Fifth Circuit Affirms Banner & Witcoff Victory for NIKE, Inc. and Golf Club Designer Tom Stites In a Trade Secret and Deceptive Trade Practices Case

June 12, 2008

Banner & Witcoff is pleased to announce that on June 11, 2008, the U.S. Court of Appeals for the Fifth Circuit affirmed the U.S. District Court for the Northern District of Texas' grant of summary judgment in favor of Firm clients NIKE, Inc., and golf club designer Tom Stites.

The case, styled Triple Tee Golf, Inc. v. NIKE, Inc. et al, No. 4:04-CV-302-A, resulted from Triple Tee's allegation that Mr. Stites — NIKE Golf's head of product creation — and NIKE misappropriated Triple Tee's alleged trade secrets in golf club technology and used those alleged trade secrets in the NIKE Slingshot irons and CPR utility woods. Triple Tee also alleged, among other claims, that NIKE, Inc. and Mr. Stites violated the Texas Deceptive Trade Practices Act.

In August, 2007, the district court granted summary judgment and dismissed Triple Tee's case after it concluded that Triple Tee never received a right to sue on the claim at issue, and was not a "consumer" under the Texas Deceptive Trade Practices Act. The Fifth Circuit's June 11 decision found no reversible error and affirmed the judgment for NIKE, Inc. and Mr. Stites.

Banner & Witcoff Chicago-based attorney Christopher J. Renk argued the appeal on behalf of NIKE, Inc. and Mr. Stites. NIKE, Inc. and Mr. Stites were represented by Mr. Renk, Pieter van Es and Michael Harris of Banner & Witcoff, and Michael Martin and Robert Martinez of Cotten Schmidt LLP in Ft. Worth, Texas.

Posted: June 12, 2008