

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

**UNDER ARMOUR, INC.** )  
 1020 Hull Street )  
 Baltimore, Maryland 21230, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
**BODY ARMOR NUTRITION, LLC.** )  
 630 Clinton Place )  
 Beverly Hills, California 90210, )  
 )  
 )  
 Defendant. )


CIVIL ACTION NO.


**JURY TRIAL  
DEMANDED**

**COMPLAINT**

Plaintiff, Under Armour, Inc. (referred to as “Under Armour” along with its predecessors in interest and licensees), alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

**NATURE OF THE ACTION**

1. This is a civil action for trademark infringement, trademark dilution, unfair competition, and cybersquatting under the Lanham Act, 15 U.S.C. § 1051, *et seq.* and/or Maryland statutory and common law. Under Armour seeks equitable and monetary relief from Defendant’s willful violations of Under Armour’s trademark rights in its famous UNDER ARMOUR, ARMOUR, and ARMOUR-family of marks as well as its famous  logo and PROTECT THIS HOUSE tagline. Defendant has shrouded its sports beverage with these hallmarks of Under Armour branding. As a result, consumers are likely to believe Defendant’s drink is made by Under Armour or approved or licensed by Under Armour. Specifically, Defendant’s unauthorized use of the mark BODY ARMOR, a logo closely resembling Under

Armour's  logo, and the tagline "PROTECT + RESTORE" in connection with water-based nutritional/sports beverages, directed to Under Armour's customers and the general public, infringes Under Armour's long established trademark rights, dilutes the distinctiveness of Under Armour's famous marks, and constitutes unfair competition and cybersquatting.

### **PARTIES**

2. Plaintiff Under Armour is a Maryland corporation with a principal place of business at 1020 Hull Street, Baltimore, Maryland 21230.

3. Defendant Body Armor Nutrition, LLC is a Delaware limited liability company with a principal place of business at 630 Clinton Place, Beverly Hills, California 90210.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b). Because Under Armour is a citizen of the State of Maryland, Defendant is a citizen of the State of California, and the matter in controversy exceeds \$75,000, exclusive of interest and costs, the Court also has jurisdiction under 28 U.S.C. § 1332. The Court has supplemental jurisdiction over Under Armour's state-law claims pursuant to 28 U.S.C. § 1367(a) because they are substantially related to its federal claims and arise out of the same case or controversy.

5. This Court has general personal jurisdiction over Defendant based on its continuous and systematic contacts with Maryland, including its sale of products through stores in Maryland and shipment of products into Maryland.

6. This Court has specific personal jurisdiction over Defendant because it has purposefully availed itself of the privilege of conducting business in Maryland. Defendant (directly or through authorized agents) offers products bearing the marks that are the subject of

this lawsuit through stores located in Maryland (including Baltimore, Maryland) and uses those marks to promote and advertise its products in Maryland. Under Armour's claims arise, in part, out of Defendant's contacts with Maryland.

7. Venue lies in this District pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to Under Armour's claims have occurred and are continuing to occur in this District and Under Armour's trademarks at issue are located in this District, where Under Armour maintains its principal place of business.

### **UNDER ARMOUR, ITS PRODUCTS, AND ITS FAMOUS TRADEMARKS**

8. Under Armour is one of the world's most successful, popular, and well-known providers of performance apparel, footwear, accessories, and sporting goods. Through its innovative use of advanced engineering and technology, Under Armour and its products have revolutionized the performance-product industry. Under Armour's products are sold worldwide and are worn and used by athletes and individuals with active lifestyles, among others.

9. Since at least as early as 1996, Under Armour has continuously used and promoted the UNDER ARMOUR name/mark in connection with its apparel products.

10. Under Armour's apparel products are offered in a variety of styles and fits intended to enhance comfort and mobility, regulate body temperature, and improve performance regardless of weather conditions. Under Armour's apparel products extend across the sporting-goods, outdoor, tactical, and active-lifestyle markets, among others.

11. Over the years, Under Armour has expanded to a wide range of related products and services, including but not limited to footwear, headwear, accessories, and sports equipment. The distinctive UNDER ARMOUR name/mark has been used and promoted across Under Armour's extensive product line.

## Under Armour Beverages

12. As part of its natural zone of expansion, Under Armour began offering bottled water in connection with its UNDER ARMOUR and UA Logo marks at least as early as March 2005. Examples of Under Armour's bottled water bearing these marks appear below.



13. The beverage machine shown below, prominently featuring the UA Logo and UNDER ARMOUR mark, is an example of how UNDER ARMOUR bottled water has been sold. As also shown below, UNDER ARMOUR water has also been sold/distributed in glass coolers—drawing attention to the UA Logo—in retail stores, at trade shows, and other venues.



14. Under Armour's bottled water has been offered and sold in Maryland, among other places.

15. Under Armour owns federal trademark registrations for the UNDER ARMOUR and UA Logo marks for bottled water, details for which are provided below.

16. Under Armour also owns pending applications for the UNDER ARMOUR and UA Logo marks for “carbonated waters; drinking water; drinking water with vitamins; energy drinks; flavored bottled water; herbal juices; isotonic beverages; isotonic drinks; sports drinks” and “vitamin fortified beverages; protein supplements in the form of beverages; nutritionally fortified beverages; nutritional drinks used for meal replacement; meal replacement drinks; dietary supplemental drinks; dietary supplemental drinks in the nature of vitamin and mineral beverages.”

#### **Under Armour’s Family of ARMOUR Marks**

17. In addition to its UNDER ARMOUR name/mark, Under Armour has used and promoted the ARMOUR mark alone and numerous other ARMOUR-formative marks in connection with its wide range of products and services, including but not limited to BABY ARMOUR, ARMOURBITE, ARMOURBLOCK, ARMOURBOUND, ARMOURFIT, ARMOURFORM, ARMOURFUSE, ARMOURFUSION, ARMOURGRID, ARMOURGRIP, ARMOURGUIDE, ARMOURLASTIC, ARMOURLOFT, ARMOURSIGHT, ARMOURSTEALTH, ARMOURSTORM, ARMOURZONE, ARMOUR FLEECE, ARMOUR GRABTACK, ARMOUR ONE, ARMOUR REACTACK, ARMOUR SELECT, ARMOUR STRETCH, GAMEDAY ARMOUR, DIAMOND ARMOUR, OFFSHORE ARMOUR, THIS IS YOUR ARMOUR, UA UNDER ARMOUR FACTORY HOUSE, UNDER ARMOUR ALL-AMERICA LACROSSE CLASSIC, UNDER ARMOUR COMBINES, UNDER ARMOUR PERFORMANCE, UNDER ARMOUR UA GIRLS, and UNDER ARMOUR UA WOMEN.

18. The UNDER ARMOUR, ARMOUR, and ARMOUR-formative marks have been used and promoted individually and/or as a family of ARMOUR marks.

## Under Armour's Famous Logo

19. Since at least as early as August 5, 1996, Under Armour has used the distinctive trademark logo shown below and variations thereof (collectively, the “UA Logo”) in connection with apparel in the U.S.A.



20. The UA Logo has since been used and promoted across Under Armour's extensive product line. As noted above, the UA Logo has been used and is federally registered for bottled water.

21. The UA Logo is applied to virtually all (if not all) of Under Armour's products and prominently used in marketing, advertising, and other materials, including throughout Under Armour's website at [www.underarmour.com](http://www.underarmour.com), as shown in the examples below:



22. The UA Logo appears on store signage and throughout Under Armour's retail stores (alone and with the UNDER ARMOUR mark).

23. The UA Logo is prominently featured on product packaging, stickers, hangtags, labels, and/or other product materials. A representative sample of Under Armour's product packaging appears below.



24. In-store displays and point-of-sale promotional and marketing materials for Under Armour's products also prominently feature the UA Logo. Representative in-store displays featuring the UA Logo are shown below:





25. As shown in these representative examples, Under Armour's product packaging, in-store displays, and other promotional and advertising materials frequently feature Under Armour's red and black corporate colors.

#### **Under Armour's Sales and Promotion of Its Marks**

26. Under Armour has sold billions of dollars worth of products under the UNDER ARMOUR name/mark, ARMOUR mark, and ARMOUR-family of marks (individually and collectively, the "ARMOUR Marks") and UA Logo. In 2011 alone, Under Armour sold more than \$1.4 billion worth of products.

27. Under Armour's products are offered in more than 16,000 retail stores in North America, the majority of which are in the U.S.A. Under Armour's products are promoted, offered, distributed, and sold throughout the U.S.A. in connection with the ARMOUR Marks and UA Logo through a wide variety of retail means, including through national, regional, independent, and specialty retailers such as *Foot Locker*, *Finish Line*, *The Sports Authority*, *Dick's Sporting Goods*, *Modell's*, *Hibbett Sports*, *Cabela's*, *Nordstrom*, and *The Army and Air Force Exchange Service*.

28. Under Armour's products are offered at a wide variety of sports events, including, for example, The Under Armour (Baltimore) Marathon and other events.

29. Under Armour's products are also promoted, offered, and sold in connection with its ARMOUR Marks and UA Logo through the websites and mail-order catalogs of many of its retailers, including websites used by *Finish Line*, *Foot Locker*, *The Sports Authority*, *Dick's Sporting Goods*, *Modell's*, *Nordstrom*, *Hibbett Sports*, and *Eastbay*; third-party shopping websites such as AMAZON.COM and EBAY.COM; Under Armour's own retail and factory

UNDER ARMOUR stores (including outlet and retail stores in Maryland); and Under Armour's websites, catalogs, and toll-free call center.

30. For many years, Under Armour has spent tens of millions of dollars annually advertising, marketing, and promoting its ARMOUR Marks, UA Logo, and products to the general public, including to consumers for use in athletics, fitness, training, and outdoor activities. Since 2009, Under Armour has spent over \$100 million annually on marketing and promotional activities.

31. Under Armour has widely and extensively promoted its ARMOUR Marks, UA Logo, and products in the U.S.A. through virtually every available type of digital, broadcast, and print media, including but not limited to national, regional, and local print publications; billboards; signage; television; and/or the Internet. Under Armour's products and promotional and advertising activities in connection with its ARMOUR Marks and UA Logo focus on performance enhancement, including making all athletes better through passion, design, and innovation.

32. With respect to print publications and signage, Under Armour has advertised and promoted its ARMOUR Marks, UA Logo, and products in a wide variety of nationally circulated magazines and newspapers, including but not limited to *People*, *Cosmopolitan*, *Glamour*, *Men's Health*, *Runner's World*, *Sports Illustrated*, *ESPN the Magazine*, *Shape*, *Women's Health*, *The New York Times*, *The Washington Post*, *USA Today*, *The Los Angeles Times*, and *The Chicago Tribune*. Further, these marks have been featured on billboards and other signage in various cities, including but not limited to Baltimore, Philadelphia, and New York City's Times Square. The marks and logo have also been prominently featured in stadium and sport-event advertising, including, for example, placement on the left outfield wall at Wrigley Field, on the "Green

Monster” at Fenway Park, and on digital signage at Camden Yards.

33. Under Armour has advertised and promoted its ARMOUR Marks, UA Logo, and products through television commercials, including a television commercial aired during the 2008 NFL Super Bowl, product placement in popular movies (such as Disney’s “The Rookie,” starring Dennis Quaid; Oliver Stone’s “Any Given Sunday,” starring Al Pacino and Jamie Foxx; “The Blind Side,” starring Sandra Bullock; and “The Replacements,” starring Keanu Reeves), national television programs (such as “Friday Night Lights,” starring Kyle Chandler), video games, and coverage of sporting events featuring its branded products, among other means.

34. Under Armour also promotes and markets its ARMOUR Marks, UA Logo, and products through popular and highly trafficked social-networking websites, including FACEBOOK and TWITTER. Under Armour’s FACEBOOK page has received over a million “likes,” showing FACEBOOK users’ positive feedback in connection with Under Armour and its products.

35. Sponsorships, outfitting agreements, and individual athlete agreements represent another significant form of advertising and promotion by Under Armour. Under Armour’s ARMOUR Marks, UA Logo, and products are promoted through high-profile athletes and teams competing at the youth, collegiate, professional, and Olympic levels. As a result, Under Armour’s products are seen in action and receive substantial exposure to consumer audiences through the Internet, television, magazines, and at live sporting events.

36. At the collegiate level, Under Armour is the official outfitter of the athletic teams at the University of Maryland, Auburn University, Boston College, Texas Tech University, the University of South Carolina, University of South Florida, and the University of Utah, among others. Under Armour supplies uniforms, sideline apparel, and fan gear for those teams.

Additionally, since 2006, Under Armour has been an authorized supplier of footwear to the NFL and is currently also the official performance footwear supplier to the MLB and authorized supplier of gloves to the NFL. At the Olympic level, Under Armour was the Official Sponsor and Supplier of the US Freestyle Ski Team during the 2010 Winter Olympics, and is the Official Supplier of the US Bobsled & Skeleton Federation.

37. Under Armour has also sponsored hundreds of individual athletes, including established stars (e.g., the NFL's Tom Brady, Brandon Jacobs, Miles Austin, Vernon Davis, and Anquan Boldin; the MLB's Ryan Zimmerman, Jose Reyes, and Jonathon Papelbon; U.S. Women's National Soccer Team players Heather Mitts and Lauren Cheney; U.S. Olympic and professional volleyball player Nicole Branagh; U.S. Olympic swimmer Michael Phelps; triathlon champion Chris "Macca" McCormack; professional golfer Hunter Mahan; U.S. Olympic skier Lindsey Vonn; and Ultimate Fighting Champion Georges St. Pierre), and next-generation stars (e.g., Brandon Jennings (NBA); Cam Newton (NFL); Buster Posey, Matthew Wieters, and Bryce Harper (MLB); Grant Catalino (lacrosse); Bobby Brown, Jen Hudak, and Keri Herman (skiing); Dylan Bidez and Chas Guldmond (snowboarding); and Maria Shishkina (tennis)).

38. In addition, Under Armour sponsors a number of high-profile events, such as the NFL Scouting Combine. Under Armour has also sponsored events that expose consumers to its brand at the grassroots level. For example, in 2010 alone, Under Armour hosted 25 athletic combines, camps, and clinics for a wide variety of sports at regional sites across the country, including in Maryland, for athletes of various levels.

39. Under Armour reaches young athletes in various ways. For example, Under Armour sponsors the Under Armour All-America Football Game, an annual competition between the top seniors in high-school football. Under Armour also partners with Ripken

Baseball participants, is the title sponsor for all 25 Ripken youth baseball tournaments (reaching 35,000 young athletes), partners with the Baseball Factory to outfit the nation's top high school players, and is the title sponsor for nationally recognized baseball tournaments and teams.

40. Under Armour is the official sponsor of Tough Mudder obstacle-course racing events. Under Armour is also the title sponsor of The Under Armour (Baltimore) Marathon and has a strong brand presence at several other major running events across the country. Under Armour is also the title sponsor of The Under Armour All-America Lacrosse Classic, as well as the All-America games in softball and volleyball for elite high school athletes.

41. In addition to its own substantial advertising and promotional activities, Under Armour and its ARMOUR Marks, UA Logo, and products have received and continue to receive massive amounts of unsolicited media coverage. Many of the athletes, teams, and sporting events sponsored by Under Armour appear on nationally broadcasted television programs and in widely circulated publications, exposing tens of millions of consumers to the ARMOUR Marks and UA Logo. Moreover, Under Armour has received numerous awards for its commercial success in connection with the development of its innovative and technologically enhanced performance products.

42. As a result of Under Armour's extensive and continuous use and advertising of its ARMOUR Marks, the public has been exposed to, and for years has recognized, marks containing the distinctive term "ARMOUR" for apparel, footwear, sports equipment, accessories, and related products and services, as uniquely associated with Under Armour. Similarly, the public has long recognized and associated the UA Logo as Under Armour's distinctive trademark.

43. As a result of the distinctive nature, and thus inherent strength, of the ARMOUR

Marks and UA Logo as applied to Under Armour's products; the widespread advertising, publicity, promotion, and sales of products in connection with the ARMOUR Marks and UA Logo; and Under Armour's longstanding and extensive use of the ARMOUR Marks and UA Logo, those marks and logo have been well known and famous for years.

44. In *Under Armour, Inc. v. Bode*, Opp. No. 91178653 (TTAB May 21, 2009), the Trademark Trial and Appeal Board of the United States Patent and Trademark Office ("PTO") expressly acknowledged the fame of the UNDER ARMOUR mark in the field of clothing and sporting goods.

#### **Under Armour's PROTECT THIS HOUSE Tagline Mark**

45. Since at least as early as 2004, Under Armour has used and promoted the tagline mark PROTECT THIS HOUSE in connection with its products and services in many of the ways described above. Under Armour has extensively advertised and promoted its PROTECT THIS HOUSE mark, including but not limited to through major media campaigns and use at NFL, MLB, NHL, collegiate games, and a wide range of athletic events. The mark is widely viewed and recognized as associated with Under Armour and its goods and services.

46. As a result of the distinctive nature, and thus inherent strength, of the PROTECT THIS HOUSE mark as applied to Under Armour's products; the widespread advertising, publicity, promotion, and sales of goods and services under that mark; and Under Armour's longstanding and extensive use of the mark, the PROTECT THIS HOUSE mark has been well known and famous for years.

## UNDER ARMOUR'S TRADEMARK FILINGS FOR ITS FAMOUS MARKS





47. In addition to its common-law rights, Under Armour owns, among others, the following valid and subsisting U.S. trademark registrations and trademark applications for the UNDER ARMOUR marks (alone and with the UA Logo):





Mark	Reg./App. No.	Reg./Filing Date	Products/Services
UNDER ARMOUR	3501771	09/16/08	Bottled water in Class 32
UNDER ARMOUR	77812483	08/25/09	Carbonated waters, drinking water, drinking water with vitamins, energy drinks, flavored bottled water, herbal juices, isotonic beverages, isotonic drinks, sports drinks in Class 32
UNDER ARMOUR	77812569	08/25/09	Vitamin fortified beverages, protein supplements in the form of beverages, nutritionally fortified beverages, nutritional drinks used for meal replacement, meal replacement drinks, dietary supplemental drinks, dietary supplemental drinks in the nature of vitamin and mineral beverages in Class 5
UNDER ARMOUR	2279668	09/21/99	Clothing, namely, t-shirts, long sleeve shirts, mock turtle necks, hats, shorts, shirts, leggings, jersey's, pants, headwear for winter and summer, under wear, tank tops (male and female), winter caps, sweat shirts/pull overs, womens bra in Class 25
UNDER ARMOUR	2917039	01/11/05	Wristbands, headbands, rain suits, jackets, socks, skirts, athletic sleeves, hoods, skull wraps, skull caps, vests, hats, shorts, shirts, leggings, pants, headwear for winter and summer, underwear, tank tops, bras, girdles in Class 25
UNDER ARMOUR	3052160	01/31/06	Chin straps for use with protective helmets in Class 9; toiletry kits, sold empty in Class 18; sports bottles, sold empty in Class 21; lanyards for holding mouthpieces, water bottles, eyeglasses, badges, or keys in Class 22; sports towels in Class 24; gloves in Class 25
UNDER ARMOUR	3178549	11/28/06	Athletic footwear in Class 25
UNDER ARMOUR	3642614	06/23/09	Full line of athletic clothing in Class 25
UNDER ARMOUR	3712052	11/17/09	Ankle socks, athletic uniforms, baseball caps, baseball shoes, baseball uniforms, baselayer bottoms, baselayer tops, beach footwear, boxer briefs, boxer shorts, briefs, capri pants, children's headwear, coats,

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
			dresses, fleece pullovers, football shoes, footwear, foul weather gear, golf caps, golf shirts, golf trousers, hooded pullovers, hunting vests, jogging pants, knit shirts, men's socks, mittens, moisture-wicking sports bras, moisture-wicking sports pants, moisture-wicking sports shirts, polo shirts, rain jackets, rain trousers, rainproof jackets, rainwear, running shoes, short-sleeved or long-sleeved t-shirts, short-sleeved shirts, ski bibs, ski gloves, ski jackets, ski pants, ski wear, skorts, sleeveless jerseys, snow pants, snowboard gloves, snowboard mittens, snowboard pants, soccer boots, sport shirts, sports bras, sports jerseys, sports pants, sports shirts, sweat bands, sweat pants, tennis wear, thongs, thongs, training shoes, undershirts, unitards, visors, waterproof jackets and pants, wind pants, wind resistant jackets, wind shirts, in Class 25
UNDER ARMOUR	77779844	07/13/09	Bandanas, baseball shoes, basketball sneakers, beachwear, bib overalls for hunting, bikinis, camouflage gloves, camouflage jackets, camouflage pants, camouflage shirts, camouflage vests, cleats for attachment to sports shoes, fishing shirts, football shoes, golf shorts, hunting jackets, hunting pants, hunting shirts, martial arts uniforms, men's dress socks, mixed martial arts suits, sneakers, swimwear, volleyball jerseys, yoga pants, yoga shirts, in Class 25
UNDER ARMOUR	4023972	09/06/11	Spray cleaners for freshening athletic mouth guards in Class 3
UNDER ARMOUR	3500322	09/09/08	Eyewear, namely, sunglasses, lenses for sunglasses, and visors for use with helmets, in Class 9
UNDER ARMOUR	3622787	05/19/09	Magnetic coded gift cards; electronic gift cards, in Class 9
UNDER ARMOUR	3901624	01/04/11	Briefcases specially adapted for holding laptop computers, backpacks specially adapted for holding laptop computers, armbands specially adapted for holding mp3 players and cellular phones, in Class 9
UNDER ARMOUR	85132398	9/17/10	Protective helmets for sports, lacrosse helmets, baseball and softball batting helmets, protective eyewear, namely, lacrosse goggles in Class 9
UNDER ARMOUR	77690683	03/13/09	Eyeglasses, eyewear, frames for spectacles, goggles for sports in Class 9
UNDER ARMOUR	3826168	07/27/10	Medical device, namely, intra-oral apparatus



Mark	Reg./App. No.	Reg./Filing Date	Products/Services
			for spacing the occlusal surfaces of teeth in Class 10
UNDER ARMOUR	3500323	09/09/08	Watches in Class 14
UNDER ARMOUR	3944953	04/12/11	Stickers in Class 16
UNDER ARMOUR	3712050	11/17/09	All purpose sport bags, all-purpose athletic bags, athletic bags, bags for sports, daypacks, golf umbrellas, hiking bags, shoe bags for travel, umbrellas in Class 18
UNDER ARMOUR	3174498	11/21/06	Sport bags, travel bags, duffel bags, backpacks, sack pacs in Class 18
UNDER ARMOUR	3777929	04/20/10	Messenger bags, tote bags, wristlet bags, in Class 18
UNDER ARMOUR	3722377	12/08/09	Football towels, golf towels, towels, in Class 24
UNDER ARMOUR	77938504	02/18/10	Bath towels, beach towels, bed blankets, bed sheets, bed skirts, bed spreads, blanket throws, blankets for outdoor use, comforters, hand towels, lap blankets, pillow cases in Class 24
UNDER ARMOUR	3929387	03/08/11	Baseball bat bags, field hockey gloves, field hockey stick bags, lacrosse stick bags, running gloves, softball bat bags in Class 28
UNDER ARMOUR	3944542	04/12/11	Sporting goods, namely sports balls in Class 28
UNDER ARMOUR	77939716	02/19/10	Balls for sports, baseballs, basketballs, footballs, rugby balls, soccer balls, softballs, sport balls, volleyballs, in Class 28
UNDER ARMOUR	85132296	09/17/10	Lacrosse sticks, lacrosse stick heads, lacrosse stick shafts, lacrosse stick handles, lacrosse gloves, lacrosse arm guards, lacrosse shoulder pads, lacrosse elbow pads, and replacement parts for the foregoing goods in Class 28
UNDER ARMOUR	3700135	10/20/09	Clothing for athletic use, namely, padded shirts, padded pants, padded shorts, padded elbow compression sleeves in Class 25; Golf bags; bags specially adapted for sports equipment; golf gloves; batting gloves; football gloves; lacrosse gloves; mouth guards for athletic use; cases for holding athletic mouth guards; athletic equipment, namely, guards for the lips; chin pads for athletic use; knee pads for athletic use; elbow pads for athletic use; forearm pads for athletic use; shin guards for athletic use; football girdles; jock straps in Class 28
UNDER ARMOUR	3812080	06/29/10	Baseball and softball equipment for catchers, namely, catchers' helmets in Class 9; baseball and softball equipment for catchers,

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
			namely, face masks, chest protectors, leg guards, knee supports, and replacement parts for the foregoing goods in Class 28
UNDER ARMOUR	3375771	01/29/08	Retail store services featuring apparel and sporting goods in Class 35
UNDER ARMOUR	3638277	06/16/09	Online retail store services featuring apparel, footwear, sporting goods, eyewear, headwear, wrist bands, sweat bands, belts, gloves, hand-warmers, plastic water bottles sold empty, watches, sports bags, tote bags, travel bags, backpacks, golf bags, messenger bags, duffel bags, shoe bags for travel, toiletry bags sold empty, wheeled bags, waist packs, sling bags, umbrellas, towels, posters; mobile retail store services featuring apparel, footwear, and sporting goods in Class 35
UNDER ARMOUR	3851123	09/21/10	Athletic testing, namely, testing the physical performance of athletes for sports training purposes; athletic scoring, namely, scoring the results of measured athletic performance for sports training purposes; athletic training and instructional in the field of sports in Class 41
UNDER ARMOUR	3586005	3/10/09	Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media, in Class 41
	3663142	08/04/09	Full line of athletic clothing, headwear, footwear, gloves in Class 25
	2509632	11/20/01	Clothing, namely, shirts, hats, pants, t-shirts, underwear, brassiere and shorts in Class 25
	2954369	05/24/05	Wristbands, headbands, rain suits, jackets, socks, skirts, athletic sleeves, hoods, skull wraps, skull caps, vests, hats, shorts, shirts, leggings, pants, headwear for winter and summer, underwear, tank tops, bras, girdles in Class 25
	3081173	04/18/06	Chin strap pads for use with protective helmets, in Class 9; toiletry kits, sold empty, in Class 18; sports bottles, sold empty, in Class 21; sports towels, in Class 24; gloves in Class 25

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
 UNDER ARMOUR	2991124	09/06/05	Sport bags, travel bags, duffel bags, backpacks, sack pacs, and reservoir backpacks in Class 18
 UNDER ARMOUR	3138451	09/05/06	Clothing, namely, vests, gloves, jackets and shirts in Class 25
 UNDER ARMOUR uai woman	3556268	01/06/09	Full line of athletic clothing in Class 25
 UNDER ARMOUR uaigirls	77596853	10/21/08	Clothing, namely, shirts, long-sleeved shirts, t-shirts, tank tops, mock turtlenecks, sleeveless jerseys, bras, sport bras, jackets, pants, capri pants, capris, shorts, skorts, and clothing for athletic use, namely, padded shorts, in Class 25
MOTHER NATURE MADE IT. UNDER ARMOUR MADE IT BETTER.	3955929	05/03/11	Retail store services featuring apparel, footwear, headwear, and sporting goods in Class 35
MOTHER NATURE MADE IT. UNDER ARMOUR MADE IT BETTER.	4057098	11/15/11	Clothing, namely, tops, bottoms, shirts, sweat shirts, hooded sweatshirts, pants, sweatpants, shorts, socks in Class 25
UA UNDER ARMOUR FACTORY HOUSE	3474912	06/19/07	Retail store services featuring apparel and sporting goods Class 35
UNDER ARMOUR ALL-AMERICA LACROSSE CLASSIC	3538889	11/25/08	Entertainment services, namely, lacrosse games rendered live and for the purpose of distribution through broadcast media in Class 41
UNDER ARMOUR COMBINES	3835958	08/17/10	Athletic testing, namely, testing the physical performance of athletes for sports training purposes, athletic scoring, namely, scoring the results of measured athletic performance for sports training purposes, athletic training and instruction in the field of sports in Class 41
UNDER ARMOUR PERFORMANCE MOUTHWEAR	77787148	07/22/09	Medical device, namely, intra-oral apparatus for spacing the occlusal surfaces of teeth in Class 10

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
UNDER ARMOUR PERFORMANCE MOUTHWEAR	77787377	07/22/09	Athletic equipment, namely, mouth guards in Class 28
UA UNDER ARMOUR FACTORY HOUSE	3474912	06/19/07	Retail store services featuring apparel and sporting goods Class 35

48. Under Armour owns, among others, the following valid and subsisting U.S. trademark registrations and trademark applications for the ARMOUR mark per se, and other ARMOUR-formative marks:



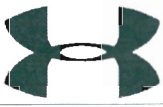



Mark	Reg./App. No.	Reg./Filing Date	Products/Services
ARMOUR	3970978	05/31/11	Footwear, excluding golf footwear in Class 25
ARMOUR	85087451	07/19/10	Clothing, excluding golf clothing, namely, socks, bras, scarves, headwear, hats, caps, baseball caps, visors, beanies, headbands, neck gaiters, mittens, hand-warmers, belts, football cleats in Class 25
ARMOUR	3392904	03/04/08	Clothing, excluding golf clothing, namely, shorts, shirts, polo shirts, pants, jackets, vests and gloves in Class 25
ARMOUR	3720012	12/01/09	Clothing, excluding golf clothing, namely, hooded sweat shirts, crew neck shirts, long sleeve shirts, pullover shirts, and sweat pants In Class 25
ARMOUR	4133248	04/24/12	Clothing, excluding golf clothing, namely, headwear, hats, caps, baseball caps, beanies and bras, in Class 25
ARMOUR	4115481	03/20/12	Lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, event tickets, flashlights, or keys in Class 22
ARMOUR	3955713	05/03/11	Towels, sports towels, football towels in Class 24
ARMOUR	85300816	04/21/11	Hair accessories, namely, hair ties in Class 26
ARMOUR	3963256	05/17/11	Knee pads for athletic use in Class 28
ARMOUR	3766130	03/30/10	Protective athletic cups in Class 28
ARMOUR	77946984	03/01/10	Personal exercise mats in Class 28
ARMOURLASTIC	3584365	03/03/09	Footwear in Class 25
ARMOURGUIDE	3596241	03/24/09	Footwear in Class 25
ARMOURBOUND	3599836	03/31/09	Footwear in Class 25
ARMOURFORM	3655849	07/14/09	Footwear in Class 25
ARMOUR ONE	4029808	09/20/11	Mobile retail store services featuring apparel, footwear, headwear, and sporting goods in Class 35
ARMOURFUSE	85455215	10/25/11	Chin straps for football helmets, in Class 9




Mark	Reg./App. No.	Reg./Filing Date	Products/Services
ARMOUR GRABTACK	4003150	07/26/11	All purpose sport bags, all-purpose athletic bags, all-purpose carrying bags, athletic bags, bags and holdalls for sports clothing, bags for sports, briefcases, duffel bags, gym bags, hiking bags, hunting bags, messenger bags, overnight bags, shoulder bags, sport bags in Class 18
ARMOURBLOCK	3069215	03/14/06	Gloves, socks, hoods, shirts, T-shirts, leggings, pants, underwear, and tank tops in Class 25
ARMOUR STRETCH	3504324	09/23/08	Jackets, pullovers, vests, gloves in Class 25
ARMOUR FLEECE	3510702	10/07/08	Jackets, pants in Class 25
ARMOURFUSION	3646904	06/30/09	Sunglasses in Class 9
ARMOURLOFT	3662480	08/04/09	Jackets, vests in Class 25
ARMOUR GRABTACK	3684393	09/15/09	Football gloves in Class 28
ARMOUR REACTACK	3684394	09/15/09	Football gloves in Class 28
ARMOURBITE	3791431	05/18/10	Athletic equipment, namely, mouth guards in Class 28
ARMOURBITE	3791434	05/18/10	Medical device, namely, intra-oral apparatus for spacing the occlusal surfaces of teeth in Class 10
ARMOURZONE	3800485	06/08/10	Jackets, pants, ski jackets, ski pants, snow pants, snowboard pants in Class 25
ARMOURSIGHT	3861988	10/12/10	Eyewear, sunglasses, lenses for sunglasses in Class 9
ARMOURGRIP	3880602	11/23/10	Leggings, long-sleeved shirts, moisture-wicking sports shirts, pants, shirts, short-sleeved shirts, socks, t-shirts in Class 25
ARMOUR STEALTH	77372773	01/16/08	Jackets, bib overalls, pants in Class 25
ARMOUR BRA	77585131	10/03/08	Bras in Class 25
ARMOUR ELITE	77947027	03/01/10	Briefcases, duffel bags, messenger bags, wheeled bags in Class 18
ARMOURFIT	3938546	03/29/11	Socks in Class 25
ARMOURCHILL	85024329	04/27/10	Clothing, namely, beanies, coats, hats, headwear, moisture wicking sports pants, moisture wicking sports shirts, scarves, sweat pants, shirts, sweat shirts, hooded sweat shirts, crew necks, vests, jackets, pants and capri pants in Class 25
ARMOURGRID	4032523	09/27/11	Jerseys, pants, shorts, clothing, namely, athletic uniform in Class 25
ARMOURMESH	85206009	12/27/10	Baseball gloves, football gloves, work-out gloves in Class 28
ARMOURSTORM	3622968	05/19/09	Bib overalls, coats, gloves, jackets, mittens, pants in Class 25

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
ARMOUR ACCESS	85150763	10/12/10	All purpose sport bags, all-purpose athletic bags, athletic bags, backpacks, bags and holdalls for sports clothing, bags for sports, briefcases, daypacks, duffel bags, hiking bags, hunting bags, messenger bags, sack packs, namely, drawstring bags used as backpacks, sport bags, sports bags, sportsman's hunting bags, tote bags, travel bags, wheeled bags in Class 18
ARMOUR SELECT	3945868	04/12/11	Backpacks, duffel bags, sack pacs in Class 18
BABY ARMOUR	4088633	01/17/12	Baby bodysuits; Baby bottoms; Baby tops; Children's and infant's apparel, namely, jumpers, rompers and one-piece garments; Footwear; Hooded pullovers; Hooded sweat shirts; Infant and toddler one piece clothing; Infant wear; Infants' trousers; Jackets; One piece garment for infants and toddlers; Pants; Play suits; Shirts; Short-sleeved shirts; Shorts; Sweat pants; Sweat shirts; Sweat suits; Tops in Class 25
GAMEDAY ARMOUR	4094318	01/31/12	Clothing, namely, shirts, t-shirts, short-sleeved shirts, shorts; clothing for athletic use, namely, padded shorts; clothing for athletic use, namely, padded shirts in Class 25
MY ARMOUR	85357036	06/27/11	On-line retail store services featuring apparel, footwear, sporting goods, eyewear, sunglasses, headwear, towels, tote bags, travel bags, backpacks, messenger bags, duffel bags, shoe bags for travel, toiletry bags sold empty, wheeled bags, waist packs, sling bags, umbrellas, sports bottles sold empty, wrist bands, sweat bands, belts, gloves, hand-warmers, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, event tickets, flashlights, or keys; Retail store services featuring apparel, footwear, sporting goods, eyewear, sunglasses, headwear, towels, tote bags, travel bags, backpacks, messenger bags, duffel bags, shoe bags for travel, toiletry bags sold empty, wheeled bags, waist packs, sling bags, umbrellas, sports bottles sold empty, wrist bands, sweat bands, belts, gloves, hand-warmers, lanyards for holding mouthpieces, water bottles, eyeglasses, sunglasses, badges, event tickets, flashlights, or keys in Class 35
BABY ARMOUR	3541792	12/02/08	Children's clothing, namely, socks, cloth eating bibs, bib overalls, and hats in Class 25
GAMEDAY ARMOUR	85053123	06/02/10	Knee pads for athletic use, mouth guards for athletic use, athletic equipment, namely, guards for the lips, shin guards for athletic use, chin pads for athletic use, football girdles, protective athletic cup in Class 28











Mark	Reg./App. No.	Reg./Filing Date	Products/Services
SMART ARMOUR	77671124	02/16/09	Capri pants, capris, jackets, pants, shirts, shorts, t-shirts, underwear in Class 25












49. In addition to the registrations identified above, Under Armour owns the following valid and subsisting U.S. trademark registrations and trademark applications for the UA Logo:







Mark	Reg./App. No	Reg./App. Date	Products/Services
	3501773	09/16/08	Bottled water, in Class 32.
	77812524	08/25/09	Carbonated waters; Drinking water; Drinking water with vitamins; Energy drinks; Flavored bottled water; Herbal juices; Isotonic beverages; Isotonic drinks; Sports drinks, in Class 32
	2727031	06/17/03	Clothing namely; shirts, hats, pants, t-shirts, underwear, brassieres, shorts, headbands, wristbands and socks, in Class 25.
	2951069	05/17/05	Wristbands, headbands, rain suits, jackets, socks, skirts, athletic sleeves, hoods, skull wraps, skull caps, vests, hats, shorts, shirts, leggings, pants, headwear for winter and summer, underwear, tank tops, bras, girdles, in Class 25.
	3178547	11/28/06	Footwear, in Class 25.
	3630507	6/2/09	Full line of athletic clothing; belts; clothing, namely, hand-warmers, in Class 25









Mark	Reg./App. No	Reg./App. Date	Products/Services
	3722112	12/08/09	Ankle socks; Athletic footwear; Athletic uniforms; Baseball caps; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Beach footwear; Bib overalls; Boxer briefs; Boxer shorts; Briefs; Capri pants; Children's headwear; Coats; Dresses; Fleece pullovers; Football shoes; Foul weather gear; Golf shirts; Golf trousers; Hooded pullovers; Hooded sweat shirts; Hunting vests; Knit shirts; Ladies' underwear; Long-sleeved shirts; Men's socks; Men's underwear; Mittens; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Polo shirts; Rain jackets; Rain trousers; Rainproof jackets; Rainwear; Running shoes; Short-sleeved shirts; Ski bibs; Ski gloves; Ski jackets; Ski pants; Ski wear; Sleeveless jerseys; Snow pants; Snowboard gloves; Snowboard mittens; Snowboard pants; Soccer boots; Sport shirts; Sports bras; Sports jackets; Sports jerseys; Sports pants; Sports shirts; Sweat bands; Sweat pants; Sweat shirts; Tennis wear; Thongs; Thongs; Training shoes; Undershirts; Unitards; Visors; Waterproof jackets and pants; Wind pants; Wind resistant jackets; Wind shirts, in Class 25
	77779877	07/13/09	Bandanas; Baseball shoes; Basketball sneakers; Beachwear; Bib overalls for hunting; Bikinis; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Cleats for attachment to sports shoes; Fishing shirts; Football shoes; Golf shorts; Hunting jackets; Hunting pants; Hunting shirts; Martial arts uniforms; Men's dress socks; Mixed martial arts suits; Sneakers; Swimwear; Volleyball jerseys; Yoga pants; Yoga shirts, in Class 25.
	2185859	09/01/98	Clothing and sports apparel, namely, t-shirts, hats, leggings, socks, shirts, and pants, in Class 25.

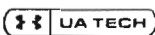
















Mark	Reg./App. No	Reg./App. Date	Products/Services
	3664983	8/4/09	Clothing for athletic use, namely, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, in Class 25;  Golf bags; bags specially adapted for sports equipment; golf gloves; batting gloves; football gloves; lacrosse gloves; mouth guards for athletic use; cases for holding mouth guards; athletic equipment, namely, guards for the lips; chin pads for athletic use; knee pads for athletic use; elbow pads for athletic use; forearm pads for athletic use; shin guards for athletic use; football girdles; protective athletic cups; jock straps, in Class 28
	4023973	09/06/11	Spray cleaners for freshening athletic mouth guards. in Class 3
	77812576	08/25/09	Vitamin fortified beverages; protein supplements in the form of beverages; nutritionally fortified beverages; nutritional drinks used for meal replacement; meal replacement drinks; dietary supplemental drinks; dietary supplemental drinks in the nature of vitamin and mineral beverages, in Class 5
	3438397	05/27/08	Eyewear, namely, sunglasses, lenses for sunglasses and visors for use with helmets, in Class 9
	3901625	01/04/11	Briefcases specially adapted for holding laptop computers; backpacks specially adapted for holding laptop computers; armbands specially adapted for holding mp3 players and cellular phones, in Class 9
	3622788	5/19/09	Magnetic coded gift cards; electronic gift cards, in Class 9
	77690675	10/13/08	Eyewear; Goggles for sports, in Class 9
	85132479	09/17/10	Protective helmets for sports; baseball and softball batting helmets; protective eyewear, namely, lacrosse goggles, in Class 9
	3819531	7/13/10	Medical device, namely, intra-oral apparatus for spacing the occlusal surfaces of teeth, in Class 10
	3407404	04/01/08	Watches, in Class 14


Mark	Reg./App. No	Reg./App. Date	Products/Services
	3880683	11/23/10	Stickers, in Class 16
	2991125	09/06/05	Sport bags, travel bags, duffel bags, backpacks, sack pacs, and reservoir backpacks, in Class 18.
	3712051	11/17/09	All purpose sport bags; All-purpose athletic bags; Athletic bags; Bags for sports; Daypacks; Golf umbrellas; Hiking bags; Shoe bags for travel; Umbrellas, in Class 18
	3777932	4/20/10	Messenger bags; Tote bags; Wristlet bags, in Class 18
	3722375	12/08/09	Football towels; Golf towels; Towels, in Class 24
	77939207	01/21/12	Bath towels; Beach towels; Bed blankets; Bed sheets; Bed skirts; Bed spreads; Blanket throws; Blankets for outdoor use; Comforters; Hand towels; Lap blankets; Pillow cases, in Class 24.
	3929388	03/08/11	Baseball bat bags; Field hockey gloves; Field hockey stick bags; Lacrosse stick bags; Running gloves; Softball bat bags, in Class 28
	3944541	4/12/11	Sporting goods, namely, sports balls, in Class 28
	77939865	02/19/10	Balls for sports; Baseballs; Basketballs; Footballs; Rugby balls; Soccer balls; Softballs; Sport balls; Volleyballs, in Class 28.
	85132447	09/17/10	Lacrosse sticks; lacrosse stick heads; lacrosse stick shafts; lacrosse stick handles; lacrosse gloves; lacrosse arm guards; lacrosse shoulder pads; lacrosse elbow pads; and replacement parts for the foregoing goods, in Class 28.
	3375735	01/29/08	Retail store services featuring apparel and sporting goods, in Class 35


Mark	Reg./App. No	Reg./App. Date	Products/Services
	3638278	6/16/09	Online retail store services featuring apparel, footwear, sporting goods, eyewear, headwear, wrist bands, sweat bands, belts, gloves, hand-warmers, plastic water bottles sold empty, watches, sports bags, tote bags, travel bags, backpacks, golf bags, messenger bags, duffel bags, shoe bags for travel, toiletry bags sold empty, wheeled bags, waist packs, sling bags, umbrellas, towels, posters; Mobile retail store services featuring apparel, footwear, and sporting goods, in Class 35
	3586007	03/10/09	Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media, in Class 41
	3851125	9/21/10	Athletic testing, namely, testing the physical performance of athletes for sports training purposes; athletic scoring, namely, scoring the results of measured athletic performance for sports training purposes; athletic training and instruction in the field of sports, in Class 41
	2991123	09/06/05	Chin strap pads for use with protective helmets, in Class 9; toiletry kits, sold empty, in Class 18; sports bottles, sold empty, in Class 21; lanyards for holding mouthpieces, water bottles, eyeglasses, badges, or keys, in Class 22; sports towels, in Class 24; gloves, in Class 25
	3812081	06/29/10	Baseball and softball equipment for catchers, namely, catchers' helmets, in Class 9  Baseball and softball equipment for catchers, namely, face masks, chest protectors, leg guards, knee supports, and replacement parts for the foregoing goods, in Class 28
	85436183	9/30/11	Baseball caps and hats; Bottoms; Caps; Caps with visors; Collared shirts; Fishing shirts; Gloves; Golf shirts; Hats; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Jackets; Long-sleeved shirts; Moisture-wicking sports shirts; Outdoor gloves; Polo shirts; Shirts; Short-sleeved shirts; Shorts; Sun protective clothing, namely, shirts; Sun visors; T-shirts; Tops; Visors, in Class 25

Mark	Reg./App. No	Reg./App. Date	Products/Services
	85428530	9/21/11	Baseball caps; Beach shoes; Bib overalls; Bib overalls for hunting; Boots; Boots for sport; Bottoms; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Caps; Cargo pants; Coats; Fleece pullovers; Fleece tops; Fleece vests; Flip flops; Footwear; Gloves; Hats; Headwear; Hiking boots; Hooded pullovers; Hooded sweat shirts; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Jackets; Knitted caps; Lace boots; Leather boots; Leisure shoes; Long sleeve pullovers; Long-sleeved shirts; Mittens; Moisture-wicking sports shirts; Outdoor gloves; Outdoor mittens; Pants; Pullovers; Rain boots; Rain coats; Rain wear; Rainproof jackets; Rubber shoes; Sandals; Shirts; Shoes; Snow boots; Sports pants; Sweat shirts; T-shirts; Tee shirts; Tops; Trekking boots; Vests; Water proof boots; Water repelling boots; Water repelling leather boots; Wind resistant jackets; Wind vests; Winter boots, in International Class 25
	85428302	09/21/11	All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Athletic bags; Back packs; Backpacks; Book bags; Duffel bags; Duffle bags; Hiking bags; Hunting bags; Messenger bags; Sport bags, in Class 18
	4099384	2/14/12	Thermal underwear; Underwear; Vests, in Class 25
	3932605	3/15/11	Hats; Headwear; Hooded sweat shirts; Jackets; Long-sleeved shirts; Moisture-wicking sports pants; Pants; Polo shirts; Shirts; Short-sleeved shirts; Shorts; Socks; Sweat pants; Sweat shirts; T-shirts; Tank tops, in Class 25
	3174670	11/21/06	Clothing, namely, shirts, t-shirts, socks, footwear, in Class 25
	3418816	4/29/08	Clothing, namely, shorts, leggings, pants, jackets and gloves, in Class 25.
	3178548	11/28/06	Footwear, in Class 25
	3370261	01/15/08	Shirts, t-shirts, pants, shorts, socks, tank tops, and hats, in Class 25

Mark	Reg./App. No	Reg./App. Date	Products/Services
	3376463	01/29/08	Shirts and t-shirts; pants; shorts; socks; tank tops; hats in Class 25
	3407091	04/01/08	Athletic footwear, in Class 25.
	3418816	04/29/08	Clothing, namely, shorts, leggings, pants, jackets and gloves, in Class 25.
	3499904	09/09/08	Athletic footwear, in Class 25.
	3499905	09/09/08	Athletic footwear, in Class 25.
	3499906	09/09/08	Athletic footwear, in Class 25.
	3543646	12/09/08	Clothing, namely shirts and t-shirts, in Class 25.
	3551114	12/23/08	Athletic footwear, in Class 25.
	3566830	01/27/09	Crew necks; leggings; quarter zip shirts, in Class 25.
	4002890	7/26/11	Athletic testing, namely, testing the physical performance of athletes for sports training purposes; athletic scoring, namely, scoring the results of measured athletic performance for sports training purposes; athletic training and instruction in the field of sports, in Class 41.
	85492661	12/12/11	Footwear, in Class 25.
	77671129	2/16/09	Capri pants; capris; jackets; pants; shirts; shorts; t-shirts; underwear, in Class 25.
	3630517	6/02/09	Bras; long-sleeved shirts; pants; polo shirts; shirts; socks; sweat shirts; t-shirts; turtlenecks, in Class 25.
	3833059	08/10/10	Jackets; long-sleeved shirts; moisture-wicking sports pants; moisture-wicking sports shirts; pants; shirts; short-sleeved shirts; shorts; sweat pants; sweat shirts; T-shirts; tank tops, in Class 25.
	3737483	01/12/10	Clothing intended for wear in outdoor sports and outdoor activities, namely, jackets, shirts, T-shirts, long underwear, underwear, leggings, pants, socks, and gloves, in Class 25.




50. Under Armour owns the following valid and subsisting U.S. trademark registrations and trademark applications for the PROTECT THIS HOUSE mark:

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
PROTECT THIS HOUSE	3402229	03/25/08	Sports bags, sack packs, in Class 18.  Hats, shirts, headwear for winter and summer in Class 25.
PROTECT THIS HOUSE	3426653	05/13/08	Retail store services featuring apparel and sporting goods, in Class 35.
	3806998	6/22/10	Full line of athletic clothing; footwear; athletic footwear; sneakers; shirts; crew shirts; mock turtleneck shirts; t-shirts; polo shirts; sport shirts; sports shirts; knit shirts; long-sleeved shirts; short-sleeved shirts; moisture-wicking sports shirts; sweat shirts; sweaters; sleeveless jerseys; sports jerseys; tank tops; fleece pullovers; hooded pullovers; hooded sweatshirts; vests; undershirts; underwear; thongs; boxer briefs; boxer shorts; briefs; bras; sports bras; moisture-wicking sports bras; pants; sports pants; moisture-wicking sports pants; sweat pants; capri pants; bib overalls; leggings; baselayers bottoms; baselayer tops; shorts; skorts; dresses; jackets; sports jackets; rain jackets; coats; foul weather gear; wind pants; wind resistant jackets; wind shirts; waterproof jackets; waterproof pants; rain trousers; rainproof jackets; rainwear; wristbands; sweat bands; headbands; beanies; visors; hats; bucket hats; caps; skull caps; skull wraps; hoods; scarves; gloves; mittens; belts; socks; men's dress socks; ankle socks; clothing, namely, hand-warmers; clothing for athletic use, namely, padded shirts, padded pants, padded shorts, and padded elbow compression sleeves; football shoes; baseball caps; baseball cleated shoes; baseball belts; softball cleated shoes; golf shirts; golf trousers; golf shorts; golf socks; hunting vests; hunting shirts; bib overalls for hunting; camouflage gloves; camouflage jackets; camouflage pants; camouflage shirts; camouflage vests; running shoes; running socks; running shorts; running pants; ski bibs; ski gloves; ski jackets; ski pants; ski wear; snow pants; snowboard gloves; snowboard mittens; snowboard pants; snowboard socks; soccer boots; soccer shorts; soccer jerseys; soccer socks; tennis wear; training shoes; cleats for attachment to shoes; fishing shirts; fishing pants; cleated football shoes; football belts; volleyball jerseys; basketball shorts. basketball socks; basketball jerseys; hockey socks; lacrosse jerseys; cleated lacrosse shoes; lacrosse shorts; field



Mark	Reg./App. No.	Reg./Filing Date	Products/Services
			hockey jerseys, in Class 25.
	3721852	12/8/09	On-line retail store services featuring apparel, sporting goods, and accessories for apparel and sporting goods; Retail store services featuring apparel, sporting goods, and accessories for apparel and sporting goods, in Class 35.

51. Under Armour also owns the following Maryland state registrations:

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
UNDER ARMOUR	2009-0056	05/1/2009	Water bottles
UNDER ARMOUR	2009-0055	05/01/09	Footwear, athletic footwear, clothing, namely, shirts, shorts, pants, headwear, hats, baseball hats, caps, t-shirts, long sleeve shirts, short sleeve shirts, polo shirts, sweatpants, sweatshirts, hooded sweatshirts, jerseys, turtle necks, mock turtle necks, pullovers, underwear, brassieres, headbands, wristbands, socks, athletic socks, dress socks, skirts, skorts, athletic sleeves, hoods, skull wraps, skull caps, vests, leggings, tank tops, bras, sports bras, girdles, gloves, belts, hand-warmers, jackets, coats, unitards, baby clothing, bib overalls, snow pants, moisture-wicking shirts, compression shirts, compression pants, compression shorts, long underwear; full line of athletic clothing; clothing for athletic use, namely, padded shirts, padded pants, padded shorts, padded elbow compression sleeves in Class 39
UNDER ARMOUR	2009-0058	05/01/09	Retail, online retail, and mobile retail store services featuring apparel, footwear, sporting goods, and accessories in Class 53
UNDER ARMOUR	2009-0056	05/01/09	Sunglasses, lenses for sunglasses, visors for use with helmets, watches, lanyards for holding mouthpieces, water bottles, eyeglasses, badges, or keys, magnetic coded gift cards, electronic gift cards, sports towels in Class 50

Mark	Reg./App. No.	Reg./Filing Date	Products/Services
UNDER ARMOUR	2009-0057	05/01/09	Chin straps for use with protective helmets, sports gloves, golf gloves, batting gloves, football gloves, lacrosse gloves, mouth guards for athletic use, athletic equipment, namely, guards for the lips, chin pads for athletic use, knee pads for athletic use, elbow pads for athletic use, forearm pads for athletic use, shin guards for athletic use, football girdles, protective athletic cups, jock straps, sports bottles, sold empty in Class 22
UNDER ARMOUR	2009-0059	05/01/09	Bags, sport bags, travel bags, duffel bags, backpacks, sack pacs, reservoir backpacks, toiletry kits, sold empty, golf bags, bags specially adapted for sports equipment in Class 3
	2009-0061	05/01/09	Sunglasses; lenses for sunglasses; visors for use with helmets; watches; lanyards for holding mouthpieces, water bottles, eyeglasses, badges, or keys; magnetic coded gift cards; electronic gift cards; sports towels, in Class 50.
	2009-0060	05/1/09	Footwear; athletic footwear; clothing, namely, shirts, shorts, pants, headwear, hats, baseball hats, caps, t-shirts, long sleeve shirts, short sleeve shirts, polo shirts, sweatpants, sweatshirts, hooded sweatshirts, jerseys, turtle necks, mock turtle necks, pullovers, underwear, brassieres, headbands, wristbands, socks, athletic socks, dress socks, skirts, skorts, athletic sleeves, hoods, skull wraps, skull caps, vests, leggings, tank tops, bras, sports bras, girdles, gloves, belts, hand-warmers, jackets, coats, unitards, baby clothing, bib overalls, snow pants, moisture-wicking shirts, compression shirts, compression pants, compression shorts, long underwear; full line of athletic clothing; clothing for athletic use, namely, padded shirts, padded pants, padded shorts, padded elbow compression sleeves, in Class 39
	2009-0062	05/01/09	Chin straps for use with protective helmets; sports gloves; golf gloves; batting gloves; football gloves; lacrosse gloves; mouth guards for athletic use; athletic equipment, namely, guards for the lips; chin pads for athletic use; knee pads for athletic use; elbow pads for athletic use; forearm pads for athletic use; shin guards for athletic use; football girdles; protective athletic cups; jock straps; sports bottles, sold empty, in Class 22.



Mark	Reg./App. No.	Reg./Filing Date	Products/Services
	2009-0063	05/01/09	Retail, online retail, and mobile retail store services featuring apparel, footwear, sporting goods, and accessories, in Class 53.
	2009-0064	05/01/09	Bags; sport bags; travel bags; duffel bags; backpacks; sack pacs; reservoir backpacks; toiletry kits, sold empty; golf bags; bags specially adapted for sports equipment

### **DEFENDANT AND ITS WRONGFUL ACTIVITIES**

52. Defendant is intentionally marketing and selling water-based beverages in such a way that consumers are likely to mistakenly believe that those beverages come from Under Armour or are authorized or otherwise associated or connected with Under Armour. As detailed below, Defendant copies numerous elements of Under Armour’s distinctive and famous branding, creating a likelihood of confusion as to the source of Defendant’s beverages and/or diluting Under Armour’s famous marks.

53. Defendant selected and adopted the trademark BODY ARMOR for a line of water-based nutritional beverages (shown below) marketed and sold to Under Armour’s core consumers, among others. Defendant launched the BODY ARMOR beverages in or around January 2012. Defendant uses “BODY ARMOR” as two words and also “BODYARMOR” as one word in connection with its beverages.

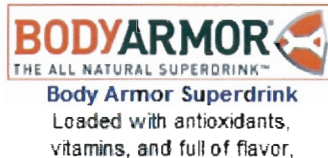


54. Not only has Defendant adopted a mark that mimics Under Armour and its famous UNDER ARMOUR and other ARMOUR Marks, Defendant has taken additional steps to take advantage of Under Armour’s reputation and confuse consumers as to the source of Defendant’s products. For example, of the infinite non-infringing logo designs that Defendant could have selected for its products, Defendant chose an interlocking logo similar to Under Armour’s famous UA Logo. Defendant’s interlocking logo appears in black across the packaging for its beverages above and in white in the shield below (“Defendant’s Interlocking Logo”).



55. Similar to Under Armour's use of its UA Logo, Defendant prominently features Defendant's Interlocking Logo (by itself and with the BODY ARMOR mark) throughout its product packaging, advertising, and promotional materials. For example, on the product itself, Defendant's Interlocking Logo is not only emblazoned across the entire bottle body, but also appears prominently on the top of the cap of Defendant's BODY ARMOR beverages. When stacked or turned, Defendant's Interlocking Logo appears horizontally (on the bottle itself or its cap), further resembling Under Armour's UA Logo.

56. Defendant specifically depicts Defendant's Interlocking Logo horizontally in advertising and other means to promote its products. For example, Defendant's Interlocking logo appears horizontally in the following Internet-banner advertisement featured on the homepage of Century Beverages Distributer's website at [www.centurybeverage.com](http://www.centurybeverage.com).



57. Defendant's Interlocking Logo has also appeared horizontally in other advertising, as shown below.



58. Defendant's pervasive use of Defendant's Interlocking Logo extends to its website at [www.drinkbodyarmor.com](http://www.drinkbodyarmor.com), Facebook page ([www.facebook.com/drinkbodyarmor](http://www.facebook.com/drinkbodyarmor)), Internet advertising, advertising at sporting and other events, athletic club sponsorships, and other uses.

59. Making matters even worse, Defendant added a third infringing element to its branding scheme. Specifically, similar to Under Armour's well-known and widely promoted PROTECT THIS HOUSE tagline, Defendant uses the tagline "PROTECT + RESTORE" in connection with its products. Defendant's PROTECT + RESTORE tagline appears prominently on the packaging for Defendant's beverages, as shown in Paragraph 53 above.

60. Taken individually or collectively, Defendant's BODY ARMOR mark, Interlocking Logo, and PROTECT + RESTORE tagline are likely to cause consumers to mistakenly believe that Defendant's beverages come from Under Armour or are otherwise associated or connected with Under Armour.

61. The similarities do not end with the parties' marks. Defendant markets, promotes, and sells its products through the same means and geographic locations as Under Armour to the same class of consumers.

62. Defendant's BODY ARMOR beverages are promoted and sold through stores located throughout the country, including at least two stores within walking distance of Under Armour's corporate headquarters in Baltimore, Maryland.

63. Defendant's BODY ARMOR beverages are also promoted through its website at [www.drinkbodyarmor.com](http://www.drinkbodyarmor.com). Defendant's BODY ARMOR mark and Defendant's Interlocking Logo appear prominently throughout the website, printouts from which are attached as Exhibit A.

64. Like Under Armour, Defendant markets its beverages to health-conscious consumers, including athletes, people who play sports and/or have active lifestyles, law enforcement personnel, and others.

65. Evidencing the overlap between the parties' marketing/trade channels, Defendant's BODY ARMOR beverages are featured on the same websites where Under Armour's products are advertised, including, for example, the lacrosse website located at <http://insidelacrosse.com>.

66. Also like Under Armour, Defendant promotes the health/performance benefits of its products, e.g., claiming that each BODY ARMOR beverage "is loaded with identical blends of powerful antioxidants, electrolytes, vitamins and nutrients that provide natural hydration, nutrition, and healthy goodness."

67. Following Under Armour's long history of promoting its products and trademarks through the sponsorship of sporting events, athletes, athletic clubs, etc., Defendant also promotes its BODY ARMOR products directly to athletes and others through the sponsorship of athletic events and sports clubs, including the Long Beach Marathon, Del Mar Mud Run, and Chevy Chase Lacrosse Club located in a Washington, DC suburb. The BODY ARMOR mark and Defendant's Interlocking Logo are featured on jerseys for the Chevy Chase Lacrosse Club. As shown below, the mark, logo, and jersey appear in Under Armour's red-and-black corporate colors.



68. Defendant emphasizes the ARMOR element of its BODY ARMOR mark on product packaging and in advertising/promotional materials by displaying “ARMOR” in different color lettering than “BODY.”

69. In addition to infringing Under Armour’s trademarks, as described above, Defendant intends to adopt other ARMOR-formative marks resembling the family of ARMOUR-formative marks that consumers associate with Under Armour. For example, Defendant has filed U.S. Trademark Application Serial No. 85398112 for the mark BABY ARMOR (details attached as Exhibit B), which is virtually identical to Under Armour’s previously used and registered mark BABY ARMOUR. Defendant also filed the following pending applications, details for which are attached as Exhibit C.

Mark	App. No.	Filing Date	Products
BODYARMOR SUPERDRINK	85583208	3/29/12	Coconut-based non-alcoholic beverages, energy drinks, fruit-flavored beverages, non-alcoholic beverages containing fruit juices in Class 32.
BODYARMOR BODYBAR	85437907	10/3/11	Protein based, nutrient-dense snack bars in Class 29.  Granola-based snack bars; Ready to eat, cereal derived food bars in Class 30.
BABY ARMOR	85398112	8/15/11	Baby formula, fruit drinks, soy based drinks, lactose intolerant drinks for babies in Class 32.
BODYARMOR SUPERSLIM	85347306	6/15/11	Tea-based beverages in Class 30.  Coconut-based beverages, energy drinks, fruit-flavored beverages, isotonic beverages in Class 32.
BODY ARMOR	77447602	4/14/08	Cosmetics; body care cosmetics; body care soaps; body care moisturizer in Class 3.  Meal replacement bars containing protein, vitamin chews; nutritional supplements in Class 5.  Protein based nutrient dense snack bars; processed and organic fruit and nut snack bars in Class 29.

70. The common ARMOR and ARMOUR elements of the parties' marks differ by only one letter and are identical in pronunciation, meaning, and commercial impression. As shown in attached Exhibit D, reports about Defendant's beverages spell Defendant's mark "BodyArmour."

71. The BODY element of Defendant's BODY ARMOR mark is descriptive and weak for its products, as evidenced by, among other things, Defendant's descriptive use of the word "body" in its own marketing, e.g., stating that the beverages "Restore your active body."

72. Given the distinctiveness of ARMOR as applied to Defendant's products and the descriptive/weak nature of the term "BODY," ARMOR is and will be viewed by consumers as the dominant element of Defendant's BODY ARMOR mark

73. Defendant uses its BODY ARMOR mark in connection with products identical, similar, and/or related to those offered by Under Armour and within Under Armour's natural zone of expansion. Before Defendant launched its BODY ARMOR water-based beverages, Under Armour had already offered bottled water in connection with its UNDER ARMOUR and UA Logo marks. Moreover, Under Armour has also filed intent-to-use applications to register the UNDER ARMOUR and UA Logo marks for "carbonated waters; drinking water; drinking water with vitamins; energy drinks; flavored bottled water; herbal juices; isotonic beverages; isotonic drinks; sports drinks" and "vitamin fortified beverages; protein supplements in the form of beverages; nutritionally fortified beverages; nutritional drinks used for meal replacement; meal replacement drinks; dietary supplemental drinks; dietary supplemental drinks in the nature of vitamin and mineral beverages."

74. Defendant had actual and constructive knowledge of Under Armour's rights in its ARMOUR Marks, UA Logo, and PROTECT THIS HOUSE mark when it adopted its BODY ARMOR mark, Defendant's Interlocking Logo, and PROTECT + RESTORE tagline. Defendant nevertheless intentionally used those marks and tagline in bad faith to take advantage of the tremendous reputation and goodwill of Under Armour and its famous trademarks and continues to do so knowing of the irreparable harm it will cause to Under Armour, Under Armour's marks, and the public.

75. Defendant knew or should have known that Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, and PROTECT + RESTORE tagline infringe and/or dilute Under



Armour's marks. Thus, Defendant acted knowingly, willfully, maliciously, wantonly, fraudulently, in reckless regard of the truth, and in bad faith.

### **INJURY TO UNDER ARMOUR AND THE PUBLIC**

76. Defendant's unauthorized uses of Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, and PROTECT + RESTORE tagline are likely to cause confusion, mistake, and deception as to the source or origin of Defendant and/or its products, and are likely to falsely suggest a sponsorship, connection, or association of Defendant, its products, and/or its commercial activities with Under Armour.

77. Defendant's unauthorized uses of Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, and PROTECT + RESTORE tagline has damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure Under Armour, its ARMOUR Marks, its UA Logo, and its PROTECT THIS HOUSE mark.

78. Defendant's unauthorized uses of Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, and PROTECT + RESTORE tagline have irreparably injured, and, if permitted to persist, will continue to irreparably injure the public, who has an interest in being free from confusion.

79. Defendant's actions described above have diluted and are likely to continue to dilute the distinctiveness and value of Under Armour's famous ARMOUR Marks and UA Logo.

### **FIRST CLAIM FOR RELIEF Trademark Infringement Under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)**

80. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 79 of this Complaint.

81. Without Under Armour's consent, Defendant used and continues to use in commerce reproductions, copies, and colorable imitations of Under Armour's registered ARMOUR Marks, UA Logo, and PROTECT THIS HOUSE mark in connection with the offering, distribution, and advertising of goods, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

**SECOND CLAIM FOR RELIEF**  
**Trademark Infringement, False Designation**  
**of Origin, Passing Off, and Unfair Competition**  
**Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)**

82. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 81 of this Complaint.

83. Defendant's actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendant, its products, and/or its commercial activities by or with Under Armour, and thus constitute trademark infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

**THIRD CLAIM FOR RELIEF**  
**Trademark Dilution Under Section**  
**43(c) of the Lanham Act, 15 U.S.C. § 1125(c)**

84. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 83 of this Complaint.

85. Under Armour's ARMOUR Marks and UA Logo are famous, as that term is used in 15 U.S.C. § 1125(c), and were famous before Defendant's first use of Defendant's BODY ARMOR mark and Interlocking Logo, based on, among other things, the inherent distinctiveness and federal registration of Under Armour's ARMOUR Marks and UA Logo and the extensive nationwide use, advertising, promotion, and recognition of those marks and logo.

86. Defendant's actions, as described above, are likely to dilute the distinctive quality of Under Armour's famous ARMOUR Marks and UA Logo by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c), as amended by the Trademark Dilution Revision Act of 2006.

**FOURTH CLAIM FOR RELIEF**  
**Cybersquatting Under Section**  
**43(d) of the Lanham Act, 15 U.S.C. § 1125(d)**

87. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 86 of this Complaint.

88. Defendant caused to be registered, registered, and/or used the drinkbodyarmor.com domain name with a bad-faith intent to profit from Under Armour's ARMOUR Marks.

89. Under Armour's ARMOUR marks were distinctive and famous at the time Defendant caused to be registered, registered, and/or used the drinkbodyarmor.com domain name.

90. Many of Under Armour's ARMOUR Marks were federally registered at the PTO at the time Defendant caused to be registered, registered, and/or used the drinkbodyarmor.com domain name.

91. The drinkbodyarmor.com domain name is confusingly similar to and/or dilutive of Under Armour's ARMOUR Marks.

92. Defendant's actions, as described above, violate Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

**FIFTH CLAIM FOR RELIEF**  
**Trademark Infringement Under**  
**Md. Code Bus. Reg. § 1-414 et seq.**

93. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 92 of this Complaint.

94. Defendant's use, without the consent of Under Armour, of a reproduction and/or colorable imitation of Under Armour's registered ARMOUR Marks and UA Logo in connection with the sale, offering for sale, and/or advertising of goods or services, is likely to cause confusion, or to deceive as to the origin of the goods or services, and thus constitutes trademark infringement in violation of Md. Code Bus. Reg. § 1-414 *et seq.*

95. Defendant's reproduction and/or colorable imitation of Under Armour's registered UNDER ARMOUR Mark and UA Logo and application of that reproduction and/or colorable imitation to Defendant's advertising, labels, prints, receptacles, signs, or wrappers that are intended to be used with goods or services and/or in conjunction with the sale or other distribution of goods or services in Maryland constitutes trademark infringement in violation of Md. Code Bus. Reg. § 1-414 *et seq.*

**SIXTH CLAIM FOR RELIEF**  
**Fraudulent Use or Imitation of Trade Name**  
**Under Md. Code Bus. Reg. § 1-415 et seq.**

96. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 95 of this Complaint.

97. Defendant's BODY ARMOR mark and name are similar to Under Armour's UNDER ARMOUR trade name as used in connection with its business in Maryland.

98. Defendant has used and promoted Defendant's BODY ARMOR mark and name in connection with its business in Maryland, as described above, with the intent to defraud and/or imitate the UNDER ARMOUR trade name.

**SEVENTH CLAIM FOR RELIEF**  
**Trademark Infringement and Unfair Competition**  
**Under Maryland Common Law**

99. Under Armour repeats and realleges each and every allegation set forth in Paragraphs 1 through 98 of this Complaint.

100. Defendant's actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Under Armour, or as to the origin, sponsorship, or approval of Defendant, its products, and its commercial activities by or with Under Armour such that Defendant's acts constitute infringement of Under Armour's proprietary rights in its ARMOUR Marks, UA Logo, and PROTECT THIS HOUSE mark, misappropriation of Under Armour's goodwill in those marks, and unfair competition under Maryland common law.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38, Under Armour respectfully demands a trial by jury on all issues properly triable by a jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, Under Armour respectfully requests that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief, including but not limited to the following:

A. An Order declaring that Defendant's use of Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, PREVENT + PROTECT tagline, and drinkbodyarmor.com domain name infringes and dilutes Under Armour's ARMOUR Marks and UA Logo, infringes

the PROTECT THIS HOUSE mark, and constitutes unfair competition and cybersquatting under federal and/or state law, as detailed above;

B. A permanent injunction enjoining Defendant and its employees, agents, partners, officers, directors, owners, shareholders, principals, subsidiaries, related companies, affiliates, distributors, dealers, and all persons in active concert or participation with any of them:

1. From using, registering, or seeking to register Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, and PREVENT + PROTECT tagline in any form, including but not limited to in connection with any other wording or designs, and from using any other marks, logos, designs, designations, or indicators that are confusingly similar to or dilutive of any of Under Armour's ARMOUR Marks, UA Logo, or PROTECT THIS HOUSE mark;

2. From registering or using in any manner any domain name that incorporates any of Under Armour's ARMOUR Marks (including but not limited to the drinkbodyarmor.com domain name) or any name, mark or designation confusingly similar thereto or dilutive thereof;

3. From representing by any means whatsoever, directly or indirectly, that Defendant, any products or services offered by Defendant, or any activities undertaken by Defendant, are associated or connected in any way with Under Armour or sponsored by or affiliated with Under Armour in any way; and

4. From assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs B(1) through (3) above;

C. An Order directing Defendant (and the relevant Registrar) to transfer to Under Armour the drinkbodyarmor.com domain name and all other domain names it owns or controls that contain or are identical or confusingly similar to or dilutive of any of Under Armour's

ARMOUR Marks (including but not limited to any domain names containing ARMOR or ARMOUR);

D. An Order directing Defendant to destroy all products, packaging, signage, advertisements, promotional materials, stationery, forms, and/or any other materials and things that contain or bear Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, PREVENT + PROTECT tagline, drinkbodyarmor.com domain name, or any other marks, logos, designs, designations, or indicators that are confusingly similar to or dilutive of any of Under Armour's ARMOUR Marks or UA Logo or confusingly similar to the PROTECT THIS HOUSE mark in accordance with 15 U.S.C. § 1118 and other applicable laws, including but not limited to Md. Code Bus. Reg. § 1-414 *et seq.*;

E. An Order requiring Defendant to disseminate pre-approved corrective advertising and send pre-approved letters to all customers, agents, and representatives to address the likely confusion and dilution caused from its use of Defendant's BODY ARMOR mark, Defendant's Interlocking Logo, PREVENT + PROTECT tagline, and drinkbodyarmor.com domain name;

F. An Order directing the Director of the PTO to cancel U.S Trademark Registration No. 3886570 and abandon U.S. Trademark Application Nos. 85583208, 85437907, 85398112, 85347306, and 77447602, or, alternatively, directing Defendant to cancel U.S Trademark Registration No. 3886570 and abandon U.S. Trademark Application Nos. 85583208, 85437907, 85398112, 85347306, and 77447602 with prejudice;

G. An Order directing that, within thirty (30) days after the entry of the injunction, Defendant file with this Court and serve on Under Armour's attorneys a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;

H. An Order requiring Defendant to pay statutory damages under 15 U.S.C. § 1117(d), on election by Under Armour, in an amount of one hundred thousand dollars (\$100,000) for the registration and use of the drinkbodyarmor.com domain name;

I. An Order requiring Defendant to account for and pay to Under Armour any and all profits arising from the foregoing acts, and increasing such profits, in accordance with 15 U.S.C. § 1117 and other applicable laws, including but not limited to Md. Code Bus. Reg. § 1-414 *et seq.*;

J. An Order requiring Defendant to pay Under Armour damages in an amount as yet undetermined caused by the foregoing acts, and trebling such damages in accordance with 15 U.S.C. § 1117 and other applicable laws, including but not limited to Md. Code Bus. Reg. § 1-414 *et seq.*;

K. An Order requiring Defendant to pay Under Armour all of its litigation expenses, including reasonable attorneys' fees and the costs of this action pursuant to 15 U.S.C. § 1117 and other applicable laws;

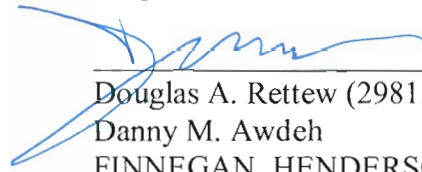
L. An Order requiring Defendant to pay Under Armour punitive damages for trademark infringement and unfair competition under Maryland common law; and

M. Other relief as the Court may deem appropriate.



Dated: April 26, 2012

Respectfully submitted,



Douglas A. Rettew (29815)

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