

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KDUKESBOXING, INC.,

Plaintiff,

v.

DUKE UNIVERSITY,

Defendant.

Civ. Action No. _____

COMPLAINT
DEMAND FOR JURY TRIAL

Plaintiff, KDUKESBOXING, INC. (“Plaintiff”), by and through the undersigned counsel, alleges the claims set forth in this Complaint against Defendant DUKE UNIVERSITY (“Defendant”).

NATURE OF THE ACTION

1. This is an action for injunctive and monetary relief arising from Defendant’s willful infringement of Plaintiff’s federally-registered and incontestable PUT UP YOUR DUKES® mark and related marks. Defendant is and has been using the identical PUT UP YOUR DUKES mark for and in connection with goods and/or services in commerce in a manner that infringes upon the rights Plaintiff has in and to the PUT UP YOUR DUKES® mark and related marks, and that competes unfairly in the marketplace with Plaintiff’s goods and/or services, thereby inflicting substantial injury to Plaintiff. Defendant’s willful and intentional unauthorized use of the PUT UP YOUR DUKES® trademark, which is a colorable imitation of the

trademark used by Plaintiff in connection with Plaintiff's own goods and is done in a manner to imply, deceptively and confusingly, that the goods which Defendant markets, distributes and offers for sale are in some way associated with, licensed or otherwise authorized or sponsored by Plaintiff, which is untrue.

JURISDICTION AND PROPER VENUE

2. This action arises under the Trademark Act of 1946, the Lanham Act, (15 U.S.C. §§ 1051 et seq.), and particularly under Sections 32, 34, 35 and 43(a) of the Act (15 U.S.C. §§ 1114, 1116, 1117 and 1125(a), as more fully appears in this Complaint. This United States District Court for the Middle District of Florida has jurisdiction under Section 39 of the Lanham Act (15 U.S.C. § 1121) (actions arising under the Federal Trademark Act), 28 U.S.C. § 1338(a) (acts of Congress relating to trademarks), and 28 U.S.C. § 1338(b) (pendent unfair competition claims).

3. This Court has supplemental jurisdiction over all state law and common law claims in the civil action pursuant to 28 U.S.C. § 1367 because the state or common law claims are so related to claims over which this court has original jurisdiction that the state law and common law claims form part of the same case or controversy under Article III of the United States Constitution.

4. This Court has personal jurisdiction over Defendant because, among other things, Defendant has purposefully availed itself of the benefits and protections of Florida law by committing, and continuing to commit, acts of trademark infringement and counterfeiting in this District. This includes, but is not limited to, Defendant's marketing, offering for sale and, on information and

belief, sale of goods to consumers in the State of Florida through various websites and online software platforms.

5. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400 because a substantial part of the events giving rise to the claim occurred in this judicial district.

6. By this action, Plaintiff seeks damages and preliminary injunctive relief pursuant to Sections 32, 34, 35, 36, 43(a) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1114, 1116, 1117, 1118 and 1125(a), applicable Florida State Law, as well as Common Law.

PARTIES

7. Plaintiff is a New York corporation with its principal place of business at 910 Prospect Place #4L, Brooklyn, New York 11213.

8. On information and belief, Defendant is a North Carolina corporation with a principal place of business in Durham, North Carolina and a business address at Office of University Counsel, Duke University, 310 Blackwell Street, 4th Floor, Durham, North Carolina 27701.

FACTUAL BACKGROUND

Plaintiff And Its Incontestable PUT UP YOUR DUKES® Marks

9. Plaintiff is the first premier Black-owned boxing gloves and equipment company.

10. Plaintiff was established in 2016 by Calvin Dukes, a Marine Corps veteran with over two decades of boxing industry experience.

11. Fueled by his love for the sport of boxing and a friend's career-threatening hand injuries, Mr. Dukes designed gloves that enhance performance and prioritize fighter safety.

12. Today Plaintiff provides apparel, boxing gloves and equipment to professional fighters and others engaged in boxing training and fitness activities.

13. Plaintiff represents empowerment, diversity, and inclusivity in boxing while supporting various important causes such as autism acceptance and cancer awareness.

14. Plaintiff aims to inspire and make a lasting impact through its high-quality products and philanthropic efforts.

15. Plaintiff has been using the PUT UP YOUR DUKES® mark and related marks on and in connection with apparel, boxing gloves and equipment for over nine years.

16. Plaintiff owns numerous valuable and enforceable rights in and to the PUT UP YOUR DUKES® mark and related marks in the United States.

17. Such rights include, but are not limited to, ownership of U.S. Trademark Registration No. 5716319 for the mark PUT UP YOUR DUKES® in standard characters for "shirts" in Class 25 (the "PUT UP YOUR DUKES® Mark"). Attached as Exhibit A is a true and correct copy of U.S. Trademark Registration No. 5716319 and related documents.

18. The application that matured into U.S. Trademark Registration No. 5716319 was filed on May 11, 2017 and the registration issued on April 2, 2019.

19. Plaintiff also owns U.S. Trademark Registration No. 5467313 for the following mark for “shirts” in Class 25 and “boxing gloves” in Class 28:



(the “PUT UP YOUR DUKES® Stylized Mark”). Attached as Exhibit B is a true and correct copy of U.S. Trademark Registration No. 5467313 and related documents.

20. The application that matured into U.S. Trademark Registration No. 5467313 was filed on May 17, 2017 and the registration issued on May 15, 2018.

21. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff’s exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

22. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

23. The marks in Plaintiff's U.S. Trademark Registration Nos. 5716319 and 5467313 are collectively referred to herein as the "PUT UP YOUR DUKES® Marks."

24. The PUT UP YOUR DUKES® Marks are distinctive and used to identify high quality products originating with Plaintiff.

25. Plaintiff advertises and markets its goods and/or services nationwide across various social media platforms, including Facebook, Instagram and X (formerly known as Twitter).

26. Plaintiff owns and operates a website at the URL <https://kdukesboxing.com>.

27. As a result of Plaintiff's marketing, advertising and promotion of its PUT UP YOUR DUKES® Marks throughout the United States, and as a result of its widespread use and the general consuming public's acceptance and recognition of them, Plaintiff's goods and/or services have come to be, and now are, well and favorably known to the public under the PUT UP YOUR DUKES® Marks.

28. Over the years, Plaintiff has invested significant time, effort, money and resources to advertise and promote its PUT UP YOUR DUKES® Marks throughout the United States.

29. As a result of the significant time, money and resources invested, and that continues to be invested in the nationwide marketing, advertising and

promotion of Plaintiff's goods and/or services under and in connection with the PUT UP YOUR DUKES® Marks, Plaintiff has experienced significant revenues in connection with its PUT UP YOUR DUKES® Marks. This, in turn, has caused the PUT UP YOUR DUKES® Marks to become a distinctive symbol of source, which stands for the high quality and reputation of Plaintiff and its goods and/or services. Accordingly, the PUT UP YOUR DUKES® Marks have built up a substantial commercial reputation and incalculable associated goodwill giving them an added brand value that belongs exclusively to Plaintiff.

30. Plaintiff considers its PUT UP YOUR DUKES® Marks to be among its most valuable assets.

*Defendant And Its Adoption And Use of Its Infringing
PUT UP YOUR DUKES Marks Despite Express Knowledge of Plaintiff's Marks*

31. Defendant is an institution of higher learning.

32. Defendant has had express knowledge of Plaintiff's PUT UP YOUR DUKES® Marks since at least as early as October 26, 2017.

33. Notwithstanding Defendant's longstanding prior express knowledge of Plaintiff and its PUT UP YOUR DUKES® Marks, Defendant announced on August 4, 2024 that it had introduced a new "Secondary Logo" prominently featuring Plaintiff's PUT UP YOUR DUKES® Mark:



34. Defendant used and, on information and belief, continues to use, Plaintiff's PUT UP YOUR DUKES® Mark without authorization on a billboard at Defendant's Wallace Wade Stadium, which is where Defendant's NCAA Division 1 football team plays before tens of thousands of fans in games that are broadcast nationwide and in Florida, including during the 2025-26 season:



35. Defendant also shared such images nationwide and in Florida through its social media accounts, including on Instagram:



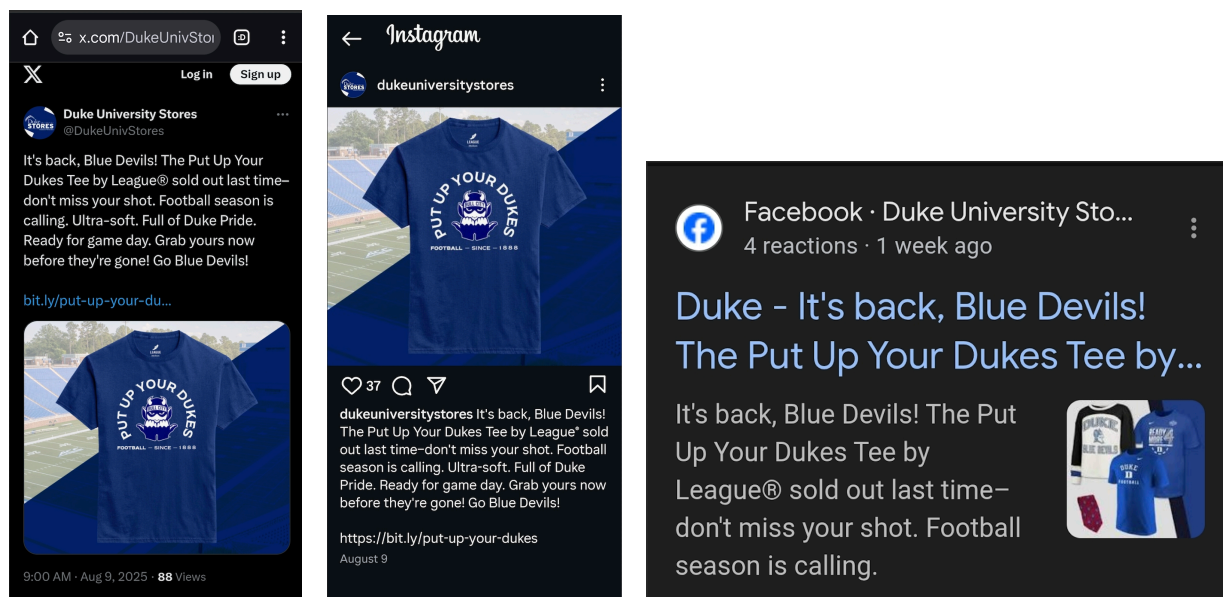
36. Defendant even used Plaintiff's PUT UP YOUR DUKES® Mark without authorization on and in connection with billboards that could be seen and,

on information and belief, have been seen by countless interstate travelers, including travelers from Florida:

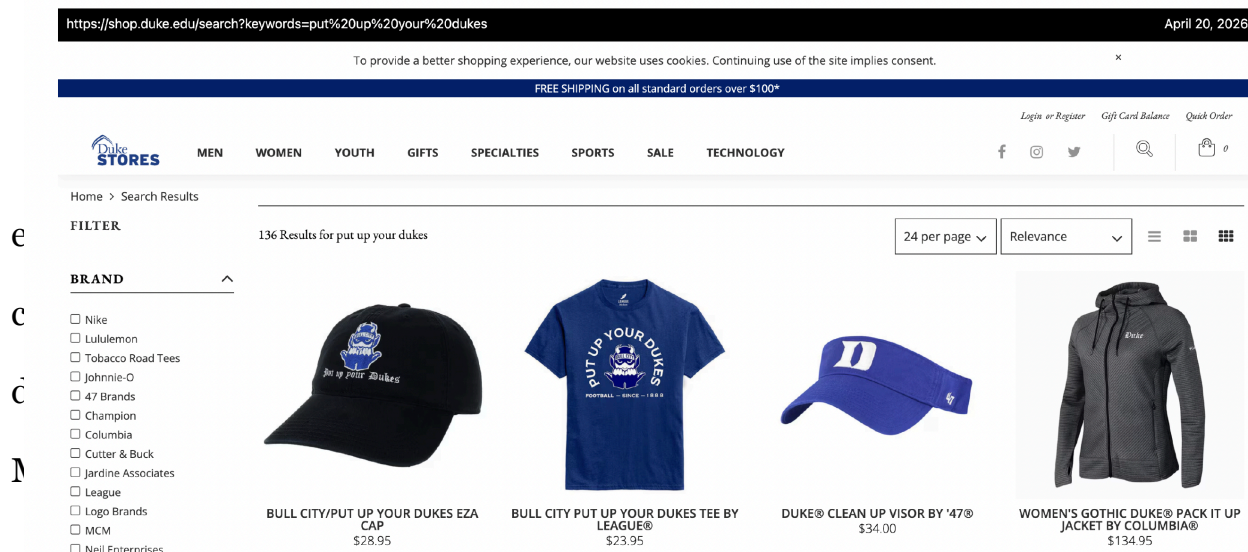


37. Defendant is and has been using Plaintiff's PUT UP YOUR DUKES® Mark without authorization in connection with the promotion, advertising, offer for sale, and sale of apparel, including on the Internet and mobile devices, and including to consumers in Florida.

38. Defendant has been advertising and promoting apparel featuring Plaintiff's PUT UP YOUR DUKES® Mark—including through social media accounts available to and, on information and belief, directed to and seen by consumers in Florida—since at least as early as August 2025:



39. Defendant has also been offering for sale and selling, and is still offering for sale and selling, apparel using and bearing Plaintiff's PUT UP YOUR DUKES® Mark on and through Defendant's online store:



41. On information and belief, Defendant does not intend to cease its unauthorized use of Plaintiff's PUT UP YOUR DUKES® Mark, and/or any confusingly similar variations thereof, to the damage and detriment of Plaintiff's reputation, goodwill and sales.

42. Defendant is not affiliated with or sponsored by Plaintiff.

43. At no time did Plaintiff ever give Defendant license, permission or authority to use or display a mark consisting of or including Plaintiff's PUT UP YOUR DUKES® Mark on or in connection with any advertising, promotion, offer for sale, or sale of any goods or services of Defendant.

44. Defendant's unauthorized use of the PUT UP YOUR DUKES mark for shirts is identical to Plaintiff's PUT UP YOUR DUKES® Mark for "shirts" as set forth in U.S. Trademark Registration No. 5716319.

45. Defendant's unauthorized use of the PUT UP YOUR DUKES mark for shirts is confusingly similar to Plaintiff's PUT UP YOUR DUKES® Mark for "shirts" as set forth in U.S. Trademark Registration No. 5716319.

46. Defendant's actions as alleged herein have created a likelihood of injury to Plaintiff's business reputation and have caused a strong likelihood of consumer confusion, mistake, and deception as to the source of, origin or relationship of Plaintiff's and Defendant's goods and services.

47. Because of Defendant's substantial reputation and national market presence, consumers are likely to believe that Plaintiff's goods and services under and in connection with Plaintiffs' PUT UP YOUR DUKES® Marks are sponsored,

approved, or produced by Defendant, rather than the other way around. This, in turn, threatens to deprive Plaintiff of the recognition, distinctiveness, and commercial benefit that its incontestable marks are entitled to protect.

48. Defendant has otherwise competed unfairly with Plaintiff by unlawfully trading on and using a mark that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks without Plaintiff's permission or consent.

49. Defendant has been on express notice of Plaintiff's PUT UP YOUR DUKES® Marks since at least as early as October 26, 2017.

50. Despite such express notice, Defendant decided to adopt and use, and has continued to use, a mark that is identical and/or confusingly similar to PUT UP YOUR DUKES® Marks.

51. Defendant's continued infringement of Plaintiff's PUT UP YOUR DUKES® Marks despite actual notice of Plaintiff's superior intellectual property rights is willful, deliberate and intentional.

COUNT I
TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114)

52. Plaintiff hereby readopts and re-alleges the allegations set for in Paragraphs 1 – 51 above.

53. This is an action for trademark infringement against Defendant.

54. Plaintiff is the owner of the PUT UP YOUR DUKES® Marks and U.S. Trademark Registration Nos. 5716319 and 5467313 for the PUT UP YOUR DUKES® Marks.

55. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

56. Defendant, intentionally and without authorization from Plaintiff, has used and is continuing to use a mark that is identical to, or substantially indistinguishable from, Plaintiff's PUT UP YOUR DUKES® Marks.

57. Defendant's use of the PUT UP YOUR DUKES mark in connection with Defendant's goods and services is likely to cause confusion, mistake and deception among consumers, the public, and the trade as to whether Defendant's goods and services are affiliated with, sponsored by or endorsed by Plaintiff.

58. Defendant's actions, as set forth, constitute infringement of Plaintiff's PUT UP YOUR DUKES® Marks in violation of the Lanham Act, 15 U.S.C. § 1114(1).

59. Defendant has acted with actual or constructive knowledge of Plaintiff's PUT UP YOUR DUKES® Marks, and upon information and belief, with deliberate intention to confuse consumers, or willful blindness to Plaintiff's rights.

60. Defendant has been on express notice of Plaintiff's PUT UP YOUR DUKES® Marks since at least as early as October 26, 2017. Despite such express

notice, Defendant decided to use and continues to use a mark that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks.

61. Defendant's acts, as alleged, constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114, all to the substantial and irreparable injury to the public and to Plaintiff's business reputation and goodwill.

62. Defendant's use without leave or license of a colorable imitation of Plaintiff's PUT UP YOUR DUKES® Mark constitutes trademark infringement, pursuant to Section 32 of the Lanham Act, 15 U.S.C § 1114.

63. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to Plaintiff's business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks and will cause irreparable damage to Plaintiff, including diversion of customers, loss of sales and loss of profits. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting on behalf of and/or in concert with Defendant, from engaging in further acts of trademark infringement. Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

64. Defendant has made and will continue to make substantial profits and/or gains to which it is not entitled.

65. By reason of the foregoing, Plaintiff has been and will continue to be irreparably harmed and damaged. Plaintiff's remedies at law are inadequate to compensate for this harm and damage.

COUNT II
TRADEMARK COUNTERFEITING
(15 U.S.C. § 1114)

66. Plaintiff hereby readopts and re-alleges the allegations set for in Paragraphs 1 – 51 above.

67. This is an action for trademark counterfeiting against Defendant.

68. Plaintiff is the owner of the PUT UP YOUR DUKES® Mark and U.S. Trademark Registration No. 5716319 for the PUT UP YOUR DUKES® Mark.

69. Plaintiff is the lawful exclusive owner of U.S. Trademark Registration No. 5716319.

70. U.S. Trademark Registration No. 5716319 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the mark in that registrations in commerce in connection with the goods specified in that registration.

71. The Lanham Act defines a counterfeit mark as “a spurious mark which is identical with, or substantially indistinguishable from, a registered mark.” 15 U.S.C. § 1127.

72. Defendant, intentionally and without authorization from Plaintiff, has used and is continuing to use a counterfeit mark or spurious designation that is

virtually identical to, or substantially indistinguishable from, Plaintiff's PUT UP YOUR DUKES® Mark.

73. Defendant's use of the PUT UP YOUR DUKES mark in connection with Defendant's goods is likely to cause confusion, mistake and deception among consumers, the public, and the trade as to whether Defendant's goods are affiliated with, sponsored by or endorsed by Plaintiff.

74. Defendant's actions, as set forth, constitute infringement of Plaintiff's PUT UP YOUR DUKES® Mark and U.S. Trademark Registration No. 5716319 in violation of the Lanham Act, 15 U.S.C. § 1114(1).

75. Defendant has acted with actual or constructive knowledge of Plaintiff's PUT UP YOUR DUKES® Marks, and upon information and belief, with deliberate intention to confuse consumers, or willful blindness to Plaintiff's rights.

76. Defendant's acts, as alleged, constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114, all to the substantial and irreparable injury to the public and to Plaintiff's business reputation and goodwill.

77. Defendant's use without leave or license of a colorable imitation of Plaintiff's PUT UP YOUR DUKES® Mark constitutes trademark infringement, pursuant to Section 32 of the Lanham Act, 15 U.S.C § 1114.

78. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to Plaintiff's business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR

DUKES® Mark and will cause irreparable damage to Plaintiff, including diversion of customers, loss of sales and loss of profits. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting on behalf of and/or in concert with Defendant, from engaging in further acts of trademark infringement. Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

79. Defendant has made and will continue to make substantial profits and/or gains to which it is not entitled.

80. By reason of the foregoing, Plaintiff has been and will continue to be irreparably harmed and damaged. Plaintiff's remedies at law are inadequate to compensate for this harm and damage.

81. Defendant is further liable to Plaintiff for statutory damages as provided by 15 U.S.C. § 1117(c) of the Lanham Act, or, at Plaintiff's election, an amount representing three (3) times Plaintiff's damage or Defendant's illicit profits, and reasonable attorneys' fees as provided by 15 U.S.C. § 1117(b).

COUNT III
FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION
(15 U.S.C. § 1125(a))

82. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1 – 51 above.

83. This is an action for false designation and unfair competition under federal law.

84. Plaintiff is the owner of the PUT UP YOUR DUKES® Marks and U.S. Trademark Registration Nos. 5716319 and 5467313 for the PUT UP YOUR DUKES® Marks.

85. Plaintiff is the lawful exclusive owner of U.S. Trademark Registration Nos. 5716319 and 5467313.

86. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

87. Defendant has used and continues to use in connection with the advertising, promotion, offering for sale and sale of goods and services in commerce, without Plaintiff's consent, a mark that so resembles Plaintiff's marks that it falsely designates the origin of Defendant's goods and services and confuses the public by suggesting that those goods and services are sponsored by or affiliated with Plaintiff, in violation of 15 U.S.C. § 1125(a).

88. Defendant's acts have a substantial economic effect on interstate commerce because goods and services under or in connection with the PUT UP YOUR DUKES mark are and have been promoted, advertised, offered for sale and sold in interstate commerce, and because Plaintiff's goods and services under or in connection with the PUT UP YOUR DUKES® Marks also are and have been promoted, advertised, offered for sale and sold in interstate commerce.

89. Defendant's actions as alleged herein constitute a false designation of origin and unfair competition in violation of 15 U.S.C. § 1125(a).

90. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to its business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks and will cause irreparable damage to Plaintiff. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting in concert with Defendant, from engaging in further wrongful acts. Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

91. Plaintiff is further entitled to recover from Defendant the actual damages and/or loss of revenue and potential revenue that Plaintiff has sustained and/or is likely to sustain as a result of Defendant's wrongful acts. Plaintiff is presently unable to ascertain the full extent of the monetary damages that it has suffered and/or is likely to suffer by reason of Defendant's wrongful acts.

92. Plaintiff is further entitled to recover from Defendant the gains, profits, and advantages Defendant has obtained as a result of its wrongful acts. Plaintiff is presently unable to ascertain the full extent of the gains, profits, and advantages that Defendant has realized by reason of its wrongful acts.

93. Defendant has been on express notice of Plaintiff's PUT UP YOUR DUKES® Marks since at least as early as October 26, 2017. Despite such express

notice, Defendant decided to use and continues to use a mark that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks.

94. On information and belief, Defendant's actions as alleged herein were willful, malicious and/or intentional. As a result, Plaintiff is entitled to an award of enhanced damages under 15 U.S.C. § 1117.

COUNT IV
FLORIDA COMMON LAW TRADEMARK INFRINGEMENT

95. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1 – 51 above.

96. Plaintiff is the owner of the PUT UP YOUR DUKES® Marks and U.S. Trademark Registration Nos. 5716319 and 5467313 for the PUT UP YOUR DUKES® Marks.

97. Plaintiff is the lawful exclusive owner of U.S. Trademark Registration Nos. 5716319 and 5467313.

98. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

99. Defendant, intentionally and without authorization from Plaintiff, has used and is continuing to use a mark that is identical to, or substantially indistinguishable from, Plaintiff's PUT UP YOUR DUKES® Marks.

100. Defendant's use of the PUT UP YOUR DUKES mark in connection with Defendant's goods and services is likely to cause confusion, mistake and deception among consumers, the public, and the trade as to whether Defendant's goods and services are affiliated with, sponsored by or endorsed by Plaintiff.

101. Defendant's actions, as set forth, constitute infringement of Plaintiff's PUT UP YOUR DUKES® Marks and the marks in Plaintiff's U.S. Trademark Registration Nos. 5716319 and 5467313 in violation of Florida common law.

102. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to its business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks and will cause irreparable damage to Plaintiff. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting in concert with Defendant, from engaging in further wrongful acts. Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

103. Plaintiff is further entitled to recover from Defendant the actual damages and/or loss of revenue and potential revenue that Plaintiff has sustained and/or is likely to sustain as a result of Defendant's wrongful acts. Plaintiff is presently unable to ascertain the full extent of the monetary damages that it has suffered and/or is likely to suffer by reason of Defendant's wrongful acts.

104. Plaintiff is further entitled to recover from Defendant the gains, profits, and advantages Defendant has obtained as a result of its wrongful acts. Plaintiff is presently unable to ascertain the full extent of the gains, profits, and advantages that Defendant has realized by reason of its wrongful acts.

COUNT V
FLORIDA COMMON LAW UNFAIR COMPETITION

105. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1 – 51 above.

106. Plaintiff is the owner of the PUT UP YOUR DUKES® Marks and U.S. Trademark Registration Nos. 5716319 and 5467313 for the PUT UP YOUR DUKES® Marks.

107. Plaintiff is the lawful exclusive owner of U.S. Trademark Registration Nos. 5716319 and 5467313.

108. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

109. Defendant, intentionally and without authorization from Plaintiff, has used and is continuing to use a mark that is identical to, or substantially indistinguishable from, Plaintiff's PUT UP YOUR DUKES® Marks.

110. Defendant's use of the PUT UP YOUR DUKES mark in connection with Defendant's goods and services is likely to cause confusion, mistake and

deception among consumers, the public, and the trade as to whether Defendant's goods and services are affiliated with, sponsored by or endorsed by Plaintiff.

111. Defendant's actions, as set forth, constitute unfair competition in violation of Florida common law.

112. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to its business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks and will cause irreparable damage to Plaintiff. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting in concert with Defendant, from engaging in further wrongful acts. Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

113. Plaintiff is further entitled to recover from Defendant the actual damages and/or loss of revenue and potential revenue that Plaintiff has sustained and/or is likely to sustain as a result of Defendant's wrongful acts. Plaintiff is presently unable to ascertain the full extent of the monetary damages that it has suffered and/or is likely to suffer by reason of Defendant's wrongful acts.

114. Plaintiff is further entitled to recover from Defendant the gains, profits, and advantages Defendant has obtained as a result of its wrongful acts. Plaintiff is presently unable to ascertain the full extent of the gains, profits, and advantages that Defendant has realized by reason of its wrongful acts.

COUNT VI
VIOLATION OF FLORIDA DECEPTIVE AND UNFAIR TRADE
PRACTICES ACT

115. Plaintiff hereby readopts and re-alleges the allegations set forth in Paragraphs 1 – 51 above.

116. This is an action for violation of the Florida Deceptive and Unfair Trade Practices Act, Florida Statute § 501.201 et. seq.

117. Plaintiff is the owner of the PUT UP YOUR DUKES® Marks and U.S. Trademark Registration Nos. 5716319 and 5467313 for the PUT UP YOUR DUKES® Marks.

118. Plaintiff is the lawful exclusive owner of U.S. Trademark Registration Nos. 5716319 and 5467313.

119. Each of U.S. Trademark Registration Nos. 5716319 and 5467313 is valid, subsisting, and unrevoked, and is *prima facie* evidence of Plaintiff's exclusive right to use the marks in those registrations in commerce in connection with the goods specified in the registrations.

120. Defendant, intentionally and without authorization from Plaintiff, has used and is continuing to use a mark that is identical to, or substantially indistinguishable from, Plaintiff's PUT UP YOUR DUKES® Marks.

121. Defendant's use of the PUT UP YOUR DUKES mark in connection with Defendant's goods and services is likely to cause confusion, mistake and deception among consumers, the public, and the trade as to whether Defendant's goods and services are affiliated with, sponsored by or endorsed by Plaintiff.

122. Defendant has acted with actual or constructive knowledge of Plaintiff's PUT UP YOUR DUKES® Marks, and upon information and belief, with deliberate intention to confuse consumers, or willful blindness to Plaintiff's rights.

123. Defendant has engaged in unfair and deceptive acts or practices by using a designation that is identical and/or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks to promote, advertise, offer for sale, sell and/or distribute goods in the state of Florida, thereby creating a likelihood of public confusion as to the source of the parties' respective goods and services. This has caused financial loss to Plaintiff.

124. Defendant's actions have been willful, deliberate, and intended to benefit Defendant at Plaintiff's expense.

125. Defendant's actions constitute deceptive trade practices in violation of Section 501.204 of the Florida Statutes.

126. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has suffered and continues to suffer and/or is likely to suffer damage to Plaintiff's business reputation and goodwill. Defendant will continue, unless restrained, to use a mark that is identical to or confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks and will cause irreparable damage to Plaintiff, including diversion of customers, loss of sales and loss of profits. Plaintiff has no adequate remedy at law. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting on behalf of and/or in concert with Defendant, from engaging in further acts of trademark infringement.

Such harm will continue and increase until Defendant is preliminarily and permanently enjoined from its unlawful conduct.

127. As a result of Defendant's actions, Plaintiff was forced to retain counsel and Defendant is obligated to pay reasonable attorneys' fees and costs in connection with the prosecution of this matter.

128. Defendant is realizing profit and will continue to realize a profit from its unlawful actions.

129. Plaintiff is further entitled to recover from Defendant the gains, profits, and advantages Defendant has obtained as a result of its wrongful acts. Plaintiff is presently unable to ascertain the full extent of the gains, profits, and advantages that Defendant has realized by reason of its wrongful acts.

130. Plaintiff seeks declaratory and injunctive relief pursuant to Florida Statute § 501.201 et. seq., including recovery of its damages pursuant to §§501.201 et seq., and its reasonable attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff on each and every claim for relief set forth above and award its relief including, but not limited to the following:

A. That Defendant and its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting in concern or privity with Defendant, be permanently enjoined from: (1) using any mark consisting of or including the term "Put Up Your Dukes", or any similar

variation thereof, (2) using any trademark that imitates or is confusingly similar to Plaintiff's PUT UP YOUR DUKES® Marks, or any similar variation thereof, or is likely to cause confusion, mistake, deception, or public misunderstanding as to the origins of Plaintiff's goods and services or their relatedness to Defendant; and (3) engaging in trademark infringement, unfair competition, false designation of origin, or other activities that misappropriate Plaintiff's trademark rights.

- B. Defendant be ordered to deliver up for destruction all devices, containers, labels, signs, packaging, goods, advertising, promotional material or the like in possession, custody or control of Defendant bearing the trademark found to infringe on Plaintiff's trademark rights, as well as all plates and other means of making same.
- C. Defendant be ordered to pay damages, including but not limited to Defendant's profits, and those damages be trebled under 15 U.S.C. § 1117.
- D. Defendant be compelled to account to Plaintiff for any and all profits derived from its illegal acts complained of herein under 15 U.S.C. § 1117.
- E. Defendant be ordered to pay Plaintiff's costs and attorneys' fees in this action pursuant to 15 U.S.C. § 1117 and other applicable laws.
- F. Awarding such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Dated: May 29, 2026

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