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TRADER JOE'S COMPANY

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 TRADER JOE'S COMPANY, a
California corporation,

15 Plaintiff,

16 v.

17 JOEMART LTD D/B/A TRADER
JOE, a corporation of the British
18 Virgin Islands; SOJ TRADING LTD
D/B/A JOEPEGS, a corporation of the
19 British Virgin Islands; CHENG
CHIEH LIU, an individual; and DOES
20 1-10,

21 Defendant.
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Case No. 2:23-cv-8395

COMPLAINT FOR

1. **FEDERAL TRADEMARK INFRINGEMENT**
(15 U.S.C. §§ 1114-1118, 1125)
2. **FEDERAL TRADEMARK DILUTION** (15 U.S.C. § 1125(c))
3. **VIOLATION OF ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT**
(15 U.S.C. § 1125(d))
4. **CALIFORNIA STATUTORY UNFAIR COMPETITION**
(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)
5. **COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**
6. **COMMON LAW CONVERSION**
7. **DECLARATORY RELIEF**
(28 U.S.C. § 2201)

JURY TRIAL DEMAND

1 Plaintiff Trader Joe’s Company (“Trader Joe’s” or “Plaintiff”) brings this
2 Complaint against Joemart Ltd d/b/a Trader Joe; SOJ Trading Ltd d/b/a Joepegs;
3 Cheng Chieh Liu; and Does 1-10 (collectively, “Defendants”).

4 **INTRODUCTION**

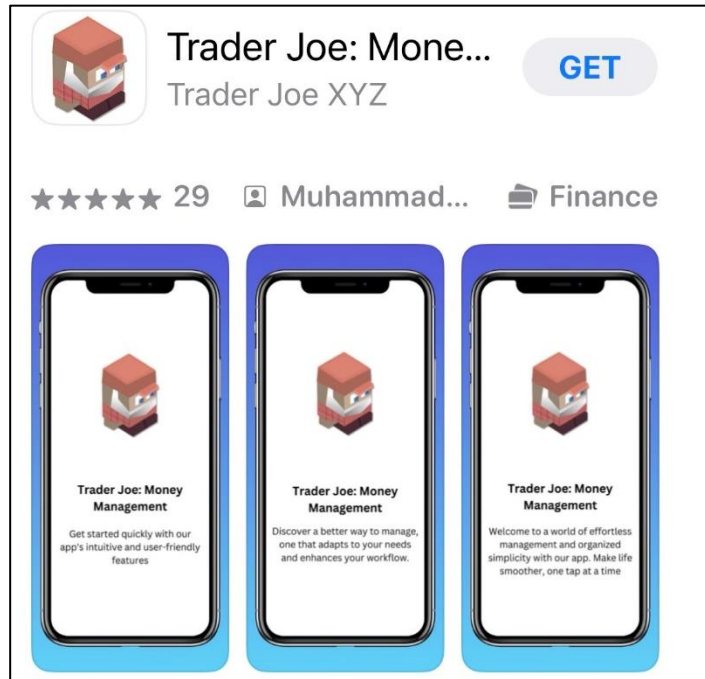
5 1. Trader Joe’s is the owner of several United States federal trademark
6 registrations for the mark TRADER JOE’S for retail grocery services and for a
7 range of food and beverage products and associated merchandise. For more than 50
8 years, Trader Joe’s has worked tirelessly to assure that the TRADER JOE’S mark is
9 associated only with goods and services of the highest quality. To achieve this
10 mission, Trader Joe’s maintains strict standards and tightly controls the sale of all
11 products bearing the TRADER JOE’S mark.

12 2. Defendants operate a cryptocurrency platform called “Trader Joe” and
13 use the domain name traderjoexyz.com. Defendants named the platform “after the
14 supermarket”—none other than Trader Joe’s—and developed a narrative around a
15 fictionalized “Trader Joe” who sells his crops in the local marketplace, further
16 evoking Trader Joe’s business and brand. An image of “Trader Joe” donning a red
17 cap (the famed color of Trader Joe’s logo, store motifs, and memorabilia) serves as
18 the platform’s avatar.

19 3. When challenged by Trader Joe’s, Defendants committed fraud to
20 obscure that origin story and to prevail in international legal proceedings with
21 Trader Joe’s over the domain name, recognizing that the true story would doom
22 their case and any plausible claim of right to use the traderjoexyz.com domain.

23 4. Defendants also operate a mobile application called “Trader Joe,”
24 which is available on the Apple App Store to, at least, consumers in the United
25 States. That application provides users with another way to interact with
26 Defendants’ “Trader Joe” platform and consume their goods and services—again,
27 all offered under the “Trader Joe” name as depicted in the image below.
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5. In addition to their flagship website and mobile application, Defendants operate an X (formerly known as Twitter) page under the name “Trader Joe” to publicize their platform. The avatar of “Trader Joe” features prominently on the page, including an image of “Trader Joe” standing in front of a produce stand. Marketplace imagery—specifically, food marketplace imagery—pervades the posts by Defendants, for example:



1 6. Defendants likewise operate a YouTube page under the name “Trader
2 Joe XYZ” to further publicize and promote their platform. They also operate, or
3 have operated, accounts under the name “Trader Joe” and/or “Trader Joe XYZ” on
4 Reddit, Github, LinkedIn, Substack, CoinMarketCap, Telegram, and Discord.

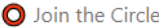

5 7. In addition to using the confusingly similar “Trader Joe” name,
6 Defendants’ website, X page, YouTube page, and other online profiles use Trader
7 Joe’s *exact* word mark—TRADER JOE’S—throughout.

8 8. For example, the “Welcome to Trader Joe” page on Defendants’
9 website includes the following uses of the exact TRADER JOE’S mark:

10 Built on the Blockchain, Trader Joe runs on Smart Contracts
11 Operating entirely on a decentralized network, **Trader Joe’s** Exchange is accessible around
12 the clock worldwide and is not restricted by any central authority. While using Trader Joe,
13 users are in complete control of their funds. When a user wants to make a trade on Trader
14 Joe, they use their wallet to send the desired amount of crypto to a smart contract on the
15 exchange, which then facilitates the transaction.

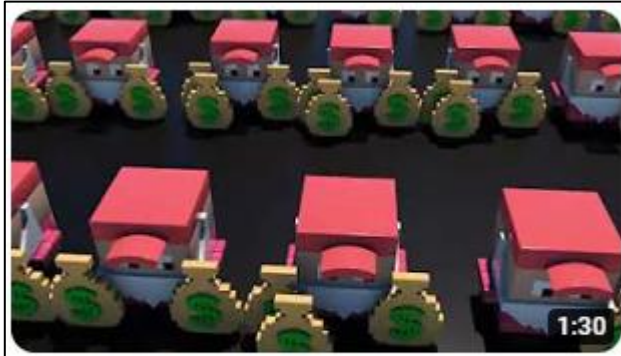
14 Trader Joe is on a global expansion mission
15 Since launching on Avalanche, **Trader Joe’s** Decentralized Exchange has facilitated over
16 \$88 billion in trading volume and enables thousands of daily active users to trade directly
17 with one another. Deployment of Joe V2, Liquidity Book, to Arbitrum One is **Trader Joe’s**
18 next step towards innovating on the frontiers of DeFi at a global scale. Arbitrum, the
19 leading Ethereum Layer-2 scaling solution, aims to reduce transaction fees and
20 congestion from the Ethereum main blockchain (Layer-1).

21 Similarly, Defendants’ platform advertises “Trader Joe’s Community Program”
22 including “Trader Joe’s Community Circle,” as shown below.

23 **Trader Joe's Community Program**
24  Join the Circle
25  Written by Trader Joe
Updated over a week ago
26 Trader Joe's Community Circle provides you with an opportunity to participate and
27 engage to complete tasks to level up your Discord role and Community standing. In the
28 Circle program you can unlock reward tracks and discover a new ways to participate in a
Web3 Community.

29 9. Other examples abound on Defendants’ social media channels. For
30 instance, Defendants posted videos celebrating “Trader Joe’s 1st Birthday” and
31 “Trader Joe’s 2nd Birthday” on their YouTube channel.

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Trader Joe's 1st Birthday
351 views · 1 year ago

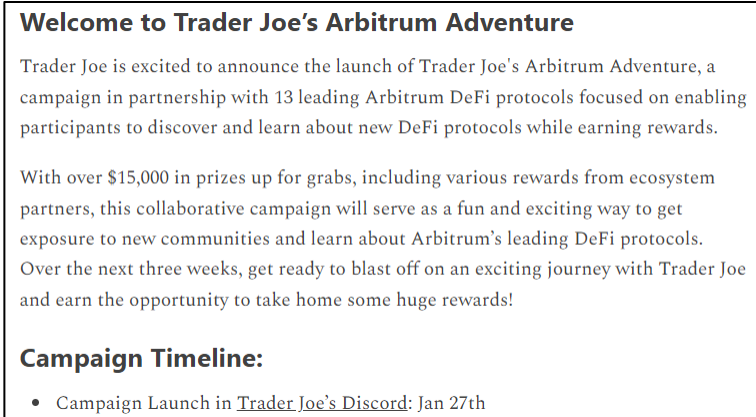
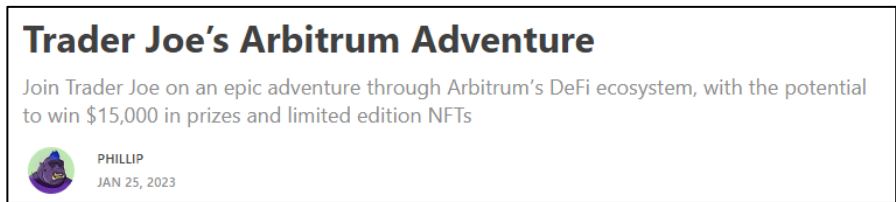
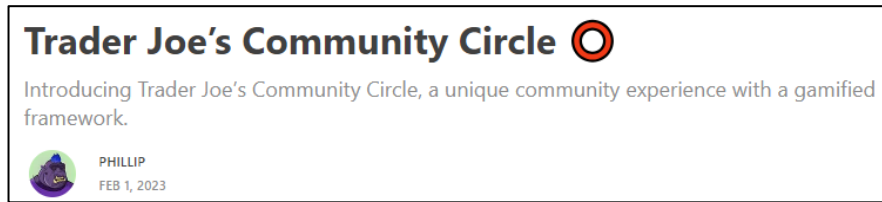


Trader Joe's 2nd Birthday
163 views · 2 months ago

Defendants' posts on X likewise use the TRADER JOE'S mark, for example:



As do Defendants' Substack posts, such as those shown below.



1 10. Further still, Defendants are continuing to register misleading domain
2 names that are confusingly similar to Trader Joe’s famous marks. Beyond the
3 domain name traderjoexyz.com, Defendants have also registered the domain names
4 trader-joes.site and trader-joe.website.

5 11. Defendants’ “Trader Joe” branding is designed to allow them to
6 commercially profit from Trader Joe’s famous mark and broader reputation by
7 causing confusion as to the source, sponsorship, affiliation, or endorsement of
8 Defendants’ website and services and by trading on Trader Joe’s hard-earned
9 goodwill and name recognition.

10 12. Defendants neither sought nor received Trader Joe’s permission to
11 name their platform after Trader Joe’s. To the contrary, Trader Joe’s sent
12 Defendants cease-and-desist letters demanding that they stop using the “Trader Joe”
13 name. Defendants failed to respond, let alone comply.

14 13. Well after Trader Joe’s demanded that they stop, Defendants continued
15 capitalizing on Trader Joe’s name, goodwill, and brand recognition—built up
16 through Trader Joe’s investment across more than half a century—to peddle their
17 own goods and services.

18 14. Defendants have engaged in acts of lawlessness globally under the
19 “Trader Joe” name, and that behavior harms Trader Joe’s reputation given
20 Defendants’ use of a virtually identical name. For example, Defendants, and/or
21 those acting in concert with them, undertook a vandalism-based marketing
22 campaign in Paris during Paris Blockchain Week—plastering “Trader Joe” branded
23 material on public and private property around the city, as shown below.

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15. Defendants have demonstrated an utter disregard for Trader Joe’s trademark and other rights, and the law writ large. Defendants have registered their businesses offshore and maintain a policy by which they and their employees use aliases not only externally but also within the company. Obscuring their identities both from outsiders and each other in day-to-day business dealings evidences an intent to avoid detection, subvert legal process, and operate free of legal consequence.

16. Ultimately, Defendants engaged in fraud in order to hold onto their platform and domain name as long as they could—knowing full well they had no right to use the name “Trader Joe” for their business.

17. After Defendants ignored Trader Joe’s attempts to privately urge them to desist their unsanctioned use of Trader Joe’s marks, Trader Joe’s turned to international legal process to protect its mark. On May 4, 2022, and as amended May 13, 2022, Trader Joe’s filed a complaint with the World Intellectual Property Organization (“WIPO”) Arbitration and Mediation Center to divest Defendants of

1 the domain name traderjoexyz.com. Trader Joe’s alleged that Defendants had no
2 legitimate claim to the traderjoexyz.com domain, as it was confusingly similar to
3 Trader Joe’s own name and mark. Trader Joe’s filed its complaint against
4 Defendant Cheng Chieh Liu, as registrant of the domain name traderjoexyz.com
5 and co-founder of the “Trader Joe” platform.

6 18. While the real origin of Defendants’ use of the “Trader Joe” name is
7 that they deliberately copied it from Trader Joe’s grocery stores, revealing this fact
8 would have laid bare their infringement of Trader Joe’s mark. So, to salvage their
9 case, Defendants concocted a false story. In the WIPO proceeding, Defendants
10 obscured the true beginnings of the “Trader Joe” name and falsely claimed that the
11 platform had been named for the co-founder’s brother.

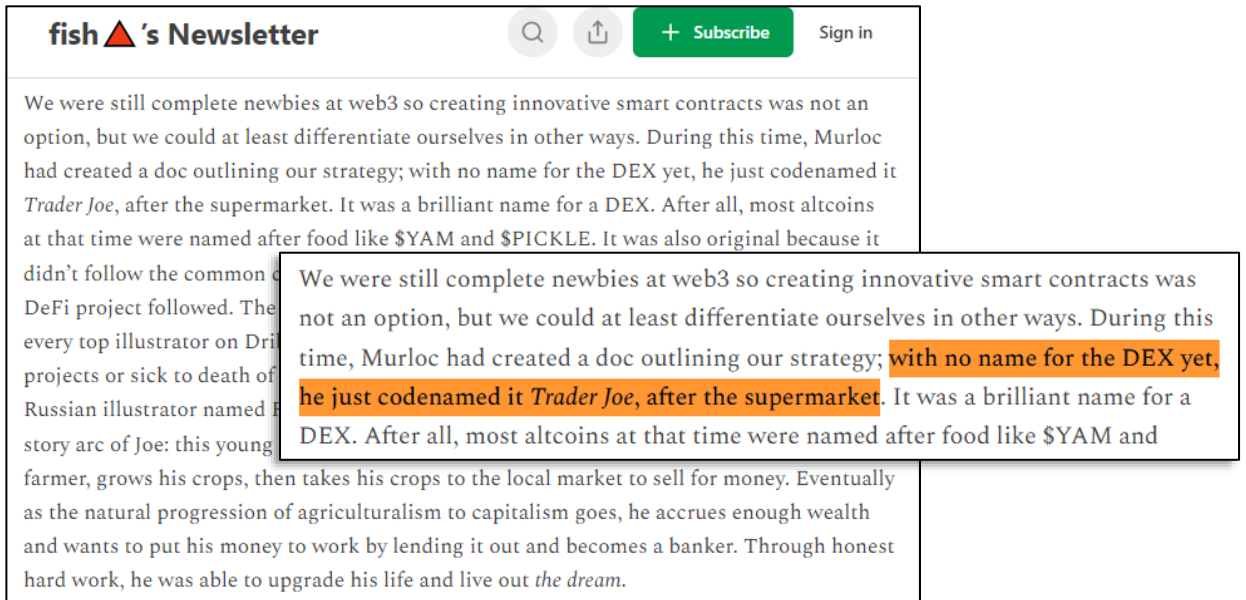
12 19. On June 9, 2022, Defendant Cheng Chieh Liu filed a response to
13 Trader Joe’s WIPO complaint. He asserted that the platform’s “Trader Joe” name
14 was not an “intentional misspelling of the TRADER JOE’S” mark. He further
15 represented to WIPO that, instead, the platform was “named for Respondent’s
16 brother, Joe Liu, who is an active member of the Trader Joe community.”

17 20. Those representations were false, and Defendants knew of their falsity.

18 21. Defendants contrived that false narrative with the intention that WIPO
19 would rely on it in rendering its decision and, in turn, decide the domain name
20 dispute in their favor.

21 22. Defendants’ plan worked. WIPO relied on Defendant Cheng Chieh
22 Liu’s representations, exactly as Defendants planned. In its decision, WIPO
23 accepted that “[t]he disputed domain name is not an intentional misspelling of
24 TRADER JOE’S,” and that “[t]he platform is also named for the Respondent’s
25 brother, Joe Liu, who is an active member of the ‘Trader Joe’ community.” Based
26 on those representations—now known to be false—WIPO denied Trader Joe’s
27 complaint and accordingly allowed Defendants to continue to possess and use the
28 traderjoexyz.com domain.

1 23. Just weeks after Defendants prevailed in the WIPO proceeding, a co-
 2 founder of Defendants Joemart Ltd d/b/a Trader Joe and SOJ Trading Ltd d/b/a
 3 Joepegs, who operates under the alias “cryptofish,” admitted in a Substack
 4 publication that Defendants had in fact named their new cryptocurrency platform
 5 “Trader Joe, after the supermarket,” thus revealing that Defendants had misled
 6 WIPO to avoid an order prohibiting their further possession and use of the
 7 infringing domain.



18 24. Defendants’ continued use of the “Trader Joe” name, traderjoexyz.com
 19 domain, and other similar names and brands undermines Trader Joe’s hard-earned
 20 reputation, unnecessarily confuses consumers, and infringes on Trader Joe’s
 21 broader intellectual property and other rights.

22 25. Defendants’ intentional use of Trader Joe’s mark shows that their
 23 infringement is deliberate and designed to benefit from Trader Joe’s reputation and
 24 to cause confusion. And Defendants’ unscrupulous activities—undertaken in the
 25 name of “Trader Joe”—further degrade Trader Joe’s wholesome and high-quality
 26 brand and reputation.

27 26. In light of Defendants’ continued violations of Trader Joe’s intellectual
 28 property rights in the face of Trader Joe’s repeated requests to stop, as well as the

1 potential for significant reputational harm as a result of that conduct, injunctive
2 relief is necessary to remedy the harm to Trader Joe's and prevent further
3 infringement of Trader Joe's rights.

4 **JURISDICTION AND VENUE**

5 27. This Court has original jurisdiction over this action under the
6 trademark laws of the United States 15 U.S.C. §§ 1051 *et seq.* and 28 U.S.C.
7 § 1331. This Court has supplemental jurisdiction over Trader Joe's related claims
8 for relief under state laws pursuant to 28 U.S.C. § 1367(a).

9 28. Venue in this District is proper under 28 U.S.C. § 1391 because a
10 substantial part of the events giving rise to the claims occurred in this District and a
11 substantial part of the property that is the subject of this action is situated in this
12 District, due to Trader Joe's headquarters in this District and the impact on Trader
13 Joe's trademark rights in this District. In the alternative, venue in this District is
14 proper under 28 U.S.C. § 1391 because Defendants are subject to personal
15 jurisdiction in this District.

16 **PARTIES**

17 29. Plaintiff Trader Joe's Company is a corporation organized under the
18 laws of the state of California with its principal place of business at 800 S.
19 Shamrock Avenue, Monrovia, California 91016.

20 30. Defendant Joemart Ltd d/b/a Trader Joe is a company incorporated in
21 the British Virgin Islands. According to the Trader Joe LinkedIn page, the
22 company's headquarters are located in New York, NY. On information and belief,
23 Joemart Ltd has employed and/or continues to employ persons worldwide,
24 including in the United States. On information and belief, Joemart Ltd has offered
25 and/or continues to offer its goods and/or services worldwide, including in the
26 United States.

27 31. Defendant SOJ Trading Ltd d/b/a Joepegs is a company incorporated
28 in the British Virgin Islands. On information and belief, SOJ Trading Ltd has

1 employed and/or continues to employ persons worldwide, including in the United
2 States. On information and belief, SOJ Trading Ltd has offered and/or continues to
3 offer its goods and/or services worldwide, including in the United States.

4 32. On information and belief, Defendant Cheng Chieh Liu is a Chinese
5 national residing in Singapore. He is a co-founder of the “Trader Joe” platform and
6 registrant of the disputed domain name traderjoexyz.com.

7 33. Trader Joe’s is not currently aware of the true names of the defendants
8 sued herein as Does 1-10, but will amend its complaint to substitute their true
9 identities as they become known.

10 34. On information and belief, at all relevant times, Defendants, and each
11 of them, were the agents, principals, partners, associates, joint venturers,
12 employees, and/or co-conspirators of each of the remaining co-defendants;
13 Defendants, and each of them, were at all times acting within the course, purpose,
14 and scope of said agency, partnership, association, joint venture employment,
15 and/or conspiracy; and Defendants, and each of them, were acting with the
16 authorization, permission, and/or consent of the remaining co-defendants.

17 **FACTUAL BACKGROUND**

18 **The Trader Joe’s Story**

19 35. Trader Joe’s is a national chain of neighborhood grocery stores that
20 has become famous for its unique shopping experience and exciting, yet affordable
21 product selection. Since 1967, Trader Joe’s stores have stocked Trader Joe’s-
22 branded products that feature globally inspired flavors, high quality, and excellent
23 value, and that are not available anywhere else. Trader Joe’s Crew Members are
24 knowledgeable and friendly. The stores encourage face-to-face interaction; self-
25 check-out is not available, nor is “click-and-collect” curbside service. The staff of
26 knowledgeable, friendly Crew Members and the frequently updated product
27 selection transform grocery shopping from a chore into an exciting experience full
28 of new discoveries each visit.

1 36. Although it is a national chain, Trader Joe’s maintains a neighborhood
2 feel by ensuring its stores’ structure, design, and Crew Members uniquely reflect
3 their locations and by donating hundreds of millions of dollars of food products to
4 its communities each year.

5 37. Trader Joe’s promotes its products through carefully curated channels.
6 It produces a newsletter, “The Fearless Flyer,” which is distributed at Trader Joe’s
7 stores and emailed to more than 700,000 customers throughout the United States.
8 Trader Joe’s also advertises on its podcast, various social media platforms, and on
9 its website, www.traderjoes.com. The Trader Joe’s website receives over 3.4
10 million visitors monthly even though customers cannot place orders there, which is
11 a testament to the popularity of its brand. The website offers information about
12 Trader Joe’s products, stores, and its commitment to the community.

13 38. Trader Joe’s does not have price-reduction sales events, it does not
14 offer coupons, and it does not provide loyalty programs or membership cards for its
15 customers. Nor does Trader Joe’s conduct extensive marketing and advertising
16 campaigns for its products in the way that manufacturers of branded food products
17 do. Instead, Trader Joe’s relies heavily on the quality of its products and shopping
18 experience to create loyal customers, who in turn promote its products via word-of-
19 mouth. Trader Joe’s can rely on word of mouth because it has worked tirelessly
20 and methodically to ensure that its customers closely associate Trader Joe’s and its
21 TRADER JOE’S marks with both innovative, high-quality products at the best
22 prices and with the rewarding, eventful, and fun shopping experience inside Trader
23 Joe’s stores.

24 39. The Trader Joe’s ethos and customer-centered experience has helped
25 Trader Joe’s expand from just a handful of stores in Southern California to over 540
26 neighborhood grocery stores in forty-two states and the District of Columbia.
27 Critical to Trader Joe’s success is its carefully cultivated reputation and attention to
28 the details of each product it sells.

Trader Joe's Intellectual Property Rights

40. For more than fifty years, Trader Joe's has offered grocery services under the mark TRADER JOE'S at its retail grocery stores. Each Trader Joe's grocery store is owned and operated by Trader Joe's; Trader Joe's does not franchise or license the mark TRADER JOE'S to others to use to offer retail grocery services in the United States. Trader Joe's does not permit the sale of Trader Joe's products outside of Trader Joe's stores, whether in another retail establishment or online, nor does it permit the use of any of its marks on any goods other than those sold by Trader Joe's.

41. The United States Patent and Trademark Office ("USPTO") has granted Trader Joe's numerous trademark registrations for the mark TRADER JOE'S, as summarized in the following chart (collectively, the "TRADER JOE'S Family of Marks"):

Mark	Serial No.	Reg. No.	Goods and Services
TRADER JOE'S	73/597,966 Filed May 12, 1986	1,424,176 Registered Jan. 06, 1987	Class 30: COFFEE, COFFEE BEANS, TEA, HONEY, CHOCOLATE, FLOUR, [WHEAT BRAN,] PASTRY AND MOLASSES
TRADER JOE'S	73/598,028 Filed May 12, 1986	1,422,216 Registered Dec. 23, 1986	Class 32: FRUIT JUICES, VEGETABLE JUICES [AND PAPAYA NECTAR]
TRADER JOE'S	73/598,027 Filed May 12, 1986	1,421,310 Registered Dec. 16, 1986	Class 29: [SAFFLOWER OIL,] DILL PICKLES, PINEAPPLE CHUNKS, FROZEN AND CANNED FISH, CHILI, BEEF SAUSAGE IN STICK FORM, SOUPS, CHOCOLATE MILK, PEANUT BUTTER AND POTATO CHIPS
TRADER JOE'S	73/598,029 Filed May 12, 1986	1,420,628 Registered Dec. 09, 1986	Class 42: SPECIALTY GROCERY STORE SERVICES
TRADER JOE'S	73/598,030	1,421,383 Registered	Class 33: WINES, VODKA AND GIN

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Mark	Serial No.	Reg. No.	Goods and Services
	Filed May 12, 1986	Dec. 16, 1986	
TRADER JOE'S	73/599,166 Filed May 16, 1986	1,421,358 Registered Dec. 16, 1986	Class 31: RAW NUTS, CAT FOOD AND DOG FOOD
TRADER JOE'S & Design	75/285,794 Filed May 03, 1997	2,171,157 Registered Jul. 07, 1998	Class 42: retail store services in the field of specialty foods and beverages
TRADER JOE'S	75/299,807 Filed May 28, 1997	2,160,601 Registered May 26, 1998	Class 29: processed fruits, canned fruits, bottled fruits, dried fruits, preserved fruits frozen fruits, fruit chips, fruit paste, [fruit pectin, fruit peels, fruit pulps,] fruit rinds, fruit salads, fruit sauces, fruit topping, fruit-based snack food, fruit preserves and conserves, [fruit-based fillings for cakes and pies,] fruit-based spreads, cut or sliced fresh fruits, applesauce, processed apples, processed apricots, banana chips, processed blueberries, processed cherries, [maraschino cherries, processed lemons, processed oranges, processed peaches, processed peels,] raisins, cranberry sauce, crystallized fruit, jams, jellies, lemon curd, marmalade, processed dates, processed artichokes, processed asparagus, processed avocados, processed beans, baked beans, dried beans, processed beets, processed olives, processed mushrooms, processed onions, processed peppers, processed pimientos, processed potatoes, processed tomatoes, canned soybeans, potato chips, yucca chips, cole slaw, dried soybeans, french fried potatoes, gherkins, guacamole, instant potatoes, lentils, [onion rings,] pickled vegetables, pickles, potato crisps, potato pancakes, [preserved truffles,] processed corn, salads (except macaroni, rice and pasta salad), sauerkraut, vegetable salads, processed

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Mark	Serial No.	Reg. No.	Goods and Services
			vegetables, tomato paste, tomato puree, textured vegetable protein for use as a meat extender, tofu, processed pumpkin seeds, processed almonds, processed coconut, edible oils, peanut butter, nut butter, butter, butter substitutes, [chocolate nut butter,] cooking oil, processed edible seeds, [rennet,] candied fruit and candied fruit snacks and candied nuts, salad oil, processed nuts, tahini, vegetable oil, processed anchovies, processed clams, caviar, bacon, beef, corned beef, roast beef, bologna, chicken, [chicken and dumplings,] seafood, soups, bouillon, soup broth, soup mixes, chowder, clam juice, chili, chop suey, chow mein, [processed crayfish, vegetable croquettes,] fish, fish and chips, fish fillets, ham, hamburger meat, hot dogs, jerky, [liver paste,] luncheon meats, meat, meat substitutes, pate, pork, pork rinds, poultry, poultry substitutes, processed prawns, processed lamb, salami, salmon, mayonnaise-based sandwich spread, sardines, sausages, shellfish, processed shrimp, smoked salmon, lox, tunafish, turkey, veal, cream cheese, cheese, cheese spreads, cheese substitutes, cheese and cracker combinations, milk, half and half milk and cream mixture, non-dairy creamer, acidophilus milk, chocolate milk, cream, whey-based food beverages, soy-based food beverages used as a milk substitute, dairy-based food beverages, dairy-based chocolate food beverages, vegetable-based food beverages, vegetable-based chocolate food beverages, cottage cheese, dairy products (excluding ice cream, ice milk and frozen yogurt), dairy-based dips, dips (excluding salsa and other sauces used as dips), egg nog, egg substitute, eggs, margarine, margarine substitutes, sour cream substitutes, sour

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Mark	Serial No.	Reg. No.	Goods and Services
			cream, whipping cream and yogurt, processed garlic
TRADER JOE'S	75/299,808 Filed May 28, 1997	2,156,879 Registered May 12, 1998	Class 30: artichoke sauce, bagels, bakery goods, baking powder, baking soda, barbecue sauce, biscuits, bran, bread, bread rolls, bread sticks, breakfast cereals, brioches, buns, burritos, cake mixes, cakes, candy, candy cake decorations, candy coated popcorn, candy mints, capers, caramel popcorn, caramels, cereal-based snack food, [chalupas,] cheese flavored puffed corn snacks, cheese sauce, cheesecake, chili powders, chili sauce, chocolate, chocolate chips, chocolate covered nuts, chocolate fondue, chocolate food beverages not being dairy-based or vegetable-based, chocolate powder, chocolate syrup, chocolate topping, chocolate truffles, chocolate-based filings for cakes and pies, chow mein noodles, chutney, cinnamon, cloves, cocoa, cocoa mixes, coffee, cones for ice cream, confectionery chips for baking, cookies, corn chips, corn curls, corn flakes, corn meal, corn syrup, couscous, cracker and cheese combinations, crackers, crepes, crumpets, crystallized ginger, curry, custard-based filings for cakes and pies, custards, danish pastries, dessert souffles, doughnuts, dried chili peppers, dumplings, eclairs, egg rolls, empanadas, enchiladas, fajitas, farina, flavored ices, flavoring syrup, flour, flour-based chips, food starch, frozen confections, frozen custards, frozen entrees consisting primarily of pasta or rice, frozen yogurt, fruit ice, fruit pies, gingerbread, glazed popcorn, gnocchi, grain or chicory based coffee substitutes, grain-based chips, grain-based food beverages, granola, granola-based snack bars, halvah, ham glaze, herb tea, herbal food beverages, honey, horseradish, hot chocolate,

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Mark	Serial No.	Reg. No.	Goods and Services
			hot sauce, ice cream substitute, ice cream, kasha, ketchup, lasagna, licorice, macaroni, macaroni and cheese, macaroni salad, maple syrup, marinades, mayonnaise, meat pies, minced garlic, mincemeat pies, mixes for making bakery goods, molasses, muffins, mustard, non-medicated lozenges, noodles, nutmeg, oatmeal, pancake mixes, pancake syrup, pancakes, parfaits, pasta, pasta salad, pasta shells, pastries, peanut butter confectionery chips, pepper, pickle relish, pies, pizza, pizza sauce, popped popcorn, pot pies, powdered garlic, powdered ginger, preserved ginger, pretzels, processed cereals, processed grains, processed oats, processed popcorn, puddings, puffed corn snacks, quiche, ravioli, ready-to-eat cereal derived food bars, relish, rice, rice salad, rice-based snack foods, rolled oats, rusks, salad dressings, salsa, salt, sandwiches, sauces, seasonings, sherbet, snack mix consisting primarily of crackers and/or pretzels and/or candied nuts and/or popped popcorn, sorbet, soy sauce, soy-based ice cream substitute, spaghetti, spaghetti and meatballs, spaghetti sauce, spices, sugar, taco chips, taco shells, tamales, tartar sauce, tea, tea-based beverages with fruit flavoring, tomato sauce, tortilla chips, tortillas, vanilla, vinegar, wafers, waffles and wheat-based snack foods
TRADER JOE'S	75/299,824 Filed May 28, 1997	2,158,990 Registered May 19, 1998	Class 32: ale, beer, [nonalcoholic malt beverage, non-alcoholic punch,] non-alcoholic cocktail mixes, carbonated and non-carbonated soft drinks, colas, ginger ale, ginger beer, fruit flavored soft drinks, soft drinks flavored with tea, fruit juices, fruit juice concentrates, aerated fruit juices, fruit drinks, fruit nectars, [fruit punch,] sweet cider, lemonade, [syrup for making lemonade,] syrups and essences for use in

Mark	Serial No.	Reg. No.	Goods and Services
			making soft drinks, tomato juice, vegetable juices, aloe vera juice, sports drinks, mineral water, [seltzer water,] soda water, spring water, aerated water, drinking water, [lithia water,] mineral water, quinine water and table water
TRADER JOE'S	85/146,590 Filed Oct. 06, 2010	4,001,531 Registered Jul. 26, 2011	Class 35: Retail grocery services
TRADER JOE'S & Design	85/146,783 Filed Oct. 06, 2010	4,001,533 Registered Jul. 26, 2011	Class 35: Retail grocery services
TRADER JOE'S & Design	87/151,808 Filed Aug. 26, 2016	5,221,626 Registered Jun. 13, 2017	Class 16: General purpose paper and plastic bags, merchandise bags, grocery bags for use in food wrapping and packaging Class 18: Food carrying bags, namely, reusable bags made from cloth or other textiles to carry products from grocery stores; All-purpose reusable carrying bags Class 35: Retail grocery services
TRADER JOE'S	87/922,408 Filed May 15, 2018	5,927,576 Registered Dec. 03, 2019	Class 33: Distilled blue agave liquor

42. Each of these registrations is valid, subsisting, and incontestable (with the sole exception of Reg. No. 5,927,576) pursuant to 15 U.S.C. § 1065.

43. Trader Joe's also owns substantial common law trademark rights covering use of the famous mark TRADER JOE'S in several contexts.

44. As a result of Trader Joe's tremendous success, the TRADER JOE'S Family of Marks have come to symbolize extraordinary goodwill and have achieved great fame both within and outside the United States.

1 45. The fame and popularity of the TRADER JOE’S Family of Marks
2 have generated very strong customer demand for other TRADER JOE’S-branded
3 products and services and immediate brand recognition of the TRADER JOE’S
4 trademarks and Trader Joe’s.

5 **The Unauthorized “Trader Joe” Platform And Unlawful Activities**

6 46. Defendants have purposefully advertised, marketed, promoted, offered
7 for sale, sold, and continue to advertise, market, promote, offer for sale, and sell
8 goods and services that violate Trader Joe’s intellectual property rights.

9 47. Defendants operate the cryptocurrency platform called “Trader Joe”
10 (the “Platform”) using the domain name traderjoexyz.com. They named the
11 Platform “after the supermarket,” *i.e.*, Trader Joe’s, and did so without
12 authorization.

13 48. Defendants also operate a mobile application called “Trader Joe” (the
14 “App”) which is available on the Apple App Store. The App provides users with
15 another way to interact with the Platform.

16 49. Defendants offer and advertise their goods and services under the
17 name “Trader Joe” on their website, the App, and various ancillary online
18 platforms, such as X (formerly Twitter), YouTube, and Reddit.

19 50. The “Trader Joe” name used by Defendants is confusingly similar to
20 the TRADER JOE’S trademarks—and in fact, Defendants repeatedly use Trader
21 Joe’s *exact* word mark to offer and advertise their goods and services on their
22 website and ancillary platforms.

23 51. Defendants also employ food marketplace imagery and a red color
24 scheme in connection with their commercial Platform to further evoke Trader Joe’s
25 business and brand.

26 52. Defendants neither sought nor received Trader Joe’s permission to
27 name the Platform after Trader Joe’s or to use the confusingly similar name “Trader
28 Joe.”

1 53. As a result of Defendants’ activities, there is a likelihood that
2 consumers will be confused that Trader Joe’s is associated or affiliated with Trader
3 Joe, or that Trader Joe’s sponsored, approved, or licensed Defendants’ use of its
4 name or the substantially similar “Trader Joe” name.

5 54. Defendants’ repeated use of the “Trader Joe” name in connection with
6 their Platform also impairs the distinctiveness of the TRADER JOE’S Family of
7 Marks and thereby causes dilution by blurring. Further, Defendants’ unscrupulous
8 activities cause dilution by tarnishment of the TRADER JOE’S Family of Marks.

9 55. Defendants’ use of the confusingly similar “Trader Joe” name and
10 infringement of Trader Joe’s trademarks has been intentional, willful, and
11 malicious. Defendants’ bad faith has been evidenced, *inter alia*, by their unlawful
12 use of the “Trader Joe” name notwithstanding their knowledge of Trader Joe’s
13 trademark rights; their refusal to alter their conduct upon receipt of Trader Joe’s
14 cease-and-desist letters; and their fraudulent conduct before WIPO to deceive it into
15 believing the Platform was not, in fact, named after Trader Joe’s.

16 **Trader Joe’s Repeatedly Demands That Defendants Cease And Desist Their**
17 **Unlawful Activities**

18 56. On September 8, 2021, Trader Joe’s counsel sent email
19 correspondence to Defendants demanding they cease and desist use of the web
20 domain www.traderjoexyz.com and any other web domains that connote an
21 affiliation or connection to Trader Joe’s; cease and desist all use of TRADER
22 JOE’S trademark and any mark likely to cause confusion with the TRADER JOE’S
23 trademark on their website and any associated mobile applications and social media
24 pages, including but not limited to https://twitter.com/traderjoe_xyz; and refrain
25 from using the TRADER JOE’S trademark, in any URL, domain or subdomain, or
26 on their website and any associated mobile applications, Twitter, Facebook,
27 Instagram, or other social media pages.

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1 57. On January 25, 2022, Trader Joe’s counsel sent a further cease-and-
2 desist letter to an employee of Defendants whom it had identified through an
3 investigation into the company, presenting the same demands and further
4 demanding the identities and contact information for the company’s founders. The
5 employee promptly notified the company’s founders of Trader Joe’s infringement
6 allegations and furnished them with copies of the letter, and then sent Trader Joe’s
7 counsel a copy of that correspondence. However, he informed Trader Joe’s counsel
8 that he did not know their true identities—because they used aliases in their
9 interactions—and therefore could not provide that information to Trader Joe’s. He
10 then tendered his resignation from Trader Joe.

11 58. Trader Joe’s never received a response to its cease-and-desist letters
12 from any of Defendants or any person purporting to represent Trader Joe.

13 59. To date, Defendants have refused to comply with Trader Joe’s
14 demands.

15 **Defendants Commit Fraud In Proceedings Over The Disputed Domain Name**
16 **Before The World Intellectual Property Organization**

17 60. On May 4, 2022, and as amended May 13, 2022, Trader Joe’s filed its
18 complaint with WIPO against Defendant Cheng Chieh Liu, who had registered the
19 domain name traderjoexyz.com, to divest Defendants of the disputed domain name.

20 61. On June 9, 2022, Defendant Cheng Chieh Liu filed his response,
21 disclaiming any intentional association with Trader Joe’s and further representing
22 to WIPO that, to the contrary, the Platform was “named for Respondent’s brother,
23 Joe Liu, who is an active member of the Trader Joe community.”

24 62. That origin story was false—and Defendants knew it to be false. As
25 was later revealed, Defendants had actually named the Platform “after the
26 supermarket,” *i.e.*, Trader Joe’s.

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1 63. Defendants contrived that false narrative with the intention that WIPO
2 would rely on it in rendering its decision and, in turn, decide the domain name
3 dispute in their favor. And they succeeded.

4 64. WIPO relied on Defendant Cheng Chieh Liu’s false representations.
5 In its decision, WIPO accepted that “[t]he disputed domain name is not an
6 intentional misspelling of TRADER JOE’S,” and that “[t]he platform is also named
7 for the Respondent’s brother, Joe Liu, who is an active member of the ‘Trader Joe’
8 community.” From that foundation, WIPO denied Trader Joe’s complaint and
9 allowed Defendants to proceed using the traderjoexyz.com domain name.

10 65. As of the date of filing this lawsuit, Defendants have yet to cease and
11 desist their unlawful activities.

12 66. Defendants’ aforesaid acts have caused and, unless said acts are
13 restrained by this Court, will continue to cause Trader Joe’s to suffer irreparable
14 injury.

15 67. Trader Joe’s has no adequate remedy at law and is therefore entitled to
16 injunctive relief.

17 **FIRST CAUSE OF ACTION – FEDERAL TRADEMARK INFRINGEMENT**
18 **(15 U.S.C. §§ 1114-1118, 1125)**

19 68. Trader Joe’s incorporates all of the above paragraphs as though fully
20 set forth herein.

21 69. Trader Joe’s owns the TRADER JOE’S Family of Marks, as described
22 above. The TRADER JOE’S Family of Marks are valid and protectable.
23 Consumers recognize the TRADER JOE’S Family of Marks as designating Trader
24 Joe’s as the source of goods and services. At all relevant times, Defendants had
25 actual and/or statutory notice of Trader Joe’s registrations of its Family of Marks.

26 70. Defendants have used in commerce, without the consent of Trader
27 Joe’s, the confusingly similar “Trader Joe” name—as well as Trader Joe’s exact
28 word mark—in connection with offering and advertising their goods and services.

1 Defendants' use of the TRADER JOE'S word mark, and the substantially similar
2 "Trader Joe" name, is likely to cause confusion among ordinary consumers as to the
3 source, sponsorship, affiliation, or approval of Defendants' goods and services.

4 71. As a direct and proximate result of Defendants' foregoing acts, Trader
5 Joe's has been damaged and has suffered and will continue to suffer immediate and
6 irreparable injury. Trader Joe's is informed and believes that unless said conduct is
7 enjoined by this Court, Defendants will continue and expand those activities to the
8 continued and irreparable injury of Trader Joe's. This injury includes a reduction in
9 the distinctiveness of the TRADER JOE'S Family of Marks and injury to Trader
10 Joe's goodwill that damages cannot remedy. Trader Joe's has no adequate remedy
11 at law.

12 72. Trader Joe's is entitled to a permanent injunction pursuant to 15
13 U.S.C. § 1116, restraining and enjoining Defendants and their agents, servants,
14 employees, and all persons acting thereunder, in concert with, or on their behalf,
15 from using in commerce the TRADER JOE'S Family of Marks, the confusingly
16 similar "Trader Joe" name, or any colorable imitations thereof.

17 73. Pursuant to 15 U.S.C. § 1117, Trader Joe's is also entitled to recover
18 (i) Defendants' profits, increased to adequately compensate Trader Joe's, (ii) up to
19 treble Trader Joe's ascertainable damages, (iii) Trader Joe's costs of suit, and (iv)
20 prejudgment interest. Defendants' willful use of the TRADER JOE'S Family of
21 Marks, and the confusingly similar "Trader Joe" name, without excuse or
22 justification, renders this an exceptional case and entitles Trader Joe's to its
23 reasonable attorneys' fees. Defendants' fraud in the WIPO proceedings that Trader
24 Joe's initiated, which led WIPO to an erroneous determination and thus
25 necessitated the instant action, further confirms this is an exceptional case and
26 entitles Trader Joe's to its reasonable attorneys' fees.

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1 **SECOND CAUSE OF ACTION – FEDERAL TRADEMARK DILUTION**
2 **(15 U.S.C. § 1125(c))**

3 74. Trader Joe’s incorporates all of the above paragraphs as though fully
4 set forth herein.

5 75. The TRADER JOE’S Family of Marks are distinctive and famous.
6 Those marks became famous prior to the time Defendants first used those marks, or
7 the confusingly similar “Trader Joe” name, in commerce.

8 76. Defendants are making use in commerce of the TRADER JOE’S word
9 mark, and the confusingly similar “Trader Joe” name, on their website, the App,
10 and ancillary platforms.

11 77. Defendants’ use of the “Trader Joe” name, coupled with their
12 unscrupulous and unlawful activities, creates an association between Trader Joe’s
13 and unsavory conduct, low quality goods, and general disrepute.

14 78. Defendants’ use of the famous TRADER JOE’S word mark, and the
15 confusingly similar “Trader Joe” name, accordingly erodes the public’s positive
16 association with these marks, thereby tarnishing the TRADER JOE’S Family of
17 Marks.

18 79. Defendants’ use of the “Trader Joe” name in connection with their
19 Platform also impairs the distinctiveness of the TRADER JOE’S Family of Marks
20 and thereby causes dilution by blurring.

21 80. As a direct and proximate result of Defendants’ foregoing acts, Trader
22 Joe’s has been damaged and has suffered and will continue to suffer immediate and
23 irreparable injury. Trader Joe’s is informed and believes that unless said conduct is
24 enjoined by this Court, Defendants will continue and expand those activities to the
25 continued and irreparable injury of Trader Joe’s. This injury includes a reduction in
26 the distinctiveness of the TRADER JOE’S Family of Marks and injury to Trader
27 Joe’s goodwill that damages cannot remedy. Trader Joe’s has no adequate remedy
28 at law.

1 81. Trader Joe’s is entitled to a permanent injunction pursuant to 15
2 U.S.C. § 1116, restraining and enjoining Defendants and their agents, servants,
3 employees, and all persons acting thereunder, in concert with, or on their behalf,
4 from using in commerce the TRADER JOE’S Family of Marks, the confusingly
5 similar “Trader Joe” name, or any colorable imitations thereof.

6 82. Defendants first used the TRADER JOE’S word mark, and the
7 confusingly similar “Trader Joe” name, in 2021 and willfully intended to harm the
8 reputation of the TRADER JOE’S Family of Marks. Pursuant to 15 U.S.C. § 1117,
9 Trader Joe’s is also entitled to recover (i) Defendants’ profits, increased to
10 adequately compensate Trader Joe’s, (ii) up to treble Trader Joe’s ascertainable
11 damages, (iii) Trader Joe’s costs of suit, and (iv) prejudgment interest. Defendants’
12 willful use of the TRADER JOE’S Family of Marks, and the confusingly similar
13 “Trader Joe” name, without excuse or justification, renders this an exceptional case
14 and entitles Trader Joe’s to its reasonable attorneys’ fees. Defendants’ fraud in the
15 WIPO proceedings that Trader Joe’s initiated, which led WIPO to an erroneous
16 determination and thus necessitated the instant action, further confirms this is an
17 exceptional case and entitles Trader Joe’s to its reasonable attorneys’ fees.

18 **THIRD CAUSE OF ACTION – VIOLATION OF ANTI-**
19 **CYBERSQUATTING CONSUMER PROTECTION ACT**
20 **(15 U.S.C. § 1125(d))**

21 83. Trader Joe’s incorporates all of the above paragraphs as though fully
22 set forth herein.

23 84. Defendant Cheng Chieh Liu registered the domain name
24 traderjoexyz.com, which is confusingly similar to the famous and distinctive
25 TRADER JOE’S word mark.

26 85. Defendants each have used and continue to use the domain name
27 traderjoexyz.com, which is confusingly similar to the famous and distinctive
28 TRADER JOE’S word mark.

1 86. Defendants have also registered the domain names trader-joes.site and
2 trader-joe.website, each of which is confusingly similar to the famous and
3 distinctive TRADER JOE'S word mark.

4 87. Defendants registered and/or used the traderjoexyz.com,
5 trader-joes.site, and trader-joe.website domain names with the bad faith intent to
6 profit from TRADER JOE'S word mark, including by causing confusion as to
7 affiliation with Trader Joe's and by capitalizing on Trader Joe's name, goodwill,
8 and brand recognition to attract consumers to their own commercial venture.

9 88. Pursuant to 15 U.S.C. § 1125(d)(1)(C), Trader Joe's is entitled to an
10 order transferring the domain names traderjoexyz.com, trader-joes.site, and
11 trader-joe.website to Trader Joe's or, in the alternative, to an order of forfeiture or
12 cancellation of the domain names traderjoexyz.com, trader-joes.site, and
13 trader-joe.website.

14 89. Pursuant to 15 U.S.C. § 1117, Trader Joe's is also entitled to recover
15 (i) Defendants' profits, increased to adequately compensate Trader Joe's, (ii) up to
16 treble Trader Joe's ascertainable damages, (iii) Trader Joe's costs of suit, and (iv)
17 prejudgment interest. Defendants' willful use of the "Trader Joe" name and willful
18 use and/or registration of the domain names traderjoexyz.com, trader-joes.site, and
19 trader-joe.website, which are confusingly similar to the TRADER JOE'S Family of
20 Marks, without excuse or justification, render this an exceptional case and entitle
21 Trader Joe's to its reasonable attorneys' fees. Defendants' fraud in the WIPO
22 proceedings that Trader Joe's initiated, which led WIPO to an erroneous
23 determination and thus necessitated the instant action, further confirms this is an
24 exceptional case and entitles Trader Joe's to its reasonable attorneys' fees.

25 **FOURTH CAUSE OF ACTION - CALIFORNIA STATUTORY UNFAIR**
26 **COMPETITION**

(Cal. Bus. & Prof. Code §§ 17200 *et. seq.*)

27 90. Trader Joe's incorporates all of the above paragraphs as though fully
28 set forth herein.

1 91. Defendants engaged in unlawful, unfair, and/or fraudulent business
2 acts and practices within the meaning of California’s Unfair Competition Law
3 (“UCL”), including by infringing and diluting the value of Trader Joe’s registered
4 and common-law trademarks.

5 92. Defendants’ unauthorized use of the TRADER JOE’S word mark, and
6 the confusingly similar “Trader Joe” name, infringes Trader Joe’s exclusive rights
7 to its marks, is likely to cause confusion, mistake, or deception as to the source or
8 sponsorship of Defendants’ goods and services, and is likely to deceive the public
9 into believing that Defendants’ goods and services are sponsored, endorsed, or
10 approved by Trader Joe’s, or are otherwise associated with Trader Joe’s.

11 93. As a proximate result of Defendants’ actions, Trader Joe’s has suffered
12 and will continue to suffer great and irreparable injury and damage to its business
13 and goodwill, including reputational harm and a reduction in the distinctiveness of
14 its TRADER JOE’S Family of Marks. Unless Defendants are restrained and
15 enjoined from engaging in said unlawful conduct, Defendants will continue to
16 engage in the same, causing further great and irreparable injury and harm. The
17 balance of equities and public interest both favor enjoining Defendants’ wrongful
18 conduct. Accordingly, Trader Joe’s is entitled to preliminary and permanent
19 injunctive relief as set forth below.

20 **FIFTH CAUSE OF ACTION - COMMON LAW TRADEMARK**
21 **INFRINGEMENT AND UNFAIR COMPETITION**

22 94. Trader Joe’s incorporates all of the above paragraphs as though fully
23 set forth herein.

24 95. Trader Joe’s owns all rights, title, and interest in and to the distinctive
25 and famous TRADER JOE’S Family of Marks by virtue of its good-faith, extensive
26 manufacture, sale, and advertisement of various goods and services sold under the
27 TRADER JOE’S Family of Marks.

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1 96. Defendants market goods and services using the famous and
2 distinctive TRADER JOE’S word mark and the confusingly similar “Trader Joe”
3 name.

4 97. Such unauthorized use by Defendants infringes Trader Joe’s exclusive
5 rights to the TRADER JOE’S Family of Marks and is likely to confuse or deceive
6 the public as to Trader Joe’s association with Defendants’ goods and services when
7 no such relationship exists.

8 98. By such actions infringing Trader Joe’s trademarks, Defendants are
9 improperly trading upon Trader Joe’s reputation and goodwill and impairing Trader
10 Joe’s valuable rights in and to such trademarks.

11 99. Defendants have acted with full faith and knowledge of Trader Joe’s
12 use of and statutory and common law rights to the TRADER JOE’S Family of
13 Marks, and have done so without regard for the likelihood of consumer confusion
14 created by Defendants’ activities.

15 100. As a proximate result of Defendants’ actions, Trader Joe’s has suffered
16 and will continue to suffer great and irreparable injury and damage to its business
17 and goodwill, including a reduction in the distinctiveness of its TRADER JOE’S
18 Family of Marks. Unless Defendants are restrained and enjoined from engaging in
19 said unlawful conduct, Defendants will continue to engage in the same, causing
20 further great and irreparable injury and harm. The balance of equities and public
21 interest both favor enjoining Defendants’ wrongful conduct. Accordingly, Trader
22 Joe’s is entitled to preliminary and permanent injunctive relief as set forth below.

23 **SIXTH CAUSE OF ACTION - COMMON LAW CONVERSION**

24 101. Trader Joe’s incorporates all of the above paragraphs as though fully
25 set forth herein.

26 102. Trader Joe’s had a right to possess the traderjoexyz.com domain name
27 by virtue of its famous and distinctive TRADER JOE’S mark.

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1 103. Defendants substantially interfered with Trader Joe’s property right in
2 the traderjoexyz.com domain name by knowingly and intentionally taking
3 possession of the domain name, including by registering, using, and maintaining the
4 registration for the traderjoexyz.com domain name to the exclusion of Trader Joe’s.

5 104. Defendants further substantially interfered with Trader Joe’s property
6 right in the traderjoexyz.com domain name by knowingly and intentionally refusing
7 to relinquish and return the domain name to Trader Joe’s even after Trader Joe’s (i)
8 demanded that Defendants cease and desist their use of the traderjoexyz.com
9 domain name, and (ii) demanded in the WIPO domain name dispute proceedings
10 entitled *Trader Joe’s Company v. CHENG CHIEH LIU*, Case No. D2022-1620,
11 that the traderjoexyz.com domain name be transferred to Trader Joe’s.

12 105. Not only did Defendants refuse to return the domain name to Trader
13 Joe’s, but also they made fraudulent representations to the WIPO Arbitration and
14 Mediation Center during the course of the domain name dispute proceedings in an
15 effort to prevent Trader Joe’s from obtaining the relief it sought—specifically, the
16 transfer of the traderjoexyz.com domain name to Trader Joe’s.

17 106. On June 9, 2022, Defendant Cheng Chieh Liu filed a response to
18 Trader Joe’s WIPO complaint, which had alleged that Defendants had no legitimate
19 claim to the traderjoexyz.com domain name. In his response, Defendant Cheng
20 Chieh Liu asserted that the Platform’s “Trader Joe” name was not an “intentional
21 misspelling of the TRADER JOE’S” mark. He further represented to WIPO that,
22 instead, the Platform was “named for Respondent’s brother, Joe Liu, who is an
23 active member of the Trader Joe community.”

24 107. On information and belief, Defendant Cheng Chieh Liu acted in
25 concert together with each of Defendants in making those misrepresentations.

26 108. Those representations were false, and Defendants knew of their falsity.
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1 109. Defendants contrived that false narrative with the intention that WIPO
2 would rely on it in rendering its decision and, in turn, decide the domain name
3 dispute in their favor.

4 110. As Defendants had planned, WIPO relied on Defendant Cheng Chieh
5 Liu's representations. In its decision, WIPO accepted that "[t]he disputed domain
6 name is not an intentional misspelling of TRADER JOE'S," and that "[t]he
7 platform is also named for the Respondent's brother, Joe Liu, who is an active
8 member of the 'Trader Joe' community." WIPO thus denied Trader Joe's
9 complaint and accordingly allowed Defendants to continue controlling and using
10 the traderjoexyz.com domain name.

11 111. Trader Joe's did not consent to Defendants' possession of, use of, or
12 refusal to return the traderjoexyz.com domain name.

13 112. Trader Joe's suffered damages as a result of Defendants' conduct,
14 namely, an adverse judgment in the WIPO proceedings, Trader Joe's ongoing
15 deprivation of its property right in the traderjoexyz.com domain name, the ongoing
16 injury from Defendants' improper use of the domain name traderjoexyz.com, and
17 the expense of bringing the instant action to rectify the fraudulently-induced WIPO
18 decision. Trader Joe's is entitled to recover said damages and to an order
19 transferring the domain name traderjoexyz.com to Trader Joe's.

20 **SEVENTH CAUSE OF ACTION - DECLARATORY RELIEF**
21 **(28 U.S.C. § 2201)**

22 113. Trader Joe's incorporates all of the above paragraphs as though fully
23 set forth herein.

24 114. Trader Joe's contends that Defendants have no right to use the name
25 "Trader Joe" or the domain names traderjoexyz.com, trader-joes.site, or
26 trader-joe.website in connection with their commercial venture, including the
27 offering and advertising of their goods and services; and Defendants contend the
28 opposite.

1 115. There now exists between the parties an actual and justiciable
2 controversy concerning the rights to the disputed domain names traderjoexyz.com,
3 trader-joes.site, and trader-joe.website and Defendants’ ability to continue using the
4 name “Trader Joe” in connection with their commercial enterprise.

5 116. A declaration is necessary and appropriate at this time in light of
6 Defendants’ ongoing use of the traderjoexyz.com domain name, registration of the
7 trader-joes.site and trader-joe.website domain names, and ongoing use of the
8 broader “Trader Joe” name for their unauthorized cryptocurrency Platform.

9 117. Trader Joe’s has no adequate remedy at law.

10 118. Accordingly, Trader Joe’s seeks, pursuant to 28 U.S.C. § 2201, a
11 judgment from this Court declaring that Defendants’ use of the “Trader Joe” name
12 infringes on the TRADER JOE’S Family of Marks, and that Defendants are not
13 lawful holders of the domain names traderjoexyz.com, trader-joes.site, and
14 trader-joe.website.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Trader Joe’s respectfully requests the following relief:

17 1. That Defendants, and their agents, servants, employees,
18 representatives, successors, and assigns, and all persons, firms, or corporations in
19 active concert or participating with any of them, be immediately and permanently
20 enjoined from:

- 21 (a) using the domain name traderjoexyz.com, trader-joes.site,
22 trader-joe.website, or any similar variant thereof, and/or
23 retaining (or obtaining in the first instance) the registrations for
24 any of said domain names;
- 25 (b) using the X (formerly known as Twitter), YouTube, Reddit,
26 Github, LinkedIn, Substack, CoinMarketCap, Telegram,
27 Discord, or other social media platform name or handle “Trader
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Joe,” “Trader Joe XYZ,” “traderjoe_xyz,” or any similar variant thereof;

(c) operating a mobile application by the name “Trader Joe,” “Trader Joe’s,” “Trader Joe XYZ,” or any similar variant thereof, and/or otherwise using any of said names in connection with a mobile application;

(d) offering goods or services, operating a platform, and/or advertising or promoting said platform, goods, or services as “Trader Joe,” “Trader Joe’s,” “Trader Joe XYZ,” or any similar variant thereof;

(e) directly or indirectly infringing Trader Joe’s trademarks in any manner including, but not limited to, advertising, selling, and/or offering for sale any goods or services bearing any confusingly similar imitations of any mark in the TRADER JOE’S Family of Marks;

(f) promoting or facilitating any services in any manner that is likely to confuse, mislead, or deceive members of the public into believing that Joemart Ltd d/b/a Trader Joe, SOJ Trading Ltd d/b/a Joepegs, or any of their agents, products, or services are associated with Trader Joe’s, are sponsored, approved, or licensed by Trader Joe’s, or are in any other way connected or affiliated with Trader Joe’s;

(g) effecting assignments or transfers, forming new entities or associations, or utilizing any other means or device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (f) above.

1 2. That Defendants be ordered to transfer registration and ownership of
2 the domain names traderjoexyz.com, trader-joes.site, and trader-joe.website to
3 Trader Joe's;

4 3. That the Court declare that Defendants' use of the "Trader Joe" name
5 infringes on the TRADER JOE'S Family of Marks, and that Defendants are not
6 lawful holders of the domain names traderjoexyz.com, trader-joes.site, and
7 trader-joe.website;

8 4. Judgment in Trader Joe's favor and against Defendants on all causes of
9 action alleged herein;

10 5. Damages in an amount to be further proven at trial;

11 6. Statutory damages;

12 7. Punitive damages;

13 8. Costs of suit incurred herein;

14 9. Prejudgment interest;

15 10. Attorneys' fees and costs; and

16 11. Such other and further relief as the Court may deem to be just and
17 proper.

18 **JURY DEMAND**

19 Trader Joe's demands a jury trial for all issues so triable.

20 Dated: October 5, 2023

21
22 DAVID R. EBERHART
23 DAWN SESTITO
O'MELVENY & MYERS LLP

24
25 By: /s/ David R. Eberhart
 David R. Eberhart

26 Attorneys for Plaintiff
27 TRADER JOE'S COMPANY