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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

ALLISON BUSH, Plaintiff,  vs.  P.A.A.W.S. INC, an Indiana nonprofit corporation; and JULIE FRAZIER, Defendants	CASE NO.  COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR FEDERAL COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 501 AND COMMON LAW TRADEMARK INFRINGEMENT  DEMAND FOR JURY TRIAL
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Plaintiff Allison Bush (“Bush”), by and through her attorneys of record, C. Richard Martin and Martin IP Law Group, alleges for her complaint against P.A.A.W.S., Inc. (“PAAWS”) and Julie Frazier (“Frazier”) (collectively “Defendants”) and each of them as follows:

**JURISDICTION AND VENUE**

1. The court has original jurisdiction of this action under 17 U.S.C. § 501, et seq., and 28 U.S.C. §§ 1338(a).
2. Venue in this district is proper under 28 U.S.C. § 1391(b) in that a substantial part of the events giving rise to the within claims occurred in this judicial district, and under 28 U.S.C. § 1400(b) in that it is a judicial district where defendant has committed acts of copyright infringement, unfair competition and trademark infringement and had a regular and established place of business.

**THE PARTIES**

3. Plaintiff ALLISON BUSH (“Plaintiff” or “Bush”) is a resident of Evansville, Indiana, and has engaged in presenting and promoting fundraising events in and around

Evansville, Indiana since at least 2019 when she conceived of, organized and promoted the Truckin' to the Music Event in conjunction with the Evansville Food Truck Association and Chemo Buddies.

4. Defendant P.A.A.W.S, Inc. ("Defendant" or "PAAWS") is, on information and belief, an Indiana Nonprofit Corporation with a principal office address of PO Box 115, Newburgh, IN 47629-0115. On information and belief, PAAWS is a no-kill animal rescue organization based in Evansville, IN that provides foster based animal rescue services in Evansville and the surrounding area.
5. Defendant JULIE FRAZIER ("Defendant" or "Frazier") is, on information and belief, and individual residing at 1095 Jefferson Court, Newburgh, IN 47630, is the Treasurer and Registered Agent for PAAWS, and does substantial business in Evansville, Indiana.
6. Plaintiff is informed and believes, and on that basis alleges, that each of the Defendants participated in and is in some manner responsible for the acts described in this Complaint and any damages resulting therefrom.

#### **BUSH'S CREATION AND USE OF THE WOOF FEST DESIGN AND MARKS**

7. In July 2024, Bush, in her capacity as a promoter for fundraising events, entered into discussions with Frazier and PAAWS about creating and promoting a fundraising event to benefit foster based animal rescue services in the Evansville area including PAAWS. Bush suggested that there was an absence of such events in Evansville, but her Truckin' to the Music event in 2019 had been successful. Bush supplied valuable information for putting together such an event and suggested that "all the rescues could work together and split the \$ raised."
8. Also in July 2024 there were discussions between Bush and Frazier about a name for the fundraising event. Frazier, knowing the name was being used by another organization, suggested the name "Woofstock" and commented that "[m]aybe so we don't completely steal the name we call it "Woofstock Evansville" ... [o]r just not worry about stealing the name".
9. In response, Bush suggested the name Woof Fest. At the time, the discussions still involved a fundraiser to benefit foster based animal rescue services in the Evansville area, and not exclusively PAAWS.

10. In July 2024, Bush engaged the services of an artist, Sophie Ortuno, to design a logo for the Woof Fest event. The Woof Fest Logo designed by Ortuno was modeled off of photographs of Bush's dogs Puck and Grimm that were provided by Bush during the design process. Ortuno was hired and paid for the design by Bush. Ortuno assigned her rights as the author of the Woof Fest Logo to Bush.
11. Before the end of July 2024, Bush began promoting the fundraising event on social media and through other marketing channel. Bush promoted the event under the name WOOF FEST using the Woof Fest Logo Design provided by Ortuno.
12. Bush applied for federal registration of the WOOF FEST word mark and WOOF FEST logo on January 30, 2025 claiming a date of first use on or before July 31, 2024 which corresponds to her first use of the Woof Fest Marks to promote the 2024 fundraising event.
13. On February 4, 2025, Bush applied for and was granted Copyright Certificate of Registration No. VA 2-436-468 for the Woof Fest Logo.

#### **BUSH'S DEALINGS WITH PAAWS AND FRAZIER**

14. Bush continued to plan and promote the fundraising event through August and September 2024. While efforts were made by Bush to involve additional foster based animal rescue services in her fundraiser, no others were ultimately included as partners in the event.
15. The fundraising event that was conceived of, planned, organized and promoted by Bush under the Woof Fest Mark and Woof Fest Logo Design took place on October 26, 2024. As no other foster-based animal rescue services joined in, PAAWS was the sole beneficiary of Bush's fundraising event.
16. During the entire time in question, Bush was acting independently as an event planner and promoter for the Woof Fest event, and was not an agent, employee or representative of PAAWS. To the best of her knowledge, she was never appointed by the PAAWS board as co-chair for the 2024 Woof Fest event, and she never attended any PAAWS committee meetings as there was never a committee or election of any kind, and only attended board meetings on August 1, 2024 and October 24, 2024 in which the 2024 Woof Fest event was discussed.

**PAAWS' AND FRAZIER'S INFRINGING CONDUCT**

17. After the 2024 event, Bush and Frazier had a falling out. Bush advised Frazier that she was going to promote the second annual Woof Fest in 2025 without PAAWS being the beneficiary of funds raised.
18. In response, PAAWS and Frazier began promoting their own fundraising event using Bush's Woof Fest Marks and Woof Fest Logo Design.
19. PAAWS and Frazier have scheduled their Woof Fest event for October 25, 2025 and are actively promoting the event on social media and through other marketing channels. PAAWS and Frazier are also contacting vendors and third parties with regard to the event and are using the Woof Fest Marks and Woof Fest Logo Design in connection with all of these promotions and contacts.

**First Cause of Action: Direct Federal Copyright Infringement (17 U.S.C. § 501)**

20. Bush repeats the allegations of paragraphs 1-19, supra, and incorporates them by reference as if herein set forth in their entirety.
21. Bush is the owner of United States Copyright Registration No. VA0002436468 for the Woof Fest Logo Design, and all the exclusive rights afforded by 17 U.S.C. § 106 as to such design, including the rights to reproduce, prepare derivative works of, and/or distribute the design.
22. PAAWS and Frazier had access to the Woof Fest Logo Design, including, without limitation, through previously authorized use, which was subsequently revoked, of the Woof Fest Logo Design for a joint event in 2024.
23. The actions of PAAWS and Frazier described above, and specifically, their unauthorized advertising, promoting, selling and/or offering for sale in commerce, and/or causing to be advertised, promoted, sold and/or offered for sale in commerce the Infringing Services bearing a design that was, on information and belief, intentionally or recklessly copied from, and/or is substantially similar to, the Woof Fest Logo Design, constitute willful copyright infringement under 17 U.S.C. § 501.



24. As a direct and proximate result of PAAWS' and Frazier's past and continuing infringement, Bush has suffered, and will, unless PAAWS and Frazier are restrained, continue to suffer damages, as well as irreparable harm and injury for which it has no adequate remedy at law. Bush is therefore entitled to injunctive relief pursuant to 17 U.S.C. § 502.
25. Pursuant to 17 U.S.C. § 504, Bush is entitled to recover either her damages and PAAWS' and Frazier's profits directly and indirectly attributable to its infringement of the Woof Fest Logo Design in amounts to be determined at trial or, if Bush so elects, statutory damages that should be enhanced given the willful and/or reckless nature of PAAWS' and Frazier's infringement. Bush is also entitled under 17 U.S.C. § 505 to recover the full costs of this action, including reasonable attorneys' fees.

**Second Cause of Action: Federal Unfair Competition**

26. Bush repeats the allegations of paragraphs 1-25, supra, and incorporates them by reference as if herein set forth in their entirety.
27. PAAWS' and Frazier's use of a confusingly similar imitation of Bush's WOOF FEST Marks has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that PAAWS' and/or Frazier's services are provided or offered by Bush, or are affiliated, connected, or associated with Bush, or have the sponsorship, endorsement, or approval of Bush.
28. PAAWS and Frazier have made false representations, false descriptions, and false designations of, on, or in connection with its services in violation of 15 U.S.C. § 1125(a). PAAWS' and Frazier's activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public, and, additionally, injury to Bush's goodwill and reputation as symbolized by the WOOF FEST Marks, for which Bush has no adequate remedy at law.
29. PAAWS' and Frazier's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with Bush's WOOF FEST Marks to the great and irreparable injury of Bush.
30. PAAWS' and Frazier's conduct has caused, and is likely to continue causing, substantial injury to the public and to Bush, Bush is entitled to injunctive relief and to recover

PAAWS' profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1125(a), 1116, and 1117.

**Third Cause of Action - Common Law Trademark Infringement and Unfair Competition**

31. Bush repeats the allegations of paragraphs 1-30, supra, and incorporates them by reference as if herein set forth in their entirety.
32. PAAWS' and Frazier's acts constitute common law trademark infringement and unfair competition, and have created and will continue to create, unless restrained by this Court, a likelihood of confusion to the irreparable injury of Bush, Bush has no adequate remedy at law for this injury.
33. On information and belief, PAAWS and Frazier acted with full knowledge of Bush's use of, and statutory and common law rights to, Bush's WOOF FEST Marks and without regard to the likelihood of confusion of the public created by PAAWS' and Frazier's activities.
34. PAAWS' and Frazier's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with Bush's WOOF FEST Marks to the great and irreparable injury of Bush.
35. As a result of PAAWS' and Frazier's acts, Bush has been damaged in an amount not yet determined or ascertainable. At a minimum, however, Bush is entitled to injunctive relief, to and malicious use of a confusingly similar imitation of Bush's WOOF FEST Marks, and the need to deter PAAWS and Frazier from engaging in similar conduct in the future, Bush additionally is entitled to punitive damages.

**Prayer for Relief**

WHEREFORE, Bush requests that judgment be entered in favor of Bush and against PAAWS and Frazier, as follows:

1. Finding that PAAWS and Frazier willfully and/or recklessly infringed on Bush's copyright in violation of 17 U.S.C. § 501;
2. For an order (a) enjoining PAAWS and Frazier, and all of those acting in concert with them, including their agents and servants, and all those on notice of this suit, from

copying or otherwise infringing the WOOF FEST LOGO Design, including without limitation by advertising, promoting, selling and/or offering for sale in commerce, and/or causing to be advertised, promoted, sold and/or offered for sale in commerce any goods or services bearing the Infringing Design or any other design that is the same as, substantially similar to, or a derivative of the WOOF FEST LOGO Design, including but not limited to the Infringing Services; (b) requiring PAAWS and Frazier to effectuate the recall, removal, and return from commercial distribution and/or public display any goods and/or services bearing the Infringing Design or any other design that is the same as, substantially similar to, or a derivative of the WOOF FEST LOGO Design, including but not limited to the Infringing Services, and promotional materials featuring any such products or the Infringing Design; (c) requiring PAAWS and Frazier to deliver up for impoundment and destruction all goods and services bearing the Infringing Design or any other design that is the same as, substantially similar to, or a derivative of the WOOF FEST LOGO Design, including but not limited to the Infringing Services, and promotional materials featuring any such products or the Infringing Design in PAAWS' and/or Frazier's possession, custody, or control and/or that are recalled by or returned to PAAWS and Frazier; (d) requiring PAAWS and/or Frazier to deliver up any and all computer aided drawings (CADs) and molds, casts or prototypes for any products bearing the Infringing Design or any other design that is the same as, substantially similar to, or a derivative of the WOOF FEST LOGO Design; and (e) requiring PAAWS and Frazier to file with the Court, and serve upon Bush, within thirty (30) days of service of the judgment upon them, a written report setting forth in detail and under oath the steps taken by PAAWS and Frazier to comply with the requirements set forth in sub-sections (a)-(d) of this Paragraph;

3. For an award of damages to compensate Bush for the injuries caused by PAAWS and/or Frazier's copyright infringement, and an order requiring PAAWS and/or Frazier to account for and disgorge to Bush all gains, profits, and advantages directly and indirectly attributable to such infringement, such amounts to be determined at trial or, if Bush so elects, statutory damages that are enhanced given the willful and/or reckless nature of the acts alleged;

4. Finding that PAAWS and Frazier willfully and/or recklessly infringed on Bush's trademark rights in violation of Bush's rights under common law;
5. For and order (a) enjoining PAAWS and Frazier, and all of those acting in concert with them, including their agents and servants, and all those on notice of this suit, from:
  - a. advertising, marketing, promoting, offering for sale, distributing, or selling any goods or services under the WOOF FEST Marks;
  - b. using the WOOF FEST Marks on or in connection with any of PAAWS services;
  - c. using the WOOF FEST Marks or any other copy, reproduction, colorable imitation, or simulation of the WOOF FEST Marks on or in connection with PAAWS services;
  - d. using any trademark, name, logo, design, or source designation of any kind on or in connection with PAAWS goods or services that is a copy, reproduction, colorable imitation, or simulation of, or confusingly similar to any of Bush's trademarks, trade dresses, names, or logos;
  - e. using any trademark, name, logo, design, or source designation of any kind on or in connection with PAAWS goods and/or services that is likely to cause confusion, mistake, deception, or public misunderstanding that such goods or services are produced or provided by Bush, or are sponsored or authorized by Bush, or are in any way connected or related to Bush; and
  - f. passing off, palming off, or assisting in passing off or palming off PAAWS' goods and/or services as those of Bush, or otherwise continuing any and all acts of unfair competition as alleged in this Complaint.
6. PAAWS and Frazier be ordered to deliver up for impoundment and for destruction, all labels, tags, signs, packages, advertising, sample books, promotional materials, stationery, or other materials in the possession, custody or under the control of PAAWS and Frazier that are found to adopt, infringe, or dilute any of Bush's WOOF FEST Marks or that otherwise unfairly compete with Bush and her services;
7. PAAWS and Frazier be compelled to account to Bush for any and all profits derived by PAAWS and/or Frazier from the unauthorized use of the Woof Fest Logo Design and Woof Fest Marks;
8. Bush be awarded all damages caused by the acts forming the basis of this Complaint;



9. Based on PAAWS' and Frazier's knowing and intentional use of a confusingly similar imitation of Bush's WOOF FEST Marks, the damages awarded be trebled and the award of PAAWS' profits be enhanced as provided for by 15 U.S.C. § 1117(a);
10. Based on PAAWS' and Frazier's willful and deliberate infringement and/or dilution of the Bush's WOOF FEST Marks, and to deter such conduct in the future, Bush be awarded punitive damages;
11. For attorneys' fees and costs of suit;
12. For prejudgment and post-judgment interest; and
13. For such other and further relief to which Bush may be entitled as a matter of law or equity or which the Court determines to be just and proper.

Dated: March 25, 2025

Respectfully submitted,

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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff Allison Bush demands trial by jury on all issues.

Dated: March 25, 2025

Respectfully submitted,

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