

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**LOUISIANA FISH FRY PRODUCTS,
LTD., a foreign corporation,**

Plaintiff,

Civil Action No. _____

v.

CHARLES O. CORRY, an individual,

Defendant.

_____ /

**COMPLAINT FOR TRADEMARK INFRINGEMENT AND UNFAIR
COMPETITION JURY TRIAL REQUESTED**

For its complaint, Plaintiff Louisiana Fish Fry Products, Ltd. ("LFFP"), by and through its undersigned attorneys, alleges as follows:

The Parties

1. LFFP is a corporation organized under the laws of the State of Louisiana, with its principal place of business in Baton Rouge, Louisiana.
2. Defendant Charles O. Corry ("Corry") is an individual domiciled in Wesley Chapel, Florida.

Jurisdiction and Venue

3. Jurisdiction is proper in this Court because this litigation arises under the federal laws of the United States, namely 15 U.S.C. § 1051 *et seq.* (Lanham Act). The Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (trademarks).

4. The Court has personal jurisdiction over Corry because he is a resident of Florida.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1391(c).

Factual Background

6. LFFP is a Louisiana corporation based in Baton Rouge, Louisiana.

7. LFFP has used the trademark LOUISIANA FISH FRY PRODUCTS in connection with crawfish, crab and shrimp boil since its formation in 1983.

8. LFFP has used the trademark LOUISIANA FISH FRY PRODUCTS in connection with seasoned batter mixes, including mixes for cooking fish, shrimp and chicken; baking seasonings for chicken and fish; Cajun blackened seasonings; and hush puppy mix since its formation in 1983.

9. LFFP has used the trademark LOUISIANA FISH FRY PRODUCTS in connection with gumbo file, cayenne pepper, seasoned cocktail sauce, tartar sauce, seafood sauce and remoulade dressing since its formation in 1983.

10. LFFP has used and is using the trademark LOUISIANA FISH FRY PRODUCTS extensively throughout the United States, including Florida, in connection with numerous food products.

11. On January 30, 2006, Defendant Corry filed a trademark application for the trademark FLORIDA FISH FRY PRODUCTS for use with “seasonings, namely, all purpose seasoning, cayenne pepper, gumbo file, seasoned batter mixes, namely fish fry, chicken fry, and shrimp fry, baking seasonings for chicken and fish, Cajun blackened

seasonings, hush puppy mix, cocktail sauce, tartar sauce, shrimp boils.”

12. Defendant Corry filed a declaration with the United States Patent and Trademark Office stating that he had begun using the trademark FLORIDA FISH FRY PRODUCTS in connection with all of goods listed in paragraph 11 by June 21, 2006.

13. On June 5, 2007, the United States Patent and Trademark Office issued Supplemental Registration no. 3,263,627 to Defendant Corry for the trademark FLORIDA FISH FRY PRODUCTS.

14. Defendant Corry is using the trademark FLORIDA FISH FRY PRODUCTS in connection with seasoned batter mixes and crab and shrimp boil.

15. Upon information and belief, Defendant Corry is using the trademark FLORIDA FISH FRY PRODUCTS in connection with cayenne pepper, gumbo file, mixes for cooking chicken and shrimp, baking seasonings for chicken and fish, Cajun blackened seasonings, hush puppy mix, cocktail sauce, and tartar sauce.

16. Defendant Corry is using the mark FLORIDA FISH FRY PRODUCTS on products that are substantially the same as or similar to the products on which LFFP uses its mark LOUISIANA FISH FRY PRODUCTS.

17. Defendant Corry’s products are sold in the same channels of trade as LFFP’s products.

18. Defendant Corry’s products’ customers and LFFP’s customers overlap.

19. Defendant Corry’s products and LFFP’s products are commonly sold in the same stores, commonly in close proximity to one another. See Exhibit A, showing

LFFP's and Defendant Corry's products on display directly adjacent to one another in a retail outlet in Jacksonville, Florida.

20. LFFP is the owner of numerous federal trademark registrations for the trademark LOUISIANA FISH FRY PRODUCTS. These registrations include U.S. Registration Numbers 2,827,572 (Exhibit B); 2,827,571 (Exhibit C); 2,827,058 (Exhibit D); 2,794,015 (Exhibit E); 2,827,057 (Exhibit F); 2,786,198 (Exhibit G); and 2,801,892 (Exhibit H).

21. As a result of LFFP's ongoing use of its trademark LOUISIANA FISH FRY PRODUCTS, this trademark has become associated with LFFP by the public.

22. The trademark LOUISIANA FISH FRY PRODUCTS has acquired distinctiveness through its use and promotion by LFFP.

23. The mark LOUISIANA FISH FRY PRODUCTS is famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

**Count One - Trademark Infringement of Federally Registered Marks
(Section 32 of the Lanham Act)**

24. The allegations of paragraphs 1-23 are incorporated herein.

25. LFFP owns trademark rights in the mark LOUISIANA FISH FRY PRODUCTS as evidenced by LFFP's federal registration numbers 2,827,572 (Exhibit B); 2,827,571 (Exhibit C); 2,827,058 (Exhibit D); 2,794,015 (Exhibit E); 2,827,057 (Exhibit F); 2,786,198 (Exhibit G); and 2,801,892 (Exhibit H).

26. Defendant Corry's use of the name FLORIDA FISH FRY PRODUCTS on

identical goods, sold in the same retail outlets, is likely to cause confusion as to affiliation, connection, association, origin, sponsorship, or approval with LFFP, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

**Count Two - Federal Unfair Competition
(Section 43(a) of the Lanham Act)**

27. The allegations of paragraphs 1-26 are incorporated herein.

28. LFFP owns trademark rights in the name and mark LOUISIANA FISH FRY PRODUCTS.

29. Defendant Corry's use of the name FLORIDA FISH FRY PRODUCTS is likely to cause confusion as to affiliation, connection, association, origin, sponsorship, or approval with LFFP, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

**Count Three – Federal Dilution
(Section 43(c) of the Lanham Act)**

30. The allegations of paragraphs 1-29 are incorporated herein.

31. Defendant Corry's use of the mark FLORIDA FISH FRY PRODUCTS dilutes the distinctive quality of LFFP's famous LOUISIANA FISH FRY PRODUCTS mark, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

Cancellation

32. The allegations of paragraph 1-31 are incorporated herein.

33. LFFP is damaged by and will continue to be damaged by Defendant

Corry's continued use and registration of the mark FLORIDA FISH FRY PRODUCTS (U.S. Registration No. 3,263,627) pursuant to the allegations stated above.

Prayer for Relief

WHEREFORE, LFFP respectfully requests that this Court:

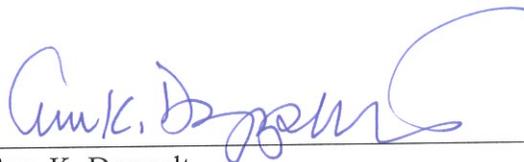
1. Preliminarily enjoin Defendant Corry from further use of the mark FLORIDA FISH FRY PRODUCTS and any confusingly similar variants thereof;
 2. Permanently enjoin Defendant Corry from further use of the mark FLORIDA FISH FRY PRODUCTS and any confusingly similar variants thereof;
 3. Award LFFP its damages and costs in this action;
 4. Award LFFP its reasonable attorney fees incurred in pursuing this action;
 5. Order the cancellation of United States Trademark Registration No. 3,263,627;
- and
6. Enter such other further relief to which LFFP may be entitled as a matter of law or equity, or which the Court determines to be just and proper.

Jury Demand

LFFP hereby requests a trial by jury under Fed. R. Civ. P. 38.

December 31, 2007

Respectfully submitted,



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