

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

GREEK HOUSE CHEFS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
FINE THYME FOOD LLC d/b/a BEST)	<u>JURY TRIAL DEMANDED</u>
FED GREEKS,)	
)	
Defendant.)	

COMPLAINT

COMES NOW the Plaintiff, Greek House Chefs, Inc. (“GHC”), and for its Complaint for trademark infringement against the Defendant, Fine Thyme Food LLC d/b/a Best Fed Greeks (“Best Fed Greeks” or “Defendant”), hereby states and alleges as follows:

THE PARTIES

1. GHC is an Iowa corporation with its principal place of business at 132 1/2 5th Street, Suite A, West Des Moines, Iowa 50265.
2. Defendant, Fine Thyme Food LLC is a Kansas limited liability company with its principal place of business at 2914 W. 9th Street, Lawrence, Kansas 66049.
3. Upon information and belief, Defendant does business under the alias BEST FED GREEKS.
4. For example, Fine Thyme Food LLC has placed job advertisements for chefs to work for Best Fed Greeks as shown below:



Fine Thyme Food's Facebook page (last accessed September 11, 2020).

5. Best Fed Greeks is not a legal entity registered with the Kansas Secretary of State's office but is operated by Ryan Shaughnessy.

6. Fine Thyme Food LLC is owned and operated by Ryan Shaughnessy.

JURISDICTION AND VENUE

7. Count I arises under the laws of the United States prohibiting infringement of federally registered trademarks, specifically the Lanham Act, 15 U.S.C. § 1114. Count II arises under the Lanham Act, 15 U.S.C. § 1125(a). Jurisdiction in this Court is thus proper per 28 U.S.C. § 1331.

8. Counts III and IV arise under the common law, and this Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367.

9. This Court has original subject matter jurisdiction over the claims in this action pursuant to at least 28 U.S.C. §§ 1331 and 1338(a) and further pursuant to 28 U.S.C. §1332(a) as the amount in controversy in this action exceeds the sum or value of \$75,000 and this action is between citizens of different states.

10. This Court has personal jurisdiction over Defendant because GHC's cause of action arises out of or relates to Defendant's actions harming GHC and Defendant's breach of an agreement it entered with GHC.

11. Assertion of personal jurisdiction is reasonable and fair because Defendant is a Kansas business and Defendant's actions giving rise to this suit have taken place in the state of Kansas, including, but not limited to, Defendant's actions which are in breach of its contractual agreement with GHC and Defendant's intentional acts of trademark infringement.

12. Venue is proper in this district in accordance with 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims occurred in this District.

FACTS

13. Greek House Chefs repeats and re-alleges as if fully set forth herein the facts and allegations of all of the preceding paragraphs.

Greek House Chefs® Mark

14. Since as early as 2008, GHC has been an industry leader in custom food service for fraternities and sororities.

15. GHC is the owner of the GREEK HOUSE CHEFS trademark, which is the subject of the following United States Trademark Registration Nos.:

- a. No. 5,981,062 (wordmark registered on the USPTO's principal register – this registration is attached as **Exhibit A** hereto);

b. No. 5,755,925 (word and design mark on the USPTO's principal register – this registration is attached as **Exhibit B** hereto), which is depicted below



; and

c. No. 4,247,656 (wordmark registered on the USPTO's supplemental register – this registration is attached as **Exhibit C** hereto); and

16. GHC is also the owner of the website www.greekhousechefs.com.

17. GHC has established good will in its GREEK HOUSE CHEFS family of trademarks in its 10+ years of offering services under its marks.

18. GHC's widespread use of the marks includes provision of food preparation services in over 130 fraternity or sorority houses at 50 college campuses in 27 states throughout the United States.

19. GHC serves more than 6 million meals per year and over 15,000 students per day.

20. GHC has established substantial good will in its GREEK HOUSE CHEFS family of trademarks.

Defendant's Infringing Activities

21. Defendant followed GHC into the market of food preparation services in collegiate fraternity and sorority houses and has copied GHC's ingenuity, advertising, and marks.

22. Defendant uses GHC's mark "GREEK HOUSE CHEFS" in its advertising on social media.

23. GHC first became aware of Defendant's infringing activities in early 2020.

24. In March 2020, GHC's counsel sent a letter to Defendant advising it of GHC's intention to protect its family of GREEK HOUSE CHEFS marks and asking that Defendant cease all of its infringing activities. That letter is attached as **Exhibit D** hereto.

25. In response to GHC's counsel's letter, Defendant agreed to remove its infringing use, stop "all current use," and "refrain from any future use of the GHC Mark, and any confusingly similar marks, in connection with sale, advertising, and promotion of goods or services." See **Exhibit E**.

26. However, by late-August 2020, Defendant had already resumed its infringing activities.

27. For example, excerpts of Defendant's social media postings are provided below with annotations highlighting Defendant's infringing uses of GHC's mark:

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