

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

CARRICK-HARVEST, LLC d/b/a VERITAS FINE CANNABIS,
a Colorado limited liability company,

Plaintiff,

v.

VERITAS FARMS, INC., a Nevada corporation;
271 LAKE DAVIS HOLDINGS, LLC d/b/a VERITAS FARMS,
a Delaware limited liability company,

Defendants.

**COMPLAINT
DEMAND FOR JURY TRIAL**

Plaintiff Carrick-Harvest, LLC d/b/a Veritas Fine Cannabis (“Plaintiff”) for its Complaint against Defendants Veritas Farms, Inc. and 271 Lake Davis Holdings, LLC d/b/a/ Veritas Farms (collectively, “Defendants” or “Veritas Farms”) hereby states and alleges as follows:

NATURE OF THE CASE

1. This is an action for trademark infringement, false designation of origin, unfair competition, cybersquatting and declaratory relief arising out of a competitor’s bad faith use of nearly identical and confusingly similar trademarks, creating and causing actual confusion in the marketplace.

2. Plaintiff’s senior use in commerce of its VERITAS trademark to provide informational services about cannabis since September 2016 predates and thus precludes under federal and state law Defendants’ knowing, intentional and willful use of VERITAS FARMS in connection with similar products, to the same or substantially similar trade channels and in the

same markets as Plaintiff.

PARTIES, JURISDICTION AND VENUE

3. Plaintiff is a limited liability company organized and existing under the laws of the State of Colorado, with its principal place of business located at 4705 Oakland Street, Unit A, Denver, Colorado.

4. Upon information and belief, Defendant Veritas Farms, Inc. is, and at all times relevant hereto was, a corporation organized and existing under the laws of the State of Nevada, with its principal place of business located at 8648 Lake Davis Road, Pueblo, Colorado.

5. Upon information and belief, Defendant 271 Lake Davis Holdings, LLC d/b/a/ Veritas Farms (“271 Lake Davis”) is, and at all times relevant hereto was, a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 8648 Lake Davis Road, Pueblo, Colorado. Upon information and belief, 271 Lake Davis is a wholly-owned subsidiary of Defendant Veritas Farms, Inc.

6. This Court has subject matter jurisdiction under the Lanham Act, 15 U.S.C. § 1125 et seq., 28 U.S.C. § 1338(a) and the Anti-Cybersquatting Protection Act (“ACPA”), 15 U.S.C. § 1125(d). This Complaint also alleges violations of state law. This Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1338(b) and § 1367(a).

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. 1391(b) because Defendants have their principal place of business in this district and a substantial part of the events giving rise to the claims occurred in this district.

8. This Court has personal jurisdiction over Defendants because Defendants have their principal place of business in this district and they are entities registered to conduct business in the State of Colorado. Also, Defendants have availed themselves of the laws of, and directed activities at, the State of Colorado in connection with the wrongful activities alleged in this Complaint.

ALLEGATIONS COMMON TO ALL CLAIMS

Plaintiff’s Trademark Rights

9. Plaintiff is the exclusive owner of all rights in and to the VERITAS trademark,

which Plaintiff has been using continuously in commerce since at least September 2016 in connection with providing information about cannabis and cannabis products, including, without limitation, through its website at <veritascannabis.com>. These informational services are permitted under federal law. In addition, Plaintiff sells hats, t-shirts, sweatshirts, lighters, ash trays, stickers and other similar items incorporating its VERITAS trademark.

10. Plaintiff also uses the following “V” as a design mark (“V Design Mark”) in connection with all of the aforementioned goods and services:



11. Also Plaintiff uses in commerce the V Design Mark in combination with its VERITAS mark (the V Design Mark and VERITAS mark are referred to collectively herein as the “Veritas Marks”) in connection with all of the aforementioned goods and services as follows:



12. Plaintiff currently has the following trademark applications pending with the United States Patent and Trademark Office (“USPTO”) for the Veritas Marks:


a. VERITAS, Serial No. 88809088, filed on February 25, 2020, in Class 34 for “lighters for smokers” and “ashtrays.”

b. VERITAS, Serial No. 88805285, filed on February 21, 2020, in Class 44, as amended, for “providing agricultural information about cannabis and cannabis strains; providing a website featuring information relating to the therapeutic benefits of cannabis; providing a website containing agricultural news and information about cannabis and cannabis

infused products.”

c. VERITAS, Serial No. 88805282, filed on February 21, 2020, in Class 41, as amended, for “providing a website containing current events news and information about cannabis, cannabis infused products and smoker's articles.”

d. VERITAS, Serial No.88978252, has an effective filing date of February 21, 2020, in class 35, as amended, for “providing a website containing consumer product news and information about cannabis, cannabis infused products, and smoker’s articles.”

e.  VERITAS, Serial No. 88805931, filed on February 21, 2020, in Class 35, as amended, for “providing consumer information in the field of marijuana, cannabis and cannabis-infused products;”

f. The V Design Mark, Serial No. 88806205, filed on February 21, 2020, containing three classes of goods and services, particularly, Class 35 for “providing a website containing consumer product news and information about cannabis, cannabis infused products and smoker’s articles,” Class 41 “providing a website containing current events news and information about cannabis, cannabis infused products and smoker’s articles” and Class 44 for “providing a website containing medical news and information about cannabis, cannabis infused products and smoker’s articles; providing a website containing agricultural news and information about cannabis and cannabis infused products.”

13. Although Plaintiff has been providing informational services using its Veritas Marks in connection with its website at <veritascannabis.com> since September 2016, Plaintiff filed each of its USPTO applications pursuant to Section 1(b) of the Trademark Act (“Section 1(b)”) in order to obtain a filing date quickly while it investigated the extent of confusion caused by Defendant and resulting damages to the Veritas Marks.

14. In addition to the foregoing, on June 26, 2020, Plaintiff filed a trademark application with the USPTO for VERITAS, Serial No. 90022561, in Class 34 for “pre-rolled hemp flower for smoking; Hemp for smoking or vaporizing; Hemp cigarettes; Hemp cigars; Pre-packaged hemp flower for smoking or vaporizing.” This application was filed under Section 1(b), and Plaintiff currently is developing these products and anticipates a first sale date of no later than

January 1, 2021.

15. Plaintiff has invested significant monies in promoting, marketing and advertising its goods and services under its Veritas Marks. Its extensive use of the Veritas Marks has created a strong, distinctive and identifiable brand that carries substantial goodwill in the marketplace.

Defendants' Unlawful Activities

16. Upon information and belief, Defendants use the mark VERITAS FARMS in connection with cannabis-related goods and services, including to provide information about cannabis and cannabis products at their websites located at <theveritasfarms.com> and <theveritaswellness.com>.

17. Upon information and belief, the <theveritasfarms.com> domain was created on March 16, 2018 and the <theveritaswellness.com> domain was created on October 10, 2018.

18. Upon information and belief, Defendants own and/or control the domain <myveritasfarms.com>, which was created on October 29, 2019, although Defendants currently do not maintain any content on that website.

19. The three domain names, <theveritasfarms.com>, <theveritaswellness.com> and <myveritasfarms.com> will be referred to collectively herein as the “Infringing Domains.”

20. Upon information and belief, 271 Lake Davis has filed at least four trademark applications with the USPTO to register VERITAS FARMS as follows:

a. VERITAS FARMS, Serial No. 88366575, filed on April 1, 2019 in Class 5, as amended, for “herbal extracts for medicinal purposes, namely, tinctures, salves, and lotions, all the foregoing containing hemp extract,” “non-medicated herbal body care products, namely, body oils, salves, and lip balms, all the foregoing containing hemp extract,” “nutraceuticals for use as a dietary supplement containing hemp extract,” “nutritional supplements in the form of capsules, and gummies, all the foregoing containing hemp extract,” and “dietary supplements for pets containing hemp extract” pursuant to Section 2(a) of the Trademark Act, claiming a first use date of July 19, 2018. Upon information and belief, on March 12, 2020, this application was refused registration by the USPTO for, among other reasons, because the products listed in it are illegal under the Federal Food, Drug, and Cosmetic Act (“FDCA”).

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