

ESTTA Tracking number: **ESTTA724982**

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

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

Proceeding	91221511
Party	Plaintiff NIKE, Inc.
Correspondence Address	HELLEN HILL MINSKER BANNER & WITCOFF LTD 10 SOUTH WACKER DRIVE, SUITE 3000 CHICAGO, IL 60606 UNITED STATES hminsker@bannerwitcoff.com, mhouston@bannerwitcoff.com, esullivan@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdock-et@bannerwitcoff.com, capital
Submission	Plaintiff's Notice of Reliance
Filer's Name	Helen Hill Minsker
Filer's e-mail	hminsker@bannerwitcoff.com, mhouston@bannerwitcoff.com, esullivan@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdock-et@bannerwitcoff.com
Signature	/helen hill minsker/
Date	02/04/2016
Attachments	001 - SECOND NOTICE OF RELIANCE.pdf(358564 bytes ) Ex. B-01 Cert. US Trademark 1,875,307.pdf(534718 bytes ) Ex. B-02 Cert. US Trademark 4,350,316.pdf(566544 bytes ) Ex. B-03 Cert. US Trademark 4,704,671.pdf(566472 bytes ) Ex. B-04 Cert. US Trademark 4,764,071.pdf(565622 bytes )

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

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

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**EXHIBIT B:**

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



is relevant to this matter in that it is one of the federal registrations alleged against Applicant's application in the above-captioned proceeding.

4. Pursuant to 37 C.F.R. § 2.122(d)(2), a certified status and title copy of U.S. Trademark Registration No. 4,764,071 for the mark, JUST DO IT, certified as of January 13, 2016 to be owned by NIKE and subject to Section 8 & 15 protections (Ex. B-4). This document is relevant to this matter in that it is one of the federal registrations alleged against Applicant's application in the above-captioned proceeding.

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

Date: February 4, 2016

By:



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

CERTIFICATE OF SERVICE

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

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

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

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

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

**EXHIBIT B-1**

7566260



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

January 13, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,875,307 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

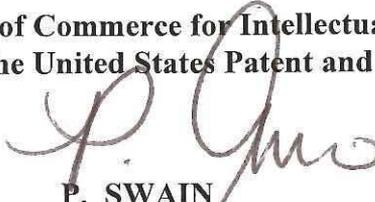
REGISTERED FOR A TERM OF 10 YEARS FROM *January 24, 1995*  
2<sup>nd</sup> RENEWAL FOR A TERM OF 10 YEARS FROM *January 24, 2015*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*NIKE, INC.*

*AN OREGON CORPORATION*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
P. SWAIN  
Certifying Officer



Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

Reg. No. 1,875,307

Registered Jan. 24, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**JUST DO IT.**

NIKE, INC. (OREGON CORPORATION)  
3900 S.W. MURRAY BOULEVARD  
BEAVERTON, OR 97005

FIRST USE 1-26-1989; IN COMMERCE  
1-26-1989.

FOR: CLOTHING, NAMELY T-SHIRTS,  
SWEATSHIRTS AND CAPS, IN CLASS 25 (U.S.  
CL. 39).

SER. NO. 73-829,171, FILED 10-3-1989.

ANIL V. GEORGE, EXAMINING ATTORNEY

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

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

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**OPPOSER NIKE, INC.’S**  
**SECOND NOTICE OF RELIANCE**

**EXHIBIT B-2**

7566260



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

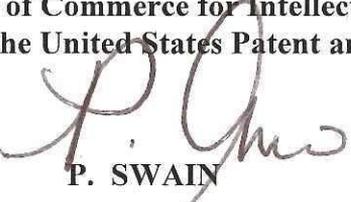
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

January 13, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,350,316 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 11, 2013*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
P. SWAIN  
Certifying Officer



# United States of America

United States Patent and Trademark Office

# JUST DO IT

**Reg. No. 4,350,316**

**Registered June 11, 2013**

**Int. Cl.: 9**

NIKE, INC. (OREGON CORPORATION)  
DF4  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

FOR: EYEGLASS FRAMES; SUNGLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

FIRST USE 10-31-2008; IN COMMERCE 10-31-2008.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,817,919, 1,875,307, AND 1,931,937.

SER. NO. 85-795,981, FILED 12-6-2012.

GEORGE LORENZO, EXAMINING ATTORNEY



*Steven Street*

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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

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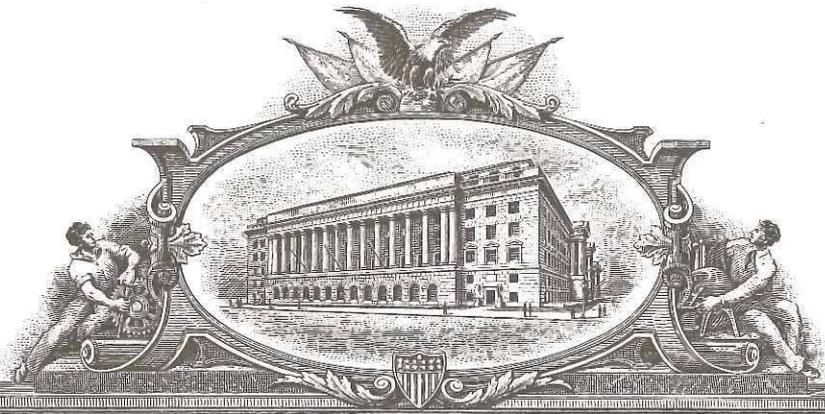
NIKE, INC.,	)	
	)	
vs.	)	Opposition No. 91221511
	)	Application No. 86330661
	)	
CAPITAL E FINANCE CO, LLC,	)	MARK: JUST DID IT
Applicant.	)	
	)	

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

**EXHIBIT B-3**

7566260



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

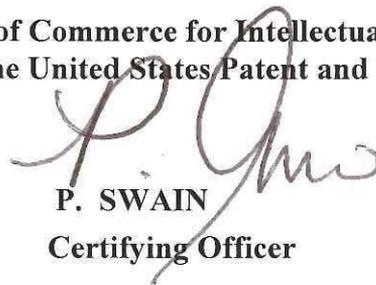
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

January 13, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,704,671 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *March 17, 2015*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



P. SWAIN  
Certifying Officer



# United States of America

United States Patent and Trademark Office

# JUST DO IT

**Reg. No. 4,704,671**

NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

**Registered Mar. 17, 2015**

**Int. Cl.: 9**

FOR: CELL PHONE CASES; PARTS AND ACCESSORIES FOR CELL PHONES, NAMELY, CELL PHONE COVERS; SPECIALTY CARRYING CASES FOR CELL PHONES; CASES FOR HAND-HELD COMPUTING DEVICES; PROTECTIVE COVERS FOR HAND-HELD COMPUTING DEVICES; EYEWEAR; SUNGLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

**PRINCIPAL REGISTER**

FIRST USE 12-0-2010; IN COMMERCE 12-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,875,307, 4,350,316, AND OTHERS.

SN 86-048,407, FILED 8-26-2013.

KATHLEEN LORENZO, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

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

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

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**OPPOSER NIKE, INC.’S**  
**SECOND NOTICE OF RELIANCE**

**EXHIBIT B-4**

7566260



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

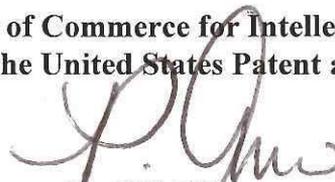
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

January 13, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,764,071 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 30, 2015*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



P. SWAIN  
Certifying Officer



# United States of America

United States Patent and Trademark Office

# JUST DO IT

**Reg. No. 4,764,071**

**Registered June 30, 2015**

**Int. Cls.: 18 and 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

FOR: ALL PURPOSE SPORT BAGS; BACKPACKS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-1-2011; IN COMMERCE 7-1-2011.

FOR: FOOTWEAR; HEADBANDS; HEADWEAR; PANTS; SHORTS; SPORTS BRAS; TANK TOPS; TIGHTS; WARM UP SUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-26-1989; IN COMMERCE 1-26-1989.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,875,307 AND 4,350,316.

SER. NO. 86-444,421, FILED 11-4-2014.

CRISTIANA SCHWAB, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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**Requirements in the First Ten Years\***

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See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

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**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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