

1 Steven J. Nataupsky (Bar No. 155913)
 2 steven.nataupsky@knobbe.com
 3 Lynda Zadra-Symes (Bar No. 156511)
 4 lynda.zadrasymes@knobbe.com
 5 Baraa Kahf (Bar No. 264411)
 6 baraa.kahf@knobbe.com
 7 KNOBBE, MARTENS, OLSON & BEAR, LLP
 8 2040 Main Street, Fourteenth Floor
 9 Irvine, CA 92614
 10 Telephone: (949) 760-0404 Facsimile: (949) 760-9502

11 Attorneys for Plaintiff,
 12 MONSTER ENERGY COMPANY

13 **IN THE UNITED STATES DISTRICT COURT**
 14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 MONSTER ENERGY COMPANY,
 16 a Delaware corporation;

17 Plaintiff,

18 v.

19 JUSTIN FRICKE, an individual,
 20 RYAN LEE, an individual,
 21 jointly d/b/a SLIMECAT RODS

22 Defendants.

) Case No. 5:22-cv-00558

) **COMPLAINT FOR**
) **TRADEMARK**
) **INFRINGEMENT, TRADE**
) **DRESS INFRINGEMENT,**
) **FALSE DESIGNATION OF**
) **ORIGIN, AND UNFAIR**
) **COMPETITION**
) **DEMAND FOR JURY TRIAL**

23
24
25
26
27
28

1 Plaintiff Monster Energy Company (“Plaintiff” or “Monster”) hereby
2 complains of Defendants Justin Fricke and Ryan Lee, doing business together as
3 SlimeCat Rods (jointly, “Defendants” or “SlimeCat”), and allege as follows:

4 **JURISDICTION AND VENUE**

5 1. This is an action for (1) trademark infringement, trade dress
6 infringement, and false designation of origin under 15 U.S.C. § 1125(a); (2)
7 trademark infringement under 15 U.S.C. § 1114; and for substantial and related
8 claims of (3) state trademark infringement under California Business &
9 Professions Code § 14245; (4) unfair competition under California Business &
10 Professions Code §§ 17200 *et seq*; and (5) California common law unfair
11 competition.

12 2. The Court has original subject matter jurisdiction over Monster’s
13 claims that relate to trademark infringement, trade dress infringement, and false
14 designation of origin pursuant to 15 U.S.C. §§ 1116 and 1121(a) and pursuant to
15 28 U.S.C. §§ 1331 and 1338, as these claims arise under the laws of the United
16 States. The Court has supplemental jurisdiction over the claims that arise under
17 state statutory and common law pursuant to 28 U.S.C. §§ 1338(b) and 1367(a),
18 because the state law claims are so related to the federal claims that they form
19 part of the same case or controversy and derive from a common nucleus of
20 operative facts.

21 3. This Court has personal jurisdiction over Defendants because,
22 among other reasons, Defendants have committed acts of trademark
23 infringement, trade dress infringement, false designation of origin, and unfair
24 competition in this judicial district, including by using infringing trade dress and
25 marks in connection with the advertisement, marketing, promotion, sale, and
26 offering for sale of goods to customers in this Judicial District. Defendants’ acts
27 form a substantial part of the transactions, occurrences, events, and/or omissions
28 giving rise to Monster’s claims.

ALLEGATIONS COMMON TO ALL CLAIMS

A. Monster's Trademarks and Trade Dress

9. Monster is a nationwide leader in the business of developing, marketing, selling, and distributing beverages, including energy drinks. Monster has achieved extensive exposure and widespread recognition of its MONSTER™ brand through its sponsorship of sports, athletes and teams, among other sponsorships, and its extensive marketing and promotion of the brand.

10. In 2002, Monster launched its MONSTER ENERGY® drink brand, bearing its now-famous MONSTER mark and MONSTER ENERGY® mark.

11. Since at least 2002, Monster has been continuously engaged in the development, licensing, marketing, and/or sale of beverages, beverageware, clothing, bags, decals, and hats, as well as many other goods and services, under the marks MONSTER™ and MONSTER ENERGY®, and related marks, all containing “MONSTER.” Monster’s marks include, for example, the following: MONSTER™, MONSTER ENERGY®, M MONSTER ENERGY®,

 and .

12. Monster is the owner of numerous valid and subsisting United States Trademark Registrations on the Principal Register in the United States Patent and Trademark Office for the goods and services set forth in the following table:

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
MONSTER ENERGY®	3,044,315	“Nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 5 (first use in commerce: April 18, 2002)	May 23, 2003	January 17, 2006

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
MONSTER ENERGY [®]	4,036,680	“Nutritional supplements in liquid form” in International Class 5 (first use in commerce: April 18, 2002)	September 11, 2007	October 11, 2011
MONSTER ENERGY [®]	4,036,681	“Non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy” in International Class 32 (first use in commerce: April 18, 2002)	September 11, 2007	October 11, 2011
MONSTER ENERGY [®]	3,057,061	“Fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 32 (first use in commerce: April 18, 2002)	April 18, 2002	February 7, 2006
M MONSTER ENERGY [®]	3,044,314	“Nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 5 (first use in commerce: April 18, 2002)	May 23, 2003	January 17, 2006
M MONSTER ENERGY [®]	3,134,842	“Beverages, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 32 (first use in commerce: April 18, 2002)	May 7, 2003	August 29, 2006

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.