

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PUBLIX ASSET MANAGEMENT COMPANY
AND
PUBLIX SUPER MARKETS, INC.

Plaintiffs,

v.

PHARMAPACKS, LLC AND
PACKABLE HOLDINGS, LLC

Defendants.

CASE NO.: _____

INJUNCTIVE RELIEF REQUESTED

DEMAND FOR A JURY TRIAL

COMPLAINT

Plaintiffs Publix Asset Management Company and Publix Super Markets, Inc. (collectively, “Publix”) file this Original Complaint against Defendants Pharmapacks, LLC and Packable Holdings, LLC for trademark infringement, unfair competition, and trademark dilution. Publix owns the federally registered Publix family of Single-P Marks (as that term is defined below), which proximately feature the letter “P” in sans serif typeface. Defendants have been and continue to infringe on Publix’s trademarks through their use of a confusingly similar mark, as shown below:

Publix’s Registered Trademark	Defendants’ Infringing Mark
	

Publix files this Complaint against Defendants for trademark infringement, unfair competition, and trademark dilution. Publix seeks injunctive relief and damages.

PARTIES

1. Publix Asset Management Company and Publix Super Markets, Inc. are corporations duly organized and existing under the laws of the State of Florida. Their principal place of business is in Lakeland, Florida.

2. Upon information and belief, Defendant Pharmapacks, LLC is a New York company with an address of 1516 Motor Pkwy, Hauppauge, NY 11788.

3. Upon information and belief, Defendant Packable Holdings, LLC is a Delaware company with an address of 1516 Motor Pkwy, Hauppauge, NY 11788.

JURISDICTION AND VENUE

4. This is a trademark infringement action brought pursuant to the trademark laws of the United States, known as the Lanham Act, Title 15, United States Code § 1051 *et seq.* with a supplemental state law claim

5. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338. Further, this Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. §§ 1338(b) and 1367.

6. This Court has personal jurisdiction over Defendants because Defendants regularly transact and conduct business in the State of Florida and this

District and Defendants' contacts with the State of Florida and this District have been continuous, systematic, and substantial.

7. On information and belief, Defendants advertise and market their goods and services to those within the State of Florida and in this District.

8. Furthermore, on information and belief, Defendants import, sell, and distribute their products in the State of Florida and in this District.

9. This Court's exercise of jurisdiction over Defendants does not offend traditional notions of fair play and substantial justice.

10. Pursuant to 28 U.S.C. § 1391(c), Defendants are deemed to reside within this District for purposes of venue.

11. Venue is proper within this District pursuant to 28 U.S.C. § 1391(b) because Defendants reside and are doing business in this District. Defendants are using the infringing marks to advertise their goods and services to individuals and companies within this District, and a substantial part of the events giving rise to the claims of this action occurred in this District. Venue is also proper under 28 U.S.C. § 1391(c) because Defendants are corporate defendants that are subject to personal jurisdiction in this forum.

PUBLIX AND ITS SINGLE-P TRADEMARKS

12. Founded in 1930 in Winter Haven, Florida, Publix Super Markets, Inc. is the largest and fastest-growing employee-owned company in the United States.

13. Publix has grown into a Fortune 500 company with more than 1,250 stores, and has more than 225,000 employees.

14. Publix has over 800 stores across Florida.

15. Publix also has stores in Alabama (81 stores), Georgia (193 stores), North Carolina (49 stores), South Carolina (64 stores), Tennessee (50 stores), and Virginia (19 stores).

16. Publix is currently planning to open new stores in Kentucky as well.

17. Publix is one of the 10 largest-volume supermarket chains in the country with 2019 retail sales of over \$38 billion.

18. Publix Asset Management Company is related to Publix Super Markets, Inc. and owns and manages trademarks that are licensed to Publix Super Markets, Inc.

19. Publix Asset Management Company owns the following design marks that prominently feature the letter “P” in sans serif type:

Registration Nos.	Mark
1,794,016	
4,355,392 4,844,271 4,682,412 4,685,090	

Registration Nos.	Mark
4,509,543 4,851,084 5,027,224	
5,214,253	
5,548,835	

20. Copies of the registration certificates for these federally registered marks are attached as Exhibit A to this Complaint.

21. Each of these registrations for these federally registered marks is and has been in full force and effect and is valid in all respects.

22. Registration Nos. 1,794,016; 4,355,392; 4,844,271; 4,682,412; 4,685,090; 4,509,543; and 4,851,084 are incontestable under 15 U.S.C. § 1065.

23. In addition, Publix has common law rights in these and other marks featuring a single P in sans serif typeface (collectively, the “Single-P Marks”), such as the following:

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