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**UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

MATTEL, INC., a Delaware
 corporation,

Plaintiff,

v.

RAP SNACKS, INC., a Florida
 corporation, and DOES 1 through 10,

Defendants.

Case No. 2:22-CV-5702

**PLAINTIFF MATTEL, INC.'S
 COMPLAINT FOR:**

- (1) FEDERAL TRADEMARK
 INFRINGEMENT (15 U.S.C. § 1114)**
- (2) FEDERAL UNFAIR
 COMPETITION AND FALSE
 DESIGNATION OF ORIGIN (15
 U.S.C. § 1125(a))**
- (3) FEDERAL TRADEMARK
 DILUTION (15 U.S.C. § 1125(c))**
- (4) STATE UNFAIR
 COMPETITION (CAL. BUS. &
 PROF. CODE § 17200)**

JURY TRIAL DEMANDED

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1 Plaintiff Mattel, Inc. (“Mattel” or “Plaintiff”) for its complaint against Rap
2 Snacks, Inc. (“Rap Snacks” or “Defendant”) and DOES 1-10, hereby alleges as
3 follows:

4 **NATURE OF THE ACTION**

5 1. For decades, Mattel’s Barbie has been one of the world’s most well-
6 known and recognizable brands. From Barbie’s origins as America’s first fashion
7 doll to the expansive product line of today, which includes dolls inspired by Rosa
8 Parks, Jane Goodall, and Eleanor Roosevelt, among other role models, Barbie has
9 inspired the limitless potential in generations of children through play. Barbie has
10 also become a growing franchise and popular culture phenomenon outside of the
11 toy aisle, from an established array of Barbie-branded consumer products, to a
12 broad range of popular animated television series and specials, and more recent
13 initiatives like the upcoming live-action Barbie theatrical film, all produced or
14 licensed and supported by Mattel.

15 2. Mattel encourages people of all ages and backgrounds to talk about
16 and share their Barbie experiences, and to celebrate their enthusiasm for Barbie.
17 Occasionally, however, some put profits ahead of play and seek commercial gain
18 by manufacturing, promoting and selling Barbie-branded products without Mattel’s
19 permission, in a way that harms and dilutes the famous and distinctive Barbie
20 brand. This is such a case.

21 3. Rap Snacks made the deliberate and calculated choice to launch a new
22 product line using Mattel’s famous BARBIE trademark. That choice, made without
23 any prior notice to Mattel, was unlawful. As a result, Mattel has been forced to
24 bring this lawsuit to defend its rights to the BARBIE brand because Defendant Rap
25 Snacks impermissibly traded off, and continues to trade off, the value and goodwill
26 of Mattel’s famous trademark.

4. Without Mattel's authorization or prior knowledge, Rap Snacks purposely, and with much fanfare, launched its new line of potato chips using Mattel's BARBIE trademark on its packaging and advertising, including the stylized BARBIE trademark. Defendant's blatant and intentional use of Mattel's trademark will cause consumers to associate the Defendant's products with Mattel and its BARBIE brand, and that false association is enhanced even further by Defendant's use of imagery and colors that are associated with the BARBIE brand. On information and belief, the association is so evident that upon seeing the packaging, representatives for Defendant's celebrity partner queried whether Rap Snacks had obtained permission from Mattel. Indeed, Rap Snacks never requested or received any such permission from Mattel. Rap Snacks proceeded to launch its product line anyway using the packaging set forth below:



5. Defendant flooded social media and marketing channels with a massive, unauthorized nationwide promotional launch of potato chips prominently featuring Mattel's Barbie trademark, including on a New York City billboard, promotional potato chip giveaways at a music festival in New Orleans, an exclusive article announcing the launch in *People* magazine, and continual posts and videos across multiple social media platforms including, Facebook, Twitter, Instagram, LinkedIn, and TikTok. By way of example only, Rap Snacks' launch included the following:

Billboard in New York City:

6. Upon learning of this infringement, Mattel immediately engaged with Defendant to attempt to resolve this matter. Defendant, however, refused to cease use of the BARBIE trademark and issued no corrective advertising, thereby forcing Mattel to bring this lawsuit as a last resort to protect its rights and prevent further consumer confusion.

7. This action seeks judgment, damages and injunctive relief for Defendant's willful infringement of Mattel's famous BARBIE trademark, for unfair competition and false designation of origin, trademark dilution, and unfair competition under California state law. Mattel also seeks its attorneys' fees and costs herein, as well as an accounting of Rap Snacks' profits resulting from its decision to infringe Mattel's trademark.

JURISDICTION AND VENUE

8. This action arises under the Lanham Act, 15 U.S.C. §§ 1051 *et seq* and contains a related California statutory claim. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338, as this is an action arising under the laws of the United States and relating to trademarks. This Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367, as that claim is part of the same case or controversy as the federal claims alleged herein.

9. This Court has personal jurisdiction over Defendant Rap Snacks

1 because, among other things, Rap Snacks is doing business in the state of
2 California. Indeed, Rap Snacks purposefully directs and conducts business in
3 California generally and specifically as to the product at issue, the acts of
4 infringement complained of in this action took place in the state of California, and
5 the acts of infringement complained of in this action involve Rap Snacks entering
6 into a contract with a resident of California. In fact, Rap Snacks' own website
7 reveals that its products are available in stores in California, including in this
8 judicial district. See <https://www.rapsnacks.net/pages/store-locator>.

9 10. Defendant Rap Snacks also knowingly directed tortious acts at Mattel
10 in California, and has committed tortious acts that it knew would cause injury to
11 Mattel in California.

12 11. Venue is proper in this district pursuant to 28 U.S.C § 1391(b)
13 because a substantial part of the events that give rise to this action occurred in this
14 judicial district.

15 THE PARTIES

16 12. Mattel is a corporation organized and existing under the laws of
17 Delaware and has its principal place of business at 333 Continental Boulevard,
18 TWR 15-1, El Segundo, California 90245.

19 13. Upon information and belief, Defendant Rap Snacks is a corporation
20 organized and existing under the laws of Florida and has its principal place of
21 business at 150 SE 2nd Avenue, Suite PH6, Miami, Florida 33131.

22 14. Mattel is currently unaware of the identities of defendants Does 1-10,
23 and therefore, sues such defendants by such pseudonyms. Upon information and
24 belief, discovery will reveal the true identities and specific conduct of those
25 defendants and Mattel will then amend this Complaint to identify those defendants
26 by name. Mattel alleges that Does 1-10 participated in the misconduct alleged
27 herein, and are therefore liable for the same. Mattel alleges that, at all times, each
28 Doe defendant was acting as an agent, partner, joint venturer, an integrated

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