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11 Attorneys for Plaintiff
 12 THE LAGUNITAS BREWING CO.

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 THE LAGUNITAS BREWING CO.,

18 Plaintiff,

19 vs.

20 SIERRA NEVADA BREWING CO.,

21 Defendant.
 22

Case No. _____

COMPLAINT AND DEMAND FOR JURY TRIAL

23 Plaintiff The Lagunitas Brewing Company (“Lagunitas”) complains and alleges as follows
 24 against Defendant Sierra Nevada Brewing Company (“Sierra Nevada”).

25 **THE NATURE OF THE ACTION**

26 1. This is an action arising under 15 U.S.C. § 1114 for federal trademark
 27 infringement and including state law claims over which the court has supplemental jurisdiction
 28 because they arise out of the same case or controversy. The state law claims include common law

1 trademark infringement, unfair business practices under California Business and Professions
2 Code § 17200, et seq., and common law unjust enrichment.

3
4 **THE PARTIES**

5 2. The Lagunitas Brewing Company is a California corporation with its principal
6 place of business at 1280 N. McDowell, Petaluma, California 94954.

7 3. On information and belief, Sierra Nevada Brewing Company is a California
8 corporation with its principal place of business at 1075 East 20th Street, Chico, California 95928.

9
10 **JURISDICTION AND VENUE**

11 4. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 (action arising
12 under the Lanham Act); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338(a) (any Act of
13 Congress relating to patents or trademarks); 28 U.S.C. § 1338(b) (action asserting claim of unfair
14 competition joined with a substantial and related claim under the trademark laws); and 28 U.S.C.
15 § 1367 (supplemental jurisdiction).

16 5. This Court has personal jurisdiction over Sierra Nevada because it has committed
17 or will commit acts of infringement in violation of 15 U.S.C. § 1114 and, on information and
18 belief, has or will place infringing products into the stream of commerce, with the knowledge or
19 understanding that such products will be sold in the State of California, including in this District.
20 The acts by Sierra Nevada will cause injury to Lagunitas within this District. Upon information
21 and belief, Sierra Nevada has sold or intends to sell its infringing products within this District,
22 expects its actions to have consequences within this District, and derives substantial revenue from
23 interstate commerce.

24 6. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and (c) because
25 Sierra Nevada transacts business within this district and has or intends to offer for sale in this
26 district products that infringe the Lagunitas registered trademarks. In addition, venue is proper
27 because Lagunitas' principal place of business is in this district and Lagunitas will suffer harm in
28 this district. Moreover, a substantial part of the events giving rise to the claim occurred in this

1 district. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district-
2 wide basis.

3 4 **FACTUAL BACKGROUND**

5 7. Founded in 1993, Lagunitas has become one of the fastest growing craft breweries
6 in the United States. Based in Petaluma, California, Lagunitas began by distributing its products
7 in California. By 1997, Lagunitas was distributing its flagship Lagunitas IPA in Maryland and
8 Oregon as well. Today, Lagunitas distributes its craft beers, including its flagship Lagunitas IPA,
9 in 44 states and three other countries and recently opened a second production facility in Chicago,
10 Illinois.

11 **The Lagunitas IPA and Its Iconic “IPA” Family of Trademarks**

12 8. Lagunitas consistently produces top-quality, critically-heralded beers, and, while it
13 produces a variety of beers, Lagunitas is most-recognized for its ales. The most notable, widely-
14 recognized, and longest-selling of these ales is the Lagunitas IPA, an India Pale Ale. Marketed
15 and sold using the large, all-capital, bold, black, centralized “IPA” lettering in its labels,
16 packaging, and family of trademarks, as shown below:



22 Figure 1.



23 Figure 2.

24 9. When Lagunitas began selling its now iconic IPA beer in 1995, there existed only
25 a handful of other brewers who produced an India Pale Ale, and, on information and belief, no
26 other company had marketed or sold its India Pale Ale using the acronym “IPA.” Instead,
27 brewers focused their brand identities around visual cues involving either sea travel or themes
28 representative of the culture of India.

1 10. The founder and current Chief Executive Officer of Lagunitas, Tony Magee,
2 followed a different path for the Company's flagship beer and designed the labels to prominently
3 feature the acronym "IPA." Since then, the Lagunitas IPA has become the Company's flagship
4 beer. It is available year-round and has been the top-selling India Pale Ale in California for the
5 past decade—and one of the best-selling India Pale Ales in the nation.

6 11. While other brewers have adopted the shorthand parlance of "IPA" to market their
7 India Pale Ales, only Lagunitas is identified with the large, bold, black, centralized "IPA"
8 lettering shown in Figures 1 and 2 above. In addition to its distinguishable IPA beer, much of the
9 success of the Lagunitas IPA can be attributed to its iconic "IPA" family of trademarks. The
10 Lagunitas "IPA" trademarks have become well-known and well-recognized in the craft brew
11 industry specifically, and in the alcoholic beverage industry, generally. Consumers of beer and
12 other alcoholic beverages recognize the Lagunitas "IPA" Family of Trademarks as signifying the
13 quality of India Pale Ale that they have come to associate with the Lagunitas IPA exclusively.

14 12. Indeed, Lagunitas has invested substantial amounts of time and millions of dollars
15 in promoting the Lagunitas IPA with the Lagunitas "IPA" family of trademarks. Lagunitas is
16 unique among many of its competitors in that the Company's founder, Tony Magee, still designs
17 the beer labels and strives to instill personality into each of the beer recipes and the corresponding
18 labels and packaging the Company makes. As a result of the efforts of Lagunitas over almost 20
19 years of continuous use, its trademarks have gained an excellent reputation and a high degree of
20 recognition among the beer consuming public.

21 13. Lagunitas is the owner of several United States federal trademark registrations for
22 its family of "IPA" label and packaging designs used in connection with the sale of the Lagunitas
23 IPA, as represented in Figures 3-6 below: U.S. Registration No. 3,401,147 (the "147 Mark");
24 U.S. Registration No. 4,457,914 (the "914 Mark"); U.S. Registration No. 4,457,912 (the "912
25 Mark"); and U.S. Registration No. 4,457,906 (the "906 Mark"). Together, these four trademarks
26 as known as the "Lagunitas Registered 'IPA' Family of Trademarks," and true and correct copies
27 of the registration certificates for each of the four marks are attached hereto as Exhibits A-D.
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Figure 3. U.S. Registration No. 3,401,147



Figure 4. U.S. Registration No. 4,457,914



Figure 5. U.S. Registration No. 4,457,912



Figure 6. U.S. Registration No. 4,457,906

14. Lagunitas first introduced the core of this iconic design to the marketplace in 1995 and has invested substantial amounts of time and money in promoting its craft ale products under its iconic Lagunitas “IPA” Family of Trademarks, including two as depicted below:



Figure 7. Lagunitas IPA marketing item



Figure 8. Lagunitas IPA marketing item

15. Lagunitas likewise has applied and been approved for federal trademark registrations for these additional “IPA” trademarks used in labeling and promoting the Lagunitas IPA, as represented in Figures 9-10 below: U.S. Serial No. 86136177 (the “177 Application”) and U.S. Serial No. 86136181 (the “181 Application”). Together with the Lagunitas Registered “IPA” Family of Trademarks, these six trademarks comprise the “Lagunitas ‘IPA’ Family of Trademarks.” True and correct copies of the Notices of Approval for each of the two approved

1 marks are attached hereto as Exhibits E-F.



7
8 Figure 9. U.S. Serial No. 86136177



9 Figure 10. U.S. Serial No. 86136181

10 16. Through long-term, ongoing and substantial use of the large, all-capital, bold,
11 black and centralized “IPA” lettering, the Lagunitas “IPA” Family of Trademarks has become
12 well-known and well-recognized in the craft brew industry as associated with and signifying
13 Lagunitas and the Lagunitas IPA. Lagunitas is well-known for using its distinctive “IPA”
14 lettering in a manner that it is the center and focal point of the overall design. The unique “IPA”
15 lettering used in the Lagunitas “IPA” Family of Trademarks has a distinctive serif font, distinctive
16 kerning (or letter spacing), between the “P” and the “A”, slightly aged or weathered look, with
17 uneven areas on each of the letters, and the elimination of any periods between the letters. These
18 elements together are unique to the iconic design of the Lagunitas IPA. The overall effect of
19 these factors (the all-capital, large, bold, black serif lettering style, and the placement with respect
20 to other wording and design elements) creates a unique, iconic design that is associated with and
21 signifies Lagunitas and its associated reputation for excellence in the craft brew industry and
22 among consumers.

23 **Sierra Nevada’s Infringing “Hop Hunter” IPA**

24 17. On information and belief, Sierra Nevada Brewing has its corporate headquarters
25 in Chico, California, maintains a tasting room in Berkeley, California, and is preparing to open a
26 second brewery in Mills River, North Carolina in 2015. On information and belief, Sierra
27 Nevada will produce over 1 million barrels of beer in 2014, generating more than \$250 million in
28 sales, making it the second largest private craft brewery by volume in the United States. On

1 information and belief, Sierra Nevada distributes beer in all 50 states and across multiple
2 international markets.

3 18. Recently, Lagunitas became aware that Sierra Nevada has plans to release a new
4 India Pale Ale product, “Hop Hunter IPA,” using label elements that infringe the Lagunitas “IPA”
5 Family of Trademarks.

6 19. Sierra Nevada proposes to use the following logo designs and packaging in
7 connection with its product:



17 Figure 11. Proposed Sierra Nevada Label Figure 12. Proposed Sierra Nevada Neck Label

18 20. This proposed design uses all capital, large, bold, black “IPA” lettering in a font
19 selection that is remarkably similar to the iconic Lagunitas design and, indeed, is the central and
20 most prominent feature of the new Sierra Nevada design, emulating the iconic Lagunitas Family
21 of IPA Trademarks. This proposed design even uses the kerning between the “P” and the “A”
22 characters that is distinctive to the Lagunitas Family of IPA Trademarks, and in the case of the
23 “neck” label, the proposed Sierra Nevada “IPA” lettering is depicted with the aged or weathered
24 look distinctive to the iconic Lagunitas IPA Family of Trademarks.

25 21. Significantly, Sierra Nevada now appears to be making a radical departure from its
26 traditional label designs which feature “IPA” lettering in much smaller text, usually preceded by
27 another term (i.e., “Fresh Hop,” “Extra,” “Rye,” “Red,” etc.) of the same text size and which
28 feature outdoor/nature scenes. Instead, as demonstrated in Figure 13, the proposed Hop Hunter
IPA design is strikingly different from its prior imagery used with its India Pale Ales:



11 Figure 13. Sierra Nevada India Pale Ales

12 22. These designs also are a radical departure from the design used by Sierra Nevada
13 in registering its “HOP HUNTER” word mark as shown in Figure 14:



21 Figure 14. Sierra Nevada “Hop Hunter” Statement of Use

22
23 23. The similarity between Sierra Nevada’s prominent all-capital, large, bold, black,
24 centralized – and, in key instances, aged or weathered – “IPA” lettering in its IPA design and the
25 Lagunitas “IPA” Family of Trademarks will create confusion among consumers as to the origin
26 of the IPA given that both designs are used in connection with craft brew India Pale Ale.

27 24. Indeed, the likelihood of confusion as to origin increases when a consumer views
28 the parties’ respective marks from those settings in which a consumer would typically view the

1 parties' respective products – at a distance within a bar or sitting on a refrigerated store shelf.
 2 When viewing Sierra Nevada's IPA Logo designs from a distance, particularly the "neck" label,
 3 the consumer will likely not see the "HOP HUNTER" wording that appears in lighter, less
 4 prominent lettering than the "IPA" lettering. As shown in Figure 15, the "HOP HUNTER"
 5 lettering superimposed on the "IPA" lettering on the "neck" label is much less visible than the
 6 "IPA" lettering – and appears almost ghostlike – when seen in this context.

7 25. There also exists marked similarity between the proposed Sierra Nevada "Hop
 8 Hunter IPA" Six-pack packaging and the Lagunitas "IPA" Six-pack packaging, bearing
 9 (registered in its entirety as shown in Figure 6 above). Sierra Nevada incorporates not only the
 10 prominent large, all-capital, bold, black, centralized "IPA" lettering but that design echoes the
 11 surrounding hops leaf imagery and incorporates a similar color scheme into its faded green
 12 background. The consumer, quickly visiting its local retail outlet's section of India Pale Ales, is
 13 likely to be confused as to the source of the IPA based on the overall imitation of the Lagunitas
 14 "IPA" Six-Pack, as demonstrated in Figures 15-16:



23
 24 Figure 15. Sierra Nevada Six-Pack

Figure 16. Lagunitas Six-Pack

25 26. In fact, Lagunitas already has been contacted by its distributors, who, on
 26 information and belief, also are distributors of Sierra Nevada, regarding their concern over
 27 consumer confusion in the marketplace between the Lagunitas IPA and Sierra Nevada's new Hop
 28

1 Hunter IPA logo and designs.

2 27. Just as significant, however, is the likelihood of confusion as to the sponsorship or
 3 approval by Lagunitas of the infringing Sierra Nevada Hop Hunter IPA. Sierra Nevada is well-
 4 known in the craft brew industry for its collaboration with other brewers. For instance, Sierra
 5 Nevada has recently issued a 12-pack variety of beers under the name “Beer Camp” that is the
 6 result of its collaboration with twelve other brewers. One such recent example is the “Hoppy
 7 Lager” that, on information and belief, is a collaboration between Sierra Nevada and Ballast Point
 8 Brewing Company located in San Diego, California. Figure 17 shows the collaboration Hoppy
 9 Lager, the proposed Sierra Nevada Hop Hunter IPA, and prior Sierra Nevada IPA offerings:



19 Figure 17. Comparison of Sierra Nevada Pale Ale, Torpedo IPA, Beer Camp Hoppy Lager, and
 20 Proposed Hop Hunter IPA.

21 28. Particularly given this reputation for collaboration with other brewers, and based
 22 upon the obvious similarities to the Lagunitas “IPA” Family of Trademarks, there exists a great
 23 likelihood that consumers mistakenly will believe that the “Hop Hunter IPA” is a collaboration
 24 with Lagunitas, and, thereby, sponsored or approved by Lagunitas.

25 29. This creates a consumer-perceived connection between the two breweries, thus
 26 providing Sierra Nevada with a shortcut to consumer acceptance of their India Pale Ale offering.

27 30. In radically departing from Sierra Nevada’s historical label designs that feature
 28 “IPA” lettering in smaller text, usually preceded by another term and in connection with

1 outdoor/nature scenes, Sierra Nevada will cause confusion in the marketplace with its proposed
2 Hop Hunter IPA designs. In this regard, Sierra Nevada’s contemplated Hop Hunter IPA Designs
3 will clearly and plainly violate the rights that Lagunitas has developed in its “IPA” Family of
4 Trademarks.

5 **FIRST CLAIM FOR RELIEF**

6 **(Federal Trademark Infringement)**

7 **(15 U.S.C. § 1114)**

8 31. Lagunitas incorporates and realleges paragraphs 1 through 30 of this Complaint.

9 32. Lagunitas owns several federal trademark registrations for its distinctive
10 Lagunitas IPA label and packaging artwork used in its product design and packaging, i.e., the
11 Lagunitas Registered “IPA” Family of Trademarks.

12 33. The proposed Sierra Nevada “Hop Hunter IPA” line of products has infringed or
13 will infringe the Lagunitas Registered “IPA” Family of Trademarks by using variations of those
14 logos and artwork in Sierra Nevada’s products.

15 34. Sierra Nevada’s use of the infringing logos and artwork is likely to cause
16 confusion or mistake, or to deceive the consumer as to the affiliation, connection or association
17 of Sierra Nevada with Lagunitas, or as to the origin, sponsorship, or approval by Lagunitas of
18 Sierra Nevada’s goods, services or commercial activities.

19 35. Sierra Nevada’s use of the infringing logos and artwork enables Sierra Nevada to
20 benefit unfairly from Lagunitas’ reputation and success, thereby giving Sierra Nevada’s
21 infringing products sales and commercial value they would not have otherwise.

22 36. Prior to Sierra Nevada’s first use of the infringing logos and artwork, Sierra
23 Nevada was aware of Lagunitas’ business and had either actual notice and knowledge, or
24 constructive notice of, the Lagunitas Registered “IPA” Family of Trademarks.

25 37. Sierra Nevada’s unauthorized use of the infringing logos and artwork is likely, if
26 not certain, to deceive or to cause confusion or mistake among consumers as to the origin,
27 sponsorship or approval of the Sierra Nevada “Hop Hunter IPA” line of products and/or to cause
28 confusion or mistake as to any affiliation, connection or association between Lagunitas and

1 Sierra Nevada, in violation of 15 U.S.C. § 1114(a).

2 38. Lagunitas is informed and believes, and on that basis alleges, that Sierra
3 Nevada's infringement of the Lagunitas Registered "IPA" Family of Trademarks as described
4 herein has been or will be, intentional, willful and without regard to Lagunitas' rights.

5 39. Lagunitas is informed and believes, and on that basis alleges, that Sierra Nevada
6 intends to gain profits by virtue of its infringement of the Lagunitas Registered "IPA" Family of
7 Trademarks.

8 40. Lagunitas will suffer irreparable harm from Sierra Nevada's infringement of the
9 Lagunitas Registered "IPA" Family of Trademarks insofar as Lagunitas' invaluable goodwill will
10 be eroded by Sierra Nevada's continuing infringement. Lagunitas has no adequate remedy at law
11 to compensate it for the loss of business reputation, customers, market position, confusion of
12 potential customers and goodwill flowing from Sierra Nevada's infringing activities. Pursuant to
13 15 U.S.C. § 1116, Lagunitas is entitled to an injunction against Sierra Nevada's continuing
14 infringement of the Lagunitas Registered "IPA" Family of Trademarks. Unless enjoined, Sierra
15 Nevada will continue its infringing conduct.

16 41. Because Sierra Nevada's actions will be or have been committed with intent to
17 damage Lagunitas and to confuse and deceive the public, Lagunitas is entitled to treble its actual
18 damages or Sierra Nevada's profits, whichever is greater, to an award of costs, and, this being an
19 exceptional case, reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a) and 1117(b).

20
21 **SECOND CLAIM FOR RELIEF**

22 **(Common Law Trademark Infringement)**

23 42. Lagunitas incorporates and realleges paragraphs 1 through 41 of this Complaint.

24 43. Lagunitas has prior rights in the Lagunitas Registered "IPA" Family of
25 Trademarks, as well as its unregistered trademarks and those reflected in approved applications,
26 together the Lagunitas "IPA" Family of Trademarks.

27 44. The Sierra Nevada "Hop Hunter IPA" line of products have infringed or will
28 infringe the Lagunitas "IPA" Family of Trademarks by using identical or similar logos and

1 artwork in Sierra Nevada's products, specifically its Hop Hunter IPA.

2 45. Sierra Nevada's use of its infringing logos and artwork is likely to cause
3 confusion or mistake, or to deceive the consumer as to the affiliation, connection or association
4 of Sierra Nevada with Lagunitas, or as to the origin, sponsorship, or approval by Lagunitas of
5 Sierra Nevada's goods, services or commercial activities.

6 46. Sierra Nevada's use of the infringing logos and artwork enables Sierra Nevada to
7 benefit unfairly from Lagunitas' reputation and success, thereby giving Sierra Nevada's
8 infringing products sales and commercial value they would not have otherwise.

9 47. Prior to Sierra Nevada's first use of the infringing logos and artwork, Sierra
10 Nevada was aware of Lagunitas' business and had either actual notice and knowledge, or
11 constructive notice of the Lagunitas "IPA" Family of Trademarks.

12 48. Sierra Nevada's unauthorized use of the infringing logos and artwork is likely, if
13 not certain, to deceive or to cause confusion or mistake among consumers as to the origin,
14 sponsorship or approval of the Sierra Nevada "Hop Hunter IPA" line of products and/or to cause
15 confusion or mistake as to any affiliation, connection or association between Lagunitas and
16 Sierra Nevada, in violation of 15 U.S.C. § 1114(a). Lagunitas is informed and believes, and on
17 that basis alleges, that Sierra Nevada's infringement of the Lagunitas "IPA" Family of
18 Trademarks as described herein has been and continues to be intentional, willful and without
19 regard to Lagunitas' rights in the Lagunitas "IPA" Family of Trademarks.

20 49. Lagunitas is informed and believes, and on that basis alleges, that Sierra Nevada
21 will gain profits by virtue of its infringement of the Lagunitas "IPA" Family of Trademarks.

22 50. Lagunitas will suffer irreparable harm from Sierra Nevada's infringement of the
23 Lagunitas "IPA" Family of Trademarks insofar as its invaluable goodwill is being eroded by
24 Sierra Nevada's continuing infringement. Lagunitas has no adequate remedy at law to
25 compensate it for the loss of business reputation, customers, market position, confusion of
26 potential customers and goodwill flowing from Sierra Nevada's infringing activities. Lagunitas
27 is entitled to an injunction against Sierra Nevada's infringement of the Lagunitas "IPA" Family
28 of Trademarks. Unless enjoined, Sierra Nevada will continue its infringing conduct.

1 Family of Trademarks and with an intent to cause confusion or mistake or to deceive customers
2 into believing that there is an affiliation between Sierra Nevada and Lagunitas or between Sierra
3 Nevada's products and Lagunitas' products.

4 59. The unlawful, unfair, and fraudulent business practices of Sierra Nevada described
5 above present a continuing threat to, and are meant to deceive members of, the public in that Sierra
6 Nevada will promote its products by wrongfully trading on the goodwill of the Lagunitas "IPA"
7 Family of Trademarks.

8 60. As a direct and proximate result of these acts, Sierra Nevada will profit from the
9 strength of the Lagunitas "IPA" Family of Trademarks.

10 61. As a direct and proximate result of Sierra Nevada's wrongful conduct, Lagunitas
11 will be injured in fact and will lose market share, money, and profits, and such harm will
12 continue unless Sierra Nevada's acts are enjoined by the Court. Lagunitas has no adequate
13 remedy at law for Sierra Nevada's violation of Lagunitas' rights.

14 62. Sierra Nevada should be required to restore to Lagunitas any and all profits
15 earned as a result of their unlawful and fraudulent actions, or to provide Lagunitas with any other
16 restitutionary relief as the Court deems appropriate.

17
18 **FOURTH CLAIM FOR RELIEF**

19 **(Unjust Enrichment)**

20 63. Lagunitas incorporates and realleges paragraphs 1 through 62 of this Complaint.

21 64. As a result of the conduct alleged herein, Sierra Nevada will be unjustly enriched
22 to Lagunitas' detriment. Lagunitas seeks a worldwide accounting and disgorgement of any and
23 all ill-gotten gains and profits that result from Sierra Nevada's inequitable activities.

24
25 **PRAYER FOR RELIEF**

26 WHEREFORE, Lagunitas prays for relief, as follows:

27 1. An order preliminarily and permanently enjoining Sierra Nevada and its officers,
28 directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in

1 concert with them, and their parents, subsidiaries, divisions, successors and assigns, from
2 directly or indirectly infringing the Lagunitas “IPA” Family of Trademarks, or using any other
3 product or packaging design or designations similar to or likely to cause confusion with the
4 Lagunitas “IPA” Family of Trademarks, from passing off Sierra Nevada’s products as being
5 associated with and/or sponsored or affiliated with Lagunitas, from committing any other unfair
6 business practices directed toward obtaining for themselves the business and customers of
7 Lagunitas, and, from committing any other unfair business practices directed toward devaluing
8 or diminishing the brand or business of Lagunitas;

9 2. Actual damages suffered by Lagunitas as a result of Sierra Nevada’s unlawful
10 conduct, in an amount to be proven at trial, as well as prejudgment interest as authorized by
11 law;

12 3. Reasonable funds for future corrective advertising;

13 4. An accounting of Sierra Nevada’s profits pursuant to 15 U.S.C. § 1117;

14 5. A judgment trebling any damages award pursuant to 15 U.S.C. § 1117;

15 6. Punitive damages pursuant to California Civil Code § 3294;

16 7. Restitutionary relief against Sierra Nevada and in favor of Lagunitas, including
17 disgorgement of wrongfully obtained profits and any other appropriate relief;

18 8. Costs of suit and reasonable attorneys’ fees;

19 9. Any other remedy to which Lagunitas may be entitled, including all remedies
20 provided for in 15 U.S.C. § 1117, Cal. Bus. & Prof Code §§ 17200, *et seq.*, 17500, *et seq.*, and
21 under any other California law.

22 DATED: January 12, 2015

NIXON PEABODY LLP

23 By: /s/ Robert K. Carrol
24 ROBERT K. CARROL
25 BRUCE E. COPELAND
26 SHADY E. JOULANI
27 DEANNA R. KUNZE
28 Attorneys for Plaintiff
LAGUNITAS BREWING CO.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Lagunitas hereby demands a trial by jury on all issues raised by the Complaint.

DATED: January 12, 2015

NIXON PEABODY LLP

By: /s/ Robert K. Carrol
ROBERT K. CARROL
BRUCE E. COPELAND
SHADY E. JOULANI
DEANNA R. KUNZE
Attorneys for Plaintiff
LAGUNITAS BREWING CO.

Exhibit A

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,401,147

Registered Mar. 25, 2008

**TRADEMARK
PRINCIPAL REGISTER**



LAGUNITAS BREWING COMPANY (CALIFORNIA CORPORATION)
1280 N. MCDOWELL BLVD
PETALUMA, CA 94954

FOR: ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-31-2004; IN COMMERCE 10-31-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "IPA INDIA PALE ALE" AND "O.G. 1.059 I.B.U 45.6", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD LAGUNITAS IN THE COLOR RED, THE ACRONYM IPA IN THE COLOR BLACK, THE WORDING INDIA PALE ALE IN THE COLOR RED, AND THE DESIGNATIONS O.G. 1.059 I.B.U 45.6 AND THE STYLIZED DOG HEAD WITH THE WORDING DOGGONE GOOD IS THE COLOR BLACK. ALL OF THESE ELEMENTS ARE WITHIN THE BLACK LINED RECTANGLE AND THE BACKGROUND IS WHITE

SER. NO. 77-219,949, FILED 7-1-2007.

LINDA E. BLOHM, EXAMINING ATTORNEY

Exhibit B

United States of America

United States Patent and Trademark Office



Reg. No. 4,457,914

LAGUNITAS BREWING COMPANY (CALIFORNIA CORPORATION)
1280 MCDOWELL BLVD.
PETALUMA, CA 94954

Registered Dec. 31, 2013

Int. Cl.: 32

FOR: ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

TRADEMARK

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 3,401,146, 3,401,148 AND OTHERS.

THE COLOR(S) BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "IPA" OR "INDIA PALE ALE", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF TWO BLACK SQUARES WITH THE WORD "LAGUNITAS" IN RED ON THE TOP LINE AND "IPA" IN BLACK UNDER "LAGUNITAS" AND THE WORDS "INDIA PALE ALE" IN RED BELOW "IPA" AND THE WORDS "A 4-GANG OF SIX 12'S" IN BLACK BELOW "INDIA PALE ALE". THE COLOR WHITE IS INTENDED TO BE TRANSPARENT OR A BACKGROUND AND ITS NOT INTENDED TO BE A FEATURE OF THE MARK.

THE ENGLISH TRANSLATION OF THE WORD "LAGUNITAS" IN THE MARK IS "LITTLE LAGOON".

SER. NO. 85-847,325, FILED 2-12-2013.

DEBORAH MEINERS, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

Exhibit C

United States of America

United States Patent and Trademark Office



Reg. No. 4,457,912

LAGUNITAS BREWING COMPANY (CALIFORNIA CORPORATION)
1280 MCDOWELL BLVD.
PETALUMA, CA 94954

Registered Dec. 31, 2013

Int. Cl.: 32

FOR: ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

TRADEMARK

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 3,401,146, 3,401,148 AND OTHERS.

THE COLOR(S) BLACK, WHITE AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING COMPANY", "PETALUMA, CALIFORNIA", "IPA", "INDIA PALE ALE" AND "ALC. BY VOL. 6.2%", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "LAGUNITAS" IN RED ON THE TOP LINE AND A WHITE DOG WITH A BLACK CIRCLE AROUND HIS RIGHT EYE AND THE WORDS "DOGGONE GOOD." IN BLACK BELOW THE DOGS EAR AND THE PHRASE "SAY... 'LAH-GOO-KNEE-TUSS'" IN BLACK AND "IPA" IN BLACK UNDER THE PHRASE AND THE WORDS "INDIA PALE ALE" IN RED BELOW "IPA" AND THE WORDS "THE LAGUNITAS BREWING COMPANY" IN BLACK BELOW THAT AND "PETALUMA, CALIFORNIA" IN BLACK BELOW "LAGUNITAS BREWING COMPANY" AND THE WORDING "ALC. BY VOL. 6.2%" IN BLACK IN THE BOTTOM RIGHT CORNER; ALL INSIDE A WHITE SQUARE THAT HAS TWO BLACK BORDERS.



THE ENGLISH TRANSLATION OF THE WORD "LAGUNITAS" IN THE MARK IS "LITTLE LAGOON".

SER. NO. 85-847,003, FILED 2-12-2013.

Deborah S. Cohn

DEBORAH MEINERS, EXAMINING ATTORNEY

Commissioner for Trademarks of the
United States Patent and Trademark Office

Exhibit D

United States of America

United States Patent and Trademark Office



Reg. No. 4,457,906

Registered Dec. 31, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

LAGUNITAS BREWING COMPANY (CALIFORNIA CORPORATION)
1280 MCDOWELL BLVD.
PETALUMA, CA 94954

FOR: ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

OWNER OF U.S. REG. NOS. 3,401,146, 3,401,148 AND OTHERS.

THE COLOR(S) GRAY, WHITE, BLACK, GREEN, RED, LIGHT YELLOW AND BROWN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING COMPANY", "PETALUMA, CALIFORNIA", "IPA" AND "INDIA PALE ALE", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A BLACK SQUARE WITH A GREEN SQUARE SUPERIMPOSED ON THE BLACK SQUARE AND A RED SQUARE SUPERIMPOSED WITHIN THE GREEN AND BLACK SQUARES AND GREEN VINES AT ALL FOUR CORNERS OF THE RED SQUARE AND THE WORD "LAGUNITAS" IN RED AND TO THE RIGHT IS A WHITE, BLACK AND BROWN DOG WITH A BROWN AND GRAY COLLAR WITH A LEFT BROWN EAR AND A RIGHT WHITE EAR AND A BLACK CIRCLE AROUND THE DOG'S RIGHT EYE AND THE WORDS "SAY 'LAH-GOO-KNEE-TUSS'" IN BLACK UNDERNEATH THE WORD "LAGUNITAS" AND THE WORDING "IPA" IN BLACK LETTERS BELOW THAT AND THE WORDS "INDIA PALE ALE" IN RED BELOW "IPA" AND THE WORDS "THE LAGUNITAS BREWING COMPANY" IN BLACK BELOW THAT AND THE WORDS "PETALUMA, CALIFORNIA" IN BLACK BELOW THAT; ALL ON A LIGHT YELLOW BACKGROUND.

THE ENGLISH TRANSLATION OF THE WORD "LAGUNITAS" IN THE MARK IS "LITTLE LAGOON".

SER. NO. 85-844,352, FILED 2-8-2013.

DEBORAH MEINERS, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

Exhibit E

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, May 27, 2014 00:12 AM
To: chitm@nixonpeabody.com
Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86136177: LAGUNITAS IPA (Stylized/Design):
Docket/Reference No. 031418-64US

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: May 27, 2014

Serial Number: 86136177
Mark: LAGUNITAS IPA (Stylized/Design)
Docket/Reference Number: 031418-64US

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

Serial Number: 86136177
Mark: LAGUNITAS IPA (Stylized/Design)
Docket/Reference Number: 031418-64US
Owner: Lagunitas Brewing Company
1280 McDowell Blvd.
Petaluma , CALIFORNIA 94954
Correspondence Address: JANET M. GARETTO
NIXON PEABODY LLP

300 S RIVERSIDE PLZ FL 16
CHICAGO, IL 60606-6613

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

032 - Ale -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86136177>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Exhibit F

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, May 27, 2014 00:12 AM
To: chitm@nixonpeabody.com
Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86136181: LAGUNITAS IPA INDIA PALE ALE (Stylized/Design): Docket/Reference No. 031418-63US

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: May 27, 2014

Serial Number: 86136181
Mark: LAGUNITAS IPA INDIA PALE ALE (Stylized/Design)
Docket/Reference Number: 031418-63US

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

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FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

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Serial Number: 86136181
Mark: LAGUNITAS IPA INDIA PALE ALE (Stylized/Design)
Docket/Reference Number: 031418-63US
Owner: Lagunitas Brewing Company
1280 McDowell Blvd.
Petaluma , CALIFORNIA 94954
Correspondence Address: JANET M. GARETTO
NIXON PEABODY LLP

300 S RIVERSIDE PLZ FL 16
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032 - Ale -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

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To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86136181>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court.

I. (a) PLAINTIFFS: THE LAGUNITAS BREWING CO.
(b) County of Residence of First Listed Plaintiff Sonoma County
(c) Attorneys: Bruce E. Copeland, Nixon Peabody LLP

DEFENDANTS: SIERRA NEVADA BREWING CO.
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question
4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
X 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1114
Brief description of cause:
Trademark Infringement under Lanham Act, common law trademark infringement and unjust enrichment, California unfair business practices

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)
(Place an "X" in One Box Only)
(X) SAN FRANCISCO/OAKLAND () SAN JOSE () EUREKA

DATE: January 12, 2015
SIGNATURE OF ATTORNEY OF RECORD: /s/ Robert K. Carrol