B&W Wins Federal Circuit Appeal Affirming Summary Judgment for NIKE, Inc. in Trade Secrets Case

January 23, 2006

Banner & Witcoff is pleased to announce that on January 23, 2006, the United States Court of Appeals for the Federal Circuit affirmed the U.S. District Court for the District of Oregon's summary judgment in favor of firm client NIKE, Inc.

The case, *Nike, Inc. v. Roy Dixon*, CV 01-1459-BR, resulted from Mr. Roy Dixon Jr.'s claims that, beginning in November 2000, NIKE incorporated his alleged trade secrets relating to footwear cushioning technology in various NIKE SHOX basketball, running and cross training shoes.

In granting summary judgment, District Judge Anna C. Brown concluded, inter alia, that Mr. Dixon failed "to present evidence sufficient to establish a genuine issue of material fact exists as to whether Dixon took reasonable steps to protect the secrecy of the 'Shockee 2000' shoe design." In light of the court's ruling that Mr. Dixon did not take reasonable steps to protect the confidentiality of his alleged trade secrets, the court did not address NIKE's remaining defenses, including whether NIKE ever actually used Mr. Dixon's technology.

On appeal, the Federal Circuit summarily affirmed the District Court's ruling thereby resolving the case in favor of NIKE.

Banner & Witcoff attorney Christopher J. Renk argued on NIKE's behalf. NIKE was represented by Banner & Witcoff, Ltd.'s Chicago-based attorneys Christopher Renk, Mark Banner and Erik Maurer.

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