

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
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

MONSTER ENERGY COMPANY,
a Delaware corporation,

Plaintiff,

v.

PELMIR ENTERPRISE INC. d/b/a MONSTER
DOLLAR,
a Washington corporation,

Defendant.

) Civil Action No. 2:22-cv-524

) **COMPLAINT FOR TRADEMARK**
) **INFRINGEMENT, TRADE DRESS**
) **INFRINGEMENT, FALSE**
) **DESIGNATION OF ORIGIN, AND**
) **UNFAIR COMPETITION**

1 Plaintiff Monster Energy Company (“Plaintiff” or “Monster”) hereby complains of
2 Defendant Pelmir Enterprise Inc. d/b/a Monster Dollar (“Defendant”), and alleges as follows:

3 **I. JURISDICTION AND VENUE**

4 1. This is an action for 1) trademark infringement, trade dress infringement, and
5 false designation of origin under 15 U.S.C. § 1125(a), 2) trademark infringement under 15
6 U.S.C. § 1114, 3) Washington statutory unfair competition, and 4) Washington common-law
7 unfair competition.

8 2. The Court has original subject matter jurisdiction over the claims that relate to
9 trademark infringement, trade dress infringement, and false designation of origin, pursuant to 15
10 U.S.C. §§ 1116 and/or 1121(a), and pursuant to 28 U.S.C. §§ 1331 and 1338, as these claims
11 arise under the laws of the United States. The Court has supplemental jurisdiction over the
12 claims in this Complaint which arise under state statutory and common law pursuant to 28
13 U.S.C. §§ 1338(b) and 1367(a), because the state law claims are so related to the federal claims
14 that they form part of the same case or controversy and derive from a common nucleus of
15 operative facts.

16 3. This Court has personal jurisdiction over Defendant because Defendant resides in
17 and has a continuous, systematic, and substantial presence within this Judicial District and within
18 Washington. Defendant sells, advertises, markets, and promotes its goods and services in
19 Washington, including in this Judicial District. Defendant operates a retail store in this Judicial
20 District under the mark MONSTER DOLLAR and markets and advertises its goods and services
21 online in connection with the infringing mark through the URLs <https://www.monsterdollar.net/>
22 and <https://facebook.com/monsterdollar.net/>, which are available and accessible in Washington.
23 In addition, by committing acts of trademark infringement, trade dress infringement, false
24 designation of origin, and unfair competition, in this Judicial District, Defendant’s acts form a
25 substantial part of the events or omissions giving rise to Monster’s claims.

26 4. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b) and (c) at
27 least because Defendant resides in this Judicial District by virtue of being organized under the
28 laws of the State of Washington, being subject to personal jurisdiction within the Judicial

1 District, and a substantial portion of the events complained of herein having taken place in this
2 Judicial District.

3 **II. THE PARTIES**

4 5. Monster is a corporation organized and existing under the laws of the State of
5 Delaware, having a principal place of business at 1 Monster Way, Corona, California 92879.

6 6. Upon information and belief, Defendant is a corporation organized and existing
7 under the laws of Washington, having a principal place of business at 33720 9th Ave S, Suite 7,
8 Federal Way, WA, 98003-6735.

9 **III. COMMON ALLEGATIONS FOR ALL CLAIMS OF RELIEF**

10 **A. Monster and Its Trademarks and Trade Dress**

11 7. Monster is a nationwide leader in the business of developing, marketing, selling,
12 and distributing beverages. Monster has achieved extensive exposure and widespread
13 recognition of its MONSTER™ brand through its sponsorship of sports, athletes, and teams,
14 among other sponsorships. In addition to its numerous trademark registrations for beverages,
15 Monster owns trademark registrations for its MONSTER marks for a variety of other goods,
16 including, clothing, sports gear, bags, and beverageware, among many other goods and services.

17 8. In 2002, long before Defendant's acts described herein, Monster launched its
18 MONSTER ENERGY® drink brand, bearing its now-famous MONSTER mark and MONSTER
19 ENERGY® mark.

20 9. Monster's successful line of MONSTER drinks has grown to include numerous
21 other well-known products, the containers and packaging of which are prominently marked with
22 the MONSTER mark (referred to collectively as "MONSTER line of drinks").

23 10. Monster is also the owner of numerous trademark registrations for marks that
24 incorporate its famous MONSTER and/or MONSTER ENERGY® marks, for use in connection
25 with beverages, nutritional supplements, clothing, bags, advertising services, and other products
26 and services, including the following U.S. Trademark Registrations:

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
MØNSTER	6,451,182	Non-alcoholic beverages, namely, soft drinks, energy drinks, sports drinks, and fruit juice drinks	12/13/2017	8/17/2021
MONSTER ENERGY	5,661,940	Stickers; sticker kits comprising stickers and decals; decals; posters; calendars; money clips; blackboards; temporary tattoo transfers; pens; writing utensils; advertising signs of cardboard and paper	10/19/2016	1/22/2019
MONSTER ARMY	5,551,192	Clothing, namely, tops, shirts, t-shirts, hooded shirts, sweat shirts, and jackets Providing a web site featuring entertainment information and news on athletes; organizing and conducting educational programs and activities in the nature of classes, workshops, and sports competitions for athletes in the field of athlete development; athlete development program, namely, athlete training and mentoring in the field of wake, ski, surf, snowboard, motocross, mountain bike, BMX, and skate	11/16/2015	4/28/2018
MONSTER ENERGY	3,044,315	Nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not	5/23/2003	1/17/2006
MONSTER ENERGY	4,036,680	Nutritional supplements in liquid form	9/11/2007	10/11/2011
MONSTER ENERGY	5,114,854	Restaurant services; bar services	12/2/2013	1/3/2017
MONSTER ENERGY	4,721,433	Promoting goods and services in the sports, motorsports, electronic sports, and music industries through	3/12/2014	4/14/2015

MARK	REG. NO.	GOODS/SERVICES	DATE FILED	REG. DATE
		the distribution of printed, audio and visual promotional materials; promoting sports and music events and competitions for others		
MONSTER ENERGY	5,820,689	Sport helmets; video recordings featuring sports, extreme sports and motor sports; downloadable software for mobile devices for playing games; downloadable electronic game software for use on mobile devices; downloadable game software; downloadable interactive game programs; downloadable video game software and programs Beverageware; insulated beverage containers for domestic use; bottles, sold empty; drinking bottles for sports; water bottles sold empty; bottle openers Lanyards; lanyards for holding whistles, keys, badges, identification cards, event passes, media passes, photographs, recording equipment, or similar conveniences; tents Towels; blankets for outdoor use Clothing, namely, Tops, shirts, t-shirts, sweat shirts, jackets, bottoms, pants, bandanas, sweat bands, gloves; headwear; hats; beanies Toy cars; remote control toys,	1/15/2019	7/30/2019

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.