

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
Southern Division – Detroit**

LITTLE CAESAR ENTERPRISES,
INC.,

a Michigan corporation, and

LC TRADEMARKS, INC.,

a Michigan corporation,

Plaintiffs,

v.

GURMOH, INC.,

a Washington corporation,

ABW FOODS LLC,

a Washington limited liability
company,

ATMA SINGH JASSAL,

a Washington citizen,

MOHAN JASSAL,

a Washington citizen, and

GURJEET JASSAL,

a Washington citizen,

Defendants.

Case No. _____

COMPLAINT

Plaintiffs Little Caesar Enterprises, Inc. and LC Trademarks, Inc. (collectively, “Little Caesar”) bring this action for breach of contract, trademark infringement, unfair competition, and trade dress infringement. Little Caesar has terminated its Franchise Agreements with Defendants based on Defendants’ breach of those Agreements by failing to provide multiple contractually required financial

statements to Little Caesar. Despite the termination, Defendants continue to hold themselves out as LITTLE CAESARS franchisees.

Defendants' continued, unauthorized use and enjoyment of Little Caesar's confidential business system and the LITTLE CAESARS trademarks, trade name, and trade dress breaches the Franchise Agreements and violates the Lanham Act, 15 U.S.C. §§ 1114, *et seq.* Little Caesar seeks injunctive, monetary, and other relief against Defendants for the reasons set forth below.

THE PARTIES

1. Plaintiff Little Caesar Enterprises, Inc. is a Michigan corporation with its principal place of business in Detroit, Michigan. It is engaged in the business of franchising independent businesspersons to operate LITTLE CAESARS restaurants throughout the United States. Little Caesar's franchisees are licensed to use the LITTLE CAESARS trade name, trademarks, and service marks and to operate under the LITTLE CAESARS System, which involves the production, merchandising, and sale of pizza, chicken wings, and related products utilizing special equipment, equipment layouts, interior and exterior accessories, identification schemes, products, management programs, standards, specifications, proprietary marks, and information.

2. Plaintiff LC Trademarks, Inc. is a Michigan corporation with its principal place of business in Detroit, Michigan. LC Trademarks, Inc. is the owner

of the trademark, service mark, and trade name “LITTLE CAESARS,” and related marks. It licenses these marks to Plaintiff Little Caesar Enterprises, Inc., which in turn licenses them to LITTLE CAESARS franchisees.

3. Defendant Gurmoh, Inc. is a Washington corporation with a principal place of business in Burien, Washington. Gurmoh owned five LITTLE CAESARS franchises located in and around Seattle, Washington (Store Nos. 1475-0001, 1475-0002, 1475-0003, 1475-0005, and 1475-0006), pursuant to Franchise Agreements with Little Caesar. It operated three of those franchises (Store Nos. 1475-0001, 1475-0002, and 1475-0003). The owners of Gurmoh are Defendants Atma Singh Jassal and Mohan Jassal, each a citizen and resident of Washington.

4. ABW Foods, LLC is a Washington limited liability company with a principal place of business in Lynnwood, Washington. ABW Foods operated two of Gurmoh’s LITTLE CAESARS franchises (Store Nos. 1475-0005 and 1475-0006). The members of ABW are Defendants Atma Singh Jassal and Mohan Jassal. No member of ABW is a citizen of the state of Michigan.

5. Defendant Atma Singh Jassal is a natural person and a citizen and resident of the State of Washington. Atma Singh Jassal is an owner of Gurmoh and ABW and personally guaranteed their obligations under their Franchise Agreements with Little Caesar pursuant to executed personal guarantees.

6. Defendant Mohan Jassal is a natural person and a citizen and resident

of the State of Washington. Mohan Jassal is an owner of Gurmoh and ABW and personally guaranteed their obligations under their Franchise Agreements with Little Caesar pursuant to executed personal guarantees.

7. Defendant Gurjeet Jassal is a natural person and a citizen and resident of the State of Washington. Gurjeet Jassal personally guaranteed the obligations of Gurmoh and ABW under their Franchise Agreements with Little Caesar pursuant to executed personal guarantees.

8. Defendants Gurmoh, Inc., ABW Foods, LLC, Atma Singh Jassal, Mohan Jassal, and Gurjeet Jassal are collectively referred to as “Gurmoh.”

JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to §§ 34(a) and 39 of the Lanham Act, 15 U.S.C. §§ 1116 & 1121; and 28 U.S.C. §§ 1331, 1332, 1338, & 1367(a). The amount in controversy exceeds \$75,000, exclusive of interest and costs, and no defendant shares a state of citizenship with any plaintiff.

10. This Court has *in personam* jurisdiction over Defendants because they conduct business in this district and the events giving rise to Little Caesar’s claims occurred in this district.

11. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and the venue provision contained in the parties’ Franchise Agreements.

BACKGROUND FACTS

Little Caesar

12. Plaintiff Little Caesar Enterprises, Inc. is the franchisor of the LITTLE CAESARS System.

13. Plaintiff LC Trademarks, Inc. owns numerous federal registrations for the mark “LITTLE CAESARS” and related marks. Among those registrations are Registration Nos. 2036763, 2028607, 2259637, 3904450, 3925216, and others. Each of these registrations is in full force and effect.

14. Plaintiff Little Caesar Enterprises, Inc. has the exclusive license to use and to license others to use the LITTLE CAESARS marks and trade name and has used them at all times relevant to this action to identify its restaurants and the pizza and other products associated with those restaurants.

15. The trade dress of LITTLE CAESARS restaurants includes the signage, lettering style, color scheme, exterior appearance, floor plans, and décor (including, without limitation, menu boards, display racks, and servers’ uniforms) that are featured at the restaurants operated by LITTLE CAESARS franchisees.

16. The LITTLE CAESARS trade dress consists of arbitrary embellishments primarily adopted for the purpose of identification and individuality, and is nonfunctional.

17. The LITTLE CAESARS trademarks and trade dress are utilized in

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