

Puma, Brooks End IP Fight Over 'Nitro' Running Shoes

By Rachel Riley

Law360 (February 21, 2025, 8:27 PM EST) -- Puma and Brooks Sports have agreed to drop dueling intellectual property claims over "Nitro"-branded sole foam technology used by both athletic apparel retailers to market running shoes, according to a notice filed in federal court in Seattle on Friday.

Puma North America Inc. and Brooks Sports Inc. told the court they had stipulated to the dismissal of all claims, counterclaims and defenses with prejudice, according to the notice. A judge then closed the case Friday.

A Brooks representative told Law360 the terms of the resolution were confidential. Representatives of Puma did not immediately respond to a request for comment Friday.

In the initial complaint, filed in Indiana federal court in July 2022, Puma claimed Brooks ripped off its "Nitro" trademark to market running shoes made with nitrogen gas, which gives footwear soles a lighter feel. Puma also accused Brooks of stealing one of its patented shoe designs.

Brooks fired back with counterclaims in September 2022, contending Puma doesn't have exclusive rights to the "nitro" mark and alleging the claims of Puma's patent were invalid.

The case was transferred in early 2023 from Indiana federal court to the Western District of Washington, where Brooks' Seattle headquarters are located.

Puma prevailed in a discovery dispute in the case last October, when U.S. District Judge Lauren King forced Brooks to hand over communications between company employees and advertising agencies that worked on its "Run on Nitro" campaign.

The court had yet to rule on a summary judgment bid filed by Brooks in December, as well as an earlier partial summary judgment motion by Puma seeking to nix certain defenses, court records show.

Brooks contended in its summary judgment motion that Puma failed to demonstrate that it had protectable trademark rights for the word nitro, or that consumers would likely be confused by Brooks'



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use of the term. In a Jan. 27 response, Puma countered that a jury should decide those questions.

Puma is represented by Mark P. Walters and Mitchell D. West of Lowe Graham Jones PLLC and by Johanna M. Wilbert and Michael T. Piery of Quarles & Brady LLP.

Brooks Sports is represented by Geoffrey Potter, Aron R. Fischer, Lachlan S. Campbell-Verduyn, Henry Wainhouse and Joshua M. Goldman of Patterson Belknap Webb & Tyler LLP and by Diana Siri Breaux and Hathaway Burden of Summit Law Group PLLC.

--Additional reporting by Lauren Berg. Editing by Linda Voorhis.

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