
Body Wisdom Media, Inc. v. Athleta, Inc.

8:13-cv-02967-GJH (D. Md. Jan. 30, 2014)

The Firm successfully defeated a motion for a preliminary injunction motion on behalf of client Athleta, Inc., a leading retailer of women's performance apparel and gear and part of The Gap, Inc.'s portfolio of companies. Plaintiff Body Wisdom Media, [More](#)

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The Firm successfully defeated a motion for a preliminary injunction motion on behalf of client Athleta, Inc., a leading retailer of women's performance apparel and gear and part of The Gap, Inc.'s portfolio of companies. Plaintiff Body Wisdom Media, Inc. sought a preliminary injunction to stop Athleta's use of a pinwheel design as a logo, alleging likelihood of confusion with Body Wisdom's own pinwheel design logo used in connection with fitness DVDs. Athleta had adopted the challenged pinwheel logo seven years prior and had used it across its business since that time. The U.S. District Court in Maryland denied Body Wisdom's motion, ruling that Body Wisdom was not likely to succeed on the merits of its infringement claim, because, inter alia, the parties' goods are different and had coexisted under the respective marks without confusion for a number of years. The court also held that any injunction would harm Athleta, which uses the challenged pinwheel design across its entire business.