

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICELAND FOODS, INC.,	)	
	)	Case No.
Plaintiff,	)	
	)	<b>FEDERAL COMPLAINT FOR</b>
v.	)	<b>DAMAGES, INJUNCTIVE RELIEF,</b>
	)	<b>AND OTHER RELIEF BASED ON</b>
RICELAND TRADING, LTD d/b/a	)	<b>TRADEMARK INFRINGEMENT,</b>
RICELAND FOODS LTD, and	)	<b>TRADEMARK DILUTION, UNFAIR</b>
WISMETTAC ASIAN FOODS INC. d/b/a	)	<b>COMPETITION, AND UNJUST</b>
SEASIA,	)	<b>ENRICHMENT</b>
	)	
Defendants.	)	JURY DEMAND
	)	
	)	

Plaintiff Riceland Foods, Inc., an Arkansas corporation (or “Plaintiff” or “Riceland”), by and through its undersigned Counsel, files this Complaint against Defendants Riceland Trading, Ltd d/b/a Riceland Foods, Ltd (“Riceland Trading”) and Wismettac Asian Foods Inc., d/b/a SEASIA (“Wismettac”) (each a “Defendant” and collectively, the “Defendants”). In support of its Complaint, Plaintiff alleges as follows:

1. This is an action under the Trademark Laws of the United States, Title 15 U.S.C. §§ 1051, *et seq.*, for trademark infringement, unfair competition, and dilution pursuant to the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a) and (c), respectively. In addition this is an action, for trademark infringement, dilution and unfair competition, in violation of the common law and the statutes of the state of Washington.



1           2.       In an attempt to legitimize their unauthorized activities, the Defendants market  
 2 and sell counterfeit and potentially hazardous rice products using the Plaintiff's trademarks  
 3 without authorization, thereby creating consumer confusion as to whether such products are  
 4 affiliated, endorsed, and/or sponsored by the Plaintiff. Alternatively, Defendants are using the  
 5 Plaintiff's trademarks without authorization on competing and related rice products. The  
 6 Defendants' actions, as detailed below, maliciously tread upon the goodwill of the Riceland  
 7 brand and have harmed and continue to harm the Plaintiff. Consequently, Plaintiff seeks  
 8 damages, equitable relief including a preliminary and permanent injunction against the  
 9 Defendants, and reimbursement of its attorneys' fees and costs.

### PARTIES

11           3.       Plaintiff Riceland Foods, Inc. is a cooperative cooperation organized under the  
 12 laws of the state of Arkansas, with its principal place of business in Stuttgart, Arkansas. Plaintiff  
 13 is an exporter of rice and other grains, rice products, lecithin and vegetable oil.

14           4.       Upon information and belief, Riceland Trading is a foreign corporation in  
 15 Bangkok, Thailand, with its principal place of business at 33rd Floor Sinn Sathorn Tower,  
 16 77/140 Krungthonburi Rd. Bangkok, Thailand 10600.

17           5.       Upon information and belief, Wismettac (formerly Nishimoto Trading Co., Ltd.),  
 18 is a Washington corporation, with its principal place of business at 19931 72nd Ave. S, Ste 101,  
 19 Kent, WA, 98032, within this judicial district.

20           6.       Upon information and belief, SEASIA is an active trade name for Wismettac.

### JURISDICTION AND VENUE

22           7.       This Court has jurisdiction under 28 U.S.C. § 1338 as this civil action arises under  
 23 an Act of Congress related to trademarks. This Court has jurisdiction under 28 U.S.C. § 1367  
 24 and the doctrine of pendent jurisdiction over the state law claims as substantial and so related to  
 25 the claims arising under federal law that they form part of the same case and controversy under  
 26 Article III of the United States Constitution.

8. This Court may exercise jurisdiction over the Defendants because the causes of action alleged herein arose in whole or in part in Washington. Upon information and belief, the Defendants are providing, advertising, selling, and/or offering to sell goods and services bearing the infringing RICELAND Marks and, upon information and belief, have made sales in this judicial district.

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) on the ground that the infringing acts alleged herein arose, in whole or in part, within this judicial district.

**BACKGROUND FACTS**




**I. PLAINTIFF’S BUSINESS AND INTELLECTUAL PROPERTY RIGHTS**

10. Plaintiff is the world’s largest miller and marketer of rice, as well as a distributor of agricultural products, including rice, for human consumption.<sup>1</sup>

11. Plaintiff owns all right, title, and interest in and to the mark “RICELAND,” and has obtained Federal Trademark and Service Mark Registrations for the mark “RICELAND” for a wide range of food and other products, including, *inter alia*, rice products, namely, rice flour, rice bran and rice mixes; oil, vegetable oil, rice oil, shortening and dried beans. Plaintiff’s Federal Trademark and Service Mark Registrations for the mark “RICELAND” include the following word and design marks registered on the Principal Register of the United States Patent and Trademark Office, all but two of which are incontestable pursuant to 15 U.S.C. § 1065:

Mark	Classes	Goods	Reg. No.	Reg. Date
RICELAND	Classes 29, 30	Oil, namely, vegetable oil and rice oil; shortening.  Rice; rice products, namely, rice flour and rice bran; and rice mixes.	U.S. Reg. No. 2,552,665	March 26, 2002

<sup>1</sup> See About Riceland, Riceland Foods, Inc. Website available at <https://www.riceland.com/pages/about-riceland/> (Last Accessed, April 6, 2020).

1	RICELAND	Class 29	Dried beans	U.S. Reg. No. 5,507,521	July 3, 2008
2					
3	RICELAND (AND DESIGN) (BLACK & WHITE)	Class 30	Rice	U.S. Reg. No. 1,913,625	August 22, 1995
4					
5					
6	RICELAND (STYLIZED)	Class 30	Rice	U.S. Reg. No. 442,236	March 15, 1949
7					
8					
9	RICELAND FOODS	Classes 29, 30	Vegetable shortening and soybean salad and cooking oils; Rice.	U.S. Reg. No. 1,067,790	June 14, 1977
10					
11					
12	RICELAND MOBILE CAFÉ	Class 43	Mobile café services for providing food and drink;	U.S. Reg. No. 5,508,644	July 3, 2018
13	FAMILY		Providing of food and drink via a mobile truck.		
14	FARMER				
15	OWNED (AND				
16	DESIGN)				
17					
18	RICELAND PERFECTED	Class 30	Rice	U.S. Reg. No. 2,025,242	December 24, 1996
19	RICE				
20					

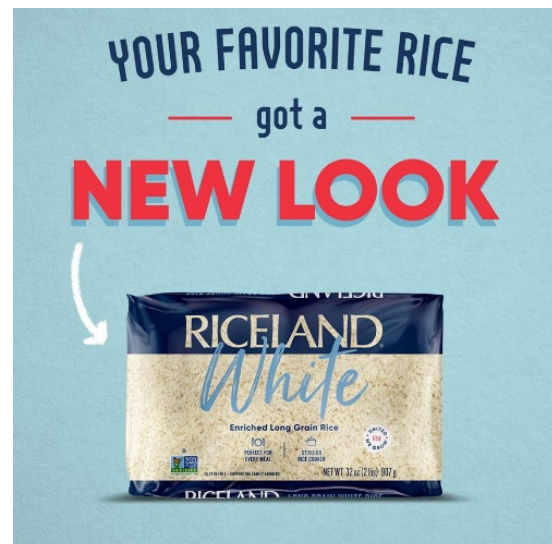
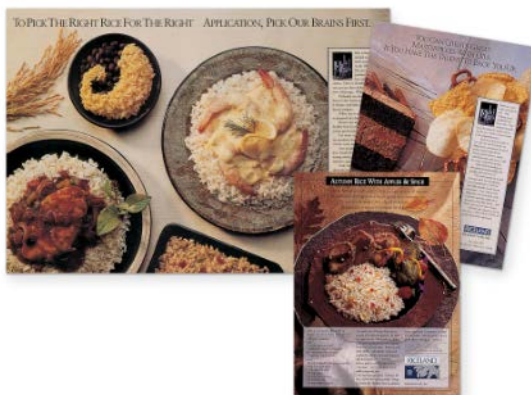
21 (collectively, the “RICELAND Marks”).

22 12. Plaintiff is also the sole and exclusive owner of common law trademark rights for  
23 RICELAND. For example, Plaintiff uses the aforementioned trademarks in-state commerce for  
24 Washington State and has done so since at least 2005.

25 13. Plaintiff owns all right, title, and interest in and to the mark “RICELAND” in  
26 various countries around the world, including, *inter alia*, Canada, China, Panama, and Taiwan.

1 A list of countries where Plaintiff has registrations for the RICELAND Marks, among others, is  
2 attached hereto as **Exhibit A**.

3 14. Plaintiff has used several of the RICELAND Marks continuously and exclusively  
4 in interstate commerce since at least 1946. The Marks have been used variously on and with  
5 labeling and packaging of food and in advertising and promotional material. Examples of the  
6 RICELAND Marks used in advertising throughout the years are included below.



15. Plaintiff ships its rice and rice products bearing the RICELAND Marks in various  
different sizes, including several that are sized primarily for consumers. Plaintiff uses other sized

# 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.