

B. Jurisdiction

3. This is an action for trademark infringement and unfair competition arising under 15 U.S.C. § 1114 (Trademark Infringement), 15 U.S.C. § 1125 (Unfair Competition, False Designation and Cybersquatting) and the common law.

4. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338(a) and (b). This Court has supplemental jurisdiction under 28 U.S.C. § 1367 of the Plaintiff's state law claims for violations by Defendants of Plaintiff's trade name rights.

5. Defendants are subject to personal jurisdiction in Texas. Defendants' bad faith registration of the domain name www.sewfineinteriors.com, and use of a confusingly similar logo and name, despite actual, or at least constructive, knowledge of Plaintiff's federal trademark registration, is conduct expressly aimed at Plaintiff, a Texas corporation. Defendants' website has intentionally harmed the Texas Plaintiff and there is a clear nexus between the website and the causes of action asserted herein.

C. Venue

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

D. Facts

7. Plaintiff is a company of considerable reputation and goodwill in the custom hot rod industry. Plaintiff manufactures, distributes and sells a line of automobile parts and accessories and carpeting. Plaintiff also engages in the custom manufacturing of automobile interior parts.

8. Plaintiff promotes its goods and services in conjunction with a logo consisting of the word “Sewfine” in stylized script with a sewing needle situated beneath the word “Sewfine” (the “Sewfine Logo”). Plaintiff’s Sewfine Logo is the subject of a federal trademark (Reg. No. 3,997,326), most recently registered on July 19, 2011. The Sewfine Logo is pictured below:



9. The Sewfine Logo was first used at least as early as January 1, 1980. The Sewfine Logo is used in conjunction with multiple goods and services, as follows: (1) automobile parts and accessories, namely, seat covers, door panels, headliners, convertible tops, replacement seats, windshield sun shades, top pads for convertible tops comprising fabric liners and foam padding, for automobiles and pick-up trucks, and molded door panels for pick-up trucks in Class 12; (2) automobile carpeting in Class 27; and (3) custom manufacture of automotive seat covers, replacement floor carpets, door panels, headliners, convertible tops, replacement seats, and top pads in Class 40.

10. The Logo was the subject of a prior federal registration in conjunction with the same goods and services listed above (Reg. No. 2,597,063), registered on July 23, 2002. The prior trademark application was filed on August 24, 2000.

11. Plaintiff has consistently used the Sewfine Interior Products name in association with its business (“Sewfine Name”).

12. Plaintiff has had and used the phone number 1-800-Sewfine since at least 1995.

13. Plaintiff also promotes its goods and services on its website at www.sewfineproducts.com (“Sewfine Website”). Plaintiff’s Logo and Plaintiff’s Name are prominently featured on the Sewfine Website. The URL was first registered on March 12, 1998.

14. Plaintiff has promoted its business nationwide in conjunction with the Sewfine Logo, Sewfine Name and Sewfine Website. Among other things, Plaintiff has advertised monthly since August 1986 in magazines with nationwide circulation that are targeted to the automotive industry. Such magazines include Sport Truck, Dune Buggies and Hot VWs, and Truckin.

15. Plaintiff’s quality work has been recognized by third-parties. Plaintiff’s work has been featured numerous times in full 2-5 page articles within hot rod magazines.

16. Plaintiff is a vendor and/or sponsor at many national car shows, including Specialty Equipment Manufacturers Association (SEMA), Automobile Restoration Convention, Brag and Drag, Crème de la Chrome, and Mid America Fun Fest.

17. Plaintiff also has a network of distributors in the United States and England. One such distributor is located in Missouri.

18. Defendants, a competitor of Plaintiff in the custom hot rod industry, are using an almost identical logo (the “Defendants’ Logo”). The Defendants’ Logo is pictured below:



19. Defendants' Logo consists of the words "Sew Fine Interiors" in a stylized script with a sewing needle situated beneath the words "Sew Fine Interiors."

20. Defendants are also using a similar name, Sew Fine Interiors ("Defendants' Name").

21. Defendants have a website at www.sewfineinteriors.com ("Defendants' Website"). Defendants' Logo and Defendants' Name are prominently featured on the Defendants' Website. The URL was first registered on May 25, 2008.

22. Plaintiff has notified Defendants of their infringement but Defendants have continued to infringe.

COUNT I

(Federal Trademark Infringement - 15 U.S.C. § 1114)

23. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

24. By continuing to use and display the Defendants' Logo, Defendants' Name and Defendants' Website in conjunction with its goods and services, Defendants intentionally and knowingly used in commerce a reproduction, counterfeit, copy and/or colorable imitation of Plaintiff's Sewfine Logo, Sewfine Name and Sewfine Website in

connection with the sale, offering for sale, distribution, or advertising of goods and services in a manner that is likely to cause confusion or mistake, or to deceive.

25. Defendants have committed such acts with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake or to deceive.

COUNT II

(Unfair Competition: False Designation of Origin – 15 U.S.C. § 1125(a)(1)(A))

26. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

27. Defendants' use in commerce of the Defendants' Logo, Defendants' Name and Defendants' Website in connection with goods and services is a false designation of origin which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiff, or as to the origin, sponsorship or approval of Defendants' goods and services by Plaintiff.

28. Defendants' use of the Defendants' Logo, Defendants' Name and Defendants' Website that are confusingly similar to Plaintiff's Sewfine Logo, Sewfine Name and Sewfine Website constitutes intentional conduct by Defendant to make false designations of origin.

29. Defendants' actions have created a likelihood of confusion among consumers who will falsely believe that Defendants' products and services are produced by, or affiliated or associated with Plaintiff, when, in fact, they are not.

30. Defendants acted knowingly, deliberately, and willfully with the intent to trade on Plaintiff's reputation.

COUNT III

(Cybersquatting Pursuant to 15 U.S.C.A. § 1125(d))

31. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

32. Defendants registered the domain name www.sewfineinteriors.com, with bad faith intent to profit from the Plaintiff's Sewfine Name, which is protected under Section 3002(a) of the Anticybersquatting Act, 15 U.S.C.A. § 1125(d)(1).

33. The Defendants registered the domain name "sewfineinteriors.com" without the prior knowledge, permission, or consent of Plaintiff. Such actions are a violation of Section 3002(a) of the Anticybersquatting Act, 15 U.S.C.A. §§ 1125(d)(1)(A)(ii)(I), (II); (d)(1)(B)(i)(II), (VI); and (d)(1)(E).

34. Plaintiff is therefore entitled to a judgment from this court compelling the Defendants, and each of them, to transfer all ownership in the domain "sewfineinteriors.com" to Plaintiff, or in the alternative for cancellation of the domain name, pursuant to Section 3002(a) of the Anticybersquatting Act, 15 U.S.C.A. § 1125(d)(1)(C).

COUNT IV

(Common Law Trademark Infringement)

35. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

36. By virtue of having used and continuing to use the Sewfine Logo, Sewfine Name and Sewfine Website, Plaintiff has acquired common law trademark rights in the marks.

37. Defendants' continued sale of goods and services containing the Defendants' Logo, Defendants' Name and Defendants' Website infringes Plaintiff's common law trademark rights in its trademarks.

E. Relief and Damages

38. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to the following:

- a. A preliminary and permanent injunction enjoining Defendants from infringing Plaintiff's Sewfine Logo, Sewfine Name and Sewfine Website;
- b. Statutory damages, including damages for willful infringement or, in the alternative, actual damages, plus the amount of Defendants' profits attributable to the infringement;
- c. An order of this Court compelling the Defendants, and each of them, to transfer all ownership in the domain name "sewfineinteriors.com" to Plaintiff, or in the alternative for cancellation of the domain name;
- d. For general and special damages against the Defendants, and each of them, jointly and severally, according to proof at the time of trial or, in the alternative, for statutory damages in an amount not less than \$1,000, nor in excess of \$100,000;

- e. Attorneys' fees and costs of court;
- f. Prejudgment and post judgment interest, as authorized by law; and
- g. All other relief the Court deems appropriate.

DEMAND FOR A JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable of right by a jury.

Respectfully submitted,

/s/ Christian D. Stewart

Christian D. Stewart – SBN: 24013569

LAW OFFICE OF CHRIS STEWART, P.C.

301 S. Polk, Suite 700

Amarillo, Texas 79101

Phone: (806) 322-1251

Fax: (806) 322-1252

E-mail: Chris@ChrisStewartLaw.com

ATTORNEYS FOR PLAINTIFF,
SLICK RIDES, INC. d/b/a SEWFINE
INTERIOR PRODUCTS