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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BBK Tobacco & Foods, LLP, an Arizona limited liability partnership, d/b/a HBI International,

Plaintiff,

v.

BLUUM LAB LLC, a Florida limited liability company; JUUCY LLC, a Florida limited liability company; and JUUCY HOLDINGS, L.L.C., a Florida limited liability company

Defendants.

Case No. _____

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff BBK Tobacco & Foods, LLP, d/b/a HBI International (“BBK”), for its Complaint against Defendants BLUUM LAB, LLC, JUUCY LLC, and JUUCY HOLDINGS L.L.C. (collectively “Defendants”) states as follows:

NATURE OF THE CASE

This is an action for trademark infringement, unfair competition, false designation of origin, and false advertising under the Lanham Act, 15 U.S.C. §§ 1114, 1125(a); and common law trademark infringement and unfair competition, as well as deceptive trade practices, under the law of the State of Nevada.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1332, 1338, and 1367. This case primarily involves a federal question, complete

1 diversity of citizenship exists, and the amount in controversy exceeds \$75,000. Subject matter
2 jurisdiction over BBK's related state common law claims is proper pursuant to 28 U.S.C. §§ 1338
3 and 1367.

4 2. Upon information and belief, this Court may exercise personal jurisdiction over
5 Defendants, and each of them, by virtue of their committing acts of trademark infringement in the
6 State of Nevada which they knew or should have known would cause injury in Nevada.
7 Defendants, and each of them, have conducted business and have directly harmed BBK in this
8 District by using, selling, offering for sale and/or importing products that infringe on BBK's
9 trademarks at the CHAMPS Show ("CHAMPS") held on February 2-5, 2022 at the Las Vegas
10 Convention Center in Las Vegas, Nevada.

11 3. Venue is proper in the United States District Court for the District of Nevada under
12 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to BBK's claims occurred
13 in the District of Nevada. Pursuant to LR IA 1-6, venue lies in the unofficial Southern Division
14 of this judicial district.

15 THE PARTIES

16 4. BBK is an Arizona limited liability partnership with its principal place of business
17 in Arizona.

18 5. Defendant Bluum Lab LLC ("BluumLab") is a Florida limited liability company
19 with a place of business and mailing address located at 470 Ansin Blvd., Hallandale Beach, FL
20 33009, organized in or around October 2018.

21 6. The corporate information BluumLab filed with the Florida Secretary of State
22 identifies two individuals who are authorized to act on behalf of BluumLab: Yehuda Gabay and
23 Elad Barda.

24 7. Defendant Juucy LLC ("Juucy LLC") is a Florida limited liability company with
25 a place of business and mailing address located at 470 Ansin Blvd., Hallandale Beach, FL 33009,
26 organized in or around July 2020.

27 8. The corporate information Juucy LLC filed with the Florida Secretary of State
28

1 identifies Yehuda Gabay and Elad Barda as authorized to act on behalf of Juucy LLC.

2 9. Defendant Juucy Holdings L.L.C. (“Juucy Holdings”) is a Florida limited liability
3 company with a place of business and mailing address located at 470 Ansin Blvd., Hallandale
4 Beach, FL 33009, organized in or around September 2021.

5 10. The corporate information Juucy Holdings filed with the Florida Secretary of State
6 also identifies one of the following two individuals, connected to BluumLab and Juucy LLC, as
7 authorized to act on behalf of Juucy Holdings: Yehuda Gabay and Masoud Wardak.

8 11. True and correct copies of BluumLab’s, Juucy LLC’s, and Juucy Holdings’
9 corporate filings with the Florida Secretary of State are attached hereto as Exhibit A.

10 12. Upon information and belief, BluumLab, Juucy LLC, and Juucy Holdings are each
11 the alter ego of the other, and are the officer, agent, servant, representative, and/or employee of
12 the other, acting in participation with each other, and have authority or apparent authority to bind
13 the other.

14 13. Upon information and belief, Defendants, and each of them, own and intend to
15 operate a “Juucy” website located at <juucy.com (the “Website”).

16 14. A true and correct copy of the home page of the Website, stating that it is under
17 construction and will be launching soon, is attached hereto as Exhibit B.

18 15. Although the actual registration information is protected by a privacy service, upon
19 information and belief, one of the Defendants registered the <juucy.com> domain name with
20 GoDaddy.com, LLC on or around January 27, 2022.

21 16. The registration for the <juucy.com> domain name identifies the registrant as
22 being located in Florida.

23 17. A true and correct copy of the WHOIS record for the <juucy.com> domain name
24 is attached hereto as Exhibit C.

25 18. Upon information and belief, one of the Defendants is the registered owner of the
26 <juucy.com> domain name registration.

27 19. Upon information and belief, Defendants, and each of them, registered for and
28

1 attended the CHAMPS Show as an exhibitor at booths 1133, 6091, and 7113 (the “Juucy
2 Booths”).

3 20. Upon information and belief, Defendants, and each of them, are responsible for
4 the manufacture, distribution, promotion, marketing, selling, offering for sale, and/or importing
5 products using the name “Juucy.”

6 **GENERAL ALLEGATIONS**

7 **A. BBK’s JUICY Brand Products and BBK Family of JUICY Marks**

8 21. BBK is in the business of designing, marketing, and selling tobacco-related
9 products, including loose tobacco, rolling papers, cigars, vaporizers, and liquid flavoring for
10 tobacco and legal smoking herbs, among other smoking-related products (the “BBK Products”).

11 22. BBK identifies certain line of BBK Products with the name “juicy” alone or in
12 combination with other words (the “JUICY Brand Products”).

13 23. In or around 2000, BBK launched a line of tobacco-related products using the
14 name “juicy.” BBK’s combined line of “juicy” products includes flavored rolling papers, flavored
15 cigars, flavored cigar wraps, and natural liquid products used to flavor tobacco, legal herbs, cigars,
16 pipes, vaporizers, and e-cigarettes.

17 24. The 2021 BBK catalog identifies numerous different JUICY Brand Products,
18 including, but not limited to JUICY brand rolling papers, rollers, smokable herbs, jars, storage
19 containers, incense sticks, and vaporizer pens.

20 25. BBK uses the word “juicy” as a distinctive, common formative element of the
21 series of marks for the JUICY Brand Products.

22 26. The marks containing the word “juicy” that BBK uses to identify the JUICY Brand
23 Products include the following: JUICY® and JUICY JAY’S® (the “BBK Family of JUICY
24 Marks”).

25 27. BBK has composed the BBK Family of JUICY Marks in such a way that the public
26 associates each individual mark and their common characteristic, “juicy,” with products
27 originating from BBK.
28

1 28. Consumers of smoking products and accessories associate the individual and
2 collective marks in the BBK Family of JUICY Marks and the word “juicy” itself, as an indicator
3 that BBK is the source of the goods of services identified with the word “juicy.”

4 29. BBK is named as the record owner of the following United States Patent and
5 Trademark Office (“PTO”) registrations of trademarks:

- 6 a. JUICY JAY’S (Reg. No. 2678289), issued on January 21, 2003, for “[t]obacco
7 accessories, namely, rolling papers,” based on an application filed on March 22, 2002;
- 8 b. JUICY (Reg. No. 3053223), issued on January 31, 2006, for “[t]obacco accessories,
9 namely rolling papers, rolling machines, pipes,” based on an application filed on
10 March 23, 2004;
- 11 c. JUICY JAY’S (Reg. No. 3876971), issued on November 16, 2010, for “[t]obacco and
12 herbal smoke masking incense,” based on an application filed on April 8, 2010;
- 13 d. JUICY (Reg. No. 4387522), issued on August 20, 2013, for “[c] hemical flavorings in
14 liquid form used to refill electronic cigarette cartridges; Flavorings for tobacco,” based
15 on an application filed on December 27, 2012;
- 16 e. JUICY (Reg. No. 4416085), issued on October 8, 2013 for “[e]lectronic vaporizers,”
17 based on an application filed on December 27, 2012;
- 18 f. JUICY (Reg. No. 4568185), issued on July 15, 2014, for “[h]erbs for smoking,” based
19 on an application filed on December 11, 2013;
- 20 g. JUICY (Reg. No. 5046497), issued on September 20, 2016, for “[p]roviding consumer
21 and business information and related news in the fields of marijuana and cannabis and
22 medicinal and therapeutic marijuana and cannabis,” based on an application filed on
23 May 19, 2015.

24 30. The trademarks within the BBK Family of JUICY Marks identified in the
25 paragraph above are referred to as the “Registered Marks in the BBK Family of JUICY Marks.”

26 31. True and accurate copies of the registration certificates for the Registered Marks
27 in the BBK Family of JUICY Marks are attached as Exhibits D through J.
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