

The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAWLINGS SPORTING GOODS
COMPANY, INC.,

Plaintiff,

v.

UNDER ARMOUR, INC.,

Defendant.

Case No. 2:10-cv-00933-MJP

ORDER GRANTING UNDER
ARMOUR’S MOTION PURSUANT TO
CR 7(h) TO CLARIFY/MODIFY THE
COURT’S ORDER GRANTING IN
PART AND DENYING IN PART
RAWLINGS’S MOTION FOR
PRELIMINARY INJUNCTION

This matter came before the Court on Defendant Under Armour, Inc.’s Motion Pursuant to CR 7(h) to Clarify/Modify the Court’s Order Denying in Part and Granting in Part Rawlings’s Motion for Preliminary Injunction. (Dkt. No. 46.)

Upon consideration of Under Armour’s Motion and Plaintiffs’ Opposition thereto, the Court has determined the language for the corrective notices was unintentionally ambiguous. The injunction bars Under Armour from placing its logo on Rawlings’s COOLFLO helmet in future promotional materials, but not from using Rawlings’s COOLFLO helmet altogether. The Court GRANTS Under Armour’s motion to modify the Court’s October 27, 2010 Order.

1 Accordingly, IT IS HEREBY ORDERED that the correction notice to be sent to
2 Under Armour's customers who have submitted orders for the Under Armour helmet as of
3 the date of the Order Denying in Part and Granting in Part Rawlings's Motion for
4 Preliminary Injunction should read as follows:

5 Under Armour Inc. has likely infringed on the trademark of Rawlings
6 Sporting Goods Company, Inc. In 2008 and 2009, Under Armour placed
7 its logo on Rawlings's COOLFLO helmet at several promotional events
8 and advertising materials. This likely confused consumers as to the true
9 producer of the COOLFLO helmet. Therefore, the United States District
10 Court for the Western District of Washington has barred Under Armour
11 from placing its logo on Rawlings's COOLFLO helmet in future
12 promotional materials and from selling its own Under Armour helmet with
13 its logo on the helmet's center-front area. The Court has directed Under
14 Armour issue this notice to all retailers and consumers who have already
15 cemented orders for Under Armour helmets as they may have been
16 confused by Under Armour's promotional and advertising materials.

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18 **SO ORDERED** this 10th day of November, 2010

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22 Marsha J. Pechman
23 United States District Judge