



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

<p>THRIVENT FINANCIAL FOR LUTHERANS,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>PFJ VENTURES LLC a/k/a THRIVANT CONSULTING LLC</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Civil Action No. 22-cv-1248</p> <p><b>Jury Trial Demanded</b></p>
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**COMPLAINT**

Plaintiff Thrivent Financial for Lutherans (“Plaintiff” or “Thrivent”) for its Complaint against Defendant PFJ Ventures, LLC d/b/a Thrivant Consulting LLC (“Defendant” or “PFJ”), alleges as follows:

**PARTIES**

1. Plaintiff is a Wisconsin fraternal benefits society having a principal place of business at 600 Portland Avenue S., Suite 100, Minneapolis, Minnesota 55415.
2. Defendant is a limited liability company organized under the laws of Indiana having its principal place of business at 757 Massachusetts Avenue, Unit 405, Indianapolis, Indiana, 46204.

**NATURE OF ACTION AND JURISDICTION**

3. This case is about Defendant’s infringement of the THRIVENT trademark, including Thrivent’s numerous registered trademarks. Defendant uses the THRIVANT trademark in connection with services that are highly related to and overlap with the goods and services

offered by Thrivent under the THRIVENT trademark, resulting in likely confusion among potential customers.

4. This is an action for trademark infringement and unfair competition under Sections 32(1) and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114(1) and 1125(a), and common law trademark infringement and unfair competition under Indiana Code § 24-2-1-15 and the common law of the State of Indiana.

5. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338, and has supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1367(a).

6. This Court also has jurisdiction over this matter under 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the parties are citizens of different states. Plaintiff is organized under the laws of the state of Wisconsin and has a principal place of business in Minnesota, and is therefore, under 28 U.S.C. § 1332(c)(1), a citizen of the state of Wisconsin and Minnesota. Defendant is organized under the laws of the state of Indiana and has a principal place of business in Indiana, and is therefore, under 28 U.S.C. § 1332(c)(1), a citizen of the state of Indiana.

7. This Court has personal jurisdiction over the parties and venue is proper in this district under 28 U.S.C. § 1391 because Defendant resides in this District.

## **BACKGROUND**

### **The THRIVENT Trademarks**

8. Thrivent is the owner of the well-known THRIVENT name, trademarks and logo (together, the "THRIVENT Trademarks").

9. Since its beginning in 1902, Thrivent has grown to be an organization with over 2 million members and over \$100 billion in assets under management or advisement.

10. Thrivent, its wholly owned subsidiary companies, and its licensees offer a wide variety of services and products to their members and customers under the THRIVENT Trademarks, including insurance and annuity products, financial and business advising, mutual funds and investments, individual retirement accounts, trust accounts, financial advisory services, banking and credit union services, lending services, and debit and credit card services. Thrivent is well-known for its services and products.


11. Thrivent has an excellent reputation for financial strength and delivering high quality, reliable, and sound financial advice, services, and products. For over 20 years in a row, Thrivent has been given a rating of A++ Superior by independent insurance analyst A.M. Best, putting Thrivent among the top 5% of organizations ranked by A.M. Best.

12. Since at least as early as 2002, when it coined the word “THRIVENT,” Thrivent has been the exclusive user of the THRIVENT trademarks in the United States. Thrivent owns many federal trademark registrations for its THRIVENT marks for a wide variety of services and products. Thrivent’s registered marks include:

Mark/Name	Full Goods/Services	Ser./Reg. No.
THRIVENT	(Int’l Class: 16) print publications, namely, brochures, information sheets, printed educational and teaching materials, books, and membership magazines for a fraternal benefits society, all in the field of financial planning and management, investment planning, estate planning, insurance planning, tax planning, charitable planning, life and retirement planning, long-term care, fundraising, faith and family matters (Int’l Class: 36) insurance underwriting in the field of life, medical, long-term care, disability and annuities; insurance brokerage services; financial analysis and consultation services; insurance	RN: 2815440 SN: 76324049

Mark/Name	Full Goods/Services	Ser./Reg. No.
	<p>consultation services; investment management and consultation services; mutual fund investment services; banking services; providing educational scholarships and monetary grants to individuals; charitable fundraising services and providing grants to other organizations, institutions, communities, and church congregations</p> <p>(Int'l Class: 41) education and training in the field of financial planning and management, investment planning, estate planning, insurance planning, tax planning, charitable planning, life and retirement planning, long-term care, fundraising, faith and family matters, offered through workshops, seminars, and video tapes</p>	
THRIVENT FINANCIAL	<p>(Int'l Class: 16) print publications, namely, brochures, information sheets, printed educational and teaching materials, books, and membership magazines for a fraternal benefits society, all in the field of financial planning and management, investment planning, estate planning, insurance planning, tax planning, charitable planning, life and retirement planning, long-term care, fundraising, faith and family matters</p> <p>(Int'l Class: 36) insurance underwriting in the field of life, medical, long-term care, disability and annuities; insurance brokerage services; financial analysis and consultation services; insurance consultation services; investment management and consultation services; mutual fund investment services; banking services; providing educational scholarships and monetary grants to individuals; charitable fundraising services and providing grants to other organizations, institutions, communities, and church congregations</p> <p>(Int'l Class: 41) education and training in the field of financial planning and management, investment planning, estate planning, insurance planning, tax planning, charitable planning, life and retirement planning, long-term care, fundraising, faith and family matters, offered through workshops, seminars, and video tapes</p>	RN: 2830481 SN: 76333561

Mark/Name	Full Goods/Services	Ser./Reg. No.
<p><b>thrivent</b></p>	<p>(Int’l Class 25) Promotional clothing items, namely, shirts and hats                      (Int’l Class 35) Charitable services, namely, organizing and conducting volunteer programs and community service projects; developing and coordinating volunteer programs and community service projects; charitable services, namely, organizing members of a fraternal benefit society to undertake projects to benefit the needy and the community; association services, namely, organizing sub-units of a fraternal benefit society and promoting the interests of members thereof; Providing a website featuring information in the field of coordinating the procurement and distribution of charitable volunteer services and charitable financial giving                      (Int’l Class 36) Insurance, namely, underwriting services, in the field of life, medical, long-term care, disability; insurance brokerage services; insurance consultation services; issuance and administration of annuities; financial analysis, planning, consultation, and management services; financial retirement planning services; investment management and consultation services; mutual fund investment services; charitable fundraising services and providing grants to other individuals, non-profit and charitable organizations, and church congregations; securities distribution, brokerage, and investment services; securities underwriting services; Providing educational information in the fields of life insurance, annuities, investing, retirement planning, personal finance, and charitable fundraising services; Providing a website featuring information in the fields of life insurance, annuities, investing, retirement planning, personal finance, and charitable financial giving; Providing advice in the fields of life insurance, annuities, investing, retirement planning, personal finance, and charitable financial giving; credit union services; Credit union services provided by mobile telephone connections; banking; online banking; mortgage banking; providing student loans; student loan services; Providing student loan information; Consumer lending services; Commercial lending services; ATM banking services; Trust services, namely, investment and trust company services</p>	<p>RN: 6278963                      SN: 88775864</p>

Mark/Name	Full Goods/Services	Ser./Reg. No.
	(Int'l Class 41) Educational services, namely, seminars, workshops, and non-downloadable webinars in the fields of financial planning and management, insurance planning and management, annuities planning and management, life and retirement planning and management, investment planning and management, mutual fund investments, estate planning, long-term care, charitable planning, fundraising, and faith and family matters, and the distribution of course materials in connection therewith	
	<p>(Int'l Class 25) Promotional clothing items, namely, shirts and hats</p> <p>(Int'l Class 35) Charitable services, namely, organizing and conducting volunteer programs and community service projects; developing and coordinating volunteer programs and community service projects; charitable services, namely, organizing members of a fraternal benefit society to undertake projects to benefit the needy and the community; association services, namely, organizing sub-units of a fraternal benefit society and promoting the interests of members thereof; Providing a website featuring information in the field of coordinating the procurement and distribution of charitable volunteer services and charitable financial giving</p> <p>(Int'l Class 36) Insurance, namely, underwriting services, in the field of life, medical, long-term care, disability; insurance brokerage services; insurance consultation services; issuance and administration of annuities; financial analysis, planning, consultation, and management services; financial retirement planning services; investment management and consultation services; mutual fund investment services; charitable fundraising services and providing grants to other individuals, non-profit and charitable organizations, and church congregations; securities distribution, brokerage, and investment services; securities underwriting services; Providing educational information in the fields of life insurance, annuities, investing, retirement planning, personal finance, and charitable fundraising services; Providing a website featuring information in the fields of life insurance, annuities, investing,</p>	<p>RN: 6278962 SN: 88775853</p>

Mark/Name	Full Goods/Services	Ser./Reg. No.
	<p>retirement planning, personal finance, and charitable financial giving; Providing advice in the fields of life insurance, annuities, investing, retirement planning, personal finance, and charitable financial giving; credit union services; Credit union services provided by mobile telephone connections; banking; online banking; mortgage banking; providing student loans; student loan services; Providing student loan information; Consumer lending services; Commercial lending services; ATM banking services; Trust services, namely, investment and trust company services</p> <p>(Int'l Class 41) Educational services, namely, seminars, workshops, and non-downloadable webinars in the fields of financial planning and management, insurance planning and management, annuities planning and management, life and retirement planning and management, investment planning and management, mutual fund investments, estate planning, long-term care, charitable planning, fundraising, and faith and family matters, and the distribution of course materials in connection therewith</p>	
THRIVENT INVESTMENT MANAGEMENT	(Int'l Class: 36) securities distribution, brokerage, and investment services; securities underwriting services; investment management and consultation services; financial planning services	RN: 2854576 SN: 76427413
THRIVENT ASSET MANAGEMENT	(Int'l Class: 36) investment advisory services; securities underwriting services; investment management and consultation services; financial planning services	RN: 3193489 SN: 78822811
THRIVENT TRUST COMPANY	(Int'l Class: 36) financial services, namely, trust company services and investment management services; professional fiduciary representative services	RN: 4492142 SN: 85759596
THRIVENT FEDERAL CREDIT UNION	(Int'l Class: 36) financial services, namely, full-service banking services, mortgage lending services, commercial and consumer lending services, debit and credit card services, credit union services, and online banking services	RN: 4329007 SN: 85445581

<b>Mark/Name</b>	<b>Full Goods/Services</b>	<b>Ser./Reg. No.</b>
THRIVENT CHOICE	(Int'l Class: 35) promoting and administering a loyalty incentive program to promote charitable purposes	RN: 4010037 SN: 77898002
THRIVENT CHOICE DOLLARS	(Int'l Class: 35) promoting and administering a loyalty incentive program to promote charitable purposes	RN: 4122227 SN: 77897980
THRIVENT MAGAZINE	(Int'l Class: 41) non-downloadable electronic publications, namely, magazines, featuring financial planning and management, investment planning, estate planning, insurance planning, tax planning, charitable planning, life and retirement planning, long-term care, fundraising, faith and family matters	RN: 4224326 SN: 85408467
THRIVENT MUTUAL FUNDS	(Int'l Class: 36) Mutual funds investments; mutual fund administration, distribution and investment services; financial consulting and advising relating to mutual fund investments; providing financial information in the field of mutual funds and investing; providing a website featuring educational information in the field of mutual funds and investing	RN: 5097423 SN: 86980723
THRIVENT SHEPHERD MANAGED PORTFOLIOS	(Int'l Class: 36) financial management; financial asset management; financial custody services, namely, maintaining possession of financial assets for others for financial management purposes; financial portfolio management; financial services, namely, coordination, within a single account, of an investment portfolio's maintenance, trading, rebalancing, and tax management needs; investment advisory services; investment advisory services for which clients pay an asset-based fee for investment selection, asset allocation, trading and rebalancing, custody of securities, and account reporting	RN: 5088229 SN: 86834064
THRIVENT FINANCIAL GUIDANCE TEAM	(Int'l Class: 36) Financial analysis, planning, and consultation services; financial planning for retirement; investment consultation services; insurance consultancy services	RN: 4986702 SN: 86709252
THRIVENT SCHOLAR ADVISOR NETWORK	(Int'l Class: 36) Financial planning; financial planning, namely, creating personalized strategies for preparing and saving to pay college and university tuition and fees; Providing student loan	RN: 5698883 SN: 87751347



Mark/Name	Full Goods/Services	Ser./Reg. No.
	information; college consulting services, namely, assisting students in applying for scholarships and financial aid; providing educational information in the field of financial planning	

(hereinafter, the “THRIVENT Registered Marks”). Attached hereto as **Exhibit A** are TSDR reports from the United States Patent and Trademark Office for the THRIVENT Registered Marks. Many of the THRIVENT Registered Marks are incontestable and are therefore conclusive evidence of Thrivent’s ownership of the THRIVENT Registered Marks, of its registration of the THRIVENT name, and its exclusive right to use the THRIVENT Registered Marks in commerce in connection with the goods and services identified in the applicable registrations (“Thrivent Goods and Services”).

13. Thrivent offers a broad range of advisory and consulting services in the business space. As identified above, the THRIVENT Trademarks are registered in connection with “education and training in the field of financial planning and management,” “investment planning,” “investment advisory services,” “investment management and consultation services” and “professional fiduciary representative services.” Thrivent also offers broader financial services, advisory and investment services, insurance services, educational services, consulting and charitable opportunities under the THRIVENT Trademarks, and works with business owners regarding financial options to start a business, business continuation strategies, employee benefits, and insurance for businesses.

14. Many of Thrivent’s services are offered to customers through financial advisors in communities. Many of these customers are business owners. Thrivent financial advisors work with business owners to develop strategies to achieve long term stability and wealth, business continuation strategies, insurance solutions and employee financial packages.

15. Thrivent has invested millions of dollars in strengthening and promoting the THRIVENT Trademarks and has continuously used the THRIVENT Trademarks nationwide in connection with financial and related educational and advising services. Thrivent has also made substantial sales under the THRIVENT Trademarks.

16. Thrivent routinely polices use of its THRIVENT Trademarks and confusingly similar marks. As a result, the THRIVENT Trademarks have achieved considerable consumer recognition, is not diluted, and is entitled to a broad scope of protection against infringement.

17. Thrivent offers and provides goods and services under the THRIVENT Trademarks in Indiana and has a significant and expanding customer base in the state.

**Defendant's Unauthorized Use of a Confusingly Similar Mark**

18. Upon information and belief, Defendant adopted and began use of the THRIVANT mark in late 2021, long after Thrivent adopted and began using the THRIVENT Trademarks.

19. Upon information and belief, on September 29, 2021, Defendant registered their assumed name, Thrivant Consulting LLC, with the Indiana Secretary of State.

20. This name registration was despite constructive knowledge of Thrivent's THRIVENT Trademarks.

21. Defendant also operates the website located at [www.thrivantconsulting.com](http://www.thrivantconsulting.com), where Defendant prominently displays the THRIVANT mark. Defendant's website touts services related to "strategy & governance," "operational excellence" and "fractional CxO support," and within these services Defendant includes "financial oversight" and "finance" services ("Defendant's Services"). Upon information and belief, all of these services offered by Defendant are offered under the THRIVANT mark.

22. On or around March 17, 2022, Thrivent wrote to Defendant, asking Defendant to cease all use of the THRIVANT mark in commerce in connection with financial services. On or around April 8, 2022, Defendant responded to the letter and refused to discontinue using the mark THRIVANT in connection with financial services. Thrivent wrote again on May 4 again requesting cessation of use of the THRIVANT mark and offering a lengthy phase out to lessen any business impact. Defendant responded on May 13, 2022, refusing to cease use of THRIVANT.

23. As a result of this correspondence, Defendant has had actual notice of Thrivent's superior rights in its THRIVENT Trademarks since at least March 2022, if not earlier. Upon information and belief, since receiving such notice, Defendant has taken no steps to cease use of its infringing THRIVANT mark.

24. Defendant continues to use the THRIVANT mark in connection with Defendant's Services.

**Harm Resulting from Defendant's Conduct**

25. Defendant's use of the THRIVANT mark overlaps with Thrivent's longstanding use of the THRIVENT Trademarks.

26. Phonetically and visually, Defendant's THRIVANT mark is nearly identical to Thrivent's THRIVENT Trademarks. THRIVANT and THRIVENT differ only by a single vowel.

27. Both parties use their respective marks in similar ways, using THRIVANT and THRIVENT as the dominant elements of their respective marks. Further, both parties use their respective marks on customer-facing materials in standard word form, detached from any logo or graphical element.

28. The parties' goods and services are highly related, if not the same. Thrivent, its wholly owned subsidiary companies, and its licensees use the THRIVENT Trademarks in

connection with the Thrivent Goods and Services. Defendant uses the THRIVANT Mark in connection with Defendant's Services which are highly related and overlap with the Thrivent Goods and Services. Namely, the same business owner that seeks THRIVENT branded financial products and advising may also request business management services from THRIVANT.

29. Further, Defendant's Services are a natural extension of Thrivent's services and products. It is not uncommon for financial advisors to offer recommendations and advice regarding business ownership strategies.

30. The parties' overlapping goods and services travel through similar channels of trade. Namely, both parties engage in online marketing and deliver products and services, including personal and business financial advising, through individual representatives.

31. The parties and their goods and services overlap geographically. Upon information and belief, Defendant's Services are sold or offered for sale under the THRIVANT mark in Indiana and throughout interstate commerce. Under the THRIVENT trademark, Thrivent and its subsidiary and affiliated companies deliver services to over 55,000 clients who live in Indiana. Additionally, Thrivent has 47 field agents who live in Indiana, and a total of 590 who have an active insurance license in Indiana. Moreover, Defendant also operates the website located at [www.thrivantconsulting.com](http://www.thrivantconsulting.com), where Defendant prominently displays the THRIVANT mark in connection with Defendant's Services.

32. Defendant's use of the THRIVANT mark in connection with Defendant's Services is not authorized or endorsed by Thrivent in any way. Thrivent has repeatedly notified Defendant of Thrivent's rights in the THRIVENT Trademarks and Defendant's infringement.

33. Defendant's unauthorized use of the THRIVANT mark in the manner described above is likely to cause confusion, to cause mistake, and/or to deceive customers and potential

customers of the parties, at least as to some affiliation, connection or association of Defendant with Thrivent or the THRIVENT Trademarks, or as to the origin, sponsorship, or approval by Thrivent of Defendant, the THRIVANT mark, or Defendant's Services.

34. The potential for confusion is exacerbated by Defendant's use of the domain name, [www.thrivantconsulting.com](http://www.thrivantconsulting.com) for its website, which is nearly identical to the domain name for Thrivent's website at [www.thrivent.com](http://www.thrivent.com).

35. Defendant's unauthorized use of the THRIVANT mark in the manner described above is likely to cause confusion among potential customers of the parties, including initial interest confusion and post-sale and related confusion among customers and potential customers.

36. Defendant's unauthorized use of the THRIVANT mark in commerce falsely designates the origin of Defendant's products and services, and falsely and misleadingly describes and represents facts with respect to an affiliation, association, or connection between Thrivent and Defendant and/or Defendant's products and services.

37. Defendant's unauthorized use of the THRIVANT mark in commerce is enabling, and will continue to enable, Defendant to trade on and receive the benefit of the goodwill of the THRIVENT Trademarks built up at great labor and expense by Thrivent over many years, and to gain acceptance for its products and services not solely on Defendant's own merits, but on the reputation and goodwill of the THRIVENT Trademarks.

38. Defendant's unauthorized use of the THRIVANT mark in commerce has unjustly enriched, and will continue to unjustly enrich, Defendant at Thrivent's expense. Without compensating Thrivent for its use of the mark, Defendant has obtained and will continue to obtain benefits from Thrivent which has caused, and will continue to cause, significant harm to Thrivent. Defendant's use of the THRIVANT Mark has led, and will continue to lead, to financial gain to

Defendant through its sales of financial services and related products under the THRIVANT mark. Defendant voluntarily acquired and continues to voluntarily acquire these benefits with full knowledge of the same.

39. Defendant's unauthorized use of the THRIVANT mark in commerce prevents Thrivent's from controlling the nature and the quality of products and services provided under its THRIVENT Trademarks and places the valuable reputation and goodwill of Thrivent in the hands of the Defendant, over whom Thrivent has no control.

40. Unless these acts of Defendant are restrained by this Court, Defendant will continue to cause irreparable injury to Thrivent and to the public for which there is no adequate remedy at law.

**COUNT I:**  
**FEDERAL TRADEMARK INFRINGEMENT**

41. Thrivent repeats the allegations in Paragraphs 1-40 as if fully set forth herein.

42. Thrivent is the owner of the THRIVENT Trademarks, including its registered trademarks.

43. Thrivent offers the Thrivent Goods and Services under the THRIVENT Trademarks.

44. Defendant's use of the THRIVANT mark in connection with Defendant's Services is likely to cause confusion, mistake, or deception as to origin, sponsorship or approval with Thrivent or the THRIVENT Trademarks, including the THRIVENT Registered Marks, and therefore constitutes federal trademark infringement in violation of 15 U.S.C. § 1114(1).

45. As a result of Defendant's conduct, Thrivent has suffered and continues to suffer damages including, without limitation, the loss of sales Thrivent would have made but for

Defendant's acts, in an amount to be proven at trial, and the loss of goodwill and exclusivity in Thrivent's THRIVENT Registered Marks.

46. As a direct and proximate result of Defendant's above-described conduct, Defendant has been unjustly enriched and should be ordered to disgorge any and all profits earned as a result of such unlawful conduct.

47. Unless enjoined by this Court, Defendant's above-described conduct will cause irreparable injury, for which Thrivent has no adequate remedy at law, in the nature of injury to the reputation and goodwill of Thrivent's THRIVENT Registered Marks as well as confusion and deception among customers. Thrivent is entitled to injunctive relief pursuant to 15 U.S.C. § 1116.

48. Defendant's actions were taken in willful, deliberate, and/or intentional disregard of Thrivent's rights. Thrivent is entitled to recover trebled damages, Thrivent's attorneys' fees, and the costs of this litigation pursuant to 15 U.S.C. § 1117.

**COUNT II:**  
**FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**

49. Thrivent repeats the allegations in Paragraphs 1-48 as if fully set forth herein.

50. The acts of Defendant complained of herein constitute unfair competition and false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

51. Defendant's activities are likely to cause confusion, mistake or deception among purchasers and/or users of the parties' goods and services as to source or origin and/or as to any sponsorship or affiliation between, or endorsement by, Thrivent or the THRIVENT Trademarks and Defendant, in violation of 15 U.S.C. § 1125.

52. As a result of Defendant's conduct, Thrivent has suffered and continues to suffer damages including, without limitation, the loss of sales Thrivent would have made but for

Defendant's acts, in an amount to be proven at trial and the loss of goodwill and exclusivity in Thrivent's THRIVENT Trademarks.

53. As a direct and proximate result of Defendant's above-described conduct, Defendant has been unjustly enriched and should be ordered to disgorge any and all profits earned as a result of such unlawful conduct.

54. Unless enjoined by this Court, Defendant's above-described conduct will cause irreparable injury, for which Thrivent has no adequate remedy at law, in the nature of injury to the reputation and goodwill of Thrivent's THRIVENT Trademarks as well as confusion and deception among customers. Thrivent is entitled to injunctive relief pursuant to 15 U.S.C. § 1116.

55. Defendant's actions were taken in willful, deliberate, and/or intentional disregard of Thrivent's rights. Thrivent is entitled to recover trebled damages, Thrivent's attorneys' fees, and the costs of this litigation pursuant to 15 U.S.C. § 1117.

**COUNT III:**  
**TRADEMARK INFRINGEMENT UNDER INDIANA COMMON LAW**

56. Thrivent repeats the allegations in Paragraphs 1-55 as if fully set forth herein.

57. The acts of Defendant complained of herein constitute trademark infringement and unfair competition under the common law of Indiana with respect to Thrivent and the THRIVENT Trademarks.

58. Thrivent is the owner of the THRIVENT Trademarks.

59. Thrivent offers the Thrivent Goods and Services under the THRIVENT Trademarks.

60. Defendant's use of the THRIVANT mark in connection with Defendant's Services is likely to cause confusion, mistake, or deception as to origin, sponsorship or approval with



Thrivent or the THRIVENT Trademarks and therefore constitutes trademark infringement under the common law of Indiana.

61. As a result of Defendant's conduct, Thrivent has suffered and continues to suffer damages including, without limitation, the loss of sales Thrivent would have made but for Defendant's acts, in an amount to be proven at trial, and the loss of goodwill and exclusivity in Thrivent's THRIVENT Trademarks.

62. As a direct and proximate result of Defendant's above-described conduct, Defendant has been unjustly enriched and should be ordered to disgorge any and all profits earned as a result of such unlawful conduct.

63. Thrivent is entitled to recover actual and enhanced damages, attorney fees, the costs of this litigation, and injunctive relief.

#### **DEMAND FOR RELIEF**

Thrivent respectfully requests the following relief:

(a) An order requiring Defendant, its officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with Defendant, be preliminarily and permanently enjoined and restrained from using THRIVANT mark and any other mark, whether in word or design form, trade name, company name, domain name, or designation that is not at least a safe distance away from, or is otherwise confusingly similar to Thrivent's THRIVENT Trademarks, and from any attempt to retain any part of the goodwill misappropriated from Thrivent;

(b) An order requiring Defendant to change Defendant's assumed name;

(c) An order requiring Defendant to transfer the domain name thrivantconsulting.com to Thrivent;

(d) An order requiring Defendant to file with this Court and to serve upon Thrivent, within thirty (30) days after the entry and service on Defendant of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;

(e) A judgement and Order that Thrivent recover all damages it has sustained as a result of Defendant's activities and that those damages be trebled;

(f) A judgment and order directing Defendant to pay Thrivent Defendant's profits resulting from their activities complained of herein;

(g) A judgment and order directing Defendant to pay the costs and expenses of this action and attorneys' fees, with interest;

(h) Such other and further relief as this Court may deem just and equitable.

**JURY DEMAND**

Thrivent hereby demands a jury trial in accordance with Federal Rule of Civil Procedure 38(b).

DATED: June 22, 2022

Respectfully submitted,

s/William A. McKenna  
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