a repeat of the $105 million he earned from sponsors last year anytime soon, his remaining deals, including those with Nike, Electronic Arts and Procter & Gamble's Gillette, will still earn enough to keep him the world's highest-paid athlete in 2010, even if he does not hit a single golf ball all year. Woods' 2009 endorsement total, on which this list is based, was more than the next three highest-earning athlete spokesmen combined.

Should Woods seek tips on how to rebuild a tarnished image, he should take some cues from Kobe Bryant's comeback. The Los Angeles Lakers star, who lost most of his sponsors after sexual assault charges were filed against him in 2003, is now earning more in annual endorsements than at any point in his career. Bryant's brand ranks sixth among athletes and is one of six names to appear on our list for the first time.

A strong brand and a carefully crafted image can last well into retirement. Take Michael Jordan, who last played an NBA game almost seven years ago, but whose brand is worth $30 million today by dint of deals with Nike, Hanesbrands and PepsiCo's Gatorade.

With a value of $10.7 billion, the Nike brand is the most valuable among sports businesses. The growth and profitability generated by Nike's intangible assets, like its globally recognizable swoosh logo and "Just do it" slogan are reflected in its price-to-book ratio of 3.4, which is 50% better than the overall market.

Of the company's $18.4 billion in revenues last year, 90% was attributable to merchandise emblazoned with either the Nike or Nike Golf logos. The company also has the distinction of being the only sports apparel maker whose worldwide market share has increased since the start of 2008, according to industry tracker Sporting Goods Intelligence.

At $10.5 billion, Walt Disney's ESPN ranks second among sports businesses in brand value, down one place since our inaugural ranking. We estimate the sports media giant generated $8.5 billion in revenues last year, buoyed by increased subscription fees charged to cable operators for their ever-expanding offering of domestic and international cable channels, as well as its popular magazine, Web site and licensing and radio divisions. ESPN's market value of $35 billion is $10.5 billion more than a network without its name would be worth.

Watch ESPN long enough and you're bound to see the latest news on Manchester United, the world's most valuable team brand, worth $270 million. Even though Spanish soccer power Real Madrid generates $60 million more in revenue, Man U's

brand is $25 million more valuable. Why? Shrewd worldwide marketing efforts. The team boasts that more than half its followers hail from Asia. The Red Devils, as the team is known to its fans, will collect more than $22 million this year from a jersey sponsorship deal with troubled insurer AIG, more than any other soccer team. That figure is set to increase once another American insurance company, Aon, takes over the sponsorship next season. Over the last two seasons Man U has advanced to consecutive UEFA Champions League finals for the first time, winning one of them.

Of course, winning is something the New York Yankees know better than anyone. The Bronx Bombers are the most valuable team brand in North America, worth $266 million. The Yankees account for roughly one-third of all Major League Baseball licensed merchandise sales, and that's before factoring in last year's postseason, which sparked a merchandising frenzy with gross sales of $450 million for World Series- and Yankees championship-related goods. Recognizing the strength of the Yankees brand, ownership has leveraged the team to create broadcasting and concession businesses and have grown the team's parent company to become what Forbes estimates as a $3.3 billion business.

When it comes to sporting events, there's no spectacle quite like the Super Bowl. With an expected U.S. TV audience in the neighborhood of 100 million for Sunday's game--double last week's State of the Union address--the Super Bowl has become a de facto national holiday. Last year's Super Bowl generated $420 million in media, sponsorship, tickets and licensing revenue, more than a typical day of the Summer Olympics and soccer's World Cup combined.

The cheapest seats cost $500 at face value and are next to impossible to come by (less than 1% of tickets are made available to the public through a random drawing). That's a far cry from the first Super Bowl in 1967, which was played before a half-empty stadium. CBS and NBC, both of which broadcast that game, didn't think much of it either. Neither bothered to keep all of their footage.

Sources: Howjego Brand Marketing; TNS Media Intelligence; SNL Kagan; Deloitte LLP; Premier Global Sports; Front Row Analytics; Churchill Downs; NCAA; NFL; IOC; FIFA; UEFA; ISC; FactSet Research Systems; annual company reports; Forbes.

In Pictures: World's Top Sports Brands

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OPPOSER NIKE, INC.'S FIRST NOTICE OF RELIANCE

EXHIBIT A-86

FOCUS - 3 of 6 DOCUMENTS

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Advertising Age

March 29, 2010

SECTION: NEWS; Pg. 0035

LENGTH: 400 words

HEADLINE: THE WORK

BODY:

80 YEARS OF IDEAS

There's a certain laughably arbitrary nature to choosing the five best ads from the last 80 years. It's a subjective business and much depends on the era in which one came of age. Any industry expert would surely pick Think Small, from the mighty Berbach-led DDB for one of the top positions. Or Life's "Hey, Mikey" from the same agency. Or Apple's "1984" from TBWA/Chiat/Day, L.A. Or one of a number of other seminal ads.

This list comprises not so much ads as ideas, momentous leaps in brand creativity as part of culture. These campaigns are among enduring, and the most culturally resonant, whether they're still being used in ads or not.

M&M'S

'MELTS IN YOUR MOUTH, NOT IN YOUR HANDS'

AGENCY: BATES & CO.

1954

The man behind this campaign, Rosser Reeves believed in the Unique Selling Proposition and this was his most famous. Though his information-driven approach fell out of favor in the 60s, his work has endured. After all, how many '50s admen have been quoted by 50 Cent? (from Candy Shop: "I'm trying to explain baby the best way I can/I melt in your mouth girl, not in your hands (ha ha)."

NIKE

'JUST DO IT'

AGENCY: WIEDEN & KENNEDY

1988

Nike and its agency partner Wieden & Kennedy have contributed many, many classics to the creativity canon. Just Do It, penned by agency founder Dan Wieden, didn't just provide a framework for an enduring ad campaign. It transcended advertising to become a Smithsonian-enshrined, universal call to action.

MARLBORO

THE MARLBORO MAN

AGENCY: LEO BURNETT CO.

1955

Philip Morris was vexed that its Marlboro brand was perceived as too feminine. Enter Leo Burnett, who believed in exploiting the "inherent drama" in brands. Forever after, Marlboro would be associated with the cowboy riding the range.

BURGER KING

'HAVE IT YOUR WAY'

AGENCY: BBDO

1973

How prescient of BBDO to conceive a brand idea that was so perfect for today's consumer-control era that it simply had to be resurrected.

CALIFORNIA MILK PROCESSOR BOARD

'GOT MILK?'

AGENCY: GOODBY, SILVERSTEIN & PARTNERS

1993

Hammering away at health benefits is to be expected when you've got a product like milk. But Goodby's big idea was to introduce milk as the indispensable accompaniment and the horror of sticky mouth roofs. "Aaron Burr," from 1993, stands as a singular spot achievement and the introduction to one of advertising's best campaigns.

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LOAD-DATE: April 1, 2010

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EXHIBIT A-87

Copyright 2011 Business Wire, Inc.
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June 2, 2011 Thursday 9:19 PM GMT

DISTRIBUTION: Business Editors; Sports Editors

LENGTH: 698 words

HEADLINE: Nike Unveils "The Chosen," Its First Ever Action Sports 'Just Do It' Campaign;
Nike Action Sports Featured in Epic Film Shot at Night

DATELINE: BEAVERTON, Ore.

BODY:

Nike (NYSE:NKE) today announced the launch of "The Chosen," a new global 'Just Do It' campaign featuring a pantheon of action sports stars. The centerpiece of the campaign is a film featuring skate legend Paul Rodriguez (P-Rod), Olympic snowboarder Danny Kass, surf prodigies Julian Wilson and Laura Enever. The film was shot all over the world at night and features lighting and pyrotechnics reminiscent of a live rock concert.

Nike Skateboarding Athlete Paul Rodriguez. Los Angeles, CA. (Photo: Business Wire)

Throughout the course of the campaign, Nike will be conducting global grassroots events providing athletes an opportunity to participate in the sports featured in the film.

"The Chosen" campaign also includes a video contest inviting skaters, surfers, BMX riders, snowboarders and skiers to submit a video of their crew in order to be chosen for an opportunity of a lifetime - a chance to travel with the Nike team while getting access to exclusive Nike products and experiences. The contest will run within Facebook where winners will be determined by fan support, Nike and Nike athletes.

"'The Chosen' represents a new voice for Just Do It, a passing of the torch to the next generation of sports heroes," said Davide Grasso, Nike's Vice President of Global Brand Marketing. "This is a defining moment for Nike Action Sports as we evolve this iconic campaign to bring it to new audiences, in new ways around the world."

The campaign will debut globally on Facebook, Thursday, June 2nd at 7 PM EDT. The film will air on TV on Sunday, June 5 during Game 3 of the NBA Finals at 8 PM EDT. The 3-D version will air at cinemas nationally over the 4th of July Weekend. The campaign will be seen in 23 markets including the US, China, Brazil, Western Europe and Australia. This is Nike's first ever 'Just Do It' campaign featuring all action athletes, exemplifying its commitment to Action Sports and its elevation as a key growth category.

"It's amazing that Nike is elevating action sports to the same platform reserved for sports icons like Michael Jordan

and Lebron James," said Nike Pro Skateboarder Paul Rodriguez. "Shooting and skating at night underneath bright lights made it intense, exciting, and fun."

Created in collaboration with 72andSunny, and directed by renowned cinematographer Lance Acord, the film features an astounding 25 athletes filmed over the course of a year at some of the best action spots in the world, including Whistler, Aspen, Bali, Hawaii, Florida, New York City and Los Angeles. Complementing the film are behind-the-scenes content pieces from each location.

The film features the following Nike Action athletes: Paul Rodriguez, Theotis Beasley, Omar Salazar, Danny Kass, Nicolas Muller, Annie Boulanger, Ellery Hollingsworth, Mason Aguirre, Greg Bretz, Louie Vito, Peetu Piiroinen, Andreas Hatveit, Julian Wilson, Alejo Muniz, Monyca Byrne-Wickey, Michel Bourez, Kolohe Andino, Malia Manuel, Laura Enever, Garrett Reynolds, Dennis Enarson, James Stewart and Ryan Dungey.

The music track for the film entitled "I Got a Thing," was written by Clarence "Fuzzy" Haskins of the band Funkadelic and performed by Hanni El Khatib. The contest, the film, and behind the scenes videos can all be found at NIKE.COM/CHOSEN .

For more information including multimedia, visit: http://actionsports.nikemedia.com/

About Nike

NIKE, Inc., based near Beaverton, Oregon, is the world's leading designer, marketer and distributor of authentic athletic footwear, apparel, equipment and accessories for a wide variety of sports and fitness activities. Wholly-owned Nike subsidiaries include Cole Haan, which designs, markets and distributes luxury shoes, handbags, accessories and coats; Converse Inc., which designs, markets and distributes athletic footwear, apparel and accessories; Hurley International LLC, which designs, markets and distributes action sports and youth lifestyle footwear, apparel and accessories; and Umbro Ltd., a leading United Kingdom-based global football (soccer) brand. For more information, visit www.nikebiz.com .

Photos/MultimediaGallery Available: http://www.businesswire.com/cgi-bin/mmg.cgi?eid=6747380&lang=en

CONTACT: Nike
Media Relations, 212-367-4447

URL: http://www.businesswire.com

GRAPHIC: Nike Surf Athlete Michel Bourez. Bali, Indonesia. (Photo: Business Wire)
Nike Surf Athlete Laura Enever. Bali, Indonesia. (Photo: Business Wire)
Nike Skateboarding Athlete Paul Rodriguez. Los Angeles, CA. (Photo: Business Wire)
Nike 6.0 Surf Athletes Michel Bourez, Kolohe Andino, Malia Manuel, Monyca Byrne-Wickey and Laura Enever. Bali, Indonesia. (Photo: Business Wire)

LOAD-DATE: June 3, 2011

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

NIKE, INC.,	)	
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-88

Copyright 2013 Gannett Company, Inc.
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USA TODAY

August 21, 2013 Wednesday
FINAL EDITION

SECTION: SPORTS; Pg. 3C

LENGTH: 502 words

HEADLINE: 'Just Do It' slogan going strong at 25

BYLINE: Jeffrey Martin, @JayMart, USA TODAY Sports

BODY:

Dan Wieden was worried that his advertising agency's proposed slogan for the burgeoning footwear giant was too unfocused.

Recalling convicted killer Gary Gilmore's famous last words before being executed in 1977 in Utah -- "Let's do it!" Gilmore said -- Wieden tweaked the declaration 11 years later and came up with an idea that would soon become iconic:

"Just Do It."

That was 1988. Nike -- and the Wieden+Kennedy agency -- would never be the same.

"It caught on because it was short, simple, easily understood and remembered and -- to the point -- a little bold and confident, like many of the Nike athletes at the time," said Lisa Delpy Neirotti, associate professor and director at George Washington University's School of Business. "Nike commercials and advertisements all supported the slogan. Nike and Wieden+Kennedy created a true integrated campaign.

"You did not see Nike without 'Just Do It.' The slogan became synonymous with the brand, and vice versa."

Twenty-five years later, it's still Nike's slogan, although global chief marketing officer Davide Grasso says it actually is his company's mantra. Regardless, it remains catchy, and Nike will mark the anniversary with the online launch this week of an advertising campaign called "Possibilities," highlighted by a 90-second commercial featuring athletes LeBron James and Serena Williams and narrated by actor Bradley Cooper.

"At Nike, we say, 'If you have a body, you are an athlete,'" Grasso said via e-mail. "We want to inspire every athlete, whether it's inspiration to run their first mile or win their fifth MVP title."

"Just Do It" is the type of slogan companies hope for -- a quick line that becomes so well-known it works its way into pop culture.

"Very seldom do taglines turn into lifestyles. It has energized a generation of athletes, and it continues to do that. That's the uniqueness. It resonated far beyond what anybody could have expected," said David Carter, associate professor and executive director of the Sports Business Institute at USC Marshall School of Business.

Asked for a comparable slogan or even a derivative, Carter said, "As far as television goes, you have Coca-Cola and Mean Joe Greene. But as far as taglines? This has to be at the top.

"You can look at other slogans the last 20, 30 years. That doesn't happen often."

Of course, the world has changed in a quarter of a century, especially in the digital world. Nike, for the first time, is using #justdoit on its social media channels.

Yet the ubiquitous tagline, which has thrived on being open to interpretation, has endured even as others have tried to come up with their own memorable slogans. Under Armour's "Protect This House" and Adidas' "Impossible is Nothing" echo some of the same qualities, but neither has overtaken "Just Do It."

"Not only does it still work, on a lot of levels, but its staying power -- it's very clear it's still relevant," Carter said. "When you say 'Just Do It,' it's very clear what it represents. Very few (slogans) stand the test of time."

GRAPHIC: photo 2007 photo by Craig Mitchelldyer

LOAD-DATE: August 21, 2013

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

NIKE, INC.,	)	
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-89

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ADWEEK

November 11, 2013

SECTION: Pg. 54(6) Vol. 54 No. 40 ISSN: 1549-9553

ACC-NO: 352040119

LENGTH: 3732 words

HEADLINE: 35 years that changed advertising;
Timeline

BYLINE: Griner, David

BODY:

When Adweek began publishing its first issues in 1978, the industry it set out to cover was at a crossroads. The Mad Men era was ending, ad budgets were about to boom, and the days of digital were already nigh. As we mark 35 years, Adweek today looks back at key moments--some subtle, some shocking--that changed the nature of advertising and made marketing what it is today.

[ILLUSTRATION OMITTED]

1978

The First Inbox Spam

Almost as long as there has been an Internet, a thick coating of spam has clogged the pipes. It began when an eager salesman used the U.S. government's Arpanet to announce a hardware demo to nearly 400 users (15 percent of the network). The military brass clamped down hard, but an insidious industry was born.

[ILLUSTRATION OMITTED]

1979

Saatchi Wins Britain for Thatcher

When Britain's Conservative Party took control of Parliament, bringing Margaret Thatcher to power as prime minister, it definitely owed some of its suc-

cess to Saatchi & Saatchi. The agency's "Labour Isn't Working" poster showed an unemployment line that seemed to stretch for miles (though it was actually just the same small group of young Conservatives pasted over and over). It became a centerpiece of the political debate. In 1999, Britain's Campaign magazine named it the Best Poster of the Century.

[ILLUSTRATION OMITTED]

1980

Mean Joe Greene Shows His Soft Side

Super Bowl ads weren't always known as blockbusters. Until this one came along, that is.

McCann-Erickson's "Mean Joe Greene" ad for Coca-Cola quickly became the stuff of legend when it appeared during the Super Bowl, featuring the Los Angeles Rams and Greene's Pittsburgh Steelers.

In the spot, Greene tries to walk off an injury when a young fan offers him his Coke. Greene drops his signature surliness and tosses the boy his game jersey. The scenario became a pop-culture sensation--and even the basis for a 1981 TV movie.

[ILLUSTRATION OMITTED]

1981

MTV Launches, and Ads Are Art

They began as pricey promotional clips created by popular artists like the Beatles, David Bowie and Pink Floyd. But music videos were democratized overnight with the launch of MTV on Aug. 1, 1981.

The cable net almost immediately broke radio's decades-long grip on music promotion, and a new generation of artists became top sellers thanks to their videos, which served as long-form ads for albums and singles.

Perhaps MTV's biggest impact on advertising, though, was its aesthetic. Many video directors, including David Fincher and Michel Gondry, became top talents in advertising and Hollywood.

[ILLUSTRATION OMITTED]

1982

Bill Bernbach's Death: The End of an Era

He paired creativity with humility, yielding some of the best ads ever. Bill Bernbach's work on Volkswagen ("Think small"), Avis ("We try harder") and Polaroid ("It's so simple") brought humanity, wit and intellect to the industry.

But when the co-founder of Doyle Dane Bernbach passed away, the era he helped usher in also seemed on its last legs. The '80s would become known for opulence and avarice, and ads starring beautiful people, big logos.

But Bernbach's ideas would never die. Like all the greats, he was simply ahead of his time.

[ILLUSTRATION OMITTED]

1983

Apple Creates an Epic

It was, quite simply, the best television commercial ever created. And almost no one was around to see it.

That's because Chiat/Day's epic "1984" spot for Apple made its debut on a

small Idaho TV station in the last time slot of the last day of 1983, one month before its Super Bowl appearance.

The early airing made "1984" eligible for the year's ad awards, and that confidence proved justified. Apple's board fought to kill the ad, but Jay Chiat and Steve Jobs stood their ground, helping ensure the Ridley Scott-directed spot would become one of the most celebrated ads ever.

[ILLUSTRATION OMITTED]

1984

'Where's the Beef?'

Despite its popularity, the Wendy's catchphrase "Where's the beef?" actually had a short shelf life.

Written by Cliff Freeman during his last days at Dancer Fitzgerald Sample, the slogan was simply the punch line to a TV ad featuring geriatric burger buyers who were unimpressed with a competing chain's "big bun." It soon exploded, becoming a definitive example of the ad slogan.

Wendy's abandoned the line in 1985, opting for "Choose fresh." But "Where's the beef?" was already part of the culture, thanks in part to presidential candidate Walter Mondale using it as a dig at rival Gary Hart.

[ILLUSTRATION OMITTED]

1985

New Coke Sets the Bar for Brand Disasters

"It can now be seen as the industry's biggest mistake." Those were the words of BBDO chief Allen Rosenshine, basking in a brief moment of victory for his client, Pepsi.

Coca-Cola's attempt to modernize with a sweeter taste--largely in reaction to Pepsi's growing popularity--sparked a widespread backlash. Sales plummeted, and the brand retreated by launching Coke Classic.

McDonald's and other fast-food chains dropped New Coke because of confusion and low demand, but the reformulation would quietly survive for many years to come.

[ILLUSTRATION OMITTED]

1986

BBDO and DDB Create a 'Global Creative Superpower'

Merger mania's defining moment was the birth of Omnicom Group, made up of DDB, Needham Harper Steers and BBDO. Completing the quartet later known as the Big Four, Omnicom pledged to be a "global creative superpower" that could withstand the pressures of its aggressive peers: Interpublic Group and Publicis (and later WPP). Conflicts of interest would drive away BBDO clients worth hundreds of millions. Hill Holliday CEO Malcolm MacDougal joked to Adweek that it was "a most interesting menage a trois ... we'll all be fascinated to watch who does what to whom."

[ILLUSTRATION OMITTED]

1987

Sorrell Goes for Blood in Hostile Takeover of JWT

The company was called Wire and Plastic Products, a maker of shopping baskets--that is, until Martin Sorrell came along.

The super-ambitious advertising executive had been the architect of Saatchi

& Saatchi's recent acquisition, and by investing his way to the top of WPP, he created the vehicle to accomplish even more.

In 1987, Sorrell showed the true scope of his ambition with the $566 million acquisition of J. Walter Thompson, the first hostile takeover in advertising history and a bone-rattling salvo in the escalating acquisition wars.

[ILLUSTRATION OMITTED]

1998

Nike Unleashes 'Just Do It'

The night before one of the biggest presentations of Dan Wieden's life, he just wasn't feeling it. The Wieden + Kennedy co-founder was preparing to unveil Nike's first big campaign, but the handful of spots "didn't look anything alike, and they didn't really sum up to anything," he later told Adweek.

Inspired, oddly enough, by death-row inmate Gary Gilmore's final words, "Let's do it," Wieden wrote the line, "Just do it." It became a mantra that elevated Nike to a global lifestyle and fashion brand accessible to beginners and Olympians alike. On its 25th anniversary, Adweek called the line "one of the biggest ad ideas ever."

[ILLUSTRATION OMITTED]

1989

Y&R Indicted for Tourism Bribery

A well-known fact among agencies used to be that winning international tourism accounts meant sharing the wealth with local officials. But that didn't stop the U.S. government from indicting Young & Rubicam on bribery charges stemming from its 1981 win of Jamaican tourism.

Even Y&R's competitors told Adweek the prosecution was naive, but the agency pleaded guilty in 1990 to violating the Foreign Corrupt Practices Act and was fined $500,000.

[ILLUSTRATION OMITTED]

199

Cable Comes of Age

"It's time we stopped talking about broadcast versus cable," Ted Turner told a group of TV advertisers in 1990, "and started talking about television."

The cable king's confidence stemmed from the fact that more than 60 percent of TV households had subscribed to cable, with CNN's audience growing from 2 million to 56 million in a decade. Thanks to improved metrics and flexible marketing partnerships, brands began demanding more cable in their media mix.

"What I want to do," a Nestle Foods exec told Adweek, "is make [our agencies] look at cable seriously, and not put on the normal blinders."

[ILLUSTRATION OMITTED]

1991

War, Advertising and the 24-Hour News Cycle

It was the war that cemented the concept of 24-hour news, but for advertisers, nothing was concrete. The rapid U.S. liberation of Kuwait and assault on Iraq in the Gulf War left advertisers scrambling to avoid looking insensitive.

Many brands pulled all their ads from broadcast and cable, while others

changed their media plans by the hour as the war progressed.

Diet Coke's lighthearted Super Bowl spots were replaced by a somber ad announcing a $1 million donation to the USO.

[ILLUSTRATION OMITTED]

1992

Lee Iacocca Retires as CEO and Advertising Icon

As he filmed the last of his 61 ads as the tough-talking face of Chrysler, CEO Lee Iacocca left behind a legacy that empowered executives and frustrated agencies.

His success as a spokesman in the vein of Frank Perdue led many other corporate leaders to insist they could do it, too.

"I'm not sure if others should follow his lead," N.W. Ayer svp Earl Shorris told Adweek at the time. "For every Iacocca, I can think of 10 to 20 who have failed."

1993

'Got Milk?'

It began with a simple insight from a focus group: "The only time I even think about milk is when I run out of it."

Jeff Goodby immediately scribbled the phrase "Got milk?"--which would soon become the tagline to rule all taglines.

Through cinematic TV spots and countless "milk mustache" ads, the line invented by Goodby, Silverstein & Partners for the California Milk Processor Board would become the most-remembered slogan of any beverage ever, including beer and soda.

[ILLUSTRATION OMITTED]

1994

Birth of the Banner Ad

Today, digital display ads are a $15 billion industry, according to recent data from Internet Retailer. It all had to start somewhere--and boy, did it start strangely.

The first banner ad of note appeared on Wired magazine's early Web product, HotWired. It asked simply, "Have you ever clicked your mouse right HERE? You will."

Though unbranded, it was an AT&T ad that shuttled readers off to a landing page about art museums and other educational destinations. The reported click-through rate? A staggering 44 percent.

[ILLUSTRATION OMITTED]

1995

Buffett Buys Out Geico

As far back as 1951, Warren Buffett saw the potential of Geico. At age 20, he invested half his net worth in the insurer. He continued investing until 1995, when he bought the last remaining 49 percent of shares.

"He told us to keep doing what we were doing, just do it faster," Geico marketing vp Ted Ward told Adweek.

Buffett's enthusiasm turned Geico into one of the world's largest advertisers, with an annual media budget now in the range of $1 billion.

[ILLUSTRATION OMITTED]

1996

Seagram Breaks Liquor Ad Ban

Liquor brands had voluntarily kept themselves out of TV advertising since 1948, but that all ended when Seagram made the gradual but deliberate decision to start promoting Crown Royal in select markets.

The ads began in March, and by November the U.S. liquor trade association decided to follow Seagram's lead and end its voluntary ban, despite opposition from social conservatives and President Bill Clinton. By 2013, distillers were spending nearly $250 million annually on TV advertising.

[ILLUSTRATION OMITTED]

1997

Drug Ads Get the Green Light for TV

For pharmaceutical marketers in the '90s, a "brief summary" was anything but brief. The FDA required almost every drug ad, even on TV, to include a laundry list of potential side effects, warnings and limitations.

In 1997, the FDA loosened its broadcast rules by allowing merely a "major statement" that encompassed only the most crucial information about a drug. Pharma ad spending promptly exploded, growing from $340 million in 1997 to $1.2 billion in 1998. Today, it amounts to around $3.5 billion.

[ILLUSTRATION OMITTED]

1998

Google Gets Going

When Google incorporated in 1998, founders Sergey Brin and Larry Page had two key assets: a $100,000 check from Sun Microsystems co-founder Andy von Bechtolsheim and a meticulously thought-out plan for revolutionizing Web search. Their academic paper, "The Anatomy of a Large-Scale Hypertextual Web Search Engine," created a clear road map for Google's success, with one big exception: It balked at ads. The founders expressed concern that "advertising-funded search engines will be inherently biased towards the advertisers and away from the needs of the consumers."

[ILLUSTRATION OMITTED]

1999

The Death of David Ogilvy, 'The Father of Advertising'

Putting research behind ads, creating brands, respecting the audience--just a few axioms credited to David Ogilvy, the British-born founder of Ogilvy & Mather who revolutionized the business and created a global empire.

After WPP's hostile takeover of the agency in 1989, Ogilvy drifted out of the limelight, passing away 10 years later at 88. Former Ogilvy chairman Kenneth Roman wrote in Adweek: "Even as [Ogilvy] elevated to world renown, he never pontificated--he interrogated, even with dinner partners. His great secret was an inquiring mind."

[ILLUSTRATION OMITTED]

2000

The Dot-Com Super Bowl

Computer.com. Kforce.com. OurBeginning.com. These and many other Super Bowl advertisers were virtually unknown before 2000. And millions of dollars later,

they remain so today.

A baffling 47 percent of Super Bowl advertisers that year were websites, flush with investment cash and doomed to collapse when the bubble burst just two months later.

By 2001's Big Game, the tally of dot-com advertisers went from 17 back down to three--the same as in 1999.

[ILLUSTRATION OMITTED]

2001

BMW's 'The Hire' Redefines Branded Content

Hollywood A-listers have never been known for their love of advertising, which made it all the more impressive when Fallon and BMW created The Hire, a series of big-budget branded short films that accelerated digital video into the mainstream.

Helmed by top directors like Ang Lee, John Woo and Tony Scott, the videos increased BMW sales by double digits for two consecutive years, helping the automaker surpass Mercedes-Benz.

[ILLUSTRATION OMITTED]

2002

Wendy's Loses its Founding Father

He was a high-school dropout at 16, a millionaire by 35 and, at the time of his death at 69, an American advertising icon who had starred in more than 800 commercials.

While most executive spokesmen are famous for their intensity, Dave Thomas was known for his warmth, and occasionally bumbling charm.

Since Thomas passed away, his 6,000-location burger chain and its agency, Kaplan Thaler, have struggled to find just the right replacement. His daughter, Wendy, appeared in several ads, as has, more recently, a younger redhead played by an actor.

[ILLUSTRATION OMITTED]

2003

iPod Finds Success in Silhouette

Apple has always been proud of its product design, so showing off the new and innovative iPod in advertisements seemed a no-brainer. And yet, the initial ads for the device upon its 2001 debut proved bland and forgettable.

In 2003, TBWA\Chiat\Day persuaded Steve Jobs to try something completely new and different: stylized, dancing silhouettes with dangling white earbuds. The campaign--and the iPod--quickly became iconic.

[ILLUSTRATION OMITTED]

2004

Crispin Hatches Subservient Chicken

With its hauntingly large eyes and garters, it wasn't the world's most appetizing bird. But among marketers, Subservient Chicken created a voracious appetite for digital innovation. It sold plenty of Burger King sandwiches, too.

Crispin Porter + Bogusky and The Barbarian Group cooked up the idea of an actor in a chicken suit performing tasks as directed by visitors to the BK site. (The actor actually filmed hundreds of tasks in advance.)

The result revolutionized the way advertisers thought about engaging consumers online.

[ILLUSTRATION OMITTED]

2005

GoDaddy Undresses The Super Bowl

The Super Bowl has rarely been a forum for high art, but it took a little-known URL booking service to prove just how low the bar could be set.

Since running its first spot featuring the scantily clad model and wrestler Candice Michelle, GoDaddy has become synonymous with salacious Super Bowl ads.

Other brands looking for buzz began attempting to stir up controversy, as well.

For its part, GoDaddy says it plans to drop its sexy stunts in favor of a new approach in next year's game.

[ILLUSTRATION OMITTED]

2006

R/GA Redefines the Role of Agencies with Nike+

Never afraid to reinvent itself, R/GA also helped reinvent expectations of agencies with Nike+, which helps runners track and share their results via social media. (Adweek named it Digital Campaign of the Decade in 2009.) "With the launch of Nike+, marketers realized they could create useful, personal tools that extended beyond traditional marketing," says R/GA global CCO Nick Law. "What these marketers didn't realize was just how difficult it is to develop, manage and grow a behavior-changing product." Eight years on, the campaign continues to evolve.

[ILLUSTRATION OMITTED]

2007

Mad Men Makes Advertising Cool Again

Sexism. Adultery. Fall-down drunkenness. One might not think such themes would foster fondness for the ad business. And yet the retro stylishness of AMC's Mad Men captivated audiences by capturing the intellect and cool creativity of the industry. "The positive image of advertising and public relations has improved considerably in recent years," says Dr. Isabella Cunningham, chair of the ad program at the University of Texas in Austin. "Maybe it is a function of the fact we're being considered more cool than we used to be because of the image in the media."

[ILLUSTRATION OMITTED]

2008

Facebook Seals MySpace's Fate

At one point, it seemed like a fair fight. MySpace and Facebook had been locked in a Coke-and-Pepsi smackdown since 2006, when Mark Zuckerberg opened his college-centric social network to the public.

But by 2008, Facebook had surpassed MySpace in the coveted Alexa website rankings, the first clear sign that Facebook would become what it is today: the dominant social network not just in America but all over the world.

2009

AT&T and Verizon Wage $4 Billion Ad War

It was a showdown that made the cola wars look like a schoolyard scrap. In the battle for cell-service supremacy, AT&T and Verizon spent a total $4 billion in 2009, blanketing the airwaves with spots mocking each other's network strength and device limitations.

The clear winners were the agencies--McCann Erickson for Verizon, BBDO for AT&T. The pace has kept up, too, with both brands remaining among the top five advertising spenders.

[ILLUSTRATION OMITTED]

[ILLUSTRATION OMITTED]

2010

Old Spice: The Brand Your Brand Could Smell Like

Few campaigns have come to epitomize the new nature of advertising quite like W+K's hilariously swaggering "The Man Your Man Could Smell Like." Though created mainly for TV, the initial spot starring towel-clad actor Isaiah Mustafa exploded online, tallying tens of millions of views.

The agency quickly made the most of it, creating 200 rapid-fire response videos in which Mustafa responded in character to influencers and consumers who engaged with the brand. Even today, brands with three times the budget struggle to match Old Spice's social success.

[ILLUSTRATION OMITTED]

2011

Pepsi Drops to No. 3

Think of it as losing the battle but winning the war.

After opting to sit out the Super Bowl in 2010 to focus on digital, Pepsi faced the humiliation of slipping to the No. 3 spot a year later, behind Coca-Cola and Diet Coke.

Despite its apparent defeat in the cola wars, PepsiCo managed to outmaneuverthe Coca-Cola Co. by focusing on snack brands including Frito-Lay and Quaker.

By 2012, PepsiCo revenue topped $66 billion versus Coke's $48 billion.

[ILLUSTRATION OMITTED]

2012

Red Bull Takes Sponsorship Into the Stratosphere

When you've seemingly exhausted every extreme activity on Earth, there's only one logical place to go: space.

Red Bull came pretty close when it sponsored skydiver Felix Baumgartner's 24-mile leap from the edge of the atmosphere. Eight million people tuned in to YouTube to watch the heavily branded event in real time, with many more watching on TV.

Baumgartner may have been the one breaking a world record, but it was Red Bull that tacitly turned it into a challenge: Would any other brand be willing to go this far?

[ILLUSTRATION OMITTED]

2013

Omnicom and Publicis Announce Mega Merger

When you start running short on major independent agencies, what's left for the Big Four holding companies to acquire? Each other, apparently.

Omnicom and Publicis announced they would merge to form a $23 billion conglomerate that dwarfs the current $16 billion top dog, WPP.

It's doubtful this will be the last big merger. Because over the last 35 years, one thing has been proven time and time again: If there's anything agency executives love more than upping their client rosters, it's one-upping one

another.--griner@davidgriner.net

; Twitter: @griner.

LOAD-DATE: December 10, 2013

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

NIKE, INC.,	)	
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-90

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ADWEEK

December 9, 2013

SECTION: Pg. 36(6) Vol. 54 No. 44 ISSN: 1549-9553

ACC-NO: 353645183

LENGTH: 3068 words

HEADLINE: Ads of the year.

BYLINE: Nudd, Tim

BODY:

It was a year for thinking big and spreading the wealth. Advertisers continued to move well beyond the 30-, 60- and even 90-second spot in 2013, as two of our top 10 ads this year, including No. 1, stretch beyond three minutes. That's an eternity in Internet time, yet they were watched, loved and shared worldwide. Six other ads are at least a minute long, leaving just two lonely spots--both of them comedies--holding down the fort for the traditional :30. The collection offers a mix of themes and styles, as well as agencies. Ten different shops did this year's 10 ads--unlike last year, when Wieden + Kennedy and BBH created five between them. The ads feature stunts, social experiments, heartwarming moments, juvenile jokes and more. And while it's been called the year of the prank, none of those "gotcha" spots broke into our top 10, though a few came close. Congratulations to all the agencies and clients for their intriguing concepts and impressive craft, and for making advertising that people love--and want to share.

10 Kmart, "Ship My Pants"

Agency:
Draftfcb,
Chicago

Director: Zach Math, Bob Industries

Sure, it's not the most sophisticated ad ever made. But it was among the year's funniest--and most surprising. No one would have pegged Kmart as a brand to green-light 30 seconds of people seeming to declare that they'd just soiled themselves. But that's where

Draftfcb

went with "Ship My Pants." an amusing, almost obscene spot touting free shipping on items at Kmart.com that shoppers can't find in the physical stores. An immediate viral sensation--it has topped 20 million YouTube views--it kicked off a year of provocative work for the retailer. (A sequel, "Big Gas Savings," was popular, too.) The spot had its share of detractors but in the end, "Ship My Pants" was a lovable class clown, and the year's guiltiest pleasure.

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9 Chipotle, "The Scarecrow"

Agency: CAA Marketing, Los Angeles

Animation: Moonbot Studios

Celebrity cover of a famous song + gorgeous animation + potent environmental message = brilliant short film about the evils of industrial food production. It's a formula Chipotle and CAA used in 2011's "Back to the Start" spot and reprised this year with Fiona Apple and Moonbot Studios. Apple hauntingly sings "Pure Imagination" from Willy Wonka over scenes of dystopian fantasy, as a scarecrow escapes from a terrifying job at Crow Foods and returns to handmade food production on the farm. The Oscar winners at Moonbot bring scale and grandeur to the visuals--it's like a mini-feature--and Apple's soundtrack is flat-out stunning. A gaming app gave consumers coupons for defeating the crows, and the song was available on iTunes. Delightfully dark, powerful yet playful, this long-form morality tale was the year's best branded-entertainment campaign.

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8 Robinsons, "Pats"

Agency: BBH, London

Directors: Si & Ad, Academy Films

Amid the hundreds of big-budget soda commercials out there, leave it to a humble British juice brand to beat them all. Two boys spend a day playing together--throwing rocks in a river, cavorting at a playground, playing tight sabers with sticks. Returning home, they pour glasses of Robinsons juice and soak up some telly. Then, at the end of the day, there's a wonderful twist ending--as one boy falls asleep, the other carries him up to bed, and it turns out

he's actually the boy's father. "It's good to be a dad. It's better to be a friend." says the on-screen copy. Even after you know the ending, the spot is stilt wonderfully watchable, as clues scattered throughout hint at the father-son relationship. In a year of heartwarming family stories, this was the most delightful.

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7 Volvo Trucks, "The Epic Split, feat. Van Damme"

Agency: Forsman & Bodenfors, Sweden

Director: Henry-Alex Rubin, Smuggler

The year's most adrenaline fueled ads, oddly enough, came from a b-to-b long-haul trucking campaign. Swedish agency Forsman & Bodenfors upended the category with its hair-raising test stunts for Volvo Trucks, ranging from a woman slacklining between two speeding 18-wheelers to a man fleeing a herd of butts in a Volvo FL. The crowning achievement, though, was Jean-Claude Van Damme doing "the most epic of splits" between two slowly reversing Volvo Globetrotters, showing the precision of the vehicle's dynamic steering. Exquisitely shot by Henry-Alex Rubin (an Oscar nominee for Murderball), with strangely poetic narration by Van Damme over the echoing, ethereal swells of Enya's "Only Time," it's a mesmerizing minute of film--odd, audacious, hypnotic and, in the end, epic indeed. And with 60 million YouTube views in less than a month, it has the world under its spell.

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6 Nike, "Possibilities"

Agency: + Kennedy, Wieden Portland, Ore.

Director: Nicolai Fugtsig, MJZ

Nike's world-beating tagline "Just do it" turned 25 this year. And W+K doubled down on it with the "Possibilities" campaign, marrying the brand message to the growing ecosystem of Nike+ users like never before. The problem with "Just do it" lately is that it's only part of the story. As Nike+ has shifted the brand's role from inspiration to inspiration plus enablement, the marketing has to shift, too. "Possibilities" did that with digital and social activations that put users through a series of Nike+ challenges--along with a smart, freewheeling spot, narrated by Bradley Cooper, that raised the stakes for the "Just do it" line. Just do it even more, it suggests, playfully using celebrity athletes (LeBron James, Serena Williams, Gerard Pique) as foils for the real hero--you and your Nike+. For agency and client, it was a joyful reinvention and a great start to the next 25 years.

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5 Dick's Sporting Goods, "Every Pitch"

Agency: Anomaly, New York

Director: Derek Cianfrance, @radical.media

Sports advertising worships the rarefied, the transcendent, the superhuman. Not this spot. A masterpiece of craft, it is proudly and profoundly realistic--showing baseball as it's played, not as it's perfected. Shot in an eerie fog, it put the viewer right in the action thanks to a single, complex camera move. You can almost smell the grass on the infield as the camera whirls, pans and zooms, picking out the players--all real minor leaguers--one by one as they coax and cajole one another with timeless baseball chatter. As Rangers prospect Cody Buckel leans back and unleashes a fastball, the spot smashes to black--a cliff-hanger ending to 60 seconds of cinematic drama. Steeped in nostalgia, magical yet modern (for a brand that needed it), it was a tribute worthy of the national pastime it depicted.

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4 Geico, "Hump Day"

The Martin Agency, Richmond, Va.

Director: Wayne McClammy, Hungry Man

"Uh-oh! Guess what day it is!" Advertising's animal of the year wasn't a dog, cat, pony, goat or hamster. It was Caleb the camel, the effusive ungulate who roams an office for Geico, gleefully badgering co-workers about the day of the week. Never has a motormouthed mammal been so endearing--in 30-second doses, anyway. So, what day is it? "It's hump day," a colleague finally admits, "Woo-woooo!" Caleb cries. (Folks who switch to Geico are "happier than a camel on Wednesday," the brand's folksy musical spokesmen explain at the end.) With great CGI and fantastic voiceover work, the spot wasn't just a high point in the "Happier Than" campaign. It became Geico's most viral ad ever--the second most shared spot in the world this year after Dove's "Real Beauty Sketches." Not bad for an ad character's debut. Your move, gecko.

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3 Guinness, "Basketball"

Agency: BBDO, New York

Director: Noam Murro, Biscuit Filmworks

Male friendship is a well-worn theme in beer ads, But with its brutal game of wheelchair basketball, Guinness delivered a fresh take that's both tough and touching--rare and precious territory for any ad. It's tempting to say the amazing twist ending is what makes the spot, and it is a magical moment. (Spoiler: Only one of the guys is wheelchair-bound off the court.) But the ad is so much more than that. The cinematography is dazzling and gritty. The soundtrack, by The Cinematic Orchestra, is soaring and emotional. And the voiceover copy is perfectly minimal: "Dedication. Loyalty. Friendship. The choices we make reveal the true nature of our character." Likewise, the choices that went into the spot reveal the brand's character, powerfully paying off the tagline: "Made of more."

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2 RAM, "Farmer"

Agency: The Richards Group, Dallas

Super Bowl ads are supposed to be about animals and babies and celebrities. But for the second straight year, a Chrysler brand stopped the party in its tracks--in a good way--with a two-minute meditation on something bigger. Like 2012's Clint Eastwood ad this year's RAM "Farmer" spot was everything Super Bowl ads aren't--quiet, artful and thought-provoking. The still photos of farmers, commissioned from 10 world-class photographers, are beautiful and arresting. (A new coffee-table book collects 240 of them.) And the audio of Paul Harvey's poetic "God Made a Farmer" speech lends epic weight and grandeur, crossing generations as the ad crosses the nation's endless fields and prairies. It was, by far, the game's best ad--a moving tribute to American farmers by an American brand eager to share in their values of dignity, fellowship and sacrifice through hard work.

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1 Dove, "Real Beauty Sketches"

Agency: Ogilvy & Mather, Brazil

Director: John X. Carey, Paranoid US

Only 4 percent of women worldwide think they're beautiful. Dove says. The brief for this project, then, was simple: make women feel better about themselves, Ogilvy Brazil did so in startling fashion, producing the most intriguing social experiment and most viral ad campaign of the year. The agency

hired FBI forensic artist Gil Zamora to sketch women (sight unseen) as they described themselves and then as others described them, The differences in the final sketches are stark, and in a way sad. but also uplifting. "You are more beautiful than you think." said the end line--as simple and perfect a brand statement as there could be. The three minutes of footage from the shoot, at a San Francisco loft, would become advertising's high point this year--a clever and poignant exploration of self-esteem that was as beautiful as the subjects it studied.

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Caption: Father: "Ship my pants? Right here?"

Caption: Salesman: "You can ship your pants ... right here."

Caption: Mother: "Wow, I may just ship my pants." / Child: "I can't wait to ship my pants, Dad."

Caption: Woman "I just shipped my drawers."

Caption: Man: "I just shipped my bed."

Caption: Salesman: "If you can't find what you're looking for in-store, we'll find it at Kmart.com right now and ship it to you for free."

Caption: Open on Scarecrow heading to his job at a processed food factory run by crows.

Caption: Animals are pumped full of hormones and treated cruelly, much to Scarecrow's dismay.

Caption: A billboard is seen; deceptively advertising Crow Foods.

Caption: Scarecrow returns to his farm roots and purchases fresh, sustainable ingredients.

Caption: Scarecrow works on his recipes and his plan.

Caption: Scarecrow opens a small street-food stand with wholesome, homemade burritos.

Caption: Two Boys who are best friends set out for a full day of play and adventure.

Caption: They notice some girls, and one boy teases the other about a possible love connection.

Caption: They play tightsabers. Boy: "I am your father!"

Caption: When they get home. they share some juice.

Caption: Tired from the day, one boy gets tucked in for bed. Boy: "Night, Dad."

Caption: It's revealed that all along they were father and son. Dad: "Night, pal."

Caption: Open on Jean-Claude Van Damme looking calm and meditation Van Damme: "I've had my ups and downs."

Caption: The camera retreats, revealing him balanced on side-view mirrors of two Volvo trucks. Van Damme: "What you see is a body crafted to perfec-

tion."

Caption: Van Damme: "A pair of legs engineered to defy the laws of physics. And a mind-set to master the most epic of splits."

Caption: As the trucks slowly separate, Van Damme moves into one of his famous splits.

Caption: He holds the pose, as Enya's song "Only Time" swells.

Caption: Title: "This test was set up to demonstrate the stability and precision of Volvo Dynamic Steering."

Caption: Open on a woman lacing up her Nike sneakers. VO: "listen, If you can run a mile ... run a race."

Caption: VO: "You know what? Run a marathon. Outrun a movie star."

Caption: VO: "If you can ride a bike., ride that thing. Ride a bull, Ride a tougher bull."

Caption: VO: "If you can play table tennis, serve like that. Beat the champ."

Caption: VO: "Beat the mentor. Come on. you got this."

Caption: Caption: VO: "Beat Serena."

Caption: Open on a baseball game in progress. The crowd is cheering.

Caption: The camera pans around the bases. picking out each player as tension on the field builds.

Caption: Players are chattering, barking strategy at each other and taunting the opponent.

Caption: The pitcher makes a pickoff throw to first, but the player is back safely.

Caption: The pitcher sets himself for the pitch, radiating intensity. Teammate: "Let's get him." He throws and it cuts to black.

Caption: Title: "Every pitch. Every inning. Every game, Every season starts at Dick's Sporting Goods."

Caption: Camel: "Uh oh! Guess what day it is? Guess what day it is? Huh? Anybody?"

Caption: Camel: "Julie, hey, guess what day it is? Aw, come on, I know you can hear me!"

Caption: Camel: "Mike, Mike, Mike, Mike, Mike. What day is it, Mike? Hahahahaha!"

Caption: Camel: "Leslie, guess what today is? / Leslie: "It's hump day." / Camel: "Woo-woo!"

Caption: [Music] Pitchman h "Ronnie, how happy are folks who save hundreds of dollars switching to Geico?" / Pitchman II: "I'd say happier than a camel on Wednesday."

Caption: Camel: "Hump day!" / VO: "Get happy. Get Geico. Fifteen minutes could save you 15 percent or more."

Caption: Open on a wheelchair basketball game.

Caption: The game gets intense as the players battle for the ball, smashing their chairs into each other.

Caption: VO: "Dedication. Loyalty."

Caption: Player: "You guys are getting better at this."

Caption: All the players except one get up out of their wheelchairs and exit the court. VO: "Friendship,"

Caption: The players are seen enjoying pints of Guinness at a bar. VO: "The choices we make reveal the true nature of our character."

Caption: Open to an original audio recording of Paul Harvey giving his "God Made a Farmer" speech.

Caption: A montage of farming photos begins, VO: "And on the eighth day, God looked down on his planned paradise and said, 'I need a caretaker.' So God made a farmer."

Caption: "God said, 'I need somebody willing to sit up all night with a new-born colt, and watch it die, and dry his eyes and say maybe next year.' So God made a farmer."

Caption: "Somebody who'd bale a family together with the soft. strong bonds of sharing, who would laugh, and then sigh. and then reply with smiling eyes ..."

Caption: "... when his son says that he wants to spend his life doing what Dad does."

Caption: "So God made a farmer." Title: "To the farmer in all of us."

Caption: Women describe arriving at a loft and being asked to describe the way they look to a stranger.

Caption: It turns out he is Gil Zamora, a forensic artist for the FBI.

Caption: He begins to sketch each woman as she describes her features.

Caption: Strangers who have just met the women are then asked to describe them. Zamora sketches each subject again based on those descriptions

Caption: Shown side by side, the sketches look vastly different. All the subjects have judged their looks too harshly.

Caption: The women are shocked and visibly moved when they are shown the sketches. Title: "You are more beautiful than you think."

LOAD-DATE: December 24, 2013

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

NIKE, INC.,	)	
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-91

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Marketing Week

August 22, 2013

SECTION: NEWS

LENGTH: 641 words

HEADLINE: Top ten Nike 'Just Do It' ads

BYLINE: Sebastian Joseph

HIGHLIGHT:

Marketing Week picks out the top ads featuring the brand's iconic slogan to celebrate its 25th anniversary.

BODY:

Nike's famous "Just Do It" strapline has been at the centre of many iconic adverts over the years as the brand has gone on to be revered as one of the most innovative advertisers in the industry. As the company celebrates the 25th anniversary of its famous slogan, Marketing Week picks out five of the most memorable ads it has graced during that time.

1988 - Walt Stack

Video:

Nike Walt Stack ad

1988 was where it all started for the slogan. Nike kicked off the "Just Do It" campaign with an advert featuring 80 year-old marathon runner Walt Stack chatting about his daily 17-mile run. Inspiring yet simple.

1993 - Charles Barkley "I am not a role model"

Video:

Nike - I am no a role model

The NBA player gained worldwide attention in 1993 when he wrote the text for his "I am not a role model" TV spot. The ad continues to divide fans to this day but in a post Armstrong, Woods and Bryant sporting landscape, its message could not be any more thought provoking.

1996 - "Good vs Evil"

Video:

Nike Good vs Evil

The ad that inspired school kids around the world to turn up their shirt collars as they took to the pitch, ranks as one of Nike's best. It shows a dream team of European footballers from the 90s including Eric Cantona, Edgar Davids and Ian Wright as they take on a team of evildoers intent on destroying the world. It ends with the iconic Cantona collar-up "Au Revoir" shot which cemented the Frenchman as an icon of the game.

1996 - "Hello World"

Video:

Nike Hello World

Nike introduced Tiger Worlds to the world when he turned pro in 1996 with its "Hello World" TV spot. Few could have predicted just how much of an impact the mercurial talent would go on to have in golf, however, Nike's ad confidently hints at the achievements that would soon follow.

2004 - "Do Anything"

Video:

Nike Do Anything

Nike flexed its creative muscles in 2004 with the "Do Anything" ad by imagining what would happen if top ambassadors at the time such as Serena Williams and Andre Agassi competed in different sports such as gymnastics and baseball.

2006 - Maria Sharapova "Pretty"

Video:

Nike Pretty

In 2006 Maria Sharapova was taking the tennis world storm after becoming the world number one a year earlier. Nike took the opportunity to run its first ad with Sharapova as its ambassador. The tongue-in-cheek effort is soundtracked to the West Side Story hit "I'm So Pretty" in an attempt to dispel the "Pretty Girl" image some were labelling the Russian with at the time.

2006 - Kobe Bryant "Love Me or Hate Me"

Video:

Nike Love me or Hate me

Nike's ad with Kobe Bryant is key because it was the first to feature the LA Lakers star after he was accused of sexual assault. The brand stood by their man when others walked away and effectively re-introduced him to a global audience.

2007 - "No Excuses"

Video:

Nike No Excuses

Nike's "No Excuses" ad keeps it simple by bringing in American wheelchair basketball player Matt Scott to reel off the excuses people use not to do something. Like all of Nike's best ads, "No Excuses" takes a simple premise but layers it with several thought-provoking insights into self-motivation.

2008 - Bottled Courage

Video:

Nike Bottled Courage

Nike's thinly-veiled 2008 Beijing Olympic Games tie-in opts for the tried and tested method of contrasting moments of sporting success with moments of sporting achievements. Never one to rest on its laurels, Nike uses the Killers' "All These Things That I've Done" single alongside some iconic imagery to highlight the sacrifices athletes make it to reach their goals.

2010 - Wayne Rooney St George's Cross

Plenty of praise has been heaped on Nike's TV and digital marketing over the years, but it should not detract from the brand's work in print. It's Wayne Rooney St George's cross print ad was the perfect rallying cry to the nation ahead of its make-or-break clash against Sweden at the 2010 World Cup.

LOAD-DATE: August 22, 2013