

Federal Circuit Kicks Chuck Taylor Case Back to ITC

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by Bruce R. Ewing

In the latest chapter of a long-running trademark dispute involving the outsole used by Converse, Inc. with its well-known CHUCK TAYLOR shoes, the U.S. Court of Appeals for the Federal Circuit has issued a ruling vacating an International Trade Commission decision that went against Converse and booting the dispute back to the ITC on remand.

In 2014, Converse initiated a proceeding against thirty two respondents in the ITC, seeking a general exclusion order that would prevent the importation and sale of shoes using an outsole confusingly similar to the outsole design Converse succeeded in registering with the Patent and Trademark Office in 2013 shown below, consisting of: (i) two stripes on the midsole of the shoe; (ii) the design of the toe cap; and (iii) the toe bumper, featuring diamonds and line patterns, as well as the relative position of these elements to each other.

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