

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Greenbelt Division**

**JEMIE B.V.**,  
Beneluxweg 37, 4904 SJ, Oosterhout,  
Netherlands

Plaintiff,

v.

**FOOP ORGANIC BIOSCIENCES, INC.**,  
2666 Pittman Drive  
Silver Spring, Maryland 20910

SERVE:

The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, Delaware 19801

Defendant.

**Civil Action No. 8:22-CV-1795**

**COMPLAINT FOR VIOLATION OF: (I) SECTION 32  
OF THE LANHAM ACT; (II) SECTION 43(a) OF THE  
LANHAM ACT; AND (III) MARYLAND COMMON LAW**

Plaintiff Jemie B.V. alleges as follows:

**PARTIES**

1. Plaintiff Jemie B.V. is a Netherlands limited liability company located and doing business at Beneluxweg 37, 4904 SJ, Oosterhout, The Netherlands (herein “Jemie”).

2. Defendant Foop Organic Biosciences, Inc. is a Delaware corporation, located and doing business at 2666 Pittman Drive, Silver Spring, Maryland 20910 (herein “Defendant” or “Foop”).

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction because this action arises under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051-1141 (the “Lanham Act”), and jurisdiction is proper in accordance with 15 U.S.C. § 1121 and 28 U.S.C. §§ 1338(a) and (b). Jurisdiction for the Maryland common-law claims is proper in accordance with the principles of supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this Court (a) under 28 U.S.C. § 1391(a) because Defendant resides in this judicial district or (b) under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

### **FACTS**

5. Jemie is the owner of the well-known CANNA family of marks and names for a wide variety of organic and non-organic plant care and growth products, including nutrients and fertilizers, and related goods and services.

6. For many years, Jemie has licensed its CANNA family of marks and names for use throughout the United States, including in Maryland and surrounding states, on an extensive line of plant nutrients, fertilizers and related plant care products.<sup>1</sup> Jemie is recognized as a worldwide leader in plant technologies for cultivating plants in cocaponics, hydroponics and soil.

7. Jemie also provides, through its exclusive licensee, information, education, consultation and general advice to consumers relating to growing and cultivating plants and crops, the treatment of seeds and seedlings, and the benefit of certain plants and vegetables for people, all under the CANNA family of marks and names.

---

<sup>1</sup> See, e.g., <http://www.cannagardening.com/products>.

Jemie's CANNA Family of Marks

8. Jemie owns Registration Nos. 4,986,807, 5,038,951, 5,129,939, 5,399,942, 6,127,303, 5,389,880, 5,399,941, 5,924,171, and 6,279,948 for the CANNA family of marks, as shown below, for the aforesaid goods and services, and related goods and services in the United States Patent and Trademark Office:

Mark	Registration No.	Registration Date
CANNA	5,129,939	January 24, 2017
CANNA	6,127,303	August 18, 2020
CANNA and Design	5,038,951	September 13, 2016
CANNA START	5,399,942	February 13, 2018
CANNAZYM	5,389,880	January 30, 2018
CANNABOOST	5,399,941	February 13, 2018
BIOCANNA	5,924,171	December 3, 2019
CANNATALK	4,986,807	June 28, 2016
FUNDACIÓN CANNA	6,279,948	March 2, 2021

9. These registrations are valid and subsisting, and constitute prima facie evidence of Jemie's exclusive right to use the marks for the goods and services they cover, pursuant to 15 U.S.C. § 1057(b).

10. The CANNA-formative names within the CANNA family of marks and names include, but are not limited to, CANNA CONTINENTAL.

11. Since long before Defendant's acts complained of herein, Jemie has licensed the use of the CANNA family of marks and names in connection with the sale of tens of millions of dollars-worth of the aforesaid goods and services throughout the United States.

12. Since long before Defendant's acts complained of herein, Jemie's U.S. licensees have spent many millions of dollars in advertising and promoting the aforesaid goods services throughout the United States.

13. Since long before Defendant's acts complained of herein, by virtue of Jemie's licensees' aforesaid sales, advertising and promotion, the CANNA family of marks and names had acquired secondary meaning and come to represent an extraordinarily valuable goodwill owned by Jemie.

Defendant's Use of the Infringing CANNA Mark, Name and Domain Name

14. Long after Jemie's aforesaid use of the CANNA family of marks and names, Defendant began to market and sell plant nutrients, sweeteners and related products ("Defendant's Goods") in connection with the CANNA mark. An example of this use is shown below:



15. Long after Jemie's aforesaid use of the CANNA family of marks and names, Defendant adopted and began to use, and now continues to use, the CANNA-formative trade name FOOP CANNA to advertise, promote and sell Defendant's Goods.

16. Long after Jemie's aforesaid use of the CANNA family of marks and names, Defendant also adopted and began to use, and now continues to use, the CANNA-formative domain name <foopcanna.com>.

Jemie's Prior Objection to Defendant

17. Jemie has objected to Defendant's infringing use of the CANNA mark, CANNA-formative name and the domain name.

18. To date, despite multiple attempts to settle this dispute through negotiations, and many promises from Defendant to stop its use of the CANNA name, mark, and domain name, Defendant has not stopped using the aforesaid CANNA mark, CANNA-formative name and domain name, as shown below:





# 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.