

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

HOVERFLY TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. _____
)	
HOVERFLY INC.,)	Demand for Jury Trial
)	
Defendant.)	
)	

**PLAINTIFF HOVERFLY TECHNOLOGIES, INC.’S COMPLAINT
AGAINST DEFENDANT HOVERFLY, INC.**

Plaintiff Hoverfly Technologies, Inc. (“Hoverfly”), for its complaint hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for trademark infringement and unfair competition, based on Defendant Hoverfly Inc.’s infringement of Plaintiff’s Hoverfly trademark.
2. Plaintiff is the owner, and senior user, of the Hoverfly trademark, having used the mark in interstate commerce continuously since 2010.

THE PARTIES

3. Hoverfly Technologies, Inc. (“Hoverfly”) is a Delaware corporation, with its principal place of business at 12151 Research Parkway, Suite 100, Orlando, Florida 32826.

4. Upon information and belief, Defendant Hoverfly Inc. (“Defendant”) is a Michigan corporation, with its principal place of business at 46866 Sunnybrook Lane, Novi, Michigan, 48374.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under the Lanham Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331 (federal question) and 1338 (trademarks).

6. Hoverfly’s federal claims arise under the laws of the United States, specifically 15 U.S.C. §§ 1051 *et seq.*, the Lanham Act.

7. Subject matter jurisdiction over Hoverfly’s remaining claims is proper pursuant to 28 U.S.C. §§ 1338 and 1367 because Hoverfly has asserted a substantial and related trademark claim, and because the remaining claims are so related to the Lanham Act claim that they form part of the same case or controversy.

8. The Court has jurisdiction over Defendant because, on information and belief, Defendant: (a) is a Michigan corporation with a principal place of

business in this judicial district; (b) has marketed, distributed, offered for sale, and/or sold trademark infringing goods and/or services to persons within Michigan; (c) regularly transacts and conducts business within Michigan; and/or (d) has otherwise made or established contacts with Michigan sufficient to permit the exercise of personal jurisdiction.

9. Venue is proper for this action pursuant to 28 U.S.C. § 1391 because Defendant resides in this judicial district, and a substantial part of the events or omissions giving rise to Hoverfly's claims occurred in this judicial district.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

Hoverfly's Business

10. Hoverfly is a U.S. manufacturer of aerial drones designed for multiple applications, including for security and public safety, and related accessories

11. An exemplar Hoverfly drone is shown below:





12. Hoverfly manufactures drones for use by government, first responders, and industry leaders in defense, security, automotive, heavy industry, sports, and the media.

13. Hoverfly's drones can be tethered or untethered, carry payload, capture video, conduct surveillance, and more.

14. Hoverfly has been in operation since 2010 and is the *de facto* industry leader.

Hoverfly's Rights in the Hoverfly Trademark

15. Hoverfly has continuously used the Hoverfly mark in interstate commerce as a source indicator since 2010.

16. As a result of its use of the Hoverfly mark, Hoverfly applied for, and was granted a federal trademark registration for the Hoverfly mark.

17. On March 20, 2012, the United States Patent & Trademark Office (“USPTO”) issued Hoverfly a registration certificate, Registration No. 4114672, for the Hoverfly mark.

18. In this Complaint, Hoverfly’s trademark will be referred to as the “HOVERFLY Trademark.”

19. The HOVERFLY Trademark was first used in commerce on or about September 1, 2010.

20. In 2018, Hoverfly inadvertently did not file a “Section 8” declaration of continued use with the USPTO.

21. Nevertheless, Hoverfly continued, and continues, to use the HOVERFLY Trademark in commerce.

22. Since 2010, Hoverfly has continuously sold goods and/or services throughout the United States.

23. Since its 2010 inception, Hoverfly has made a significant investment of time, money, and effort in advertising and promoting the HOVERFLY Trademark.

24. Hoverfly has maintained the website Hoverflytech.com since 2010 which has continually displayed the HOVERFLY Trademark.

25. Hoverfly is the national senior user of the HOVERFLY Trademark.

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