

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
CASE NO. \_\_\_\_\_

THREATLOCKER, INC.  
a Delaware corporation,

Plaintiff,

v.

THREATBLOCKR, INC.,  
a Delaware corporation; and  
DOES 1-10,

Defendants.

**COMPLAINT**

Plaintiff ThreatLocker, Inc. (“ThreatLocker”) brings this complaint against Defendant ThreatBlockr, Inc. f/k/a Bandura Cyber, Inc. (“ThreatBlockr”) and Does 1-10 for (i) federal trademark infringement and false designation of origin, and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1051, *et seq.*; (ii) trademark infringement and unfair competition under Florida common law; and (iii) violation of the Florida Deceptive and Unfair Trade Practices Act. ThreatLocker alleges as follows:

**THE PARTIES**

1. ThreatLocker is a Delaware corporation with its principal place of business at 1950 Summit Park Dr, 4th Floor, Orlando, FL 32810.

2. Defendant ThreatBlockr is a Delaware corporation with its principal place of business at 7950 Jones Branch Dr., 8th Floor N, Tysons, VA 22102.

3. Does 1-10 are persons or entities responsible in whole or in part for the wrongdoing alleged herein (“Doe Defendants”). Each of the Doe Defendants participated in, ratified, endorsed, and/or was otherwise involved in the acts complained of, and they have liability for such acts. ThreatLocker will further amend this Complaint if and when the identities of such persons or entities and/or the scope of their actions become known.

4. At all relevant times, ThreatBlockr and Doe Defendants (collectively, “Defendants”) acted as the principal, agent, and/or representatives of each of the other Defendants. Any action by one of the Defendants was within the course and scope of the agency relationship between the Defendants and was with the permission, ratification, and/or authorization of each of the other Defendants.

5. Defendants conduct business throughout the United States, including Florida and within this District, using the THREATBLOCKR mark.

6. As fully detailed below, Defendants use the THREATBLOCKR mark in a manner that violates ThreatLocker’s longstanding and strong rights in its THREATLOCKER® trademark.

### **JURISDICTION AND VENUE**

7. Pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. § 1338(a), this Court has subject matter jurisdiction over ThreatLocker’s claims for relief for violation of the Lanham Act. Pursuant to 28 U.S.C. § 1338(b), this Court has supplemental

jurisdiction over ThreatLocker's state law claims because they are joined with substantial and related claims under the Lanham Act. This Court also has supplemental jurisdiction over ThreatLocker's state law claims pursuant to 28 U.S.C. § 1367(a) because all of ThreatLocker's claims arise out of a common nucleus of operative facts.

8. This Court has personal jurisdiction over Defendants because Defendants have: (a) conducted substantial business in the State of Florida and this District by advertising, targeting, offering, selling, and providing their goods/services to residents of this District; (b) derived financial benefits from residents of the State of Florida by doing so; (c) purposefully availed themselves of the privilege of conducting business within the State of Florida; and (d) sought the protection and benefits of the laws of the State of Florida. In addition, the claims arise from Defendants' activities within and actions targeted at the State of Florida.

9. Upon information and belief, Defendants have attended trade shows in the State of Florida, including in this District, where Defendants have promoted their goods and services offered under the THREATBLOCKR mark.

10. Upon information and belief, Defendants have contracted with various third party managed service providers and other resellers in the State of Florida, including in this District, to sell the goods and services offered under the THREATBLOCKR mark in the State of Florida and within this District.

11. Venue in this Court exists under 28 U.S.C. § 1391(b)(2), inasmuch as a substantial part of the events giving rise to ThreatLocker's claims occurred within this District.

### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

#### **ThreatLocker and Its Successful Brand**

12. Founded in 2015 in Florida, ThreatLocker is a software company that offers Zero Trust security solutions to protect users, devices, and networks against vulnerabilities.

13. ThreatLocker's security platform incorporates cutting edge technology such as Application Whitelisting, Ringfencing™, Data Storage Control, and Network Access Control to create a true Zero Trust security architecture for its customers.

14. Since at least as early as January 2017, ThreatLocker has offered and promoted its security platform and related software services under the THREATLOCKER® mark.

15. Over the last five years, ThreatLocker has proven the value of its platform and has become a leader in enterprise security software solutions. Customers and potential customers have come to recognize the THREATLOCKER® brand as a guarantee of an innovative, Zero Trust security platform accompanied by highly competent and attentive customer support.

16. Indeed, ThreatLocker has won a number of high profile awards including The ChannelPro & IoT Playbook's Most Innovative Solution for 2021. In

2022, business software reviewer G2 awarded ThreatLocker numerous awards including Best Support, Users Most Likely to Recommend, and Best ROI.

### ThreatLocker's Intellectual Property Rights

17. ThreatLocker owns a United States federal trademark registration for the THREATLOCKER<sup>®</sup> mark, summarized below.

TRADEMARK	CLASS: GOODS/SERVICES	REG. NO. REG. DATE
THREATLOCKE R	42: Software as a service (SAAS) services featuring cloud based software for cyber security, namely, software that detects, disables and reports unauthorized software and uses a complex set of rules to determine what can be executed on a computer network, and stops anything that has not been approved before it can execute.	5,589,062  October 23, 2018

18. The THREATLOCKER registration constitutes prima facie evidence that the THREATLOCKER<sup>®</sup> mark is valid, and that ThreatLocker is entitled to exclusive use of the THREATLOCKER<sup>®</sup> mark in commerce and throughout the United States on the goods and services listed in the registration.

19. ThreatLocker has been and is now engaged in the business of developing, creating, distributing, marketing, advertising, and selling a variety of goods and services under the THREATLOCKER<sup>®</sup> mark. Through ThreatLocker's widespread and continuous use of its THREATLOCKER<sup>®</sup> mark throughout the United States, the THREATLOCKER<sup>®</sup> mark has acquired extensive goodwill, developed a high degree of distinctiveness, and become well-known and recognized as identifying goods and services that originate from ThreatLocker.

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