

**UNITED STATES DISTRICT COURT
EATERN DISTRICT OF PENNSYLVANIA**

CHPH Agency, Inc.
625 E. Girard Ave 1st FLR
Philadelphia PA 19125

COMPLAINT

Plaintiff,

Case No: _____

v.

Medi-Home Health Care Agency Company
and
Medi-Home Health Care Agency
3634-3638 N. Broad St.
Philadelphia, PA

JURY TRIAL DEMANDED

TRADEMARK INFRINGEMENT COMPLAINT

Plaintiff CHPH Agency, Inc. files this cause of action against Defendants Medi-Home Health Care Agency and Medi-Home Health Care Agency Company for trademark infringement. Defendants are using a mark in commerce that has the same design and is confusingly similar to Plaintiff's federally registered trademark. Defendants have full knowledge of the infringement and continue to infringe after Plaintiff told Defendants about Plaintiff's trademark and demanded that Defendants stop the infringement. Plaintiff states:

1. Plaintiff CHPH Agency, Inc. is a corporation organized under the laws of Pennsylvania with a place of business at 625 E. Girard Ave 1st FLR, Philadelphia PA 19125.
2. Defendant Medi-Home Health Care Agency Company is a corporation organized under the law of Pennsylvania with a place of business at 3634-3638 N. Broad St., Philadelphia PA 19140.
3. Defendant Medi-Home Health Care Agency is a corporation organized under

the law of Pennsylvania with a place of business at 3634-3638 N. Broad St., Philadelphia PA 19140.

4. Ikishia Jackson owns the trademark registered with the United States Patent and Trademark Office (“USPTO”) with registration number 6,123,756 (“CHPH Trademark”). Ms. Jackson also is the sole owner of Plaintiff. Prior to the first use in commerce of the CHPH Trademark, Ms. Jackson exclusively licensed full use of and rights related to the CHPH Trademark to Plaintiff. That License is exclusive to Plaintiff and it includes all rights to enforce the CHPH Trademark, including the right to prevent others from using the CHPH Trademark and to recover damages caused by infringement or other violations regarding the CHPH Trademark.

5. The CHPH Trademark was first used in commerce on or before April 28, 2017.

6. CHPH Trademark is an illustration drawing which includes letters.

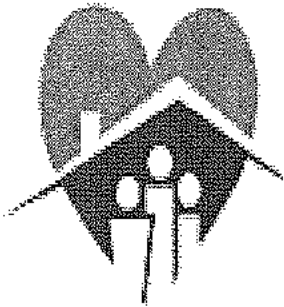
7. CHPH Trademark consists of the stylized letters "CHPH" at bottom, then 3 stick-figure bodies with heads directly above the letters "HP" with each letter having an elongated side separating the three figures. Behind the figures is a heart overlapped by a roof with a chimney.

8. This is a copy of the drawing of the CHPH Trademark filed with the USPTO:

[Space intentionally left blank]



9. Defendants infringe because they use in commerce a mark that has the same design and is confusingly similar to CHPH Trademark. The following is a picture of the mark used by Defendants (“Defendants’ Mark”):



10. Defendants at times use infringing Defendants’ Mark with its name as shown in the following picture:



11. Defendants' Mark is not registered with the USPTO.
12. Defendants' Mark and the CHPH Trademark both have a heart, broken up by a roof with a chimney and three stick people underneath.
13. Plaintiff has received comments by people who were actually confused about whether Defendants' Mark was referring to services provided by Plaintiff.
14. Plaintiff and Defendants are home health care agencies and direct competitors. All three are operating in Philadelphia, PA.
15. A comparison by sight of the pictures of CHPH Trademark and Defendants' Mark reveals that Defendants' Mark is likely to cause confusion in the minds of consumers about the source of services offered under their respective marks.
16. Because the marks have the same design and a high degree of similarity in appearance and Plaintiff and Defendants provide the same services, consumers are likely to assume (mistakenly) that the services come from a common source.
17. The use of Defendants' Mark infringes the CHPH Trademark.
18. Defendants use Defendants' Mark all around the City of Philadelphia. Copies of pictures of Defendants' use of the Defendants' Marks in commerce are attached as Exhibit A.
19. Defendants placed the infringing Defendants' Mark on billboards in Philadelphia

after Plaintiff told Defendants that Defendants were infringing, that the CHPH Trademark was federally registered, and Plaintiff provided to Defendants a picture of Plaintiff's registered Trademark.

20. On December 17, 2020, through counsel Plaintiff sent Defendants a letter by regular Mail and by email putting Defendants on notice of infringement ("First Notice"). In the First Notice, Plaintiff provided the registration number of the federally registered CHPH Trademark, a copy of a picture of the CHPH Trademark filed with the USPTO and a copy of Defendants' mark to illustrate the similarity between the two marks.

21. Defendants did not respond to the First Notice but instead continued to use Defendants' Mark in commerce. A copy of First Notice is attached as Exhibit B.

22. On January 13, 2021, through counsel by email, Plaintiff again sent Defendants the letter originally sent on December 17, 2020 with the same copies of the CHPH Trademark and Defendants' Mark sent on December 17, 2020. In that email, Plaintiff's counsel said, "[t]he attached letter and exhibits to that letter provide that MediHome HealthCare Agency is violating a federally registered trademark owned by my client; and demands that MediHome HealthCare Agency stop that use. Please send this information to the appropriate person at MediHome HealthCare Agency. Thank you." ("Second Notice"). A copy of the Second Notice is attached as Exhibit C.

23. Minutes after the email with the Second Notice was sent to Defendants, counsel for Plaintiff called Defendants' office and the person receiving the call confirmed that the email had been received by Defendants and that the Second Notice would be given to a person with authority for Defendants to respond to the notice.

24. Other than confirming that the Second Notice had been received, Defendants did not respond to the Second Notice but instead continued to use Defendants' Mark in commerce, including on billboards.

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.