

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

INDIANA UNIVERSITY HEALTH, INC., )  
and METHODIST HEALTH GROUP, INC. )

Plaintiffs )

v. )

Case No. 1:21-cv-2760

THOMAS A. BRADY SPORTS )  
MEDICINE CENTER, P.C. )

Defendant. )

**COMPLAINT AND JURY DEMAND**

For their Complaint against Defendant Thomas A. Brady Sports Medicine Center, P.C. (“TABSMC”), Plaintiffs Methodist Health Group, Inc. (“MHG”), and Indiana University Health, Inc. d/b/a IU Health Methodist Hospital (“IU Health”, and together with MHG, “Plaintiffs”), through the undersigned, state and allege as follows:

**NATURE OF THE ACTION**

1. This is an action for direct trademark infringement, false designation of origin, and unfair competition arising under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and the statutes and common law of the State of Indiana.

**THE PARTIES**

2. Plaintiff IU Health is an Indiana nonprofit corporation with its principal place of business in Indianapolis, Indiana.

3. Plaintiff MHG is an Indiana nonprofit corporation with its principal place of business in Indianapolis, Indiana.

4. Defendant TABSMC is an Indiana corporation with its principal place of business in Indianapolis, Indiana.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C. § 1121(a) because Plaintiffs' claims arise under the Lanham Act.

6. This Court has supplemental jurisdiction over Plaintiffs' Indiana state law and common law claims pursuant to 28 U.S.C. §§ 1338(b) and 1367(a) because those claims are joined with substantial and related claims under the Lanham Act, and are so related to the claims under the Lanham Act that they form part of the same case or controversy under Article III of the United States Constitution.

7. The exercise of *in personam* jurisdiction over TABSMC comports with the laws of the State of Indiana and the constitutional requirements of due process because TABSMC is located in Indiana, TABSMC and/or its agents transact business, and/or offer to transact business, within Indiana.

8. This Court also has personal jurisdiction over TABSMC because TABSMC has committed tortious acts in Indiana causing injury to Plaintiffs in Indiana. For example, as alleged below, TABSMC has, without authorization, advertised, offered for sale, sold, and provided medical services in connection with the trademark METHODIST, which has caused injury to Plaintiffs in Indiana.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and 1391(c)(2) because TABSMC is subject to personal jurisdiction in this District.

### **ALLEGATIONS RELEVANT TO ALL COUNTS**

#### **A. Plaintiffs and the METHODIST Mark.**

10. For nearly 100 years, MHG (and its predecessors) operated Methodist Hospital of Indiana ("Methodist Hospital") — an important health care institution in the State of Indiana.

11. In 1997, Methodist Hospital and other health care organizations were consolidated to create IU Health (then known as Clarian Health Partners, Inc.), and IU Health now operates Methodist Hospital. In connection with this consolidation, MHG licensed to IU Health the exclusive right to use and sublicense the METHODIST mark in connection with health care services, programs, and all related activities (the “License Agreement”).

12. IU Health’s (and its predecessor’s) hard-earned reputation for providing the highest quality health care services under the METHODIST mark inures to the benefit of MHG and is reflected in the robust goodwill symbolized by the METHODIST mark, which distinguishes the associated services from those of competitors. This goodwill is the result of continuous and extensive use and promotion of the METHODIST mark, and the exercise of control over the quality of services offered thereunder. The METHODIST mark has not only amassed substantial and valuable goodwill — it also has amassed substantial consumer recognition as consumers have come to closely associate the distinctive and valuable METHODIST mark with Plaintiffs and the associated health care services.

13. MHG’s priority in the METHODIST mark dates back to at least 1899.

**B. TABSMC and Its Wrongful Conduct.**

14. In or around 1990, TABSMC with MHG’s permission and oversight, branded itself “Methodist Sports Medicine” and provided sports medicine and orthopedic services from, among other places, the Methodist Hospital campus and Methodist Medical Plaza North (an off-campus ambulatory center for Methodist Hospital). Subsequent to the execution of the License Agreement, IU Health continued to extend this permission and oversight.

15. Plaintiffs maintained a close clinical relationship with TABSMC and have been co-venturers with TABSMC in the development and operation of ambulatory surgery centers (the

“ASC Joint Venture”). As a result of this close working relationship, Plaintiffs have relied on their intimate knowledge of TABSMC’s standards and procedures to ensure that the services TABSMC offered under the METHODIST mark meet Plaintiffs’ high quality standards.

16. In or around 2019,, Plaintiffs learned that TABSMC intended to relocate its primary practice location from Methodist Medical Plaza North to a competing Franciscan Alliance health care campus where a new orthopedic hospital is being constructed, to withdraw from the ASC Joint Venture and to develop and operate a new ambulatory surgery center on the Franciscan Alliance’s competing health care campus that would compete with the ASC Joint Venture, effectively ending TABSMC’s close working relationship with Plaintiffs.

17. On August 2, 2021, Plaintiffs sent a letter to TABSMC inquiring as to TABSMC’s rebranding strategy in light of TABSMC’s plan to end its close working relationship with Plaintiffs and its decision to affiliate itself with Franciscan Alliance by relocating its primary practice location to the Franciscan Alliance’s new competing health care campus.

18. TABSMC did not respond to the August 2, 2021 letter.

19. On October 13, 2021, Plaintiffs sent another letter to TABSMC and terminated the permission to use the METHODIST mark and demanded that TABSMC immediately cease all use of the same.

20. TABSMC failed to do so, and its continued unauthorized use of the METHODIST mark in connection with health care services is likely to cause confusion, mistake, or deception in the market as to the source or origin of TABSMC’s services, and to falsely suggest that TABSMC and its services are sponsored by, connected to, or associated with Plaintiffs.

21. Plaintiffs have no control over the quality of the services TABSMC makes under the METHODIST mark. The invaluable goodwill represented in the Methodist mark is thereby wrongfully at the mercy of TABSMC.

22. By using the METHODIST mark designation without authorization, TABSMC is and has been willfully and intentionally trading upon the goodwill in the Methodist mark that Plaintiffs developed at their considerable expense and effort. TABSMC thereby has caused and is causing Plaintiffs substantial and irreparable harm and injury.

**COUNT I**  
**(False Designation of Origin – 15 U.S.C. § 1125(a))**

23. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

24. TABSMC's unauthorized use of the METHODIST mark or any mark confusingly similar to or that in any way represents or implies that TABSMC's services are in any way associated with Plaintiffs as alleged herein constitutes false designation of origin in violation of 15 U.S.C. § 1125(a). TABSMC's use of the METHODIST mark or any mark confusingly similar to, or that in any way represents or implies that TABSMC's services are in any way associated with, Plaintiffs is likely to cause confusion, mistake and/or deception as to the source or origin of TABSMC's services, and to falsely suggest that TABSMC and its services are sponsored by, connected to, or associated with Plaintiffs.

25. TABSMC's wrongful use of the Methodist mark is knowing, deliberate, and willful.

26. As a direct and proximate result of TABSMC's actions described herein, Plaintiffs have suffered, and will continue to suffer, irreparable injury to their business, reputation, and goodwill, unless and until the Court preliminarily and permanently enjoins TABSMC's actions. Plaintiffs have no adequate remedy at law.

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