

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION**

REFINE | Facial Plastic Surgery & Aesthetics, )  
PLLC, )  
 )  
a Tennessee PLLC, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. \_\_\_\_\_  
 )  
Refined Looks at the Plastic Surgery Group, PLLC )  
 )  
a Tennessee PLLC, )  
 )  
Defendants. )

**COMPLAINT**

Plaintiff, REFINE | Facial Plastic Surgery & Aesthetics, PLLC (“Plaintiff”), in support of its claims against Defendant, Refined Looks at the Plastic Surgery Group, PLLC (“Defendant”), alleges the following:

**PARTIES**

1. Plaintiff, REFINE | Facial Plastic Surgery & Aesthetics, PLLC is a Tennessee Professional Limited Liability Company located at 660 S. Mt. Juliet Rd., Ste. 120, Mt. Juliet, TN 37122.
2. Plaintiff has additional office locations throughout Tennessee, including the cities Brentwood, Nashville, Gallatin, Lebanon, and Hermitage.
3. On information and belief, Defendant is a Tennessee Professional Limited Liability Company that is located at, and maintains an address for service of process at, 901 Riverfront Parkway, Ste. 100, Chattanooga, TN 37402.

## **JURISDICTION AND VENUE**

4. This is an action for trademark infringement arising under 15 U.S.C. §1114 and at common law, for unfair competition arising under 15 U.S.C. §1125(a) and at common law, for unfair competition arising under 15 U.S.C. §1125(c), for trademark infringement of a registered mark in violation of Tenn. Code Ann. §§ 47-25-501, et seq., and for unfair competition and deceptive trade practices in violation of the Tennessee Consumer Protection Act arising under Tenn. Code Ann. §§ 47-18-101, et seq.

5. This Court has subject matter jurisdiction over Plaintiff's claims for trademark infringement, unfair competition, and trademark dilution pursuant to 15 U.S.C. §1121, and 28 U.S.C. §§ 1331, 1332, and 1338.

6. On information and belief, Defendants have advertised, sold, and/or provided goods/services within this judicial district. Accordingly, this Court has personal jurisdiction over the Defendants.

7. This Court has supplemental jurisdiction over Plaintiff's claims arising under the laws of Tennessee pursuant to 28 U.S.C. § 1367(a). On information and belief, these claims are so related to Plaintiff's claims under federal law that they form part of the same case or controversy and derive from a common nucleus of operative fact.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

## **STATEMENT OF FACTS**

9. Plaintiff is a Tennessee Professional Limited Liability Company doing business under the name REFINE | Facial Plastic Surgery & Aesthetics, PLLC, organized on October 9, 2018.

10. Refine Medspa, PLLC is a Tennessee Professional Limited Liability Company under common ownership and control with the Plaintiff.

11. Plaintiff owns U.S. Registration Number 6,039,900 for the trademark “REFINE | Facial Plastic Surgery and Aesthetics” for use of the trademark in connection with “Cosmetic and plastic surgery; Medical services, namely, Cosmetic Facial Plastic and Reconstructive Surgery” (the “REFINE Trademark”).

12. A true and correct copy of the Registration Certificate is attached hereto as Exhibit A.

13. Plaintiff provides cosmetic and plastic surgery and medical services, namely, cosmetic facial plastic and reconstructive surgery under its REFINE Trademark.

14. Plaintiff has used its REFINE Trademark in interstate commerce, and within the State of Tennessee, since at least as early as October 9, 2018.

15. Plaintiff owns Tennessee Registration Number 55458, registered on December 28, 2018, for the trademark “REFINE | Facial Plastic Surgery and Aesthetics” for use in connection with Medical Services.

16. A true and correct copy of the Tennessee Registration Certificate is attached hereto as Exhibit B.

17. Plaintiff advertises its services under its REFINE Trademark in print and electronic media, in trade journals, newspapers, and magazines and via the Internet and Social Media, including, Twitter, Facebook and Instagram, among others.

18. Plaintiff has received unsolicited news coverage in well-known and widely-distributed “lifestyle” magazines, such as “Haute Living.”

19. The dominant feature of Plaintiff's Refine trademark is the first word in the trademark, the word "REFINE."

20. Defendant Refined Looks at the Plastic Surgery Group, PLLC is a Tennessee Professional Limited Liability Company, organized on October 7, 2019.

21. On information and belief, Defendant operates a medical spa business and advertises, promotes, and provides its cosmetic and plastic surgery and related medical services, in Tennessee, using the names "Refine Aesthetic Studio," "Refined Looks Spa," and "Refined Looks Plastic Surgery."

22. On information and belief, Defendant advertises its services under the names "Refine Aesthetic Studio," "Refined Looks Spa," and "Refined Looks Plastic Surgery" in print and electronic media, in trade journals, newspapers, and magazines and via the Internet and Social Media, including, Twitter, Facebook and Instagram, among others.

23. On information and belief, Defendant advertises its services under the names "Refine Aesthetic Studio," "Refined Looks Spa," and "Refined Looks Plastic Surgery" on the websites [refineaestheticstudio.com](http://refineaestheticstudio.com), [refinedlooks.com](http://refinedlooks.com) and [refinedlooks.com/spa](http://refinedlooks.com/spa) ("Defendant's Websites"). A true and correct copy of the "About" page from Defendant's Websites is attached hereto as Exhibit C.

24. Plaintiff first learned of the Defendant's use of the name "Refine Aesthetic Studio" when a current patient of the Plaintiff's medical practice asked about Plaintiff's new location in Chattanooga, Tennessee.

25. Plaintiff currently has no offices in Chattanooga, Tennessee; however, Plaintiff does have patients in Chattanooga, Tennessee.

26. After learning of “Refine Aesthetic Studio,” Plaintiff investigated the existence of any business in Tennessee using the name “Refine Aesthetic Studio.”

27. In 2020, despite diligent efforts to investigate the legal status of the business, Plaintiff was unable to locate any business registration or application, or any assumed name registration or application, for the name “Refine Aesthetic Studio” with the Tennessee Secretary of State, or with the Hamilton County Clerk, the county in which Chattanooga is located.

28. True and correct copies of the results of these searches are attached hereto as Group Exhibit D.

29. On information and belief, the domain name refineaestheticstudio.com now re-directs to the website at the domain name refinedlooks.com.

30. On information and belief, Plaintiff and Defendant provide identical services, to the same class of consumers, and the parties advertise and provide their services in the same channels of trade.

31. According to Defendant’s Websites, “Refined Looks Plastic Surgery” is located at 901 Riverfront Parkway, STE 100, Chattanooga, TN 37402, and “Refined Looks Plastic Surgery” now has a second location at 1949 Gunbarrel Road, Suite 303 Chattanooga, TN 37421. “Refine Aesthetic Studio” was previously located at the Riverfront Parkway address.

32. On information and belief, Defendant intentionally chose the name “Refine Aesthetic Studio” because the name contains both the word “REFINE” and the word “AESTHETIC,” which are the two dominant words in Plaintiff’s mark, appearing as the first and last words of the mark.

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