

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION**

OPERATION HOMEFRONT, INC.,

Plaintiff,

v.

JAMES D BROCK, aka  
[travlepatriot1776@gmail.com](mailto:travlepatriot1776@gmail.com), aka  
OPERATION HOME FRONT  
Defendant.

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Case No. 6:19-cv-06125-RTD

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Operation Homefront, Inc. (“Plaintiff” or “Operation Homefront”) alleges:

**PARTIES**

1. Operation Homefront is an Arizona nonprofit corporation formed in 2002 with its principal place of business in San Antonio, Texas. Operation Homefront provides emergency financial and other assistance to military families and wounded warriors and owns the federal registered trademark OPERATION HOMEFRONT (U.S. Reg. No. 3,167,380) for charitable fundraising for families of deployed U.S. military personnel.

2. Upon information and belief, Defendant JAMES D BROCK is a citizen of Arkansas residing in Garland County, and more specifically Mountain Pine, Arkansas. Defendant, using the email address [travlepatriot1776@gmail.com](mailto:travlepatriot1776@gmail.com) publishes a blog and related materials on Facebook under the name OPERATION HOME FRONT.

**NATURE OF ACTION**

3. This action arises from Defendant’s unauthorized and unlawful use of Plaintiff’s registered federal trademark OPERATION HOMEFRONT.

4. Plaintiff seeks injunctive and monetary relief against Defendant for trademark infringement in violation of 15 U.S.C. § 1051 *et seq.*

### **JURISDICTION AND VENUE**

5. This action arises under the Federal Trademark Act, 15 U.S.C. § 1051 *et seq.*

6. This Court has jurisdiction over the subject matter of this claim pursuant to federal question jurisdiction, 28 U.S.C. §§ 1331, 1338(a) & (b), and the Lanham Act, 15 U.S.C. § 1121(a).

7. Personal jurisdiction exists over Defendant in this District as Defendant resides in this District.

8. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) and (c), because Defendant resides within the jurisdiction of this Court.

### **PLAINTIFF'S MARK**

9. The OPERATION HOMEFRONT Mark has been used by Plaintiff in commerce since 2002.

10. The U.S. registration of the OPERATION HOMEFRONT Mark is valid and enforceable and has become incontestable under 15 U.S.C. § 1065. A copy of the registration certificate for the OPERATION HOMEFRONT Mark is attached as Exhibit 1.

11. The registration of the OPERATION HOMEFRONT Mark constitutes constructive notice of ownership. 15 U.S.C. § 1072.

12. Plaintiff has been using the OPERATION HOMEFRONT Mark in connection with the charitable purposes described in paragraph 1 above continuously since 2002. Plaintiff has spent time, effort and money advertising and promoting its charitable services under the OPERATION HOMEFRONT Mark. As a result of Plaintiff's marketing, advertising, and

promotion, the OPERATION HOMEFRONT Mark has become well-known as a distinctive indicator of the origin of Plaintiff's charitable services, has acquired a highly favorable reputation, and has become a valuable symbol of Plaintiff's goodwill.

13. The OPERATION HOMEFRONT Mark is inherently distinctive as applied to Plaintiff's charitable services. Moreover, the distinctiveness of the OPERATION HOMEFRONT Mark as a source indicator for Plaintiff's charitable services has increased by virtue of Plaintiff's use and promotion of the OPERATION HOMEFRONT Mark over many years.

#### **DEFENDANT'S INFRINGING ACTIVITIES**

14. On information and belief, Defendant recently formed a community group on Facebook at <https://www.facebook.com/events/631137624040936/?ti=as>. Defendant's blog and related materials on Facebook use the name OPERATION HOME FRONT to promote and organize events and activities.

15. Defendant's use of "Operation Home Front" has created actual confusion by suggesting that Plaintiff sponsors, approves, or is affiliated with Defendant's organization. Plaintiff was contacted by one person inquiring as to sponsorship of Defendant's #FamiliesFirst event at the Arkansas State Capital on August 10 and by another person requesting assistance with a protest in Vermont.

16. Plaintiff sent a demand letter to Defendant by email (sent to [travlepatriot1776@gmail.com](mailto:travlepatriot1776@gmail.com)) and regular mail (sent to P.O. Box 855 Mountain Pine, Arkansas 71956) on Sept. 3, 2019. A copy of the demand letter is attached as Exhibit 2.

17. In addition to constructive notice of Plaintiff's registered OPERATION HOMEFRONT trademark, Defendant has had actual notice of Plaintiff's ownership by virtue of the demand letter attached as Exhibit 2.

18. Defendant was not using the mark OPERATION HOMEFRONT or the confusingly similar OPERATION HOME FRONT until 2019.

19. Defendant's use of OPERATION HOME FRONT trades on the goodwill of the OPERATION HOMEFRONT Mark and creates consumer confusion as to sponsorship, affiliation or approval of Defendant's services by Plaintiff.

20. Defendant is not, and has never been, authorized by Plaintiff to use the OPERATION HOMEFRONT Mark.

### **COUNT I**

#### **FEDERAL TRADEMARK INFRINGEMENT(15 U.S.C. § 1114)**

21. Plaintiff realleges and incorporates by reference the allegations contained in preceding paragraphs as if fully set forth herein.

22. Defendant's use of OPERATION is likely to cause consumer confusion, deception, and mistake by creating the false and misleading impression that Defendant's services originate from or are authorized by Plaintiff.

23. Defendant's use of OPERATION HOME FRONT is likely to cause confusion with the federally registered OPERATION HOMEFRONT Mark, in violation of 15 U.S.C. § 1114.

24. Unless enjoined by this Court, Defendant will cause confusion and deception of the consuming public and irreparable injury to the goodwill and reputation of the OPERATION HOMEFRONT Mark, for which Plaintiff has no adequate remedy at law. Plaintiff is entitled to injunctive relief.

25. Defendant had both actual notice and constructive notice of registration of the OPERATION HOMEFRONT Mark as a result of the OPERATION HOMEFRONT registration and Defendant's demand letter.

26. On information and belief, Defendant's continued use of OPERATION HOME FRONT is willful, and is intended to trade on the goodwill associated with the OPERATION HOMEFRONT Mark. Discovery is needed to determine the scope of these activities and the resulting consumer confusion and I injury to Plaintiff. If proven, this conduct entitles Plaintiff to an award of Defendant's profits, actual damages, enhanced profits and damages, costs, and attorneys' fees pursuant to 15 U.S.C. §§ 1114, 1116, and 1117.

**COUNT II**  
**FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**  
**(15 U.S.C. § 1125)**

27. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

28. Defendant's use of the OPERATION HOMEFRONT Mark is likely to confuse consumers and constitutes unfair competition in violation of 15 U.S.C. § 1125(a)(1)(A).

29. Defendant's unauthorized use of OPERATION HOME FRONT is confusingly similar to the OPERATION HOMEFRONT Mark and constitutes a false designation of origin and false or misleading representation of fact that is likely to confuse or deceive consumers or cause consumers to believe mistakenly that Defendant and/or its services are offered by Plaintiff or affiliated, connected, or associated with or sponsored or approved by Plaintiff.

30. Defendant's actions constitute violations of 15 U.S.C. § 1125(a) in that such false designations and representations of origin are used on or in connection with services products that Defendant causes to enter into or affect interstate commerce.

31. Unless enjoined by this Court, Defendant will cause, irreparable injury and damage to Plaintiff, for which Plaintiff has no adequate remedy at law. Plaintiff is entitled to injunctive relief.

32. On information and belief, Defendant's willful use of OPERATION HOME FRONT is intended to trade on the goodwill associated with the OPERATION HOMEFRONT Mark. Discovery is needed to determine the scope of these activities and the resulting consumer confusion. If proven, this conduct entitles Plaintiff to an award of Defendant's profits, actual damages, enhanced profits and damages, costs, and attorneys' fees pursuant to 15 U.S.C. §§ 1114, 1116, and 1117.

### **JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE Plaintiff prays for judgment:

A. Declaring Defendant's use of the OPERATION HOMEFRONT Mark for firearms in the United States constitutes trademark infringement under federal law.

B. Permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, representatives, successors, assigns, licensees and any and all other persons acting by, through or under authority from Defendant, either separately or jointly, from (1) using or authorizing others to use OPERATION HOME FRONT Mark for services; or (2) interfering with or threatening to interfere with exclusive use of the OPERATION HOMEFRONT Mark by Plaintiff, its successors, assigns or licensees.

C. Entering Judgment in favor of Plaintiff and against Defendant for trademark infringement and unfair competition under Federal law:

i. For damages in favor of Plaintiff and against Defendant, sufficient to compensate Plaintiff for the damages sustained as a result of Defendant's actions as alleged herein, including, but not limited to, (1) all profits received by Defendant from sales to misled consumers, trebled and (2) all additional damages sustained by Plaintiff as a result of Defendant's actions, trebled;

ii. For punitive damages;

iii. For reasonable attorneys' fees incurred as a result of Defendant's deliberate and willful infringing actions, pursuant to 15 U.S.C. § 1117;

iv. For prejudgment interest on all monetary awards;

v. For the costs of this suit; and

vi. For such other and further relief as the Court deems just and proper.

Dated: October 30, 2019

Of Counsel:  
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