

1 **PLAINTIFF TRADEMARK RIGHTS**

2 8. Griot’s Garage is a catalog, online, and retail store seller of high-quality car
3 care products and is recognized throughout the country. Griot’s Garage has used SPEED
4 SHINE as a trademark for car care products since at least as early as 1998. Griot’s
5 Garage’s SPEED SHINE spray and wipe auto cleaner is the company’s number-one selling
6 product and is well known to car care experts and enthusiasts throughout the nation.
7 Griot’s Garage customers and the public have come to rely upon and look for the
8 trademarks SPEED SHINE to identify products originating from Griot’s Garage. As a
9 consequence, Griot’s Garage name and SPEED SHINE® have come to symbolize valuable
10 goodwill and reputation.

11 9. Griot’s Garage is the owner of two United States trademark registrations for
12 the mark SPEED SHINE: U.S. Trademark Registration No. 2,250,463, issued June 1,
13 1999, for the mark SPEED SHINE, for liquid polish and protectant for leather or vinyl
14 goods, and U.S. Trademark Registration No. 3,564,216, issued January 20, 2009, for the
15 mark SPEED SHINE, for preparations for cleaning, protecting and preserving vehicle
16 surfaces; all-purpose cleaners (the “SPEED SHINE Trademarks”). These registrations are
17 *prima facie* evidence that the SPEED SHINE Trademarks are distinctive, that Griot’s
18 Garage owns those trademarks, and that the registrations are valid and subsisting. In
19 addition, U.S. Trademark Registration No. 2,250,463 is incontestable. True and correct
20 copies of the registrations are attached as Exhibit A.

21 **DEFENDANTS’ UNLAWFUL CONDUCT**

22 10. Carroll Shelby International and Carol Shelby Licensing (collectively, the
23 “Carol Shelby Defendants”) have recently introduced a product called Speed Shine, that is

1 described as “a new spray detailer designed to keep your car looking brilliant between
2 washing and waxing.”

3 11. The Carol Shelby Defendants advertise and offer the Speed Shine product
4 for sale on their websites, including <http://www.carrollshelbymerchandise.com> and
5 <http://shelbyautocare.com/home.asp>.

6 12. The Carol Shelby Defendants have appropriated Griot’s Garage SPEED
7 SHINE Trademarks as the exact product name for a product that is a directly competitive
8 product, as shown below:



15 13. Use by the Carol Shelby Defendants of Griot’s Garage’s SPEED SHINE
16 trademarks will inevitably cause confusion with the products that Griot’s Garage sells
17 under its SPEED SHINE Trademarks.

18 14. Customers and the public are likely, upon seeing advertising by the Carol
19 Shelby Defendants of their Speed Shine product, to believe that Griot’s Garage is the
20 source of or affiliated with Carol Shelby or Carol Shelby’s Speed Shine product.

21 15. The Carol Shelby Defendants’ unlawful use of the Griot’s Garage SPEED
22 SHINE Trademarks, and others confusingly similar, substantially injures Griot’s Garage
23 and the goodwill associated with the SPEED SHINE Trademarks.

1 23. The actions of the Carol Shelby Defendants described herein constitute
2 false or misleading representations of fact in violation of 15 U.S.C. § 1125(a).

3 **COUNT 4: THE WASHINGTON CONSUMER PROTECTION ACT/
4 UNFAIR COMPETITION**

5 24. Griot's Garage incorporates the allegations of Paragraphs 1-23 as if fully set
6 forth herein.

7 25. The actions of the Carol Shelby Defendants described herein affect and will
8 be injurious to the public interest, constitute unfair and deceptive acts or practices and
9 unfair methods of competition in the conduct of trade or commerce in violation of
10 RCW 19.86.020 that have harmed Griot's Garage in its business and property. Griot's
11 Garage is entitled to recover damages, treble damages, and attorneys' fees pursuant to
12 RCW 19.86.090.

13 **COUNT 5: UNFAIR COMPETITION**

14 26. Griot's Garage incorporates the allegations of Paragraphs 1-25 as if fully set
15 forth herein.

16 27. The Carol Shelby Defendants' conduct described herein further constitutes
17 unfair competition in violation of the common law.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Griot's Garage prays for the following relief:

20 A. Entry of temporary and permanent injunctions against the Carol Shelby
21 Defendants and their servants, agents, employees, successors and assigns, and all persons
22 acting in concert with them, enjoining them from using in any manner SPEED SHINE or
23 any other trademark confusingly similar thereto, including but not limited to as email
addresses, domain names, corporate names, trade names, trademarks, or service marks;

1 B. Requiring the Carol Shelby Defendants to deliver to Griot’s Garage for
2 destruction all goods, signs, advertisements, literature, business forms, cards, labels,
3 packages, wrappers, pamphlets, brochures, receptacles, and any other written or printed
4 material in their possession or under their control which contain any or all of the SPEED
5 SHINE Trademarks;

6 C. Requiring the Carol Shelby Defendants to provide timely confirmation to
7 Griot’s Garage and the Court concerning its compliance with the injunction and order of
8 destruction;

9 D. Awarding compensatory damages sustained by Griot’s Garage, together
10 with disgorgement of all profits generated by Defendants as a result of the acts complained
11 of herein pursuant to federal and state law, to be trebled in accordance with 15 U.S.C.
12 § 1117 and RCW 19.86;

13 E. Awarding Griot’s Garage its attorneys’ fees pursuant to 15 U.S.C. § 1117
14 and other applicable federal and state laws;

15 F. Awarding Griot’s Garage punitive damages for the Carol Shelby
16 Defendants’ willful and egregious deception of consumers and infringement of Griot’s
17 Garage rights in violation of both statutory and common law; and

18 G. Awarding Griot’s Garage interest, costs, and such other and further relief as
19 the Court may deem just and equitable.

1 **JURY DEMAND**

2 Griot's Garage demands a trial by jury of all issues so triable.

3 DATED this 21st day of February, 2012.

4 Davis Wright Tremaine LLP
5 Attorneys for Plaintiff Griot's Garage, Inc.

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EXHIBIT A

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,250,463

United States Patent and Trademark Office

Registered June 1, 1999

**TRADEMARK
PRINCIPAL REGISTER**

SPEED SHINE

**GRIOT'S GARAGE, INC. (WASHINGTON COR-
PORATION)
3500-A 20TH STREET E.
TACOMA, WA 98424**

**FIRST USE 4-1-1998; IN COMMERCE
4-1-1998.**

SN 75-361,174, FILED 9-22-1997.

**FOR: LIQUID POLISH AND PROTECTANT
FOR LEATHER OR VINYL GOODS, IN CLASS
3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).**

SOPHIA S. KIM, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 3,564,216

United States Patent and Trademark Office

Registered Jan. 20, 2009

**TRADEMARK
PRINCIPAL REGISTER**

SPEED SHINE

GRIOT'S GARAGE, INC. (WASHINGTON COR-
PORATION)
3500-A 20TH STREET E.
TACOMA, WA 98424

FOR: PREPARATIONS FOR CLEANING, PRO-
TECTING AND PRESERVING VEHICLE SURFA-
CES; ALL-PURPOSE CLEANERS, IN CLASS 3 (U.S.
CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 6-0-1998; IN COMMERCE 6-0-1998.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,250,463.

SER. NO. 77-495,093, FILED 6-10-2008.

KAREN BRACEY, EXAMINING ATTORNEY