



Case to Watch: Whose Idea Is 'Ballin?'

Published by *Kattison Avenue* | Issue 8

May 12, 2022

Apropos of points made in “Do Not Pass 'Go,’” a graphic designer filed an idea theft suit against Nike, Inc. in the US District Court for the Southern District of Texas. In the March 31 suit, the graphic designer claims Nike stole his idea for an NCAA “March Madness” promotional campaign. The plaintiff, who ironically uses the pseudonym “Adobe Bryant” (an obvious riff on Kobe Bryant's name), claims to have submitted his concepts to Nike in April 2020, by providing a Nike marketing executive a link to a pitch deck that Bryant uploaded to Dropbox. The Nike executive purportedly viewed the deck several times, but never contacted the plaintiff either to accept or reject his submission.

The proposed campaign idea was to make use of the common basketball term “ballin” by putting the letter “b” and the letters “in” in one tone, and the letters “all” in a different tone, so as to read as both “ballin” and “b all in.” Nike purportedly used Bryant's concept in its design for the official cover-shirts worn (during warm-ups, over the team uniforms) by a majority of the schools who competed in the 2022 NCAA March Madness playoffs. (See related images for a comparison of the plaintiff's proposed tees with the tees created by Nike.)

Bryant has alleged claims of trademark infringement, unfair competition and false designation of origin under the federal Lanham Act (15 U.S.C. § 1125(a)), as well as state law claims for unjust enrichment and quantum meruit. *Jones v. Nike Inc. et al.*, Case No. 22-cv-00103 (S.D.Tex. filed March 31, 2022). — *David Halberstadter*



Figure 1 Adobe Bryant proposal



Figure 2 Nike apparel

See related article, "[Do Not Pass 'Go'](#)"

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