

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

EASYGROUP LTD,
a United Kingdom corporation,

Plaintiff,

v.

SKYSCANNER, INC. a Delaware corporation
registered to do business in Florida,
KAYAK, LLC., a Connecticut limited liability
company, KIWI.COM, INC., a
Delaware corporation, LBF TRAVEL, INC.,
d/b/a SMARTFARES.COM, a Delaware
corporation, EMPRESA AEREA DE SERVICIOS
Y FACILITACION LOGISTICA INTEGRAL,
S.A., d/b/a EASYFLY, S.A., a Colombian
corporation, ALFONSO AVILA VELANDIA,
an individual resident of Bogota, Colombia,
LUFTWINDS S.A., a Panamanian corporation,
HENRY ALEJANDRO CUBIDES MORENO,
an individual resident of the Republic of Panama.

Defendants.

COMPLAINT

Plaintiff, easyGroup LTD f/k/a easyGroup IP Licensing Ltd. (“easyGroup” or “Plaintiff”), by and through its undersigned counsel, hereby sues Defendants, SKYSCANNER, INC. a Delaware corporation registered to do business in Florida (“Skyscanner”), KAYAK, LLC (“Kayak”), KIWI.COM, INC., (“Kiwi”), LBF TRAVEL, INC., d/b/a SMARTFARES.COM, (“Smartfares”), EMPRESA AEREA DE SERVICIOS Y FACILITACION LOGISTICA INTEGRAL, S.A., d/b/a EASYFLY, S.A. (“Easyfly”), LUFTWINDS S.A. (“Luftwinds”), (Skyscanner, Kayak, Kiwi, Smartfares, Luftwinds and Easyfly are referred to as “Corporate Defendants”), ALFONSO AVILA VELANDIA (“Avila”), and HENRY ALEJANDRO

CUBIDES MORENO (“Cubides”) (Corporate Defendants, Avila and Cubides are referred to as “Defendants”) and states:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1121 (actions arising under the Lanham Act), 28 U.S.C. § 1338(a) (acts of Congress relating to trademarks), 28 U.S.C. § 1338(b) (pendant unfair competition claims) and 28 U.S.C. § 1367 (supplemental jurisdiction). Furthermore, Plaintiff has directed sales into this state and purposefully availed itself of the laws of this state.

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) because Defendants have taken actions outside of the state of Florida which have caused injuries in this District and a substantial part of the events or omissions giving rise to the claim occurred in this District.

NATURE OF ACTION

3. This is an action in law and equity for trademark counterfeiting and infringement, common law trademark infringement, trademark dilution, false designation of origin, civil conspiracy, and unfair competition, in violation of Section 42 of the Lanham Act of 1946, as amended, 15 U.S.C. § 1051, *et seq.*, and Florida State law and declaratory relief.

THE PARTIES

4. Plaintiff, easyGroup, is a corporation organized under the laws of the United Kingdom.

5. Skyscanner, is a corporation organized and existing under the laws of the state of Delaware which is registered to do business in Florida. Skyscanner’s principal office in Florida is

at 1111 Brickell Ave., Suite 2250, Miami, FL 33131. Its registered agent for service of process in Florida is Bryan Jason Dove, 1111 Brickell Ave., Suite 2250, Miami, FL 33131.

6. Kayak is a corporation organized under the laws of the state of Connecticut. Kayak is not registered to do business in Florida but is offering its services to Florida residents. Kayak's principal place of business is 149 East Lake Street, Winsted, CT 06098. Its registered agent for service of process is Bruce G. Temkin, LLC, 100 Pearl Street, 14th Floor, Hartford, CT, 06103.

7. Kiwi is a corporation organized under the laws of the state of Delaware. Kiwi is not registered to do business in Florida but is offering its services to Florida residents. Kiwi's principal place of business is unknown. Its registered agent for service of process is Northwest Registered Agent Service, Inc., 8 The Green, Ste. B, Dover, DE 19901.

8. Smartfares is a corporation organized under the laws of the state of Delaware. Smartfares is not registered to do business in Florida but is offering its services to Florida residents. Smartfares' principal place of business is unknown. Its registered agent for service of process is Michael H. Thomas, 4545 Murphy Canyon Rd., Ste. 210, San Diego, CA 92123.

9. Easyfly is, upon information and belief, a corporation organized and existing under the laws of the Republic of Colombia. Easyfly's principal place of business is located at Avenida El Dorado 103 - 08 Puerta 1 Angar 14, Bogota, Colombia.

10. Avila is an individual, Colombian state ID (cedula) number 000000007418415, believed to reside at CRA 74 48-19, Bogota, Cundinamarca, Colombia. Avila is the CEO of Easyfly and, upon information and belief, the decision maker controlling its actions.

11. Luftwinds, is, upon information and belief, a corporation organized and existing under the laws of the Republic of Panama. Luftwinds' principal place of business is located at Avenida Pacifica - Avenida Paseo del Mar, Costa Este, Ciudad Panama.

12. Cubides is an individual believed to reside in Colombia, Colombian state ID (cedula) number 0001094204, at Carrera 88 No. 17 B-40, 110921 Bogota D.C., Colombia. Cubides is the CEO of Luftwinds and, upon information and belief, the decision maker controlling its actions.

FACTS

A. EasyGroup and the EasyGroup family of marks.

13. Plaintiff easyGroup is a corporation organized in the United Kingdom to manage and license an international family of marks beginning with the prefix “easy”. easyGroup licenses these trademarks to companies around the world.

14. easyGroup owns numerous trademark registrations beginning with the prefix “easy” worldwide for a large variety of goods and services.

15. In the United States, easyGroup owns 21 federal trademark registrations:

1	87146197	5915181	EASYWATCH.COM
2	87144337	5816354	EASYLAND
3	87136730	5758042	EASYCINEMA
4	87144305	5706561	EASYKIOSK
5	87146275	5672095	EASYTRUCK
6	87535672	5548544	EASYHOTEL
7	87165841	5483502	EASYJET EASYJET.COM
8	87138167	5483482	EASYCRUISE
9	87136788	5483480	EASYJETHOLIDAYS
10	87136758	5483479	EASYINTERNETCAFE
11	87136710	5483478	EASYATLANTIC
12	87119875	5483459	EASYAIR
13	87119844	5483458	EASYFLY
14	85579925	4356384	EASYBUS
15	85616949	4416807	EASY
16	78467389	3147540	EASYJET
17	78191157	2831948	EASYCAR
18	77912940	4051278	EASYJET
19	77284909	3507427	EASYROOMMATE

20	76460480	3155481	EASYBUS
21	75235803	2197131	EASYJET

16. In addition to the foregoing registrations, easyGroup owns a pending application for EASYMONEY(88060804) for, among other things, money machines, financial services and banking.

17. easyGroup also owns another application for EASYSKY (87119819) for, among other things, advertising and coordinating travel arrangements.

18. The foregoing list specifically includes:

- a. EASYFLY (Reg. No. 5483458) in class 39 for
 - i. Transport by land, air, aircraft, water, vessels, and vehicles; packaging and storage of goods; coordinating travel arrangement, namely, travel and transport information services and coordinating travel arrangements; travel information; provision of car parking facilities; transportation of goods, passengers and travelers by air, land, sea and rail; airline and shipping services; airport check-in services; arranging of transportation of goods, passengers and travelers by land and sea; airline services; baggage handling services; cargo handling and freight services; arranging, operating and providing cruises, sightseeing tour transport, sightseeing tours in the nature of travel guide services, excursion transport, and vacation excursion transport; chartering of aircraft; rental and hire of aircraft, vehicles and boats; chauffeur services; taxi services; bus services; coach services; rail services; airport transfer services; airport parking services; aircraft parking services; escorting of travelers; travel agency services, namely, making reservations and bookings for travel and transportation; tourist office services, namely, providing travel information; advisory and information services relating to the aforesaid services, namely, travel information, flight arrival and departure information; information services relating to transportation services, travel information and travel transportation booking services provided on-line from a computer database or the Internet; booking of travel tickets; booking of seats for travel; providing a website for the arrangement and booking of travel transportation; making reservations and bookings for transportation; travel booking agencies; providing information about travel and bookings for travel; providing information about travel and bookings for travel, namely, transportation and cruises.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.