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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MY HEALTHY HOME LLC,

Plaintiff,

v.

HEALTHY HOME EXPERTS, LLC D/B/A
HEALTHY HOME FOUNDATION REPAIR and
JOSHUA HARPER, an individual,

Defendants.

CAUSE NO. 1:25-cv-167

COMPLAINT

Comes now Plaintiff, MY HEALTHY HOME LLC (“My Healthy Home”), by and through its counsel, and for its Complaint against Defendants HEALTHY HOME EXPERTS, LLC d/b/a HEALTH HOME FOUNDATION REPAIR (“HHFR”), and JOSHUA HARPER (“Harper”) (collectively, “Defendants”), alleges and avers as follows:

PARTIES, JURISDICTION AND VENUE

1. My Healthy Home is now and has been at all times relevant hereto a limited liability company incorporated under the laws of New Jersey, with a principal place of business at 101 Pleasant Run Road, Flemington, New Jersey 08822.

2. On information and belief, Defendant HHFR is now and has been at all times relevant hereto a limited liability company incorporated under the laws of the State of Indiana, with a principal place of business in 5342 Elmwood Ave, Bldg #2, Suite B, Indianapolis, Indiana 46203.

3. On information and belief, Defendant Harper is now and has been at all times relevant hereto a resident of the State of Indiana. Harper is over the age of eighteen and is

otherwise *sui juris*.

4. On information and belief, Harper directly or indirectly participated in, directed, controlled, caused, ratified, and/or was the moving force behind one or more of the tortious acts set forth herein. Harper so dominates and controls HHFR as to make the company a simple instrumentality or adjunct to him. The corporate fiction should therefore be disregarded because HHFR is the alter ego and/or business conduit of Harper and to observe the corporate formality would work an injustice.

5. The Court has subject matter jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1331 and 1338. This Court has jurisdiction over the common law unfair competition claim pursuant to 28 U.S.C. § 1338(b) and supplemental jurisdiction under 28 U.S.C. § 1367.

6. HHFR is subject to personal jurisdiction in this District and Division because: (1) HHFR is an Indiana corporation; (2) HHFR regularly conducts business within and has had systematic and continuous contacts with Indiana; (3) the activities giving rise to the claims occurred, at least in part, within Indiana; and (4) My Healthy Home has been affected and damaged by HHFR's tortious conduct in the State of Indiana. Harper is subject to personal jurisdiction because he resides in and is a citizen of Indiana.

7. Venue is proper in this District and Division pursuant to 28 U.S.C. § 1391 and because Defendants reside in this District and Division and a substantial portion of the events and omissions giving rise to this action, including trademark infringement, unfair competition and improper domain name registration.

FACTUAL ALLEGATIONS

My Healthy Home

8. Over the last several decades, there has been an increased awakening towards the importance of better air quality inside homes, workplaces and other dwellings. Indeed,

over time, the increased number of chemicals in the atmosphere, combined with airtight building constructions, has pushed the issue of “sick building syndrome” to the forefront.

9. My Healthy Home was founded in 2002 by its owner and Chief Executive Officer, Caroline Blazovsky. Ms. Blazovsky is a certified mold remediator; a certified indoor environmentalist; a certified environmental allergy consultant and a certified healthy home specialist as accredited by the National Environmental Health Association.

10. My Healthy Home is in the general business of providing healthier and more sustainable living environments inside homes, workplaces and other establishments.

11. Since its inception, the mission of the company has been to promote healthy living conditions using environmentally friendly methods, building materials and products.

12. For example, each year more adults and children suffer from asthma, allergies and chemical sensitivities. My Healthy Home addresses such issues, in part, by consulting on how to test for basic contaminants, how to lessen the use of chemicals and how to improve overall air quality through various measures.

13. The services provided often involve green building, construction, redesign, or renovation (whether through consulting, remediating, installing or designing) pertaining to indoor air quality, water purification, home improvement and remodeling.

14. My Healthy Home is a certified installer and wholesaler for related products, including devices to develop cleaner spaces such as dehumidifiers, viral protection devices, ultraviolet purifiers, energy recovery ventilators, air sensors, radon sensors and test kits.

15. My Healthy Home provides services for addressing specific contaminants, including volatile organic compounds (“VOC”), allergens, pollutants, dander and dust mites.

16. The company’s products and services are offered and promoted on, *inter alia*, the website, <https://www.healthyhomeexpert.com>, <https://www.healthyhomeexperts.com> and various social media platforms such as Facebook, Instagram and Twitter.

17. My Healthy Home's expertise in the promotion of health and wellness has been featured by Martha Stewart, Jenny McCarthy, Ronald Hoffman, M.D., SiriusXM, Shape Magazine, Reader's Digest, as well as hundreds of podcasts, radio and print interviews.

18. As a result of its certifications, third party press and industry endorsements, My Healthy Home has become nationally recognized as America's "Healthy Home Expert."

My Healthy Home's Trademark Rights

19. My Healthy Home spends an enormous amount of resources to protect and enforce its intellectual property, which includes maintaining a robust trademark portfolio.

20. My Healthy Home is the owner of all right, title and interest in and to the federally registered trademark "HEALTHY HOME EXPERT," U.S. Registration No. 4,134,019, which issued on May 1, 2012, in International Classes 035, 037, 041 and 042.

21. A true and accurate copy of the registration is attached as Exhibit 1.

22. My Healthy Home has used the trademark HEALTHY HOME EXPERT continuously since at least early 2012 in connection with one or more of the goods and services enumerated in each International Class.

23. The trademark achieved incontestability status on June 30, 2017.

24. My Healthy Home is also the owner of the federally registered trademarks "MY HEALTHY HOME," U.S. Registration No. 2,950,977 and "MY HEALTHY HOME" (stylized), U.S. Registration No. 3,052,127 (collectively, with HEALTHY HOME EXPERT, "the Marks").

25. Over the course of over two decades, My Healthy Home has spent an enormous amount of time, effort and resources promoting the Marks in association with the relevant goods and services throughout the United States to such an extent that each mark has independently developed recognition and secondary meaning in the minds of consumers.

HHFR's Infringing Domain Name, Corporate Name and Phrase

26. On or about October 25, 2022, Harper registered the internet domain name <https://www.healthyhomeexperts.net/> through Godaddy.com. This infringing domain name was registered after the registrations of My Healthy Home's domain names (incorporating its trademark) and is identical and/or confusingly similar to both of them but for the fact that the address uses ".net" instead of ".com." On information and belief, Harper was aware of My Healthy Home's domain names and in bad faith deliberately chose the ".net" version to create confusion and capitalize on My Healthy Home's existing branding and goodwill.

27. On or about November 2, 2022, Harper established an Indiana corporation with the name HEALTHY HOME EXPERTS, LLC. Harper therefore deliberately selected a confusingly similar name incorporating a plural version of My Healthy Home's trademark.

28. At least as early as September 25, 2023, Defendants were posting content on the website www.healthyhomeexperts.net using the confusingly similar HEALTHY HOME EXPERTS which is nothing more than a plural version of My Healthy Home's trademark.

29. Defendants' domain name www.healthyhomeexperts.net; corporate name HEALTHY HOME EXPERTS, LLC; and the phrase HEALTHY HOME EXPERTS are confusingly similar in appearance, sound, connotation and commercial impression.

30. Defendants' infringing mark was used to promote the same or similar services as My Healthy Home, through the same trade channels, to the same potential customers. For example, under the heading "Air Quality Testing," Defendants advertised that "*Healthy Home Experts* can help assess the air quality in your home, identify potential pollutants or contaminants, and provide a plan to restore your home's air quality" (emphasis added). Under the heading "Mold Testing," Defendants advertised that "*Healthy Home Experts* will collect samples of the mold and send them to a laboratory for analysis, providing you with a detailed

report of the results and recommendations for next steps.” (emphasis added). The website also contains an entire page dedicated to “Professional Crawlspace Mold Remediation.”

31. Defendants also offer the same or similar products as My Healthy Home, including air purifiers, dehumidifiers, as well as mold, allergen, VOC and water test kits.

32. Defendants’ website contains one or more customer reviews which identifies HHFR as “Healthy Home Experts.”

33. Given the similarities between the trademarks as issue, searching “HEALTHY HOME EXPERT” on the internet is likely to reveal websites, produce information or affect rankings relating to Defendants, whereas a search for “HEALTHY HOME EXPERTS” presents the opposite but equally troubling scenario. At present, AI generated information is already confusing and conflating contact or other information relating to the two independent companies and their businesses. Under such circumstances, consumers are likely to experience actual confusion, initial interest confusion, or otherwise be misled into falsely believing the companies and/or services are affiliated.

34. Defendants’ infringing use of My Healthy Home’s trademark also extends to social media. For example, Harper’s Facebook page (including posted videos) references “Health Home Experts,” advertises services such as removing mold and features photos of trucks and vans prominently displaying the infringing trademark.

35. A false affiliation between Defendants and My Healthy Home is causing, or is likely to cause dilution, tarnishment, blurring, loss of sales, interference and/or harm to goodwill. For example, negative reviews have been posted about Defendants while their social media platforms contain distasteful content with which My Healthy Home does not want to be associated. Defendants’ negative content has the potential to irreparably damage My Healthy Home’s relationships with Fortune 100 and 500 companies.

My Healthy Home Notifies Defendants of their Tortious Activities

36. Because My Healthy Home is committed to protecting its rights, reputation and brand in the marketplace, on or about March 12, 2024, Ms. Blazovsky contacted Harper by telephone to advise him of My Healthy Home's trademarks and the fact that Defendants' domain name, corporate name and use of the trademark HEALTHY HOME EXPERTS were all infringing these rights.

37. On September 12, 2024, Intellectual Property Insurance Services Corporation informed Harper by letter of My Healthy Home's trademark rights; its associated Enforcement Cost Reimbursement Insurance Policy; and the infringement being committed through Defendants' website, corporate name and use of HEALTHY HOME EXPERTS.

38. Although subsequent attempts were made to contact Defendants over the next several weeks, they refused to engage with representatives of My Healthy Home and instead continued to willfully use HEALTHY HOME EXPERTS in the same confusing manner.

39. On October 9, 2024, Defendants secured a Certificate of Assumed Business Name for Healthy Home Foundation Repair (issued October 10, 2024).

40. On or about October 30, 2024, HHFR initiated Cancellation Proceeding No. 92086638 seeking to invalidate My Healthy Home's trademark HEALTHY HOME EXPERT.

COUNT I: TRADEMARK INFRINGEMENT

41. My Healthy Home hereby reiterates and incorporates herein by reference the allegations set forth in Paragraphs 1 through 40.

42. Defendants have infringed and continue to infringe on My Healthy Home's registered trademark HEALTHY HOME EXPERT by, *inter alia*, using in commerce: (i) the domain name www.healthyhomeexperts.net; (ii) the corporate name HEALTHY HOME EXPERTS, LLC; and (iii) the phrase HEALTHY HOME EXPERTS.

43. Each of the foregoing activities is causing, will cause, or is probable to cause, confusion or mistake, or to deceive and/or mislead customers or potential customers into believing that My Healthy Home's products and services are the same as Defendants, or that Defendants' products and services are affiliated with, sponsored, authorized, approved, sanctioned, or licensed by My Healthy Home.

44. Under such circumstances, consumers who have used or would use the respective products and services would likely attribute them to a single source.

45. Defendants' acts constitute trademark infringement under 15 U.S.C. § 1114.

46. Upon information and belief, Defendants are using a confusingly similar mark knowingly, willfully and in bad faith.

47. Defendants' infringing conduct has caused, and unless enjoined will continue to cause irreparable damage, loss and injury to My Healthy Home for which there is no adequate remedy at law.

48. Defendants' infringing conduct has caused My Healthy Home to sustain monetary damages in an amount to be determined at the time of trial.

49. At a minimum, in accordance with 15 U.S.C. §§ 1116 and 1117, My Healthy Home should be awarded injunctive relief and its actual damages and/or Defendants' profits derived from its infringing activities, as well as attorneys' fees and costs; the amounts to be trebled by virtue of Defendants' knowing, willful and exceptional conduct.

COUNT II—FALSE DESIGNATION OF ORIGIN

50. My Healthy Home hereby reiterates and incorporates herein by reference the allegations set forth in Paragraphs 1 through 40.

51. Defendants' use in commerce of the confusingly similar (i) domain name www.healthyhomeexperts.net; (ii) corporate name HEALTHY HOME EXPERTS, LLC; and (iii) the phrase HEALTHY HOME EXPERTS, which is identical to, or nearly identical to My

Healthy Home's registered trademark MY HEALTHY HOME EXPERT, is an attempt to trade upon the branding and goodwill developed by My Healthy Home and/or "palm off" their products and services as those of My Healthy Home.

52. Under such circumstances, consumers who have used or would use the respective products and services would likely attribute them to a single source.

53. By and through its actions, Defendants have unfairly competed with, and continue to unfairly compete with, My Healthy Home under 15 U.S.C. § 1125(a) in that Defendants have created a false and unfair association between its services and products and My Healthy Home's services and products, which is likely to cause mistake, or to deceive customers, or potential customers, into believing that Defendants' products and/or services are the same as My Healthy Home's services and products, or that Defendants' services and/or products are affiliated with, sponsored, authorized, approved, sanctioned, or licensed by My Healthy Home.

54. Upon information and belief, Defendants have engaged in these activities knowingly, willfully and in bad faith.

55. Defendants' conduct has caused, and unless enjoined will continue to cause, irreparable damage, loss and injury to My Healthy Home for which there is no adequate remedy at law.

56. Defendants' unlawful conduct has caused My Healthy Home to sustain monetary damages in an amount to be determined at the time of trial.

57. At a minimum, in accordance with 15 U.S.C. §§ 1116 and 1117, My Healthy Home should be awarded injunctive relief and its actual damages and/or Defendants' profits derived from its infringing activities, as well as attorneys' fees and costs; the amounts to be trebled by virtue of Defendants' knowing and willful conduct.

COUNT III—CYBERSQUATTING

58. My Healthy Home hereby reiterates and incorporates herein by reference the allegations set forth in Paragraphs 1 through 40.

59. On or about October 25, 2022, Harper registered the internet domain name <https://www.healthyhomeexperts.net/>.

60. This domain name and website had no use prior to its establishment for use by Defendants in connection with current products and services.

61. At the time Harper registered the domain name, My Healthy Home had the domain names www.healthyhomeexpert.com and www.healthyhomeexperts.com and the distinctive or famous mark HEALTHY HOME EXPERT.

62. Harper registered, trafficked in and/or used a domain name that is identical or confusingly similar to My Healthy Home's registered trademark and its domain names.

63. Harper had a bad faith intent to profit from My Healthy Home's trademark.

64. The foregoing constitutes cybersquatting under the Anti-Cybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d), and amounts to the deliberate, bad-faith and abusive registration of an Internet domain name in violation of the rights of the rightful owner My Healthy Home of the registered trademark, HEALTHY HOME EXPERT.

65. Defendants' unlawful conduct has caused My Healthy Home to sustain monetary damages in an amount to be determined at the time of trial.

66. Defendants' conduct has caused, and unless enjoined will continue to cause, irreparable damage, loss, and injury to My Healthy Home for which there is no adequate remedy at law.

67. At a minimum, in accordance with 15 U.S.C. § 1116, 1117(d) and 1125(d)(1)(C), My Healthy Home should be awarded relief in the form of the transfer of the domain name to My Healthy Home; its actual damages and/or Defendants' profits derived from its

infringing activities, or alternatively, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as well as attorneys' fees and costs; the amounts to be trebled by virtue of Defendants' knowing, willful and exceptional conduct.

COUNT IV—UNFAIR COMPETITION

68. My Healthy Home hereby reiterates and incorporates herein by reference the allegations set forth in Paragraphs 1 through 40.

69. Through decades of hard work, investment and positive dealings, My Healthy Home developed a substantial degree of brand recognition and goodwill in the industry operating under its registered trademark HEALTHY HOME EXPERT.

70. Notwithstanding the long-standing use of this trademark, Harper registered the internet domain name <https://www.healthyhomeexperts.net/>; established an Indiana corporation HEALTHY HOME EXPERTS, LLC; and began a business using HEALTHY HOME EXPERTS, which included posting infringing content on websites and social media.

71. Defendants' domain name, corporate name and phrase are confusingly similar to My Healthy Home's registered trademark.

72. This confusion is compounded by the similarity of the services, trade channels, and manner of use.

73. Defendants' activities constitute an attempt to create confusion concerning the source of its unfair goods and services under Indiana law.

74. The consequence of adopting the same or confusingly similar variant of My Healthy Home's registered trademark HEALTHY HOME EXPERT, is to create consumer confusion by falsely suggesting that Defendants are associated with My Healthy Home.

75. Accordingly, Defendants are intentionally deceiving consumers or potential consumers by falsely representing their products and services as those of a different source and producer (*i.e.*, “palming off”).

76. Defendants’ conduct has caused, and unless enjoined will continue to cause, irreparable damage, loss, and injury to My Healthy Home for which there is no adequate remedy at law.

77. Defendants’ unlawful conduct has caused My Healthy Home to sustain monetary damages in an amount to be determined at the time of trial.

78. At a minimum, in accordance with Indiana law governing unfair competition, My Healthy Home should be awarded injunctive relief, its actual damages and/or Defendants’ profits derived from its infringing activities, or other compensation, as well as attorneys’ fees and costs; the amounts to be trebled by virtue of Defendants’ knowing and willful conduct.

PRAYER FOR RELIEF

WHEREFORE, My Healthy Home prays that this Court enter judgment as follows:

A. Finding that Defendants have violated the Lanham Act, including 15 U.S.C. § 1114 and/or 1125, by using an infringing domain name, corporate name and phrase, and be held jointly and severally liable:

1. Ordering Defendants, individually and collectively, their officers, agents, servants, employees, and attorneys, and those in active concert with them who receive actual notice of the Order, be preliminarily and permanently enjoined and restrained from:

a. Using, producing, marketing, selling, transporting, distributing, moving and/or otherwise circulating any and all products or services, including without limitation, those involving home products and services, which bear My Healthy Home’s trademarks, or any confusingly similar variations thereof, including

but not limited to HEALTHY HOME EXPERTS;

b. Making any false designation of origin, description, representation or suggestion that Defendants, individually or collectively, are the source, sponsor of, or are in any way affiliated with any products or services provided by My Healthy Home;

c. Acting in any manner which causes Defendants' products or services to be confused with My Healthy Home, its products or services, its trademarks, or its associated goodwill;

2. Requiring pursuant to 15 U.S.C. § 1118 that all of Defendants' confusing, misleading, and deceptive labels, signs, prints, packages, wrappers, receptacles, signage, vehicles, advertisements, promotions, or materials bearing the infringing mark HEALTHY HOME EXPERTS be destroyed.

3. Ordering pursuant to 15 U.S.C. § 1117 that Defendants be required to:

a. Account for and pay over to My Healthy Home an amount equal to My Healthy Home's actual damages and/or profits realized by Defendants as a result of their trademark infringement and unfair competition, such amount to be increased to an amount not exceeding three times based on knowing, willful and exceptional conduct;

b. Reimburse My Healthy Home for the costs of this action;

c. Reimburse My Healthy Home for any and all reasonable attorneys' fees incurred as a result of Defendants' trademark infringement and unfair competition.

B. Finding that Defendants have violated the ACPA, 15 U.S.C. § 1125(d), and be held jointly and severally liable:

1. Ordering Defendants to transfer the domain www.healthyhomeexperts.net to My Healthy Home, the true owner of the trademark HEALTHY HOME EXPERT; and

2. Ordering Defendants to pay My Healthy Home's actual damages and/or

Defendants' profits derived from its infringing activities, or alternatively, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as well as attorneys' fees and costs; the amounts to be trebled by virtue of Defendants' knowing, willful and exceptional conduct.

C. Finding that Defendants have violated Indiana unfair competition law and be held jointly and severally liable, and ordering Defendants to pay actual damages, lost profits, punitive damages, or other proper measure of damages, together with reimbursement of My Healthy Home's attorneys' fees and costs.

D. Ordering that My Healthy Home be granted prejudgment and post judgment interest.

E. Ordering that My Healthy Home be awarded such other relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and all applicable law, Hi-Tech requests a trial by jury on all issues so triable.

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