

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

Case No.

Caribe Trademarks LLC

Plaintiff,

vs.

STEVINA FOOD COMPANY, LLC.,
SUN STATE FOOD KING, INC., and
JOHN JACKSON,

Defendants.

VERIFIED COMPLAINT AND DEMAND FOR A JURY TRIAL

Plaintiff Caribe Trademarks LLC (“Plaintiff”) sues Stevina Food Company, LLC. (“Stevina”), Sun State Food King, Inc. (“Sun”), and John Jackson (“Jackson”)(collectively, “Defendants”), and makes the following allegations:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a limited liability organized under the laws of Florida with a principal office located in the city of Miami in Miami-Dade County, Florida.
2. Stevina is a limited liability company organized under the laws of Florida, having a principal office in the city of Tampa in Hillsborough County, Florida.

3. Stevina conducts business in Florida including offering and rendering infringing restaurant services in the city of Tampa in Hillsborough County, Florida.

4. Sun is a corporation formed under the laws of Florida, having a principal office in the city of Wesley Chapel in Pasco County, Florida.

5. Sun conducts business in Florida including offering and rendering infringing restaurant services in the city of Tampa in Hillsborough County, Florida.

6. John Jackson is an individual domiciled in Florida and conducting business in Florida including offering and rendering infringing restaurant services in the city of Tampa in Hillsborough County, Florida.

7. Jackson is the founder and managing member of Stevina.

8. Jackson is a moving, conscious, and active force behind Stevina including actively participating in and directing its infringing activity.

9. Jackson is, or was, the president and director of Sun.

10. Jackson is, or was, a moving, conscious, and active force behind Sun including actively participating in and directing its infringing activity.

11. This is an action for federal trademark infringement pursuant to 15 U.S.C. § 1114, false designation of origin pursuant to 15 U.S.C. § 1125(a), and the supplemental state causes of action of Florida common law trademark infringement, Florida common law unfair competition, and violation of Florida's Deceptive and Unfair Trade Practices Act (Fla. Stat. §§ 501.201-501-2101)

12. Jurisdiction of this Court arises under 28 U.S.C. § 1331, 28 U.S.C. § 1338, and under the doctrine of supplemental jurisdiction over state claims arising from a common nucleus of operative facts.

13. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c) and §1400(b) because Defendants do business in this District and/or a substantial part of the events or omissions giving rise to the claim occurred in this District.

FACTUAL BACKGROUND

Plaintiff and its CARIBE RESTAURANT Mark

14. Plaintiff is the owner of the valid, subsisting, and incontestable mark CARIBE RESTAURANT for café and restaurant services registered on the Principal Register of the United States Patent and Trademark Office as U.S. Registration No. 4703367 (“Plaintiff’s Mark”). See Exhibit 1, corresponding to the certificate of registration.

15. Plaintiff was assigned Plaintiff’s Mark on May 18, 2020 by previous owner Juan Jose Alvarado.

16. Plaintiff, through its predecessors in interest, opened its first restaurant bearing Plaintiff’s Mark in Florida in 1979.

17. Currently, Plaintiff’s café and restaurant services are rendered in six different locations operating under Plaintiff’s Mark in South Florida.

18. Plaintiff, through its predecessors in interest, has continuously used in commerce in the United States Plaintiff's Mark for café and restaurant services since at least as early as 1979.

19. As a result of its widespread, continuous, and exclusive use of Plaintiff's Mark to identify its café and restaurant services and Plaintiff as the source, Plaintiff owns valid and subsisting federal statutory and common law rights to Plaintiff's Mark.

20. Plaintiff's restaurants bearing Plaintiff's Mark predominantly offer Latin American cuisine consisting primarily of Cuban dishes.

21. Plaintiff's café and restaurant services bearing Plaintiff's Mark are also rendered through delivery services such as Door Dash and Grubhub as well as directly through the ordering portal in its website.

22. Plaintiff's Mark is prominently displayed on the front signs of Plaintiff's restaurants, menus, website, and promotional material.

23. Plaintiff has continuously promoted its café and restaurant services rendered under Plaintiff's Mark through its website (www.caribecaferrestaurant.com), social media (@CaribeMiami on Facebook), and through other promotional material. *See* Exhibit 2, corresponding to screenshots of Plaintiff website and social media.

24. Plaintiff promotes and renders its restaurant services using Plaintiff's Mark to Florida residents as well as out-of-state tourists and travelers. *See* Exhibit 3, corresponding to Plaintiff's reviews on Tripadvisor.com.

25. Plaintiff's Mark has acquired distinctiveness when applied to café and restaurant services.

26. Plaintiff has ensured that the café and restaurant services offered under Plaintiff's Mark are rendered to the highest quality standards.

27. Since 1979, Plaintiff and its predecessors have expended substantial time, money, and resources continuously marketing, advertising, and promoting its café and restaurant services bearing Plaintiff's Mark—thus creating valuable goodwill for Plaintiff's Marks.

28. Plaintiff's Mark has become well known in the restaurant industry and with Plaintiff's potential and current customers.

Defendants' Unlawful Activities

29. Without Plaintiff's authorization and beginning after Plaintiff acquired protectable exclusive rights in Plaintiff's Mark, Sun adopted and began using the mark CAFÉ CARIBE for café and restaurant services in Florida and in commerce in the United States (the "Infringing Mark").

30. Sun previously operated a restaurant located in Tampa, Florida under the name CAFÉ CARIBE.



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