

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

JOY DOG FOOD, INC.

Plaintiff,

vs.

JOY FOOD COMPANY

Defendant.

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Case No. 3:20-cv-00600

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Joy Dog Food, Inc. (“Joy Dog Food”), for its Complaint against Defendant Joy Food Company (“Joy Food Company”), alleges as follows:

NATURE OF THE LAWSUIT


1. This is an action to stop the defendant, Joy Food Company, from confusing the public by infringing Joy Dog Food’s superior rights in the JOY mark. Plaintiff Joy Dog Food and its predecessors have sold JOY dog food for more than 50 years. Defendant Joy Food Company started selling JOY dog food in 2019.

2. Since the 1950s, Joy Dog Food and its predecessors have continuously and exclusively sold JOY dog and cat food. Through decades of investment, stewardship, and promotion, the JOY marks have accumulated significant fame and goodwill.

3. Pet owners recognize JOY as a source identifier for Joy Dog Food’s thriving family of dog and cat food products. Here are some of Joy Dog Food’s products featuring JOY:



Joy Ultimate Pet Food Products



ULTIMATE CHICKEN MEAL & RICE FORMULA

Joy Ultimate Chicken Meal and Rice Formula Premium Dog Food is crafted using only the finest ingredients. We start with nutrient-rich foods to ensure your dog has the health they deserve.

[LEARN MORE](#)

4. The JOY brand is so famous that Joy Dog Food has featured in a major motion picture, and Joy Dog Food memorabilia can fetch high prices at auction:



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Home

Lot #6129 Adorable vintage Joy Dog Food single-sided die-cut sign with two happy puppies depicted.



Bid Online	reverted by proxibid.
Auction	Palm Beach 2018
Reserve	NO RESERVE
Status	Sold
Price	\$316.25
Lot	6129

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Vintage JOY DOG FOOD Trucker Hat K Products USA With Logo Patch Black DOGS

Condition: New with defects

Price: **US \$69.99** [Buy It Now](#)

[Add to cart](#)

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30-day returns Ships from United States

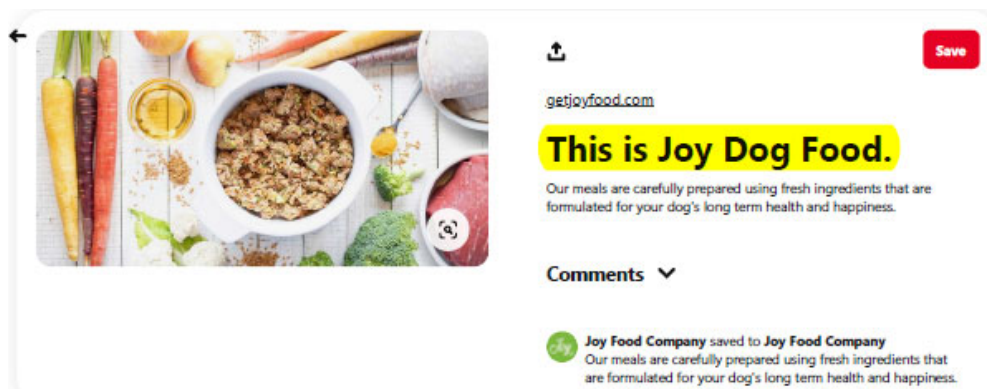
Shipping: \$4.75 Standard Shipping
Guaranteed by Mon, Jun. 01 [See details](#)
Item location: Harrisonburg, Virginia, United States
Ship to: United States and many other countries [See details](#)

Payments: [PayPal CREDIT](#)

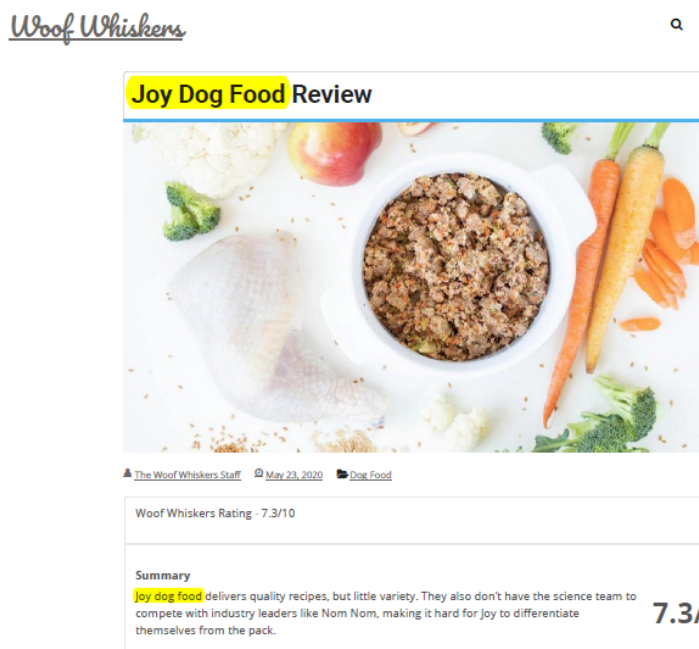


5. Defendant Joy Food Company was formed in 2019. Joy Food Company sells JOY-branded dog food, with utter disregard for Joy Dog Food’s long-standing rights in JOY.

6. In fact, Joy Food Company flagrantly promotes its product as “Joy Dog Food”:



7. Industry professionals confusedly refer to Joy Food Company’s products as “Joy Dog Food”:



8. Joy Food Company is well aware of Joy Dog Food’s superior rights. In April 2019, the U.S. Patent and Trademark Office (USPTO) rejected Joy Food Company’s attempt to register JOY as a trademark for dog food, finding that it would likely cause confusion with Joy Dog Food’s registered JOY mark. But Joy Food Company refuses to stop its willful

infringement.

9. Joy Food Company's infringing use of JOY is likely to cause confusion among consumers and potential consumers, and it threatens to harm Joy Dog Food's business reputation.

10. This threat of harm is magnified by Joy Food Company's lack of experience with manufacturing, selling, or shipping pet food. In the words of Tom Arrix, Joy Food Company's founder and CEO, "We don't come from a pet food background. We come from tech, we come from media."¹

11. At any moment, Joy Food Company could commit an error that damages the JOY brand in the minds of pet owners. As long as Joy Food Company is using JOY, Joy Dog Food's reputation will be at the mercy of Joy Food Company.

12. With flagrant disregard for Joy Dog Food's rights and a complete lack of concern for public confusion, Joy Food Company has simply taken JOY for itself. As a result, Joy Dog Food is forced to take on the expense and disruption of a lawsuit. Joy Dog Food brings this action to protect the public from confusion and to protect its own business reputation from the harms that Joy Food Company is willfully inflicting.

PARTIES

13. Plaintiff Joy Dog Food is an Illinois corporation with its principal place of business within this District, at 1102 Kennedy Dr., Pinckneyville, IL 62274.

14. On information and belief, Defendant Joy Food Company is a Delaware corporation with a principal place of business at 22 Elizabeth St., Norwalk, CT 06854.

¹ Audio recording titled "Tom Arrix Joy Pet Food," *The Flea Circus* (podcast Mar. 13, 2020), available at <https://christophergreen1981.podbean.com/e/the-flea-circus-997-ktrr-episode-43-tom-arrix-joy-pet-food/>

JURISDICTION AND VENUE

15. This is a civil action seeking damages and injunctive relief for trademark infringement and unfair competition arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended (the “Lanham Act”), and under Illinois law.

16. The Court has original subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338. The Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367, as those claims form part of the same case and controversy.

17. The Court has personal jurisdiction over Joy Food Company, at least because Joy Food Company is exploiting the market in Illinois and this District. On information and belief, Joy Food Company is intentionally promoting its products in Illinois under its infringing marks, including to residents of this District; Joy Food Company is offering its products for sale under its infringing marks to Illinois residents, including residents of this District; Joy Food Company is selling products labeled with its infringing marks into Illinois, including this District; and Joy Food Company has registered with the relevant Illinois regulatory agencies in order to be permitted to sell its dog food products into Illinois, including this District.

18. Venue is proper in this District under 28 U.S.C. § 1391 because Joy Food Company is deemed to reside in this District and a substantial part of the events giving rise to the claims, including Joy Food Company’s promotion and sales of infringing goods, have occurred in this District.

GENERAL ALLEGATIONS

Plaintiff’s Long and Continuous Use Has Established Strong Trademark Rights in JOY.

19. JOY is a strong, venerable, and famous mark that serves as a source identifier of Joy Dog Food’s high-quality dog and cat food products.

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