

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE No.

Hard Rock Café International (USA), Inc.	:
	:
Plaintiff,	:
	:
v.	:
	:
Hard Rock Hemp, LLC and Myra Suzan	:
Chapman,	:
	:
Defendant.	x

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Hard Rock Café International (USA), Inc., through its counsel, hereby submits this Complaint against Defendants Hard Rock Hemp, LLC and Myra Suzan Chapman, an individual, and alleges as follows:

JURISDICTION AND VENUE

1. This is an action in which the Plaintiff is seeking pecuniary and injunctive relief from acts of Defendants arising under the trademark and unfair competition laws of the United States and the State of Florida, including (1) Trademark Infringement under 15 U.S.C. § 1114 of the Lanham Act; (2) Trademark Infringement, False Designation of Origin and Unfair Competition under 15 U.S.C. § 1125(a) of the Lanham Act; (3) Trademark Dilution under 15 U.S.C. § 1125(c) of the Lanham Act; (4) Violation of the Florida Deceptive and Unfair Trade Practices Act (Fla. Stat. § 501.204 *et seq.*); and (5) Violation of the Florida Anti-Dilution Statute (Fla. Stat. § 495.151 *et seq.*). Plaintiff seeks, among other things, damages, enhanced monetary relief, attorneys' fees and costs,

and injunctive relief to enjoin Defendants from engaging in the unlawful acts described herein.

2. Jurisdiction is proper in this District pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b), and 15 U.S.C. §§ 1116 and 1121. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different States. This Court also has supplemental jurisdiction over the state law claims asserted herein under 28 U.S.C. § 1367(a).

3. This Court has personal jurisdiction over the Defendants because Defendants advertise and offer good and services, including the goods at issue in this Complaint, to the State of Florida and this District, and derive substantial revenue from interstate or international commerce. In addition, Defendants have committed tortious acts causing injury within the State while regularly doing or soliciting business in the State, and/or should reasonably expect its tortious acts to have consequences in the State.

4. Jurisdiction is proper in this Court because, among other things, upon information and belief it will likely that after a reasonable opportunity for further investigation or discovery, the evidence will show that Defendants conduct purposeful activity directed at or within the state of Florida, and it has contacts with, customers in, or does business in this District.

5. Further, Plaintiff's valuable marks and good will are being injured in this District, and upon information and belief, residents in this District are likely to be confused by the acts of Defendants.

6. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. §§ 1391(b) and (c) because Defendants are subject to personal jurisdiction in this District.

PARTIES

7. Plaintiff Hard Rock Café International (USA), Inc. (hereinafter “Plaintiff” or “Hard Rock”), is a Florida corporation with its principal place of business located at 5701 Stirling Road, Davie, Florida, 33314. Hard Rock is one of the most well-known brands operating in this District, including its world-famous Seminole Hard Rock Hotel & Casino in Hollywood, Florida.

8. Upon information and belief, Defendant Hard Rock Hemp, Inc. (hereinafter “Defendant” or “Hard Rock Hemp”), is a South Carolina company, with its principal place of business at 683 W. Gate Road, Pickens, South Carolina 29671.

9. Upon information and belief, Defendant Myra Suzan Chapman is an individual and owner of Hard Rock Hemp, and in her individual capacity, applied to register with the United States Patent and Trademark Office (“USPTO”) the mark HARD ROCK HEMP, discussed in more detail below. Defendant Chapman is a citizen and resident of South Carolina.

10. Defendant Hard Rock Hemp, Inc. and Defendant Myra Suzan Chapman may herein collectively be referred to as “Defendants.”

PLAINTIFF AND ITS FAMOUS MARKS

11. Hard Rock operates, manages, licenses, and/or franchises a diverse portfolio of restaurants, hotels, resorts, casinos, and live entertainment venues internationally. There

are over 200 Hard Rock properties in over 70 countries, which includes 178 Hard Rock Cafés, 24 Hard Rock Hotels, 10 Hard Rock Casinos, and 7 Hard Rock Live entertainment venues.

12. Hard Rock expends substantial sums in advertising and promotional efforts for its products and services in promotion of the Hard Rock brand. Hard Rock also benefits from an extraordinary degree of unsolicited media coverage in the United States. On top of this, Hard Rock's internet and social media marketing is extensive, including use on Hard Rock websites, as well as posts on social media such as Facebook, Twitter, and Instagram, amongst others.

13. For 50 years, Hard Rock has been one of the most iconic and famous brands in the world. The first Hard Rock restaurant was opened on June 14, 1971, in London by two Americans, Peter Morton and Isaac Tigrett, as a tribute to the many unique and varied musicians since the rock 'n roll era began in the 1940s and 1950s. The restaurant was hugely successful and new locations opened regularly all over the world.

14. In the 1990s, Hard Rock began opening hotels, casinos, and further expanding in the hospitality space, becoming an industry leader and ubiquitous as an exciting destination for its guests. At these locations and on-line, Hard Rock offers Hard Rock-branded clothing and accessories, and many other goods and services.

15. Hard Rock operates, maintains, licenses, and/or franchises a variety of restaurants, hotels, casinos, and entertainment venues such as the Seminole Hard Rock Hotel & Casino, the Hard Rock Stadium, and Hard Rock Live concert and event venues.

16. Hard Rock owns one of the most universally recognized brands in the world, including trademarks for HARD ROCK, HARD ROCK CAFE, HARD ROCK HOTEL, HARD ROCK CASINO, HARD ROCK LIVE, ROCK SPA, and many other registered marks (collectively referred to as the “HARD ROCK Marks”).

17. The HARD ROCK Marks consist of over 2,000 U.S. and international registered trademarks, and all of Hard Rock’s restaurants, hotels, casinos, websites, spas, and related goods include one or more of HARD ROCK Marks. Hard Rock owns the entire portfolio of intellectual property relating to the term “Hard Rock,” including, but not limited to, trademarks related to the words “Hard Rock,” the iconic logo and various variations of the term “Hard Rock”. Many of the marks are incontestable under 15 U.S.C. § 1065.

18. Such marks include the following registered United States trademarks:

Mark	Reg. No.	Registered	Goods/Services
HARD ROCK CAFE	1397180	June 10, 1986	Class 42: restaurant services
HARD ROCK CAFE	1504904	September 20, 1988	Class: 25: t-shirts, sweatshirts, polo shirts, sport shirts, jackets, hats, caps, belts
HARD ROCK HOTEL	1909483	August 1, 1995	Class: 42: hotel services
HARD ROCK HOTEL	2029855	January 14, 1997	Class 9: sunglasses and decorative magnets Class: 21: beverage glassware Class: 34: cigarette lighters not of precious metal and matchbooks
HARD ROCK HOTEL	2029870	January 14, 1997	Class: 03: hair shampoo, hair conditioner and bath gel Class: 24: beach towels
HARD ROCK HOTEL	2031803	January 21, 1997	Class: 41: casino services

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