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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CHARTREUSE LLC,	)	
an Indiana limited liability company	)	CIVIL ACTION NO.: 1:14-cv-181
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CHARTREUSE FRAGRANCES LLC,	)	
a New Jersey corporation	)	
	)	
Defendant.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Chartreuse LLC, an Indiana limited liability company (“Chartreuse”) files this complaint for declaratory judgment against Defendant Chartreuse Fragrances LLC, a New Jersey corporation (“Defendant”).

**Nature of Action**

1. Chartreuse seeks a declaration that its use of the trademark CHARTREUSE (the “Mark”) in association with handmade soy candles (the “Goods”) does not infringe any rights of Defendant. Chartreuse further seeks a declaration that any alleged trademark rights asserted by Defendant are invalid and unenforceable.

2. Defendant has asserted that Chartreuse’s use of the Mark in connection with the Goods is likely to cause consumer confusion. Chartreuse denies these allegations.

**Parties**

3. Chartreuse is an Indiana limited liability company with a business address of 5151 Central Ave., Indianapolis, IN 46205.

4. Defendant is a New Jersey limited liability company with its principal place of business at Three Horizon Road #1428, Fort Lee, New Jersey 07024.

### **Jurisdiction and Venue**

5. This action arises and is brought under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, 15 U.S.C. § 1051, *et seq.* (the “Lanham Act”), and Indiana statutory and common law.

6. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338, and 2201-2202.

7. This Court possesses person jurisdiction over Defendant because its false assertions of infringement were directed to Chartreuse in the State of Indiana.

8. Venue is proper in this district because a substantial part of the events giving rise to Plaintiff’s claims have occurred and will continue to occur in the Southern District of Indiana.

### **General Allegations**

9. Chartreuse has been selling handmade soy candles bearing the Mark since January of 2013.

10. Defendant is the owner of U.S. Registration No. 2,997,572 for the mark CHARTREUSE (“Defendant’s Mark”) in association with “candles” in international class 4 (the “Covered Goods”).

11. On January 7, 2014, Defendant asserted its rights against Chartreuse by claiming that its use of the Mark infringed Defendant’s rights in Defendant’s Mark and demanding that Chartreuse cease and desist all use of the Mark.

12. There presently exists a justiciable controversy regarding Chartreuse's right to use the Mark in connection with the Goods free from any allegation by Defendant that such conduct constitutes an infringement of its rights in Defendant's Mark.

**First Claim for Relief**  
(Unenforceability and Invalidity of Defendant's Mark)

13. Chartreuse incorporates by reference the allegations contained in the preceding paragraphs.

14. Upon information and belief, Defendant was not using Defendant's Mark in interstate commerce in association with the Covered Goods on April 19, 2002, as claimed in Defendant's federal trademark application for Defendant's Mark filed on June 5, 2004 with the United States Patent and Trademark Office (the "PTO").

15. Upon information and belief, Defendant was not using Defendant's Mark in interstate commerce at the time it applied for a federal registration with PTO, as claimed in Defendant's trademark application for Defendant's Mark.

16. Upon information and belief, Defendant is not currently using Defendant's Mark in interstate commerce in connection with the Covered Goods.

17. Upon information and belief, any use of Defendant's Mark on or in connection with the Covered Goods has been discontinued for at least three (3) consecutive years, and has thus been abandoned pursuant to § 1127 of the Lanham Act

18. Defendant's Mark is descriptive of the Covered Goods and therefore not entitled to registration, as the term CHARTREUSE is descriptive of a greenish-yellow color.

**Second Claim for Relief**  
(Non-Infringement of Trademark)

19. Chartreuse incorporates by reference the allegations contained in the preceding paragraphs.

20. As an actual justiciable controversy exists, Chartreuse is entitled to a declaratory judgment that she is not infringing, has not infringed, and is not liable for infringing Defendant's Mark.

**Request for Relief**

WHEREFORE, Chartreuse seeks judgment awarding the following relief:

(a) A declaration that Defendant's Mark (i) lacks the requisite legal requirements to be protectable under the Lanham Act and (ii) is not entitled to registration on the Principal Register;

(b) An order directing the Commissioner of Patents and Trademarks to cancel United States Trademark Registration No. 2,997,572;

(c) A declaration that Chartreuse is not infringing, has not infringed, and is not liable for infringing Defendant's Mark;

(d) An order awarding attorneys' fees, costs, and expenses incurred in connection with this action to Chartreuse; and

(e) An order and all such other relief as the Court may deem just and proper.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Louis T. Perry

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