**IN THE UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| WAYNE FARMS LLC | ) | Civil Action No.: _____ |
| | ) | |
| Plaintiff, | ) | Judge _____ |
| v. | ) | |
| | ) | Magistrate Judge _____ |
| JOHN DOE AND , | ) | |
| LINKEDIN CORPORATION | ) | |
| | ) | |
| Defendants | ) | |
| | ) | |

**COMPLAINT**

Plaintiff, WAYNE FARMS LLC (hereafter sometimes "WAYNE FARMS") for its complaint against Defendants, JOHN DOE and LINKEDIN CORPORATION alleges:

**PARTIES**

(1) Plaintiff, WAYNE FARMS, is a limited liability company organized under the laws of Delaware, with its principal place of business located at 4110 Continental Drive, Oakwood, GA 30566.

(2) Defendant, JOHN DOE on information and belief, an individual soliciting fraudulent product orders, receiving money, copying at least infringing graphics, counterfeiting trademarks and misappropriating a right of publicity in the United States, including the Northern District of Illinois.

(3) Defendant LinkedIn Corporation is corporation that does substantial business in the Northern District of Illinois operating a social networking web site that provides a platform enabling JOHN DOE to promote his fraudulent transactions in the United States and the Northern District of Illinois.



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(4) WAYNE FARMS is the assignee of right of publicity rights directly relating to this action from its employee Patrick J. Gomez (hereafter sometimes "Real Pat Gomez") who is not a party to this litigation.

**JURISDICTION AND VENUE**

(5) This action is for Federal trademark infringement, dilution, unfair competition and cybersquatting involving claims arising under the Trademark Act of the United States commonly known as the Lanham Act 15 U.S.C. §§ 1051 et seq., for Federal Copyright infringement under the Copyright laws of the United States, 17 U.S.C. § 101 et seq, for state trademark infringement, injury to business reputation and dilution, deceptive trade practices, deceptive business practices and unfair competition under the laws of the State of Illinois, involving claims arising under the Trademark Registration and Protection Act, 765 ILCS § 1036 et seq., the Consumer Fraud Act 815 ILCS 505/2 et seq., Deceptive Trade Practices Act 815 ILCS 510/2 et. seq., and the common law and the assigned right of publicity rights of Real Pat Gomez under the laws of Illinois, Georgia and Arizona.

(6) This Court has subject matter jurisdiction over the federal claims pursuant to 28 U.S.C. §§ 1331, 1338(a) and 15 U.S.C. § 1121, and has subject matter jurisdiction over the state law claims under 28 U.S.C. §§ 1338(b) and 1332, and since these claims are joined with substantial and related claims under the Trademark Laws of the United States.

(7) Venue properly lies within the Northern District of Illinois pursuant to 28 U.S.C. § 1391as these causes of action arise as a result of the misrepresentations on JOHN DOE'S LinkedIn Profile a direct solicitation within this District and, based upon information and belief, JOHN DOE'S use of the email address, and LINKEDIN Profile and contents to solicit and misappropriate funds world wide including from businesses in this District.



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(8) WAYNE FARMS has, for many years, been engaged in processing, packing and otherwise selling variety of food products in this District, in the United States and internationally.

(9) WAYNE FARMS has promoted its marks WAYNE FARMS and BARN, SILO and TREE DESIGN in traditional advertising and promotional channels and electronic media expending advertising and promotional efforts and incurring advertising and promotional expenses in support of said marks and has exclusively used the marks in commerce.

(10) Over the years WAYNE FARMS, to protect its valuable trademark rights in its marks WAYNE FARMS and BARN, SILO and TREE DESIGN has obtained Federal Trademark Registrations duly issued from the United States Patent and Trademark Office, status copies showing title comprising the following Exhibits:

| | Trademark | Reg # | Drawing | Goods |
|---|---|---|---|---|
| Exhibit 1 | WAYNE FARMS and BARN, SILO and TREE DESIGN | 4371372 | WAYNE FARMS | Poultry |
| Exhibit 2 | WAYNE FARMS and BARN, SILO and TREE DESIGN with CHINESE "big, powerful, healthy, earth" | 4683867 | WAYNE FARMS 大威康地 | Poultry |
| Exhibit 3 | WAYNE FARMS | 980466 | **WAYNE FARMS** | Fresh dressed and frozen chickens |



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(11) WAYNE FARMS uses and promotes its company using the following artwork and mark, including promotion on its company website, a screen shot of the home page being shown in Exhibit 4, the website being located at www.waynefarms.com:

(12) The WAYNE FARMS website includes current information regarding the company and the products and services it offers to customers, including the history of the company dating back to its founding in 1895.

(13) By reason of WAYNE FARMS' long use, promotion and dissemination of its goods, its marks WAYNE FARMS and BARN, SILO and TREE DESIGN has caused such marks to have acquired recognition, and the relevant trade and public has come to recognize such marks as signifying Plaintiff.

(14) Through this long use and promotion and due to the favorable recognition of WAYNE FARMS the mark has become famous as a designation of origin for poultry.

(15) Patrick J. Gomez (hereafter sometimes "Real Pat Gomez") is Senior Sales Manager of Wayne Farms LLC. His residence address is in, Tucson, AZ. He has been employed in that position since 2017 and was National Account Manager from 2014 to 2017. Prior to that he has been in the poultry business since approximately 2000 and in foodservice since 1998. He has had an accurate profile has been posted by him on the social network site LinkedIn since 2013.

(16) Wayne Farms LLC is one of the largest poultry processing companies in the United States and the world. It has been in business, itself and through predecessors, since 1895.



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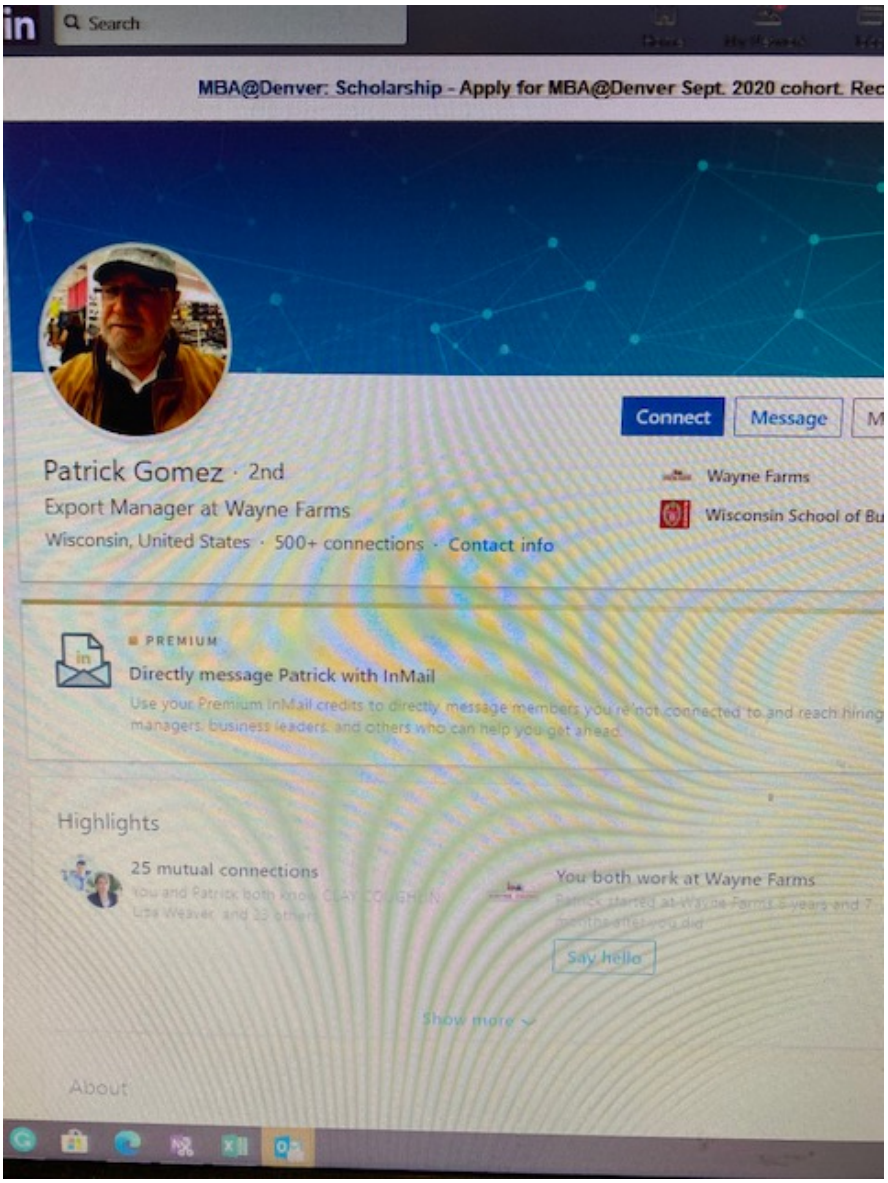
WAYNE FARMS has built an enviable reputation for the quality of its products and is favorably regarded for its business practices.

(17) On or about July 20, 2020 the Real Pat Gomez learned that someone (hereafter sometimes "fake Pat Gomez" or "John Doe") was claiming to be him and contacting customers. The fake Pat Gomez used an email address "patrickwaynefarms@consultant.com" . A copy of a screen shot of the fake profile is in Exhibit 5 and reproduced below:



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