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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91283021
Party	Plaintiff Karen Becker Edson
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

KAREN BECKER EDSON,

Plaintiff,

v.

**OGDEN RIVER BREWING, LLC dba
BECKERS PREMIUM LAGER CO. and
LOTUS CRAFT, LLC,**

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

Case No. 2:22-cv-00778-TC

Honorable Tena Campbell

Pursuant to Rule 8(a) of the Federal Rules of Civil Procedure, Plaintiff Karen Becker Edson (“Plaintiff” or “Ms. Edson”), by and through her attorneys, hereby complain against Defendants Ogden River Brewing, LLC d/b/a Beckers Premium Lager Co. (“ORB”) and Lotus Craft, LLC (“Lotus Craft”) (collectively, “Defendants”) as set forth below. *See* Fed. R. Civ. P. 8(a).

PRELIMINARY STATEMENT

1. This is an action for unfair competition under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and for substantial and related claims of unfair competition, deceptive trade practices, and misappropriation of right of publicity under the statutory and common laws of the State of Utah, all arising from the Defendants’ unauthorized adoption and use of BECKER in

connection with the manufacture, distribution, marketing, advertising, promotion, offering for sale, and/or sale of Defendants' beer, bar and restaurant services, and related goods and services.

2. Plaintiff seeks injunctive and monetary relief.

JURISDICTION

3. This court has jurisdiction over this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338(a) and (b), and pursuant to the principles of supplemental jurisdiction under 28 U.S.C. § 1367.

VENUE

4. Venue is proper in this district at least under 28 U.S.C. § 1391(b)(1), in that Defendants reside in this district; and under 28 U.S.C. § 1391(b)(2), in that a substantial part of the events or omissions giving rise to the claim occurred in this district.

PARTIES

5. Plaintiff is an individual who resides in Salt Lake City and is a citizen of Utah.

6. Defendant ORB is a limited liability company formed under the laws of Utah with an address at 338 East South Temple, Ste B, Salt Lake City, Utah 84111.

7. Defendant Lotus Craft is a limited liability company formed under the laws of Utah with an address at 338 East South Temple, Ste B, Salt Lake City, Utah 84111.

FACTS

A. Plaintiff, the Becker Family, and BECKER Beer

8. Plaintiff is a member of the Becker Family, a well-known, highly respected Utah family with roots in the Ogden area dating back to the late 1800s.

9. The patriarch of the Becker Family, John Stephan Becker, was born in 1827 in Baden, Germany. He learned about brewing in his teens and twenties while working at a small German brewery. He immigrated to the United States in the late 1850s, settling in Minnesota. In 1863, John Becker and a partner started the Neuffer & Becker Brewery. In 1883, he hired a partner, William C. Schellhas, and the brewery was renamed to Becker & Schellhas.

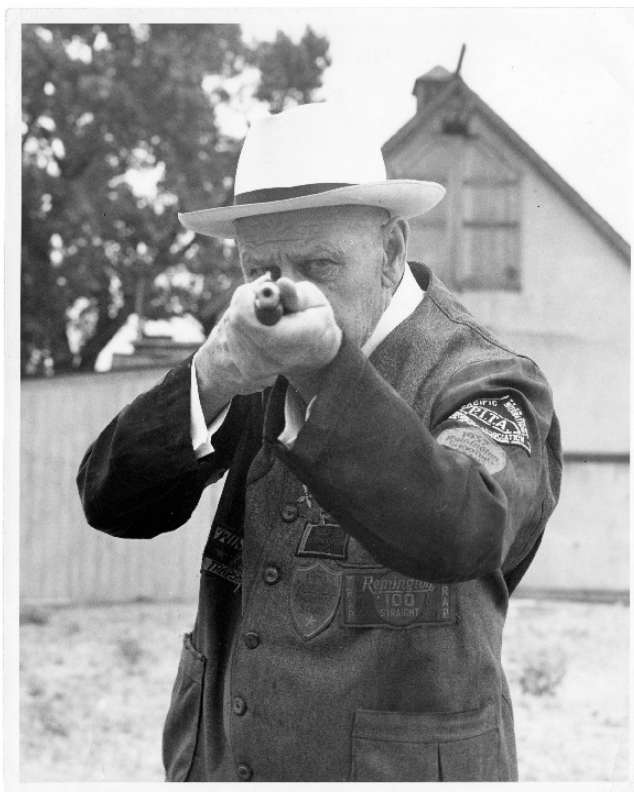
10. In 1890, William Schellhas and John Becker's eldest son, Gustav Becker, traveled to Ogden and opened the Schellhas Brewing Company, located at 19th Street and Lincoln Avenue in downtown Ogden. John Becker and his youngest son, Albert Becker, arrived in Ogden in 1892. The Beckers took full control of the brewery that year, renaming it Becker Brewing and Malting (hereinafter referred to as "Becker Brewing").

11. Becker Brewing was the most successful of all the Ogden breweries, if not all Utah breweries. Becker Brewing is the only brewery in Utah to have operated before, during, and after Prohibition. It was open longer than any other Utah brewery, staying in business for 75 years and continuing to operate in a limited capacity for several years thereafter.

12. Becker Brewing founders Gustav "Gus" Becker and Albert Becker, sons of John Becker, are storied characters in Utah history.

13. In addition to running the brewery for most of its 75 years, Gus Becker served in the Utah National Guard and the Home Guard, becoming one of only 12 people to receive the American Legion Medal for Distinguished Service. He was a leading Utah industrialist, running the brewery while also serving as a director in several other Utah-based companies and as a member in the Eagles, Elks, and Masonic organizations. Gus welcomed and hosted U.S. presidents that came through Ogden, like William McKinley, Teddy Roosevelt, and William

Howard Taft. Gus was even a world-renowned sharpshooter, winning numerous sharpshooting trophies including the Trapshooting Handicap Championship of America and setting a world handicap singles and doubles record for trapshooting. He was a member of the “4 B’s Trap Club” shooting team, along with the Browning Brothers and Archie Bigelow. Gus was named to the 1924 Olympic trap shooting team for the United States. He was inducted into the Utah Sports Hall of Fame in 1987 for trap shooting. His name is on display at the Utah Sports Hall of Fame with other Utah sports legends like Karl Malone of the Utah Jazz.



Gustav Becker sighting down his rifle, c. 1937

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