

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YETI Coolers, LLC,

Plaintiff,

v.

Love Deals Inc., and

Endliss Technology Inc.,

Defendants.

Case No. 1:23-cv-00079

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

- (1) TRADE DRESS INFRINGEMENT IN
VIOLATION OF 15 U.S.C. § 1125(a);**
- (2) TRADE DRESS INFRINGEMENT IN
VIOLATION OF 15 U.S.C. § 1125(a);**
- (3) TRADE DRESS DILUTION IN
VIOLATION OF 15 U.S.C. § 1125(c);**
- (4) TRADE DRESS DILUTION IN
VIOLATION OF 15 U.S.C. § 1125(c);**
- (5) UNFAIR COMPETITION AND FALSE
DESIGNATION OF ORIGIN IN
VIOLATION OF 15 U.S.C. § 1125(a);**
and
- (6) UNFAIR COMPETITION AND FALSE
DESIGNATION OF ORIGIN IN
VIOLATION OF 15 U.S.C. § 1125(a).**

Jury Trial Demanded

COMPLAINT

Plaintiff, YETI Coolers, LLC (“YETI”), for its complaint against Defendants, Love Deals Inc. (“Love Deals”) and Endliss Technology Inc. (Love Deals and Endliss collectively, “Defendants”), alleges as follows:

The Parties

1. YETI is a company organized and existing under the laws of the State of Delaware with a principal place of business at 7601 Southwest Parkway, Austin, TX 78735.
2. On information and belief, Love Deals is a California corporation having a place of business at 34972 Newark Blvd, Suite 160, Newark, CA 94560.
3. On information and belief, Love Deals has an “Active” “Right to Transact Business in Texas,” and a Registered Agent with a Registered Office at 815 Brazos St., Suite 500, Austin, TX 78701.
4. On information and belief, Love Deals has an assigned Texas taxpayer number of 32064830683.
5. On information and belief, Endliss is a California corporation having a place of business at 30773 Wiegman Road, Hayward, CA 94544.
6. On information and belief, Endliss has an assigned Texas taxpayer number of 32075857162.
7. On information and belief, Endliss and Love Deals are related corporate entities.
8. On information and belief, both Endliss and Love Deals have a place of business or address at 30773 Wiegman Rd, Hayward, CA 94544.
9. On information and belief, Endliss and Love Deals have or have previously had a common registered agent, including, as an example, Weiguang Huang.

10. On information and belief, Love Deals and Endliss have or have previously had at least one common officer, including, as an example, Sen Cai.

Jurisdiction and Venue

11. This is an action for trade dress infringement, trade dress dilution, and unfair competition and false designation of origin. This complaint arises under the Trademark Act of 1946, 15 U.S.C. § 1051, *et seq.* (“the Lanham Act”).

12. This Court has subject matter jurisdiction over this action pursuant to at least 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331, 1338(a) & (b), and 1367(a).

13. This Court has personal jurisdiction over Defendants because, *inter alia*, Defendants are purposefully and intentionally availing themselves of the privileges of doing business in the State of Texas, including in this District.

14. Among other things, (i) on information and belief, Love Deals has an assigned Texas taxpayer number of 32064830683, Endliss has an assigned Texas taxpayer number of 32075857162, and at least Love Deals has an “Active” “Right to Transact Business in Texas” and has a Registered Agent with a Registered Office at 815 Brazos St., Suite 500, Austin, TX 78701, (ii) Defendants have advertised, marketed, promoted, offered for sale, sold, distributed, manufactured, and/or imported, and continue to advertise, market, promote, offer for sale, sell, distribute, manufacture, and/or import, Infringing Drinkware to customers and/or potential customers, in the State of Texas and in this District and elsewhere, at least through Defendants’ websites and internet storefronts, (iii) Defendants’ tortious acts giving rise to this lawsuit and harm to YETI have occurred and are occurring in the State of Texas, including in this District, (iv) Defendants’ customers and/or potential customers reside in the State of Texas, including in this District, (v) Defendants’ actions are causing confusion and dilution in the State of Texas, including in this District; and (vi) on information and belief, Defendants acted with knowledge that their

unauthorized use of YETI's rights would cause harm to YETI in the State of Texas and in this District.

15. Venue is proper in this District pursuant to at least 28 U.S.C. §§ 1391(a)-(d).

General Allegations – YETI's Intellectual Property

16. For years, YETI has continuously engaged in the design, development, manufacture, promotion, and sale of its insulated drinkware products, including its 20 oz. Rambler® Tumbler and 30 oz. Rambler® Tumbler. YETI created unique, distinctive, and non-functional designs to use with YETI's 20 oz. and 30 oz. Rambler® Tumblers. YETI has extensively and continuously promoted and used its designs for its 20 oz. and 30 oz. Rambler® Tumblers for years in the United States and in Texas. Through that extensive and continuous promotion and use, YETI's designs have become a well-known indicator of the origin and quality of YETI's 20 oz. and 30 oz. Rambler® Tumblers. YETI's designs also have acquired substantial secondary meaning in the marketplace and have become famous. As discussed in more detail below, YETI owns trade dress rights relating to its 20 oz. Rambler® Tumblers ("YETI's 20 Trade Dress") and trade dress rights relating to its 30 oz. Rambler® Tumblers ("YETI's 30 Trade Dress"). YETI's 20 Trade Dress and YETI's 30 Trade Dress are collectively referred to herein as "YETI's Tumbler Trade Dress."

17. YETI has enjoyed significant sales of its 20 oz. and 30 oz. Rambler® Tumblers throughout the United States, including sales to customers in the State of Texas. YETI has invested significant resources in the design, development, manufacture, advertising, and marketing of its 20 oz. and 30 oz. Rambler® Tumblers. The designs and features of YETI's 20 oz. and 30 oz. Rambler® Tumblers have received widespread and unsolicited public attention. For example, YETI's 20 oz. and 30 oz. Rambler® Tumblers have been featured in numerous newspaper, magazine, and Internet articles, including in the State of Texas.

18. The designs of YETI's 20 oz. and 30 oz. Rambler® Tumblers are distinctive and non-functional and identify to consumers that the origin of YETI's 20 oz. and 30 oz. Rambler® Tumblers is YETI. As a result of at least YETI's continuous and extensive use of the designs of its 20 oz. and 30 oz. Rambler® Tumblers, YETI's marketing, advertising, and sales of its 20 oz. and 30 oz. Rambler® Tumblers, and the highly valuable goodwill, substantial secondary meaning, and fame acquired as a result, YETI owns trade dress rights in the design and appearance of its 20 oz. and 30 oz. Rambler® Tumbler, which consumers have come to uniquely associate with YETI.

19. Exemplary images of YETI 20 oz. Rambler® Tumblers are shown below:



20. YETI has trade dress rights in the overall look, design, and appearance of the YETI 20 oz. Rambler® Tumbler, which includes the design and appearance of the curves, tapers, and lines in the YETI 20 oz. Rambler® Tumbler; the design and appearance of the profile of the YETI 20 oz. Rambler® Tumbler; the design and appearance of the walls of the YETI 20 oz. Rambler® Tumbler; the design and appearance of the rim of the YETI 20 oz. Rambler® Tumbler; the design, appearance, and placement of the taper in the side wall of the YETI 20 oz. Rambler® Tumbler;

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