

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

GrandAri, Inc., a Delaware corporation,

Plaintiff,

v.

Case No.: 1:24-cv-1140

Kathi Vidal, in her official capacity as Director  
of the United States Patent and Trademark  
Office

and

The United States Patent and Trademark  
Office,

Defendants.

**COMPLAINT**

Plaintiff, GrandAri, Inc. (“Plaintiff”) by its attorneys, for its complaint against Kathi Vidal, in her official capacity as Director of the United States Patent and Trademark Office (“Director”) and the United States Patent and Trademark Office (“PTO”), (collectively “Defendants”), alleges as follows:

**NATURE OF THE CASE**

1. This is an action by Plaintiff under 15 U.S.C. 1071(b), to appeal the decision by the PTO, Trademark Trial and Appeal Board (“TTAB”) dated May 1, 2024 (“Decision”), refusing to register the Plaintiff’s trademark “One Love Manchester” (defined below) in Classes 014, 018, 025, and 041 pursuant to 15 U.S.C. § 1052(d), due to likelihood of confusion with other registered marks.

### **JURISDICTION AND VENUE**

2. This Court has federal question jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1071(b), which provides that a person authorized by subsection (a) i.e. an applicant for registration of a mark dissatisfied with a final decision of the Trademark Trial and Appeal Board (“TTAB”) may institute a new civil action in a Federal District Court challenging such decision.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e)(1)(A) as Defendants have their principal place of business in Alexandria, Virginia.

### **STANDARD OF REVIEW**

4. The standard of review by the Court on this matter is de novo. If any party, as is likely in this case, introduces into the record any piece of new evidence, this Court must engage in de novo review of the entire record. See *Swatch AG v. Beehive Wholesale, LLC*, 739 F.3d 150, 156 (4th Cir. 2014). Under a de novo review standard, the Court has no duty to give deference to the TTAB's Order.

### **NATURE OF THE PARTIES**

5. Plaintiff GrandAri, Inc. is a corporation organized under the laws of Delaware, with principal place of business at 1880 Century Park East, Suite 1600, Los Angeles, CA 90067.

6. Defendant Kathi Vidal is the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, with a primary business address at P.O. Box 1450, Alexandria, Virginia 22313-1450. She has overall responsibility for the “management supervision for the [PTO] and for the issuance of patents” while performing “these duties in a fair, impartial, and equitable manner.” 35 U.S.C. § 3(a)(2)(A). She is named as a defendant in her official capacity only.



7. Defendant PTO is an agency of the United States within the United States Department of Commerce. The PTO is located at 600 Dulany Street, Alexandria, Virginia 22314.

### FACTUAL BACKGROUND

8. Plaintiff is owned by the world-famous and renowned artist and celebrity, Ariana Grande-Butera (“Grande”). On May 22, 2017, in Manchester, England, a deadly bombing took place during Grande’s concert, in which twenty-two (22) concert goers were killed and five hundred (500) people were left injured. Two (2) weeks thereafter, on June 4, 2017 (the “June 4 Benefit Concert”), Grande hosted a charity concert in memory of those who lost their lives and were injured, called “One Love Manchester”.

9. On December 21, 2018, pursuant to 15 U.S.C. §1051(b), Plaintiff filed a federal trademark application bearing U.S. Serial No. 88239943 (“Application”) for the stylized MARK:



(the “Mark”).

10. The Mark was so named and designed to instill comfort, love, and survival, and serve as a reminder for events that took place in Manchester.

11. On April 1, 2019 (“First Office Action”), the PTO issued an Office Action refusing registration of the Mark due to likelihood of confusion with registered marks, U.S. Registration No. 5620804, “ONE LOVE HOLISTICS”; U.S. Registration No. 4786819, “ONE LOVE SKINCARE”; U.S. Registration No. 4786818 “ONE LOVE SKINCARE”; U.S. Registration No. 4631663, “ONE LOVE ORGANICS”; U.S. Registration No. 4619537, “ONE LOVE BREWERY”; U.S. Registration No. 4619536, “ONE LOVE BREWERY”; U.S. Registration No. 4810762, “ONE LOVE”; U.S. Registration No. 4461909, “ONE LOVE”; U.S. Registration No.



4461420, “1 LOVE”; U.S. Registration No. 4461419, “1 LOVE”; U.S. Registration No. 4428178, “ONE LOVE FEST”; U.S. Registration No. 1998491, “ONE LOVE”; U.S. Registration No. 4619013, “ONE LOVE”; U.S. Registration No. 4859913, “ONE LOVE!”; and U.S. Registration No. 5568130, “MANCHESTER” (“Registrations in First Office Action”). The PTO also required that the Application be amended to separate the different goods and services into the appropriate classes.

12. On October 2, 2019, Plaintiff responded to the First Office Action. Subsequently, any further examination of the First Office Action was suspended on November 4, 2019, due to three prior pending applications, U.S. Application Serial Nos. 87158037, 87158067, and 87663542.

13. On January 5, 2021, another Office Action was issued due to likelihood of confusion with U.S. Registration Nos. 6147681, “ONE LOVE BEAUTY” and 6147682, “ONE LOVE BEAUTY” logo (the “Second Office Action”). In the Second Office Action, the PTO also maintained the previous refusal to register the Application.

14. On July 26, 2021, Plaintiff responded to the Second Office Action and amended the Application to remove International Classes 003, 028, and 042 and include, International Classes 009, 014, 016, 018, 025, 036, 041 and 045, all of which were added under a 1(b) intent-to-use basis. Plaintiff also disclaimed the word “MANCHESTER”.

15. On August 25, 2021, the PTO withdrew the refusal to register with respect to the cited US Registrations Nos. 6147681, 6147682, 4786819, 4786818, 4631663, 4619537, 4619536 and 5568130. However, the PTO maintained the refusal to register (“August 25, 2021 Office Action”) based on the following marks: “ONE LOVE HOLISTICS” with U.S. Reg. No. 5620804 (the “First Referenced Mark”) in Class 014 for “Bracelets; Jewelry”; “ONE LOVE” with U.S. Reg.



No. 4810762 (the “Second Referenced Mark”) in Class 014 for “jewelry, namely, bracelets and rings”; “ONE LOVE FEST” with U.S. Reg. No. 4428178 (the “Third Referenced Mark”) in Class 041 for “Organizing community festivals featuring primarily yoga, workshops, dance and also providing music”; and “ONE LOVE” with U.S. Reg. No. 1998491 (the “Fourth Referenced Mark”) in Class 025 for “footwear” (collectively the “Referenced Marks”). The PTO also required an amendment to the identification of goods and services for International Classes 009, 025, and 041. The identifications of goods and services for International Classes 014, 016, 018, 036, and 045 were accepted and made of record.

16. On February 25, 2022, Plaintiff divided the Application, creating one child application for Classes 009, 016, 036 and 045 (the “First Child Application”), and a second child application for the following Class 041 services: “information services in the field of entertainment, namely, providing information about music, film, television, celebrity and popular culture provided over the internet; FAN CLUB SERVICES; Entertainment services, namely, providing temporary use of non-downloadable VIDEO GAMES; VIDEO GAME PRODUCTION SERVICES; production of virtual reality and augmented reality entertainment, namely, virtual and augmented reality media in the field of music, entertainment and art” (the “Second Child Application”).

17. Also on February 25, 2022, Plaintiff filed a Request for Reconsideration and corresponding appeal before the TTAB regarding the refusal to register the Mark based on an alleged likelihood of confusion with the Referenced Marks. The same day, the case was remanded for reconsideration.

18. On March 24, 2022, the PTO issued a Notice confirming that the Application had been divided, leaving the Application covering only Classes 014, 018, 025 and 041.

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