

Perkins Coie Wins Federal Court Ruling for New Balance Against U.S. Affiliate of Chinese Distributor of “New Bunren” Products

NEW YORK (December 5, 2019) - Perkins Coie has secured a successful ruling from the U.S. District Court for the District of Delaware for client New Balance Athletics, Inc., against a U.S. affiliate of a Chinese distributor of "New Bunren" sneakers and related products.

U.S. District Judge Maryellen Noreika ruled that USA New Bunren International Co. Limited LLC had infringed and diluted New Balance's trademarks by seeking to market to U.S. consumers products that prominently featured an "N" logo virtually identical to New Balance's iconic trademark.

"This case represents a strong victory for New Balance and the power of its 'block N' trademark, both domestically and internationally. This particular case has a sister-case that is currently pending before the Supreme Court in China. We remain optimistic that the Chinese Court will decide similarly," said New Balance's Senior Counsel, IP & Global Brand Protection, Daniel McKinnon.

"We are pleased to have achieved this significant victory for New Balance and to have protected the integrity of its iconic N logo," said Thomas Holt, head of Perkins Coie's Enforcement & Litigation group within the Trademark Copyright, Internet & Advertising practice.

The case focused, in part, on New Bunren's efforts to sell similar-branded products to consumers in the United States. The company claimed in court that no products bearing the New Bunren "N" logo were shipped to or marketed in any U.S.-based store, although it did admit to marketing goods via a website.

Judge Noreika, however, rejected New Buren's argument that it had not sold its products in the United States as immaterial, finding that New Bunren's marketing activities were sufficient to find liability for trademark infringement and other related claims. Judge Noreika also ruled that New Bunren's activities constituted trademark counterfeiting, entitling New Balance to statutory damages.

The Perkins Coie team, led by Thomas Holt and Jeremy Buxbaum, represented New Balance in the case along with local counsel Connolly Gallagher LLP.

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