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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MOMOIP LLC, a New York entity,

Plaintiff,

v.

YUZU KITCHEN LLC, a New York entity; DONG
CHEN A/K/A MAX CHEN, an individual; and
HAOCHENG SUN, an individual,

Defendants.

22 Civ. _____

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff MomoIP LLC states the following for its Complaint against Defendants Yuzu Kitchen LLC, Dong Chen a/k/a Max Chen, and Haocheng Sun (collectively, “Yuzu Kitchen”).

SUMMARY OF THE ACTION

1. Plaintiff is the holding company for the trademarks used by the “Momofuku Group,” a group of food and beverage businesses started in New York in 2004 by [celebrity chef] David Chang (together with MomoIP, “Momofuku”).

2. Momofuku—a word that translates to “lucky peach”—has owned valuable trademark rights in the below peach design (the “Lucky Peach”) for nearly twenty years.



3. Momofuku has used the Lucky Peach in connection with its iconic restaurants throughout New York City and the greater United States. The trademark appears on Momofuku's signage for NYC restaurants Noodle Bar, Ko, and Ssäm Bar, and is used in connection with various marketing and advertising materials, food products, and Mr. Chang's best-selling memoir.





4. In addition to the strong common-law trademark rights generated by Momofuku's longstanding use of the Lucky Peach logo, Momofuku also owns multiple federal trademark registrations for the Lucky Peach, dating back to 2009.

5. Momofuku and its NYC restaurants have been awarded multiple Michelin stars, have received multiple James Beard Foundation awards, and have been prominently featured on numerous occasions in the *New York Times*, *New York Magazine*, *The New Yorker*, *The Wall Street Journal*, *Time Magazine*, and *USA Today*.

6. Despite Momofuku's federally-registered trademark rights in the Lucky Peach, and in an effort to capitalize on the fame of Momofuku's restaurants and its goodwill with the people of New York, Defendant Yuzu Kitchen LLC—at the direction of Defendants Chen and Sun—recently began using a virtually identical imitation of the Lucky Peach in connection with a Japanese restaurant in New York City:



7. Yuzu Kitchen’s infringing peach design uses a nearly identical color scheme with black text that immediately calls to mind Momofuku’s Lucky Peach and its many iconic restaurants.

8. For months, Momofuku has sent letters to Yuzu Kitchen, demanding that Yuzu Kitchen immediately cease use of the Lucky Peach. Yuzu Kitchen never once responded, and instead continues blatantly to infringe Momofuku’s federally registered trademark.

9. Momofuku has therefore been forced to bring this is action at law and in equity for trademark infringement, unfair competition, and unfair business practices arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.* (“Lanham Act”); the fair business practices and unfair and deceptive trade practices acts of New York; and New York common law. Among other relief, Momofuku asks this Court to: (a) permanently enjoin Yuzu Kitchen from using the Lucky Peach in connection with Yuzu Kitchen’s restaurant or any other food- or beverage-related goods and services; and (b) award Momofuku punitive damages, attorneys’ fees, and costs.

PARTIES

10. Plaintiff MomoIP LLC is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 104 W. 27th St., 9th Floor, New York, New York 10001.

11. Defendant Yuzu Kitchen LLC is a limited liability company organized and existing under the laws of the State of New York, having its principal place of business at 37 W. 43rd St., New York, New York 10036.

12. Defendant Dong Chen, also known as Max Chen, is an individual domiciled in the State of New York and residing at 10 Riverside Blvd., Apt. 28A, New York, New York 10069.

13. Defendant Haochen Sun is an individual domiciled in the State of New York and residing at 21 West End Ave., PH13, New York, New York 10023.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under section 39 of the Lanham Act, 15 U.S.C. § 1121 and under 28 U.S.C. §§ 1331 and 1338. Subject matter jurisdiction over Momofuku's related state and common law claims is proper pursuant to 28 U.S.C. §§ 1338 and 1367.

15. This Court has both general and specific personal jurisdiction over Yuzu Kitchen LLC because (a) Yuzu Kitchen LLC is organized under the laws of New York and has its principal place of business in this District; (b) Yuzu Kitchen LLC regularly transacts and conducts business within the State of New York, including in this District, to such an extent that it is at home in New York; and (c) Yuzu Kitchen LLC purposefully availed itself of the laws of New York by operating a restaurant within New York, in connection with which it uses a mark that infringes the Lucky Peach.

16. This Court has personal jurisdiction over Defendants Chen and Sun because, upon information and belief, both are domiciled in the State of New York.

17. Venue is proper in proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1),



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