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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BANJO CORPORATION,

Plaintiffs,

vs.

GREEN LEAF, INC.,

Defendants.

Case No. 24-cv-2031

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Green Leaf, Inc. (“Green Leaf”), by its undersigned attorneys, as and for its
Complaint against Banjo Corporation (“Banjo”), alleges as follows:

PARTIES

1. Green Leaf is a corporation organized and existing under the laws of the State of
Indiana, and has a principal place of business at 9490 N. Baldwin Street, Fontanet, Indiana
47851.

2. On information and belief, Defendant Banjo is a corporation organized and
existing under the laws of the State of Indiana, and has a principal place of business at 150 Banjo
Drive, Crawfordsville, Indiana 47933.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121(a) and 28
U.S.C. §§ 1331 and 1338(a) and (b).

4. On information and belief, this Court has general personal jurisdiction over Banjo
because Banjo’s principal place of business is in Indiana, it is domiciled in Indiana, and it

conducts substantial business in this forum and because this action arises, in whole or in part, from such business.

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

**BACKGROUND INFORMATION, RELATED LITIGATION, AND
BANJO'S CYBERPIRACY**

6. Green Leaf is a leading seller of, *inter alia*, valves and pipe fittings and has its headquarters in the Terre Haute, Indiana area.

7. Green Leaf uses the trademarks Green Leaf® and/or TerreMax® and has done so for years.

8. Green Leaf has registered with the United States Patent and Trademark Office, the marks "GREEN LEAF" and "TERREMAX" in connection with selling valves and pipe fittings. These federally registered trademarks bear Registration Nos. 2,642,074 and 6,901,382, respectively. Green Leaf has also registered a design mark bearing the name "Green Leaf", bearing Registration No. 2,642,068.

9. Some of Green Leaf's products include valves with green handles, whereas Banjo does not sell valves with green handles.

10. Banjo filed a lawsuit, bearing Case Caption No. 1:23-cv-01770-SEB-MG, claiming ownership of the color yellow in handles for liquid handling valves and alleging trademark infringement of Trademark Registration No. 6,600,065. That case is pending.

11. Green Leaf discovered on October 15th, 2024 that that Banjo owns certain domain names registered to it. The report disclosing these domain names is attached as Exhibit A.

12. Banjo is the listed registrant of the following domain names:

1. greenleafvalve.com;
2. greenleafyellowhandle.com;

3. greenhandlevalve.com;
4. terremaxvalve.com;
5. terramaxvalve.com;
6. terrevalve.com;
7. terravalve.com and
8. terreproducts.com.

(hereafter “the Infringing Domain Names”).

13. Banjo owns the domain names greenleafvalve.com; greenleafyellowhandle.com; greenhandlevalve.com; terremaxvalve.com; terramaxvalve.com; terrevalve.com; terravalve.com; and terreproducts.com.

14. The Infringing Domain Names cost money to register and to renew.

15. Banjo paid for the registration of the Infringing Domain Names.

16. Banjo registered the Infringing Domain Names on October 16, 2019.

17. Each of the Infringing Domain Names, when entered into an internet browser, re-directed consumers to Banjo’s website at Banjo-Valves.com at least as late as October 30th, 2024.

18. Banjo controls the domain names greenleafvalve.com; greenleafyellowhandle.com; greenhandlevalve.com; terremaxvalve.com; terramaxvalve.com; terrevalve.com; terravalve.com; and terreproducts.com.

19. The domain names terremaxvalve.com; terramaxvalve.com; terrevalve.com; terreproducts.com; greenleafyellowhandle.com; and greenleafvalve.com were set to expire on October 16th, 2024 as shown in Exhibit A.

20. Banjo renewed the domain names terremaxvalve.com; terramaxvalve.com; terravalve.com; terreproducts.com; greenleafyellowhandle.com; and greenleafvalve.com at least by October 17, 2024. Evidence of the renewed registrations are attached as Exhibit B.

21. Banjo paid for the renewal of the Infringing Domain Names.

22. Within two (2) weeks of Green Leaf's discovery of Banjo's Cyberpiracy practices, on October 30, 2024, Green Leaf filed a Motion for Leave to amend, seeking to add a Cyberpiracy counterclaim to the lawsuit bearing Case Caption No. 1:23-cv-01770-SEB-MG. The Motion for Leave to amend was denied, but the Court indicated that Green Leaf may pursue this claim in a separate action.

23. As of October 30, 2024, the Infringing Domain Names were active and continued to divert consumers to Banjo-Valves.com.

24. By Monday, November 4th, the domain names no longer re-directed consumers to Banjo-Valves.com.

COUNT I
CYBERPIRACY OF GREEN LEAF'S MARKS

25. Green Leaf repeats and realleges each allegation set forth in paragraphs 1-24 as if fully set forth herein.

26. The Infringing Domain Names are confusingly similar to Green Leaf's trademarks of Green Leaf[®] and/or TerreMax[®].

27. The Infringing Domain Names are registered to Banjo.

28. Prior to approximately November 4, 2024, Consumers who used the Infringing Domain Names were or would have been redirected to Banjo's website.

29. Any consumer who enters the URL or clicks a link with the aforementioned URLs would have been or was confused into thinking they are being directed towards the purchase of Green Leaf[®] and/or TerreMax[®] pipe valves or fittings.

30. Upon information and belief, Banjo's registration and use of the Infringing Domain Names was done with a bad faith intent to profit from the Green Leaf[®] and/or TerreMax[®] marks.

31. Upon information and belief, Banjo's use of the Infringing Domain Names was done with a bad faith intent to divert customers to Banjo's website for commercial gain.

32. Banjo does not have any intellectual property rights or any legitimate use in the Infringing Domain Names.

33. Banjo does not have any bona fide non-commercial use or fair use of the Green Leaf[®] and/or TerreMax[®] marks.

34. At the time of the of Banjo's registration of the Infringing Domain Names, Banjo knew that the Infringing Domain Names were identical or confusingly similar to Green Leaf's distinctive marks.

35. Banjo's actions violate 15 U.S.C. § 1125(d), entitled "CYBERPIRACY PREVENTION".

36. Under 15 U.S.C. § 1117(d), Banjo is liable for actual damages and profits or statutory damages of not less than \$1,000 and not more than \$100,000 per domain name.

37. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Green Leaf respectfully prays that the Court:

- a. enter judgment that Banjo’s cyberpiracy acts violate 15 U.S.C. § 1125(d) of the Lanham Act;
- b. order cancellation or forfeiture of the Infringing Domain Names or the transfer of the Infringing Domain Names to Green leaf, under § 1125(d)(1)(C);
- c. order damages to be awarded to Green Leaf in the form of actual damages and profits or statutory damages of not less than \$1,000 and not more than \$100,000 per domain name, pursuant to 15 U.S.C. § 1117(d);
- d. Preliminarily and permanently enjoining Defendant, its agents, employees, representatives, distributors, assigns, and all persons acting in concert, in privity, or at the direction of Defendant from operating, maintaining, or controlling the Infringing Domain Names or any other domain name which would confuse or deceive the public with respect to Green Leaf’s trademarks or from competing unfairly with Green Leaf;
- e. declaring this an exceptional case in favor of Green Leaf and awarding Green Leaf its reasonable attorneys’ fees and costs as provided by law;
- f. awarding Green Leaf pre-judgment and post-judgment interest on the damages caused by Defendant’s Cyberpiracy activities or statutory damages awarded by the Court; and
- g. awarding Green Leaf such other relief as the Court deems just and proper.

JURY DEMAND

Green Leaf demands trial by jury under Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

Dated: November 18, 2024

s/Charles J. Meyer/

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