

BEATTIE PADOVANO, LLC

Attorneys for Plaintiff Anger Sports, LLC d/b/a Rare Breed
Martin R. Kafafian, Esq.
50 Chestnut Ridge Road, Suite 208
Montvale, New Jersey 07645
(201) 799-2102
mrk@beattielaw.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANGER SPORTS, LLC d/b/a RARE BREED,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY,
ARIN BLAZEK a/k/a A.J. BLAZEK in his
individual and official capacity, ABC CORPS.
1-10 (names being fictitious and unknown but
described as those companies associated with
Rutgers University and/or Arin Blazek that
assisted with or promoted trademark
infringement and other unlawful acts), and
JOHN DOES 1-10 (names being fictitious and
unknown but described as those individuals
associated with Rutgers University and/or Arin
Blazek that assisted with or promoted
trademark infringement and other unlawful
acts),

Defendants.

Case No.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiff Anger Sports, LLC d/b/a Rare Breed (“Rare Breed” or “Plaintiff”), a New Jersey limited liability company, by its attorneys, Beattie Padovano, LLC, 50 Chestnut Ridge Road, Suite 208, Montvale, New Jersey 07645, by way of Complaint against Rutgers, the State University, with an address of Old Queens Building, Suite 101, 83 Somerset Street, New

Brunswick, New Jersey 08901; Arin Blazek, a/k/a A.J. Blazek, with an address at 1 Scarlet Knight Way, Piscataway, NJ 08854; and John Does 1-10 and ABC Corp. 1-10, whose identities have yet to be determined (collectively, “Defendants”), alleges as follows:



Nature of the Case

1. This action arises out of the Defendants’ wholesale misappropriation and illegal use of Rare Breed’s reputation and goodwill by unlawfully infringing Plaintiff’s “**RARE BREED ATHLETICS**” registered wordmark (the “Registered Wordmark”) and registered logo (the “Registered Logo”).

2. Rare Breed is an athletics lifestyle clothing brand targeting high school, college and professional football players, selling apparel bearing its various registered trademarks.

3. The Defendants have openly and defiantly co-opted Rare Breed’s brand in furtherance of their efforts to recruit into and coach student-athletes in the Rutgers Scarlet Knights football program.

4. The following table shows Rare Breed’s Registered Wordmark and Registered Logo (together, the “Registered Marks”) (in the left column) and the Defendants infringing marks and hashtags (in the right column):

<u>Rare Breed’s Registered Marks</u>	<u>Defendants’ Uses</u>
	
<p style="text-align: center;">RARE BREED ATHLETICS</p>	<ul style="list-style-type: none"> • #RareBreeds • #RaRebReeds17 • #RaRebRēds

5. Rare Breed demanded that the Defendants stop their unlawful conduct, including the infringing use of its Registered Marks. The Defendants acknowledged wrongdoing and agreed to stop.

6. Despite repeated and acknowledged demands that the Defendants cease using and infringing Rare Breed's rights in the Registered Marks, and Defendants' agreement to cease all such illegal use, the Defendants continue to violate Plaintiff's rights. The Defendants willful and unlawful conduct has caused and will continue to cause irreparable harm to Rare Breed's brand.

The Parties

7. Rare Breed is a limited liability company organized and existing under the laws of the State of New Jersey and maintains its primary place of business in Clifton, New Jersey.

8. Defendant Rutgers, the State University ("Rutgers") is a public research university located in the State of New Jersey. The Rutgers's football team—the Scarlet Knights—is a Big Ten Conference member competing in the Football Bowl Subdivision ("FBS") of the National Collegiate Athletics Association's ("NCAA") Division I.

9. Defendant Arin Blazek, also known as A.J. Blazek ("Coach Blazek"), is a Rutgers employee currently serving as the Assistant Head Coach/Offensive Line Coach for the Rutgers Scarlet Knights football program.

10. The defendants ABC Corps. 1 through 10 are intended to signify corporations, limited liability companies, or other entities whose identities are not known at this time that, upon information and belief, are involved in the marketing, promotion or management of the Rutgers' football program.

11. Defendants John Does 1 through 10 are individuals intended to signify persons whose identities are not known at this time who upon information and belief, are involved in the marketing, promotion or management of Rutgers' football program.

Jurisdiction and Venue

12. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(b) because this action arises under the Federal Trademark Act of 1946, as amended, 15 U.S.C. § 1501, *et seq.* (the "Lanham Act"). This Court has supplemental jurisdiction over the state law claims set forth herein pursuant to 28 U.S.C. § 1367.

13. This Court can exercise personal jurisdiction over the Defendants because, to the knowledge of the Plaintiff, all reside in or maintain their principal place of business within this District.

14. In accordance with 28 U.S.C. § 1391 venue is proper in this District because the known Defendants reside in and regularly transact and solicit business in this District, and are thus subject to personal jurisdiction within this District.

Rare Breed and Registered Marks

15. Rare Breed was founded in February 2007 by a former Rutgers football student-athlete and coach of an elite high school football program.

16. Rare Breed is a life style apparel brand. Rare Breed brands and sells certain merchandise, including T-shirts, tank tops, hoodies, trucker caps, football gloves, and other athletic apparel. Rare Breed has sold apparel across state lines branded with the Registered Marks since 2007. Rare Breed has developed brand recognition in certain niche markets, including among high school, college and professional football players.

17. Since 2007, Rare Breed has expended considerable resources in developing brand recognition. Rare Breed's merchandise is available for sale on its website, <https://www.rarebreedlifestyle.com/>. To date Rare Breed has sold or delivered its products to consumers in at least 37 States.

18. Rare Breed has registered two trademarks with the United States Patent and Trademark Office: the wordmark "RARE BREED ATHLETICS" and the logo:



19. The brand, through the Registered Marks, has achieved fame and recognition in the athletics apparel market and, specifically, in the high school and college football submarkets. Rare Breed's apparel is worn by well-known current and former NFL players, including Adrian Peterson (2012 NFL MVP), Phil Simms (Super Bowl XXI MVP), and Brian Cushing (2009 NFL Defensive Rookie of the Year).

20. In addition to selling stocked apparel, Rare Breed also designs custom apparel. For example, Rare Breed designed custom shirts for the strength and conditioning staff and student-athletes at Coastal Carolina College's football program. Coastal Carolina College's NCAA Division I football team competes in the FBS.

21. Rare Breed has undertaken various marketing and advertising efforts, including grass roots and social media marketing, as well as garnering endorsements from athletes and celebrities.

The Rutgers Football Program

22. The Rutgers football program dates back to November 6, 1869. In the first intercollegiate football game ever played, Rutgers beat Princeton University by a score of 6-4. Today, a century-and-a-half later, Rutgers football is big business and generates significant revenue to Rutgers. The Scarlet Knights play in the NCAA's Division I FBS.

23. Since July 1, 2014, the Scarlet Knights have played in the Big Ten Conference—one of the so called Power Five conferences within the FBS. The Big Ten Conference advertises itself as the oldest collegiate athletic conference in the United States. The Big Ten Conference is an interstate collegiate athletic conference comprised of schools located across eleven states.

24. It has been reported that, during the fiscal year ending June 30, 2015, the Big Ten realized \$448 million in revenue. The constituent universities within the Big Ten Conference, including Rutgers, generate substantial revenue from their football programs. According to a report published by the United States Department of Education, Rutgers University realized \$25,236,282 in revenue during the reporting year 2015-2016 from the Scarlet Knights football program. *See*, U.S. Department of Education Equity in Athletics Data Analysis, available at <https://ope.ed.gov/athletics/#/institution/details>.

25. Recruiting is the lifeblood of any collegiate football program. The NCAA promulgates stringent rules and regulations that govern the recruiting process. *See*, NCAA Football 2016 and 2017 Rules and Interpretations, available at <http://www.ncaapublications.com/productdownloads/FR17.pdf> (last visited October 4, 2017). Because that those rules and regulations bar member schools from compensating their athletes, a coaching staff's recruiting skills are critical to a football program's success.

26. For their recruiting skills, college football coaches are paid handsomely. It was widely reported that Chris Ash—the Scarlet Knights’ head coach—recently agreed to a five-year, \$11 million guaranteed contract. The Scarlet Knights football program generally, and the recruitment efforts undertaken by the Scarlet Knights’ coaching staff specifically, have a substantial effect on interstate commerce.

Coach Blazek

27. Upon information and belief, defendant Coach Blazek was first employed by Rutgers in 2016, joining the football program as the Offensive Line Coach.

28. Prior to joining the Rutgers coaching staff, Coach Blazek had been employed by a series of less prominent football programs, with most of his career having been spent coaching Division II football programs.

29. Rutgers is Coach Blazek’s first job at an FBS program, and first foray into coaching a team in the Power Five conference.

30. In 2017, Coach Blazek was promoted to Assistant Head Coach/Offensive Line Coach.

31. Upon information and belief, Coach Blazek earns approximately \$240,000 per year in his employment with Rutgers.

32. As Assistant Head Coach/Offensive Line Coach, Coach Blazek’s primary duty is the coaching of the Rutgers Scarlet Knights’ offensive linemen.

33. Upon information and belief, another of Coach Blazek’s duties as Assistant Head Coach/Offensive Line Coach is the recruiting of student-athletes.

34. Upon information and belief, Coach Blazek maintains and operates a Twitter account at the handle “@CoachBlaze” (“Blazek Twitter Account”). The Blazek Twitter Account is publically available at <https://twitter.com/coachblaz?lang=en>

35. Coach Blazek uses the Blazek Twitter Account in furtherance of recruiting and other activities related to his duties as a Rutgers employee.

36. Upon information and belief, Coach Blazek maintains and operates a Facebook account (“Blazek Facebook Account”). The Blazek Facebook Account is publically available at <https://www.facebook.com/CoachBlaz>.

37. Coach Blazek uses the Blazek Facebook Account in furtherance of recruiting and other activities related to his duties as a Rutgers employee.

First Infringing Image

38. In early 2017, Rare Breed learned that the Defendants had created and published a certain image (the “First Infringing Image”) that was an obvious infringement of Rare Breed’s rights in the Registered Mark:



39. Rare Breed was not notified of Defendants’ intent to create the First Infringing Image.

40. Rare Breed did not consent to or license the creation of the First Infringing Image.

41. The First Infringing Image has been published repeatedly on the Blazek Twitter Feed and Blazek Facebook Page.

42. On February 10, 2017, Rare Breed issued a written demand to Defendants that both Defendants cease and desist use of the Infringing Mark.

43. On February 15, 2017, in response to Rare Breed's written demand, counsel for Rutgers advised that Blazek had been directed to cease and desist use of the First Infringing Image and Infringing Hashtags and, by extension, all illegal uses of the Registered Marks.

44. Shortly thereafter, the First Infringing Image was removed from the Blazek Twitter Account.

45. The First Infringing Image was *not* removed from the Blazek Facebook Account.

46. On information and belief, an April 22, 2017 slide show or similar presentation given or attended by Coach Blazek on behalf of Rutgers contained and displayed the First Infringing Image.

47. On or about April 25, 2017, Rare Breed learned of Coach Blazek's April 22, 2017 use of the First Infringing Image in the slide-show presentation.

48. On April 25, 2017, Rare Breed issued a second demand to Defendants to cease their use of the First Infringing Image.

49. Counsel for Rutgers again advised Rare Breed's counsel that Coach Blazek had been directed to cease and desist use of the First Infringing Image.

Second Infringing Image

50. One of Rare Breed's best selling t-shirts is the "Bear Out" t-shirt, which contains a graphic comprised of the rendering of a bear's face and the Registered Logo (the "Bear Out T-Shirts"). Below the bear's face appear the phrase "DEFINE YOURSELF." The central graphic on Bear Out T-Shirts appears as follows:



51. In early 2017, Rare Breed learned that the Defendants had created, published and were using in furtherance of recruiting and coaching efforts a second image (the “Second Infringing Image”) that clearly infringed on Rare Breed’s rights in the Registered Mark, which appears as follows:



52. The Second Infringing Image has been published on the Blazek Twitter Feed.

53. Rare Breed was not notified of Defendants’ intent to create the Second Infringing Image.

54. Rare Breed did not consent to or license the creation of the Second Infringing Image.

Infringing Hashtags

55. Since early 2017, Coach Blazek has posted various iterations of the #RareBreeds; #RaRebReeds17; and #RaRebRēds (the “Infringing Hashtags”).

56. The Infringing Hashtags violate Rare Breed’s rights in the Registered Wordmark.

57. Rare Breed was not notified of Defendants' intent to use the Infringing Hashtags.

58. Rare Breed did not consent to or license the use of the Infringing Hashtags.

59. On February 10, 2017, Rare Breed issued a written demand that Defendants cease their unlawful use of and infringement on Rare Breed's Registered Marks.

60. In response, legal counsel for Rutgers advised Rare Breed's attorneys that Coach Blazek would "no longer be using the rare breed image or stylized hashtag."

61. Shortly thereafter, the Infringing Mark was removed from the Blazek Twitter Account.

62. However, the Infringing Hashtags have been published and continue to be published, on the Blazek Twitter Feed.

63. The Defendants' misuse of the Registered Marks, including the use of the First Infringing Image, Second Infringing Image, and Infringing Hashtags, has injured Rare Breed's reputation and good will.

64. The Defendants' misuse of the Registered Marks, including the use of the First Infringing Image, Second Infringing Image, and Infringing Hashtags, has diluted the distinctiveness of the Registered Marks.

65. Since February 2017, Plaintiff has demanded that the Defendants cease and desist this unlawful conduct.

66. The Defendants falsely represented that they had and would continue to comply with Rare Breed's cease-and-desist demand.

67. Rare Breed has been damaged by the Defendants' illegal and willful conduct, and continues to be damaged.

68. The knowing and intentional nature of these acts constitute an exceptional case.

69. It is likely that, unless enjoined, the Defendants' conduct will continue to cause damage to Rare Breed and the consuming public.

FIRST CLAIM
Trademark Infringement under Lanham Act Section 32
(15 U.S.C. §1114)

70. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

71. Rare Breed is the sole owner of Registered Marks, which are registered with the United States Patent and Trademark Office.

72. The Registered Marks are incontestable pursuant to 15 U.S.C. § 1065.

73. Rare Breed has used the Registered Marks in commerce in connection with virtually all of its products and services, including but not limited to the sale of athletic apparel.

74. The Registered Marks are distinctive and associated in the mind of the public with Rare Breed, and, due to Rare Breed's extensive marketing efforts, have acquired secondary meaning so that the public associates these trademarks with Plaintiff.

75. The Defendants have used the Registered Marks in connection with recruiting and coaching student-athletes for the Rutgers Scarlet Knights football program.

76. Defendants adopted and continue to use in commerce Rare Breed's Registered Marks, and marks confusingly similar thereto, with full knowledge of Rare Breed's superior rights, and with full knowledge and the intention that their infringing use of Rare Breed's marks would cause confusion, mistake and/or deception.

77. The Defendants have used and continue to use the Registered Marks with actual knowledge of Rare Breed's rights in the Registered Marks, which use is willful.

78. The nature of the Defendants' infringing use of Rare Breed's Registered Marks in connection with the recruitment and coaching efforts of the Scarlet Knights football program is likely to cause, and has caused, confusion, mistake or deception as to the affiliation, connection or association of this activity with Rare Breed, constituting trademark infringement in violation of 15 U.S.C. §1114.

79. The Defendants' conduct has caused and continues to cause Rare Breed to suffer commercial damage as well as the continuing loss of the goodwill and reputation established by Rare Breed in its Registered Marks. This continuing loss of goodwill cannot be accurately calculated and thus constitutes irreparable harm and an injury for which Rare Breed has no adequate remedy at law.

80. Defendants' actions constitute knowing, deliberate and willful infringement of Rare Breed's the Registered Marks rendering this an exceptional case under 15 U.S.C. § 1117(a) and 15 U.S.C. § 1117(c).

81. The Defendants use of the Mark has caused Rare Breed to suffer irreparable harm to its reputation and good will, to which Rare Breed has no adequate remedy at law.

82. Unless Defendants' conduct is enjoined, Rare Breed will continue to suffer irreparable harm.

SECOND CLAIM
Unfair Competition and False Designation of Origin
(15 U.S.C. § 1125(a))

83. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

84. The Defendants knowingly and willfully traded on Rare Breed's longstanding and hard-earned goodwill in its name and Registered Marks and on the reputation and good will established by Rare Breed in connection with its products and the services it offers its customers.

85. By the unauthorized use of the Registered Marks in interstate commerce, the Defendants have used a "false designation of origin" that is likely to cause confusion, mistake or deception as to Rare Breed's affiliation with, sponsorship of or connection to Defendants' services and the Rutgers Scarlet Knights football program.

86. The Defendants' conduct was intended to, and did, confuse consumers as to the origin and sponsorship of the Defendants' goods and services and to pass off the Defendants' goods and services in commerce as those of Rare Breed.

87. The Defendants' conduct has deprived and will continue to deprive Rare Breed of its ability to control the consumer perception of Rare Breed products and services offered under Rare Breed's Registered Marks, improperly placing the valuable reputation and goodwill of Rare Breed in the Defendants' hands.

88. Defendants' conduct is likely to cause confusion, mistake or deception as to the affiliation, connection or association of the Defendants and the Scarlet Knights football program with Rare Breed, and as to the origin, sponsorship or approval of the Defendants and their products and services, in violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125(a)(1).

89. The Defendants had direct and full knowledge of Rare Breed's prior use of and rights in its marks before the acts complained of herein, rendering this an exceptional case under 15 U.S.C. § 1117(a) and 15 U.S.C. § 1117(c).

90. The Defendants' conduct has caused and continues to cause Rare Breed to suffer commercial damage as well as the continuing loss of the goodwill and reputation established by

Rare Breed in its Registered Marks. This continuing loss of goodwill cannot be accurately calculated and thus constitutes irreparable harm and an injury for which Rare Breed has no adequate remedy at law.

91. Unless Defendants' conduct is enjoined, Rare Breed will continue to suffer irreparable harm.

THIRD CLAIM
Dilution by Blurring and Tarnishment
(15 U.S.C. § 1125(c))

92. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

93. The Rare Breed name and marks—both in word and logo form—are famous and distinctive in a niche market and are entitled to protection against dilution by tarnishment under *Times Mirror Magazine, Inc. v. Las Vegas Sports News, LLC*, 212 F.3d 157 (3d Cir. 2000), cert. denied 531 U.S. 1071 (2001).

94. The Registered Marks have played a prominent role in Rare Breed's marketing and merchandising across various media platforms.

95. The Defendants commenced use of the Rare Breed name and marks in commerce after they became famous and distinctive.

96. By using the Rare Breed's name and marks in connection with the Scarlet Knights football program in a manner in which consumers are deceived as to the nature of the products and services provided, the origin of those services, and the charges for those services, the Defendants have injured and will continue to injure Rare Breed's business reputation, have tarnished the distinctive quality of Rare Breed's famous name and marks, and have lessened the

capacity of Rare Breed's famous name and marks to identify and distinguish goods and services, in violation of 15 U.S.C. § 1125(c).

97. As a result of the Defendants' dilution of Rare Breed's name and marks, Rare Breed has suffered substantial damages, as well as the continuing loss of the goodwill and reputation established by Rare Breed in its marks. This continuing loss of goodwill cannot be accurately calculated and thus constitutes irreparable harm and an injury for which Rare Breed has no adequate remedy at law.

98. Unless Defendants' conduct is enjoined, Rare Breed will continue to suffer irreparable harm.

FOURTH CLAIM
Unfair Competition
(N.J.S.A. § 56:4-1 and New Jersey Common Law)

99. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

100. Rare Breed first used the Registered Marks and trade the name Rare Breed in 2007. As a result of the continued sale of athletic apparel containing the Registered Marks since 2007, the Registered Marks have become widely known and Rare Breed has become identified in the public mind as the manufacturer of the product to which it is applied.

101. As a result of Rare Breed's experience, care and skill in producing apparel under the Registered Marks, Rare Breed apparel and brand have become widely known and acquired a reputation for excellence.

102. The Defendants, with intentional disregard of plaintiff's rights, traded on Rare Breed's longstanding and hard-earned goodwill inherent in its name and marks and the reputation established by Rare Breed in connection with its products and services.

103. The Defendants' misappropriation of the Registered Marks and/or trade name in connection with its recruiting and coaching services is likely to communicate a false designation of origin or affiliation with Rare Breed in violation of N.J.S.A. § 56:4-1.

104. By their use and continuing use of the Registered Marks, the Defendants are intentionally misleading the public into believing that Defendants' goods and services are affiliated with Rare Breed, thereby depriving Rare Breed of the benefit of the goodwill attached to its products.

105. As a result of the infringement of the Registered Marks, Rare Breed has been damaged. The Defendants' conduct has deprived and will continue to deprive Rare Breed of its ability to control the consumer perception of Rare Breed products and services offered under Rare Breed's marks, improperly placing the valuable reputation and goodwill of Rare Breed in the Defendants' hands.

106. By virtue of their described conduct, unless and until the injunction sought in this action is granted, Defendants will continue to infringe on Plaintiff's trademark and cause irreparable injury to Plaintiff from loss of profits and deprivation of the benefit of the goodwill which is attached to Plaintiff's trademarks.

FIFTH CLAIM
Trademark and Tradename Infringement
(New Jersey Common Law)

107. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

108. Rare Breed has common law trademark and/or trade name rights in "Rare Breed" which is used to sell Rare Breed apparel affiliated with an athletic lifestyle.

109. Without notice, consent or authorization, the Defendants have used the trademark and/or trade name “Rare Breed” in furtherance of its recruiting and coaching efforts for the Scarlet Knights football program.

110. The Defendants misappropriated the trademark and/or tradename “Rare Breed” by using it in furtherance of its recruiting and coaching efforts for the Scarlet Knights football program.

111. The Defendants’ use of the misappropriated trademark and/or trade name “Rare Breed” is likely to cause confusion, mistake and deception among consumers regarding the Defendant’s affiliation with or the endorsement of the Defendants’ activities by Rare Breed.

112. Rare Breed has been damaged by the Defendants’ unlawful misappropriation of the trademark and/or tradename “Rare Breed.”

SIXTH CLAIM
Accounting

113. Rare Breed re-alleges and re-incorporates each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

114. Rare Breed first used the Registered Marks in 2007. As a result of the continued sale of athletic apparel containing the Registered Marks since 2007, the Registered Marks have become widely known and Rare Breed has become identified in the public mind as the manufacturer of the product to which it is applied.

115. Using the Registered Marks as they have, the Defendants are intentionally misleading the public into believing that the Defendants’ services are associated with or sanctioned by Rare Breed, thereby depriving Plaintiff of the benefit of the goodwill attached to Rare Breed’s brand and Registered Marks.

116. As a result of the infringement of Plaintiff's trademark, Plaintiff has been damaged in the amount of the profits realized by Defendants from the operation of the Rutgers Scarlet Knights football program using the Registered Marks.

117. On February 10 and April 25, 2017, Rare Breed notified the Defendants that they were infringing on the Registered Marks and demanded that the Defendants cease using the Registered Marks in association with the Rutgers football program, but the Defendants have continued use of Registered Marks in recruiting and coaching Scarlet Knight student-athletes.

118. The exact amount of profits made by the Defendants as a result of their infringement of the Registered Marks is unknown to Rare Breed and cannot be ascertained without an accounting.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests the following:

1. JUDGMENT determining that:

- a. The Defendants have engaged in trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114;
- b. The Defendants have violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
- c. The Defendants have violated Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c);
- d. The Defendants have diluted the distinctiveness of Rare Breed's Registered Marks;
- e. The Defendants have engaged in deceptive acts and unfair competitive practices under N.J.S.A. § 56:4-1;

- f. The Defendants have engaged in trademark and trade name infringement in violation of the common law of the State of New Jersey;
- g. The Defendants have engaged in unfair competition in violation of the common law of the State of New Jersey; and
- h. That the above acts were done willfully, and/or intentionally.

2. Entry of an **ORDER** permanently enjoining and restraining the Defendants, their officers, agents, servants, employees and attorneys and all those in active concert or participation with them or any of them, from:

- a. Using any reproduction, counterfeit, copy or colorable imitation of the Registered Marks, including the Registered Wordmark and the Registered Logo, (as defined herein) for and in connection with any goods or services not authorized by Rare Breed;
- b. Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Rare Breed's business reputation or dilute the distinctive quality of the Registered Marks,
- c. Using any false description or representation, including words or other symbols tending falsely to describe or represent the Defendants' unauthorized goods or services as being those of Rare Breed, or otherwise sponsored by or associated with Rare Breed, and from advertising such products and services;
- d. Further infringing the Registered Marks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, displaying or otherwise disposing of any products or their packaging not authorized by Rare Breed that bear any simulation, reproduction, counterfeit, copy or colorable imitation of the Registered Marks;

e. Using any simulation, reproduction, counterfeit, copy or colorable imitation of the Registered Marks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products or services in such fashion as to relate or connect, or tend to relate or connect, such products or services in any way to Rare Breed, or to any goods sold, manufactured, sponsored or approved by, or connected with Rare Breed;

f. Making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which may or is likely to lead the trade or public, or individual members thereof, to believe that any products or services provided by the Defendants are in any manner associated or connected with Rare Breed, or are licensed, sponsored, approved or authorized by Rare Breed;

g. Infringing the Registered Marks or the Plaintiff's rights therein, or using or exploiting the Registered Marks, or diluting Registered Marks;

h. Effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in any Final Judgment or Order entered in this action.

3. Entry of an **ORDER** directing that the Defendants deliver up for destruction to Rare Breed all unauthorized products, advertisements and electronic files in their possession or under their control bearing or containing any of the Registered Marks, or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices, images, electronic files and other means of production of same pursuant to 15 U.S.C. § 1118.

4. Entry of an **ORDER** that, upon Rare Breed's request, take all such actions as to remove any and all Infringing Hashtags from the Blazek Twitter Feed and the Blazek Facebook Page.

5. Entry of an **ORDER** requiring the Defendants to disseminate corrective advertisements in a form approved by the Court to acknowledge their violations of the law hereunder, and to ameliorate the false and deceptive impressions produced by such violations.

6. Entry of an **ORDER** requiring the Defendants to provide an accounting of all revenue realized in connection with the operation of the Rutgers Scarlet Knights football program and the extent to which the Defendants' unauthorized use of the Rare Breed Registered Marks contributed to, enhanced or otherwise increased that revenue.

7. For a Judgment of the **ACTUAL DAMAGES** suffered by Rare Breed, trebled, and an award of all profits that Defendants have derived from using the Registered Marks, trebled, as well as the costs and attorneys' fees incurred to the full extent provided for by Section 35 of the Lanham Act, 15 U.S.C. § 1117.

8. For a Judgment of the **ACTUAL DAMAGES** suffered by Rare Breed, trebled, and an award of all profits that Defendants have derived from using the Registered Marks, trebled, as well as the costs and attorneys' fees to the full extent provided for by N.J.S.A. § 56:4-2.

9. For a Judgment of **STATUTORY DAMAGES** for Defendants' willful use of counterfeits of the Registered Marks as allowed by Section 35 of the Lanham Act, 15 U.S.C. § 1117(c)(2), as well as costs and attorneys' fees incurred by Plaintiff to the full extent provided for by Section 35 of the Lanham Act, 15 U.S.C. § 1117.

10. For **COSTS OF SUIT**, and for such other and further relief as the Court shall deem appropriate.

11. For such other relief as the Court may deem appropriate to prevent the trade and public from deriving any erroneous impression that any products or services advertised, sold or otherwise circulated or promoted by the Defendants are authorized by Rare Breed or related in any way to Rare Breed's products and services.

BEATTIE PADOVANO, LLC
Attorneys for Plaintiff Anger Sports,
LLC d/b/a Rare Breed

/s/ Martin R. Kafafian
Martin R. Kafafian, Esq.
50 Chestnut Ridge Road
Suite 208
Montvale, NJ 07645
Telephone: (201) 799-2102
mrk@beattielaw.com

October 9, 2017

A TRIAL BY JURY IS DEMANDED

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, the Plaintiff hereby demands a jury trial on all triable issues raised by this Complaint.

BEATTIE PADOVANO, LLC
Attorneys for Plaintiff Anger Sports,
LLC d/b/a Rare Breed

By:
/s/ Martin R. Kafafian
Martin R. Kafafian

October 9, 2017

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I certify that this matter in controversy is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding.

BEATTIE PADOVANO, LLC
Attorneys for Plaintiff Anger Sports,
LLC d/b/a Rare Breed

By:
/s/ Martin R. Kafafian
Martin R. Kafafian

October 9, 2017