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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Plaintiff,

-v-

FAN CLOSET LLC, STEFEN HILL
and PHIL WILLETT

Defendants.

Civ. Case No.

**COMPLAINT JURY TRIAL
DEMANDED**

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through his undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendants FAN CLOSET LLC, STEFEN HILL, and PHIL WILLETT (collectively “Defendants”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendants through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ. Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, has been using the nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendants have been designing, manufacturing, importing, selling and distributing apparel, such as phone cases, hoodies, baby onesies and bodysuits, and other items of apparel under the GREEK FREAK mark.

7. Upon learning of Defendants' unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendants to provide him with a full accounting of all merchandise sold by Defendants that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendants cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendant, after receiving Antetokounmpo's cease and desist letter, provided a record of their alleged sales and profits of GREEK FREAK branded products.

10. However, Defendants failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendants' wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendants in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendants regularly conduct, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from this business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendants should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

a) Upon information and belief, Defendants have been systematically directing and/or targeting their business activities at consumers all over the country, including New York, through their website where consumers can place orders.

b) Defendants' website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendants are aware of the products that Plaintiff offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendants are aware that their infringing actions, alleged herein, are likely to cause injury to Plaintiff in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Plaintiff started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association (“NBA”). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the “GREEK FREAK.” His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant Stefen Hill resides at 7660 Beverly Blvd, Unit 343, Los Angeles CA 90036.

20. Upon information and belief, Defendant Phil Willett resides at 3162 Jenkins Avenue, San Jose CA 95118.

21. Upon information and belief, Defendant Fan Closet LLC is a California Limited Liability Company, with an address at c/o STEPHEN HILL 7660 Beverly Blvd, Unit 343, Los Angeles CA 90036.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo's recognized GREEK FREAK Mark

22. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

23. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the "GREEK FREAK" even earlier than that, due to his impressive professional abilities and achievements.

24. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

25. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

26. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the "Greek Freak," and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

27. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark "GREEK FR34K" which includes the numbers appearing on his NBA jersey. This mark has been

approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

28. Antetokounmpo's U.S. trademark registration for the GREEK FREAK mark covers "Backpacks" in International Class 18 and "Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats" in International Class 25 (Registration No. 5401870).

29. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

30. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

31. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

32. As a result, Plaintiff's mark has become famous, and an extremely valuable asset for Plaintiff.

Defendants' Infringing Activities

33. Notwithstanding Antetokounmpo's established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under the "GREEK FREAK" name through various media, platforms, and websites, including their website <https://www.fancloset.com/> (**EXHIBIT C**).

34. Defendants have engaged in this infringing activity despite having constructive notice of Antetokounmpo's federal trademark rights under 15 U.S.C. § 1072 and despite having

actual knowledge of Antetokounmpo's use of the GREEK FREAK mark, since Defendants offer directly competitive products in the same marketplace.

35. Defendants' use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

36. Antetokounmpo never authorized Defendants to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

37. On March 27, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendants (**EXHIBIT D**), alerting them of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

38. Defendants after receiving Antetokounmpo's cease and desist letter, provided a record of their alleged sales and profits of GREEK FREAK branded products.

39. However, Defendants failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

40. Upon information and belief, before removing the "GREEK FREAK" from their website, Defendants had made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

41. Upon information and belief, the products offered by Defendants under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendants' actions constitute trademark dilution by garnishment.

42. Defendants' use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendants' goods and services.

43. Defendants' failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendants' bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

44. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

45. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

46. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

47. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the

GREEK FREAK mark, Plaintiff's ownership of the mark, and Plaintiff's exclusive right to use the mark in commerce.

48. Defendants made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

49. Defendants' unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendants' products and/or result in the mistaken belief that Defendants are somehow legitimately affiliated, connected or associated with Antetokounmpo.

50. Defendants' aforesaid act, specifically Defendants' unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

51. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

52. Unless enjoined by this Court, Defendants will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

53. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

54. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

55. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

56. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendants' products bear counterfeit marks, Defendants intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

57. Defendants' infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendants' infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

58. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

59. Plaintiff has no adequate remedy at law.

60. Unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

61. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendants' infringing activities, and all gains, profits and advantages obtained by Defendants as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of

up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

62. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

63. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

64. Defendants' unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

65. Defendants' unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

66. Upon information and belief, Defendants have profited or will profit through their wrongful conduct and activities.

67. Defendants' conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

68. As a result of Defendants' conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendants' acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

71. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

72. Plaintiff's GREEK FREAK mark is inherently distinctive.

73. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

74. Defendants' unauthorized use of the GREEK FREAK mark in connection with apparel and phone case products causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendants' products by Plaintiff and results in the mistaken belief that Defendants and their products are somehow legitimately affiliated, connected or associated with Plaintiff.

75. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendants have traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

76. Defendants knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

77. Defendants' aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

78. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

79. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

80. Unless enjoined by this Court, Defendants will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

81. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

82. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

83. By their wrongful acts, Defendants have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

84. Upon information and belief, Defendants have profited by their conduct and activities.

85. Upon information and belief, Defendants' conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

86. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

87. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

88. Defendants' activities consist of deceptive acts and practices in the conduct of their business.

89. Defendants' aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendants' activities, and/or falsely suggest that Defendants are somehow legitimately affiliated, connected, or associated with Plaintiff.

90. Plaintiff has been, and will continue to be, damaged by Defendants' deceptive acts and practices in an amount to be determined at trial.

91. Defendants have caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

92. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

93. Defendants' aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

94. Defendants' acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

95. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

96. Defendants' aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

97. Upon information and belief, Defendants' conduct is willful, deliberate, intentional, and in bad faith.

98. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

99. Unless and until enjoined by this Court, Defendants will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. By virtue of the egregious and illegal acts of Defendants as described herein, Defendants have been unjustly enriched in an amount to be proven at trial.

102. Defendants' retention of monies gained through their deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendants and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

103. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

104. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

105. Defendants' conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

106. Defendants employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendants and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

107. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

108. Defendants have used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell their products, *inter alia*, by labeling such products with the GREEK FREAK mark.

109. Defendants' actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

110. Plaintiff is the sole owner of the GREEK FREAK mark.

111. Defendants' false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendants' affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

112. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

113. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendants have proximately contributed to the harm that Plaintiff has suffered.

114. Defendants have therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

115. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

116. Upon information and belief, Plaintiff has conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

117. Defendants' conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION
Violation of Right of Publicity

118. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

119. Defendants knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendants' commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

120. Defendants used Plaintiff's name and nickname through Defendants' website, which is accessible by and targets consumers throughout the U.S., including New York.

121. Defendants have therefore committed an actionable wrong under NY Civ. Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ. Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendants on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendants and their agents, attorneys, employees, and all others in active concern or participation with them from:
 - (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.

(b) using Plaintiff's name, portrait, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.

(c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendants have complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendants' unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 6, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/Anastasi Pardalis
Anastasi Pardalis
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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
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UNITED STATES

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Correspondent e-mail: trademarks@troutmansanders.com susan.stabe@troutmansanders.com erin.zaskoda@troutmansanders.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

Generated on: This page was generated by TSDR on 2019-07-08 10:56:24 EDT

Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019



HOME

SHOP BY PRODUCT ▾

BASKETBALL ▾

FOOTBALL

GOLF

SHOP BY CITY ▾

Home > "The Greek Freak" Case Mate Tough iPhone Case



Fan Closet

"The Greek Freak" Case Mate Tough iPhone Case

\$34.99

Shipping calculated at checkout.

Size

iPhone 11 ▾

Quantity

1

ADD TO CART

BUY IT NOW

There's no one better in the league when driving the lane at full stride. Coming fresh off an MVP season the kid from Athens, Greece is still only getting better. Still only in his mid-20's this gifted athlete will be a nightmare for many years to come. Show Gianni some love by adding "The Greek Freak" Case Mate Tough iPhone Case to your Fan Closet!

These premium, extremely durable Case Mate brand cases protects one's phone in every situation. Along with being great for the longevity of your iPhone it is also very





HOME

SHOP BY PRODUCT ▾

BASKETBALL ▾

FOOTBALL

GOLF

SHOP BY CITY ▾

Home > "The Greek Freak" Baby Onesie Bodysuit



Fan Closet

"The Greek Freak" Baby Onesie Bodysuit

\$28.99

Shipping calculated at checkout.

Color

Kelly ▾

Size

6m ▾

Quantity

1

ADD TO CART

BUY IT NOW



[HOME](#)

[SHOP BY PRODUCT](#) ▾

[BASKETBALL](#) ▾

[FOOTBALL](#)

[GOLF](#)

[SHOP BY CITY](#) ▾

[Home](#) > ["The Greek Freak" Hooded Sweatshirt](#)

Fan Closet

"The Greek Freak" Hooded Sweatshirt

\$44.99

Shipping calculated at checkout.

Color

Sport Grey ▾

Size

L ▾

Quantity

1



ADD TO CART

BUY IT NOW



March 27, 2020

VIA REGULAR MAIL & EMAIL

team@fancloset.com

Stephen Hill
Phil Willett
Fan Closet LLC
7660 Beverly Blvd, Unit 343,
Los Angeles CA 90036

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Hill and Mr. Willett:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely phone cases, hoodies and baby bodysuits, bearing Antetokounmpo's trademarks, through your website and potentially through other outlets. See **Exhibit A**. As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A



HOME SHOP BY PRODUCT BASKETBALL FOOTBALL GOLF SHOP BY CITY

Home > "The Greek Freak" Case Mate Tough iPhone Case



Fan Closet "The Greek Freak" Case Mate Tough iPhone Case

\$34.99

Shipping calculated at checkout.

Size

iPhone 11

Quantity

1

ADD TO CART

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HOME SHOP BY PRODUCT BASKETBALL FOOTBALL GOLF SHOP BY CITY

Home > "The Greek Freak" Hooded Sweatshirt



Fan Closet "The Greek Freak" Hooded Sweatshirt

\$44.99

Shipping calculated at checkout.

Color

Sport Grey

Size

L

Quantity

1

ADD TO CART

BUY IT NOW



HOME SHOP BY PRODUCT ▾ BASKETBALL ▾ FOOTBALL GOLF SHOP BY CITY ▾

Home ▾ "The Greek Freak" Baby Onesie Bodysuit



Fan Closet
"The Greek Freak" Baby Onesie Bodysuit

\$28.99

Shipping calculated at checkout.

Color

Kelly ▾

Size

6m ▾

Quantity

1

ADD TO CART

BUY IT NOW

Anastasi Pardalis
Pardalis & Nohavicka, LLP
950 Third Avenue, 25th Floor
New York, NY 10022
Telephone: (718) 777-0400
Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Plaintiff,

-v-

MATTHEW DICKSON d/b/a SONS OF
PITCHES APPAREL,

Defendant.

Civ. Case No.

**COMPLAINT JURY TRIAL
DEMANDED**

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through its undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendant MATTHEW DICKSON d/b/a SONS OF PITCHES APPAREL, (“Defendant”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendant through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.
2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, he has been using his nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendant has been designing, selling and distributing t-shirts under the GREEK FREAK brand mark.

7. Upon learning of Defendant's unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendant to provide him with a full accounting of all merchandise sold by Defendant that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendant cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendant, after receiving Antetokounmpo's cease and desist letter, failed to respond or cooperate to provide a truthful record of his profits from the sale of GREEK FREAK branded products.

10. Furthermore, Defendant failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. Not only did Defendant fail to cooperate with Plaintiff, but Defendant is continuously engaging in infringing activities as of the date of this Complaint, as the Infringing

Products remain available for sale through Defendant's website, after Defendant having actual knowledge of the infringement.

12. As a result of Defendant's wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

13. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

15. Personal jurisdiction exists over Defendant in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendant regularly conducts, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from his business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendant does not offend traditional notions of fair play and due process, and/or Defendant's infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendant should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendant has been systematically directing and/or targeting his business activities at consumers all over the country, including New York, through his website where consumers can place orders.
- b) Defendant's website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.
- c) Upon information and belief, Defendant is aware of the products that Antetokounmpo offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendant is aware that his infringing actions, alleged herein, are likely to cause injury to Antetokounmpo in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

- 15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Antetokounmpo started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association ("NBA"). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the “GREEK FREAK.” His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant is an individual with the address 50 Habitant Crescent, Whitby On L1P1E2, Canada.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo’s recognized GREEK FREAK Mark

20. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

21. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the “GREEK FREAK” even earlier than that, due to his impressive professional abilities and achievements.

22. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

23. Plaintiff has also entered into licensing and other similar agreements with thirds parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

24. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the “Greek Freak,” and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

25. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark “GREEK FR34K” which includes the numbers appearing on his NBA jersey. This mark has been approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

26. Antetokounmpo’s U.S. trademark registration for the GREEK FREAK mark covers “Backpacks” in International Class 18 and “Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats” in International Class 25 (Registration No. 5401870).

27. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

28. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

29. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

30. As a result, Plaintiff’s mark has become famous, and an extremely valuable asset for Plaintiff.

Defendant’s Infringing Activities

15. Notwithstanding Antetokounmpo’s established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under

the “GREEK FREAK” name through various media, platforms, and websites, including his website <https://sonsofpitchesapparel.com/> (**EXHIBIT C**).

16. Defendant has engaged in this infringing activity despite having constructive notice of Antetokounmpo’s federal trademark rights under 15 U.S.C. § 1072 and despite having actual knowledge of Antetokounmpo’s use of the GREEK FREAK mark, since Defendant offers directly competitive products in the same marketplace.

17. Defendant’s use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

18. Plaintiff never authorized Defendant to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

19. On March 30, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendant (**EXHIBIT D**), alerting it of Plaintiff’s exclusive rights in the mark and requesting an accounting of all profits generated.

20. Defendant failed to respond to the Cease and Desist, failed to provide any evidence showing the cessation of his infringing activities, and never provided a truthful accounting of his profits from sales of merchandise under the GREEK FREAK mark.

21. Furthermore, Defendant failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred. Even after receiving Plaintiff’s Cease and Desist Letter, Defendant continued his infringing activities, by not removing the Infringing Products from his website.

22. Upon information and belief, Defendant has made, and continued to make, substantial sales of products under it, capitalizing upon Plaintiff’s famous mark.

23. Upon information and belief, the products offered by Defendant under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendant's actions constitute trademark dilution by tarnishment.

24. Defendant's use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendant's goods and services.

25. Defendant's failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendant's bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

26. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

27. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

28. Since the early days of his career, Antetokounmpo has been identified as the “GREEK FREAK,” and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

29. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the GREEK FREAK mark, Antetokounmpo’s ownership of the mark, and Antetokounmpo’s exclusive right to use the mark in commerce.

30. Defendant made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo’s goods sold under the GREEK FREAK mark.

31. Defendant’s unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendant’s products and/or result in the mistaken belief that Defendant is somehow legitimately affiliated, connected or associated with Antetokounmpo.

32. Defendant’s aforesaid act, specifically Defendant’s unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

33. By reason of Defendant’s aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

34. Unless enjoined by this Court, Defendant will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and

irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

35. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

36. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

37. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as

Exhibit A.

38. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendant's products bear counterfeit marks, Defendant intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

39. Defendant's infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendant's infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

40. As a direct and proximate result of Defendant's illegal actions alleged herein, Defendant has caused substantial monetary loss and irreparable injury and damage to Plaintiff,

his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

41. Plaintiff has no adequate remedy at law.

42. Unless immediately enjoined, Defendant will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

43. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendant's infringing activities, and all gains, profits and advantages obtained by Defendant as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

44. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

45. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

46. Defendant's unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

47. Defendant's unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

48. Upon information and belief, Defendant has profited or will profit through his wrongful conduct and activities.

49. Defendant's conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

50. As a result of Defendant's conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendant's acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

51. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

52. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

53. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

54. Plaintiff's GREEK FREAK mark is inherently distinctive.

55. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

56. Defendant's unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendant's products by Plaintiff and results in the mistaken belief that Defendant and his products are somehow legitimately affiliated, connected or associated with Plaintiff.

57. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendant has traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

58. Defendant knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

59. Defendant's aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

60. Upon information and belief, Defendant's aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

61. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

62. Unless enjoined by this Court, Defendant will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

63. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

64. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through

continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

65. By his wrongful acts, Defendant has caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

66. Upon information and belief, Defendant has profited and will profit by his conduct and activities.

67. Upon information and belief, Defendant's conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

68. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Defendant's activities consist of deceptive acts and practices in the conduct of his business.

71. Defendant's aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendant's activities, and/or falsely suggest that Defendant is somehow legitimately affiliated, connected, or associated with Plaintiff.

72. Plaintiff has been, and will continue to be, damaged by Defendant's deceptive acts and practices in an amount to be determined at trial.

73. Defendant has caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

74. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

75. Defendant's aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

76. Defendant's acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

77. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

78. Defendant's aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

79. Upon information and belief, Defendant's conduct is willful, deliberate, intentional, and in bad faith.

80. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

81. Unless and until enjoined by this Court, Defendant will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

82. Plaintiff incorporate by reference each and every allegation in the foregoing paragraphs of this Complaint.

83. By virtue of the egregious and illegal acts of Defendant as described herein, Defendant has been unjustly enriched in an amount to be proven at trial.

84. Defendant's retention of monies gained through its deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendant and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

85. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

86. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

87. Defendant's conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

88. Defendant employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendant and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

89. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

90. Defendant has used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell his products, *inter alia*, by labeling such products with the GREEK FREAK mark.

91. Defendant's actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

92. Plaintiff is the sole owner of the GREEK FREAK mark.

93. Defendant's false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendant's affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

94. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

95. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendant has proximately contributed to the harm that Plaintiff has suffered.

96. Defendant has therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

97. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

98. Upon information and belief, Plaintiff has conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

99. Defendant's conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION
Violation of Right of Publicity

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. Defendant knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendant's commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

102. Defendant used Plaintiff's name and nickname through Defendant's website, which is accessible by and targets consumers throughout the U.S., including New York.

103. Defendant has therefore committed an actionable wrong under NY Vic Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendant on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendant and his agents, attorneys, employees, and all others in active concern or participation with them from:

- (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.
- (b) using Plaintiff's name, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.
- (c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendant to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendant has complied with the injunction;

3. The following damages:
- (a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendant's unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;
 - (b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;
 - (c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 7, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/ Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019



Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt

\$21.99

Style

Ladies

Color

White

Size

Large

ADD TO CART

This Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt graphic is printed on a quality, preshrunk cotton shirt you will love, satisfaction guaranteed. Whether you're shopping for yourself, friends, family, or that special someone this shirt is sure to please. Look no further... your new favorite t shirt is waiting!



Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt

\$20.99

Style

Classic ▾

Color

White ▾

Size

Small ▾

ADD TO CART

This Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt graphic is printed on a quality, preshrunk cotton shirt you will love, satisfaction guaranteed. Whether you're shopping for yourself, friends, family, or that special someone this shirt is sure to please. Look no further... your new favorite t shirt is waiting!

[f SHARE](#) [t TWEET](#) [p PIN IT](#)



March 30, 2020

VIA REGULAR MAIL & EMAIL

sonsofpitchesapparel@gmail.com

Matthew Dickson d/b/a Sons of Pitches Apparel
50 Habitant Crescent,
WHITBY ON L1P1E2, Canada

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Dickson:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through your website and potentially through other outlets. **See Exhibit A.** As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A



Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt

\$21.99

Style

Ladies

Color

White

Size

Large

ADD TO CART

This Greek Freak Giannis Antetokounmpo Bucks Basketball Sports Fan T Shirt graphic is printed on a quality, preshrunk cotton shirt you will love, satisfaction guaranteed. Whether you're shopping for yourself, friends, family, or that special someone this shirt is sure to please. Look no further... your new favorite t shirt is waiting!

Anastasi Pardalis
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Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Plaintiff,

-v-

YANNI DIMOULIS d/b/a 54THIRTY
DESIGNS,

Defendant.

Civ. Case No.

**COMPLAINT JURY TRIAL
DEMANDED**

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through its undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendant YANNI DIMOULIS d/b/a 54THIRTY DESIGNS, (“Defendant”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendant through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.
2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, he has been using his nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendant has been designing, selling and distributing t-shirts under the GREEK FREAK brand mark.

7. Upon learning of Defendant's unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendant to provide him with a full accounting of all merchandise sold by Defendant that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendant cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendant, after receiving Antetokounmpo's cease and desist letter, provided a record of his alleged sales and profits of GREEK FREAK branded products.

10. However, Defendant failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendant's wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. §§ 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendant in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendant regularly conducts, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from his business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendant does not offend traditional notions of fair play and due process, and/or Defendant's infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendant should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendant has been systematically directing and/or targeting his business activities at consumers all over the country, including New York, through his website where consumers can place orders.
- b) Defendant's website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendant is aware of the products that Antetokounmpo offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendant is aware that his infringing actions, alleged herein, are likely to cause injury to Plaintiff in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Antetokounmpo stated playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association (“NBA”). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the “GREEK FREAK.” His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant is an individual with the address at 5812 N Spaulding Avenue, Chicago IL 60659.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo’s recognized GREEK FREAK Mark

20. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

21. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the “GREEK FREAK” even earlier than that, due to his impressive professional abilities and achievements.

22. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

23. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

24. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the “Greek Freak,” and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

25. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark “GREEK FR34K” which includes the numbers appearing on his NBA jersey. This mark has been approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

26. Antetokounmpo’s U.S. trademark registration for the GREEK FREAK mark covers “Backpacks” in International Class 18 and “Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets,

hooded jackets, sports jerseys, socks, warm up suits, caps, hats” in International Class 25 (Registration No. 5401870).

27. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

28. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

29. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

30. As a result, Plaintiff’s mark has become famous, and an extremely valuable asset for Plaintiff.

Defendant’s Infringing Activities

15. Notwithstanding Antetokounmpo’s established rights in the GREEK FREAK mark, upon information and belief, Defendant has advertised and sold various products under the “GREEK FREAK” name through various media, platforms, and websites, including his website <https://54thirty.design/> (EXHIBIT C).

16. Defendant has engaged in this infringing activity despite having constructive notice of Antetokounmpo’s federal trademark rights under 15 U.S.C. § 1072 and despite having actual knowledge of Antetokounmpo’s use of the GREEK FREAK mark, since Defendant offers directly competitive products in the same marketplace.

17. Defendant’s use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

18. Plaintiff never authorized Defendant to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

19. On March 27, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendant (**EXHIBIT D**), alerting it of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

20. Defendant, after receiving Antetokounmpo's cease and desist letter, provided a record of his alleged sales and profits of GREEK FREAK branded products.

21. However, Defendant failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

22. Upon information and belief, before removing the "GREEK FREAK" from its website, Defendant had made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

23. Upon information and belief, the products offered by Defendant under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendant's actions constitute trademark dilution by tarnishment.

24. Defendant's use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendant's goods and services.

25. Defendant's failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendant's bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

26. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

27. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

28. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

29. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the GREEK FREAK mark, Antetokounmpo's ownership of the mark, and Antetokounmpo's exclusive right to use the mark in commerce.

30. Defendant made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

31. Defendant's unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendant's

products and/or result in the mistaken belief that Defendant is somehow legitimately affiliated, connected or associated with Antetokounmpo.

32. Defendant's aforesaid act, specifically Defendant's unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

33. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

34. Unless enjoined by this Court, Defendant will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

35. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

36. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

37. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

38. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendant's products bear counterfeit marks, Defendant intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark

on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

39. Defendant's infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendant's infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

40. As a direct and proximate result of Defendant's illegal actions alleged herein, Defendant has caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

41. Plaintiff has no adequate remedy at law.

42. Unless immediately enjoined, Defendant will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

43. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendant's infringing activities, and all gains, profits and advantages obtained by Defendant as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

44. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

45. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

46. Defendant's unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

47. Defendant's unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

48. Upon information and belief, Defendant has profited or will profit through his wrongful conduct and activities.

49. Defendant's conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

50. As a result of Defendant's conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendant's acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

51. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

52. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

53. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

54. Plaintiff's GREEK FREAK mark is inherently distinctive.

55. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

56. Defendant's unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendant's products by Plaintiff and results in the mistaken belief that Defendant and his products are somehow legitimately affiliated, connected or associated with Plaintiff.

57. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendant has traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

58. Defendant knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

59. Defendant's aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

60. Upon information and belief, Defendant's aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

61. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

62. Unless enjoined by this Court, Defendant will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

63. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

64. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

65. By his wrongful acts, Defendant has caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

66. Upon information and belief, Defendant has profited and will profit by his conduct and activities.

67. Upon information and belief, Defendant's conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

68. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Defendant's activities consist of deceptive acts and practices in the conduct of his business.

71. Defendant's aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendant's activities, and/or falsely suggest that Defendant is somehow legitimately affiliated, connected, or associated with Plaintiff.

72. Plaintiff has been, and will continue to be, damaged by Defendant's deceptive acts and practices in an amount to be determined at trial.

73. Defendant has caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

74. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

75. Defendant's aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

76. Defendant's acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

77. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

78. Defendant's aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

79. Upon information and belief, Defendant's conduct is willful, deliberate, intentional, and in bad faith.

80. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

81. Unless and until enjoined by this Court, Defendant will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

82. Plaintiff incorporate by reference each and every allegation in the foregoing paragraphs of this Complaint.

83. By virtue of the egregious and illegal acts of Defendant as described herein, Defendant has been unjustly enriched in an amount to be proven at trial.

84. Defendant's retention of monies gained through its deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendant and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

85. Plaintiff incorporated by reference each and every allegation in the foregoing paragraphs of this Complaint.

86. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

87. Defendant's conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

88. Defendant employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendant and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

89. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

90. Defendant has used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell his products, *inter alia*, by labeling such products with the GREEK FREAK mark.

91. Defendant's actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

92. Plaintiff is the sole owner of the GREEK FREAK mark.

93. Defendant's false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendant's affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

94. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

95. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendant has proximately contributed to the harm that Plaintiff has suffered.

96. Defendant has therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

97. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

98. Upon information and belief, Plaintiff has conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

99. Defendant's conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION
Violation of Right of Publicity

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. Defendant knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendant's commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

102. Defendant used Plaintiff's name and nickname through Defendant's website, which is accessible by and targets consumers throughout the U.S., including New York.

103. Defendant has therefore committed an actionable wrong under NY Vic Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendant on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendant and his agents, attorneys, employees, and all others in active concern or participation with them from:

(a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.

(b) using Plaintiff's name, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.

(c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendant to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendant has complied with the injunction;

3. The following damages:
 - (a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendant's unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;
 - (b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;
 - (c) Pre-judgment interest according to law;
 - (d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and
4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 7, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/ Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
950 Third Avenue, 25th Floor
New York, NY 10022
Tel.: (718) 777 0400
Fax: (718) 777 0599
taso@pnlawyers.com

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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
TROUTMAN SANDERS LLP
600 PEACHTREE ST NE STE 5200
ATLANTA, GEORGIA 30308-2216
UNITED STATES

Phone: (949) 622-2700

Fax: (949) 622-2739

Correspondent e-mail: trademarks@troutmansanders.com susan.stabe@troutmansanders.com erin.zaskoda@troutmansanders.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

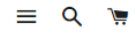
TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019

54THIRTY DESIGNS



I Feel Like Giannis

\$ 30

Color

FOREST GREEN

Size

XS

S

M

L

XL

2XL

ADD TO CART

New T-Shirt, part of the I Feel Like Παύλο Collection brought to you by 5430.

I Feel Like Giannis Adetokunbo of the Milwaukee Bucks, the one and only Greek Freak!



March 27, 2020

VIA REGULAR MAIL & EMAIL

ydimou@gmail.com

54THIRTY DESIGNS d/b/a Yanni Dimoulis
5812 N Spaulding Ave
Chicago, IL 60659

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Dimoulis:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through your website and potentially through other outlets. **See Exhibit A.** As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

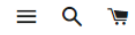
PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A

54THIRTY DESIGNS



I Feel Like Giannis

\$ 30

Color

FOREST GREEN

Size

XS

S

M

L

XL

2XL

ADD TO CART

New T-Shirt, part of the I Feel Like Παύλο Collection brought to you by 5430.

I Feel Like Giannis Adetokunbo of the Milwaukee Bucks, the one and only Greek Freak!

Anastasi Pardalis
Pardalis & Nohavicka, LLP
950 Third Avenue, 25th Floor
New York, NY 10022
Telephone: (718) 777-0400
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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Plaintiff,

-v-

SPORTSMARKETSUSA CORPORATION, and
MICHAEL D. TOLER,

Defendants.

Civ. Case No.

**COMPLAINT JURY TRIAL
DEMANDED**

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through its undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendants SPORTSMARKETSUSA CORPORATION and MICHAEL D. TOLER (“Defendants”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendant through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, he has been using his nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendant has been designing, manufacturing, importing, selling and distributing apparel, such as t-shirts under the GREEK FREAK mark.

7. Upon learning of Defendant's unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendant to provide him with a full accounting of all merchandise sold by Defendant that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendant cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendant, after receiving Antetokounmpo's cease and desist letter, failed to cooperate to provide a truthful record of his profits from the sale of GREEK FREAK branded products.

10. Furthermore, Defendant failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendant's wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendant in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendant regularly conducts, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from his business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendant does not offend traditional notions of fair play and due process, and/or Defendant's infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendant should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendant has been systematically directing and/or targeting his business activities at consumers all over the country, including New York, through his website where consumers can place orders.

b) Defendant's website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendant is aware of the products that Antetokounmpo offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendant is aware that his infringing actions, alleged herein, are likely to cause injury to Antetokounmpo in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Antetokounmpo started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association ("NBA"). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the "GREEK FREAK." His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant SPORTSMARKETSUSA CORPORATION is a corporation established in the State of Texas, with an address at 3930 McKinney Ave., Apt. 378 Dallas, Texas 75204.

20. Upon information and belief, Defendant MICHAEL D. TOLER is an individual with an address at 3839 McKinney Ave #502, Dallas, TX 75204.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo's recognized GREEK FREAK Mark

21. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

22. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the "GREEK FREAK" even earlier than that, due to his impressive professional abilities and achievements.

23. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

24. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

25. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the "Greek Freak," and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

26. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark “GREEK FR34K” which includes the numbers appearing on his NBA jersey. This mark has been approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

27. Antetokounmpo’s U.S. trademark registration for the GREEK FREAK mark covers “Backpacks” in International Class 18 and “Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats” in International Class 25 (Registration No. 5401870).

28. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

29. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

30. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

31. As a result, Plaintiff’s mark has become famous, and an extremely valuable asset for Plaintiff.

Defendants’ Infringing Activities

15. Notwithstanding Antetokounmpo’s established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under the

“GREEK FREAK” name through various media, platforms, and websites, including their website <https://www.sportsmarketsusa.com/> (**EXHIBIT C**).

16. Defendants have engaged in this infringing activity despite having constructive notice of Antetokounmpo’s federal trademark rights under 15 U.S.C. § 1072 and despite having actual knowledge of Antetokounmpo’s use of the GREEK FREAK mark, since Defendants offer directly competitive products in the same marketplace.

17. Defendants’ use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

18. Plaintiff never authorized Defendants to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

19. On March 27, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendants (**EXHIBIT D**), alerting them of Plaintiff’s exclusive rights in the mark and requesting an accounting of all profits generated.

20. Defendants failed to provide any evidence showing the cessation of his infringing activities, and never provided any accounting of his profits from sales of merchandise under the GREEK FREAK mark.

21. Furthermore, Defendants failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

22. Upon information and belief, before removing the “GREEK FREAK” from its website, Defendants had made substantial sales of products under it, capitalizing upon Plaintiff’s famous mark.

23. Upon information and belief, the products offered by Defendants under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendants' actions constitute trademark dilution by tarnishment.

24. Defendants' use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendants' goods and services.

25. Defendants' failure to cooperate with Plaintiff in the face of a demand to cease and desist their infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendants' bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

26. There is no question that the products sold by Defendants under the GREEK FREAK mark were sold by Defendants with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendants therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

27. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

28. Since the early days of his career, Antetokounmpo has been identified as the “GREEK FREAK,” and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

29. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the GREEK FREAK mark, Antetokounmpo’s ownership of the mark, and Antetokounmpo’s exclusive right to use the mark in commerce.

30. Defendants made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo’s goods sold under the GREEK FREAK mark.

31. Defendants’ unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendants’ products and/or result in the mistaken belief that Defendants are somehow legitimately affiliated, connected or associated with Antetokounmpo.

32. Defendants’ aforesaid act, specifically Defendants’ unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

33. By reason of Defendants’ aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

34. Unless enjoined by this Court, Defendants will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants’ wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

35. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

36. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

37. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

38. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendants' products bear counterfeit marks, Defendants intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

39. Defendants' infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendants' infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

40. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

41. Plaintiff has no adequate remedy at law.

42. Unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

43. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendants' infringing activities, and all gains, profits and advantages obtained by Defendants as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

44. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

45. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

46. Defendants' unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

47. Defendants' unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

48. Upon information and belief, Defendants have profited or will profit through their wrongful conduct and activities.

49. Defendants' conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

50. As a result of Defendants' conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendants' acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

51. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

52. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

53. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

54. Plaintiff's GREEK FREAK mark is inherently distinctive.

55. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

56. Defendants' unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendants' products by Plaintiff and results in the mistaken belief that Defendants and their products are somehow legitimately affiliated, connected or associated with Plaintiff.

57. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendants have traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

58. Defendants knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

59. Defendants' aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

60. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

61. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

62. Unless enjoined by this Court, Defendants will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

63. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

64. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

65. By their wrongful acts, Defendants have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

66. Upon information and belief, Defendants have profited and will profit by their conduct and activities.

67. Upon information and belief, Defendants' conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

68. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Defendants' activities consist of deceptive acts and practices in the conduct of his business.

71. Defendants' aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendants' activities, and/or falsely suggest that Defendants are somehow legitimately affiliated, connected, or associated with Plaintiff.

72. Plaintiff has been, and will continue to be, damaged by Defendants' deceptive acts and practices in an amount to be determined at trial.

73. Defendants have caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

74. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

75. Defendants' aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

76. Defendants' acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

77. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

78. Defendants' aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

79. Upon information and belief, Defendants' conduct is willful, deliberate, intentional, and in bad faith.

80. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

81. Unless and until enjoined by this Court, Defendants will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

82. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

83. By virtue of the egregious and illegal acts of Defendants as described herein, Defendants have been unjustly enriched in an amount to be proven at trial.

84. Defendants' retention of monies gained through its deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendants and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

85. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

86. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

87. Defendants' conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

88. Defendants employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendants and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

89. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

90. Defendants have used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell their products, *inter alia*, by labeling such products with the GREEK FREAK mark.

91. Defendants' actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

92. Plaintiff is the sole owner of the GREEK FREAK mark.

93. Defendants' false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendants' affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

94. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

95. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendants have proximately contributed to the harm that Plaintiff has suffered.

96. Defendants have therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

97. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

98. Upon information and belief, Plaintiff has conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

99. Defendants' conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION
Violation of Right of Publicity

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. Defendants knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendants' commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

102. Defendants used Plaintiff's name and nickname through Defendants' website, which is accessible by and targets consumers throughout the U.S., including New York.

103. Defendants have therefore committed an actionable wrong under NY Vic Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendants on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendants and their agents, attorneys, employees, and all others in active concern or participation with them from:

(a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.

(b) using Plaintiff's name, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.

(c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendants has complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendants' unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 8, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/ Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
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New York, NY 10022
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taso@pnlawyers.com

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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

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Attorney Email Authorized: Yes

Correspondent

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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019

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SPORTSMARKET PREMIUM CLOTHING LINE-GIANNIS THE GREEK FREAK PLAYOFF TSHIRT

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March 27, 2020

VIA REGULAR MAIL & EMAIL

SPORTSMARKET007@GMAIL.COM

SPORTSMARKETUSA CORPORATION
3930 McKinney Ave, Ste 308
Dallas, TX 75204

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

To Whom It Mat Concern:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through your website and potentially through other outlets.. **See Exhibit A.** As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A

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Anastasi Pardalis
Pardalis & Nohavicka, LLP
950 Third Avenue, 25th Floor
New York, NY 10022
Telephone: (718) 777-0400
Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Civ. Case No.

Plaintiff,

COMPLAINT
JURY TRIAL DEMANDED

-v-

CHRISTOPHER JONES and GOOD DAY
APPAREL LLC,

Defendants.

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through his undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendants CHRISTOPHER JONES and GOOD DAY APPAREL LLC (collectively “Defendants”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendants through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ. Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, he has been using his nickname Greek Freak, as well as variations thereof (including "Greek Fr34k", a variation including the numbers of his jersey) as a trademark in U.S. commerce

(collectively, the “GREEK FREAK mark”); Antetokounmpo’s products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo’s continuous and extensive use of his GREEK FREAK mark, Antetokounmpo’s GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo’s products.

6. Nevertheless, upon information and belief, Defendants have been designing, manufacturing, importing, selling and distributing apparel, such as t-shirts under the GREEK FREAK mark.

7. Upon learning of Defendants’ unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendants to provide him with a full accounting of all merchandise sold by Defendants that is infringing upon Plaintiff’s trademark (the “Infringing Products”).

8. Moreover, Antetokounmpo demanded that Defendants cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendants, after receiving Antetokounmpo’s cease and desist letter, failed to cooperate to provide a truthful record of their profits from the sale of GREEK FREAK branded products.

10. Furthermore, Defendants failed to cooperate with Antetokounmpo’s request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo’s has been adequately compensated for the damages he incurred.

11. As a result of Defendants' wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. §§ 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendants in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendants regularly conduct, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from this business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendants should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendants have been systematically directing and/or targeting their business activities at consumers all over the country, including New York, through a third-party website (www.amazon.com) where consumers can place orders.

b) Amazon's website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendants are aware of the products that Plaintiff offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendants are aware that their infringing actions, alleged herein, are likely to cause injury to Plaintiff in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Plaintiff started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association ("NBA"). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the "GREEK FREAK." His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, CHRISTOPHER JONES is an individual, residing at 17200 Westgrove Dr., Apt. 2118 Addison TX 75001.

20. Upon information and belief, Defendant GOOD DAY APPAREL LLC is a Texas Limited Liability Company, with an address at 2302 Milam St, Apt 1319, Houston, Texas 77006-2376.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo's recognized GREEK FREAK Mark

21. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

22. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the "GREEK FREAK" even earlier than that, due to his impressive professional abilities and achievements.

23. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

24. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

25. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the "Greek Freak," and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

26. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark "GREEK FR34K" which includes the numbers appearing on his NBA jersey. This mark has been

approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

27. Antetokounmpo's U.S. trademark registration for the GREEK FREAK mark covers "Backpacks" in International Class 18 and "Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats" in International Class 25 (Registration No. 5401870).

28. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

29. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

30. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

31. As a result, Plaintiff's mark has become famous, and an extremely valuable asset for Plaintiff.

Defendants' Infringing Activities

32. Notwithstanding Antetokounmpo's established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under the "GREEK FREAK" name through various media, platforms, and websites, including Amazon (**EXHIBIT C**).

33. Defendants have engaged in this infringing activity despite having constructive notice of Antetokounmpo's federal trademark rights under 15 U.S.C. § 1072 and despite having

actual knowledge of Antetokounmpo's use of the GREEK FREAK mark, since Defendants offer directly competitive products in the same marketplace.

34. Defendants' use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

35. Antetokounmpo never authorized Defendants to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

36. On March 20, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendants (**EXHIBIT D**), alerting them of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

37. Defendants failed to provide any evidence showing the cessation of their infringing activities, and never provided any accounting of their profits from sales of merchandise under the GREEK FREAK mark.

38. Furthermore, Defendants failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

39. Upon information and belief, Defendants have made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

40. Upon information and belief, the products offered by Defendants under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendants' actions constitute trademark dilution by garnishment.

41. Defendants' use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendants' goods and services.

42. Defendants' failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendants' bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

43. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

44. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

45. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

46. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the

GREEK FREAK mark, Plaintiff's ownership of the mark, and Plaintiff's exclusive right to use the mark in commerce.

47. Defendants made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

48. Defendants' unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendants' products and/or result in the mistaken belief that Defendants are somehow legitimately affiliated, connected or associated with Antetokounmpo.

49. Defendants' aforesaid acts, specifically Defendants' unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

50. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

51. Unless enjoined by this Court, Defendants will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

52. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

53. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

54. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

55. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendants' products bear counterfeit marks, Defendants intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

56. Defendants' infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendants' infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

57. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

58. Plaintiff has no adequate remedy at law.

59. Unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

60. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendants' infringing activities, and all gains, profits and advantages obtained by Defendants as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of

up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

61. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

62. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

63. Defendants' unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

64. Defendants' unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

65. Upon information and belief, Defendants have profited or will profit through their wrongful conduct and activities.

66. Defendants' conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

67. As a result of Defendants' conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendants' acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

68. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

69. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

70. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

71. Plaintiff's GREEK FREAK mark is inherently distinctive.

72. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

73. Defendants' unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendants' products by Plaintiff and results in the mistaken belief that Defendants and their products are somehow legitimately affiliated, connected or associated with Plaintiff.

74. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendants have traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

75. Defendants knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

76. Defendants' aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

77. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

78. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

79. Unless enjoined by this Court, Defendants will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

80. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

81. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

82. By their wrongful acts, Defendants have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

83. Upon information and belief, Defendants have profited by their conduct and activities.

84. Upon information and belief, Defendants' conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

85. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

86. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

87. Defendants' activities consist of deceptive acts and practices in the conduct of their business.

88. Defendants' aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendants' activities, and/or falsely suggest that Defendants are somehow legitimately affiliated, connected, or associated with Plaintiff.

89. Plaintiff has been, and will continue to be, damaged by Defendants' deceptive acts and practices in an amount to be determined at trial.

90. Defendants have caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

91. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

92. Defendants' aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

93. Defendants' acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

94. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

95. Defendants' aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

96. Upon information and belief, Defendants' conduct is willful, deliberate, intentional, and in bad faith.

97. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

98. Unless and until enjoined by this Court, Defendants will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

99. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

100. By virtue of the egregious and illegal acts of Defendants as described herein, Defendants have been unjustly enriched in an amount to be proven at trial.

101. Defendants' retention of monies gained through their deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendants and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

102. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

103. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

104. Defendants' conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

105. Defendants employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendants and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

106. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

107. Defendants have used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell their products, *inter alia*, by labeling such products with the GREEK FREAK mark.

108. Defendants' actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

109. Plaintiff is the sole owner of the GREEK FREAK mark.

110. Defendants' false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendants' affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

111. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

112. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendants have proximately contributed to the harm that Plaintiff has suffered.

113. Defendants have therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

114. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

115. Upon information and belief, Defendants have conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

116. Defendants' conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION

Violation of Right of Publicity

117. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

118. Defendants knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendants' commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

119. Defendants used Plaintiff's name and nickname through Defendants' website, which is accessible by and targets consumers throughout the U.S., including New York.

120. Defendants have therefore committed an actionable wrong under NY Civ. Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ. Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendants on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendants and their agents, attorneys, employees, and all others in active concern or participation with them from:
 - (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.
 - (b) using Plaintiff's name, portrait, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.
 - (c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendants have complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendants' unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 12, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo**Owner Address:** Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES**Legal Entity Type:** INDIVIDUAL**Citizenship:** UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,**Docket Number:** 245463.00000**Attorney Primary Email Address:** trademarks@troutmansanders.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
TROUTMAN SANDERS LLP
600 PEACHTREE ST NE STE 5200
ATLANTA, GEORGIA 30308-2216
UNITED STATES**Phone:** (949) 622-2700**Fax:** (949) 622-2739**Correspondent e-mail:** trademarks@troutmansanders.com susan.stabe@troutmansanders.com erin.zaskoda@troutmansanders.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019

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Good Day Apparel

GREEK FR34K Basketball Shirt Milwaukee Freak geekT-shirt

★★★★★ 1 rating

Price: **\$15.99** FREE Shipping on orders over \$25.00 shipped by Amazon or get **Fast, Free Shipping with Amazon Prime**
FREE Returns

Fit Type: Men

Men Women Youth

Color: Kelly Green



Size:

Select ▾

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 50% Cotton, 50% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Lightweight, Classic fit, Double-needle sleeve and bottom hem



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Good Day Apparel

GREEK FR34K Basketball Shirt Milwaukee Freak geekT-shirt

★★★★★ 1 rating

Price: \$15.99 FREE Shipping on orders over \$25.00 shipped by Amazon or get Fast, Free Shipping with Amazon Prime FREE Returns

Fit Type: Men

- Men
- Women
- Youth

Color: Black



Size:

Select

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 50% Cotton, 50% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Lightweight, Classic fit, Double-needle sleeve and bottom hem





March 20, 2020

VIA REGULAR MAIL & EMAIL

cjones@gooddayapparel.com

Christopher Jones
Good Day Apparel LLC
17200 WESTGROVE DR., APT. 2118,
ADDISON, TX 75001

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Jones:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through online marketplaces such as AMAZON. See **Exhibit A**. As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A


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Good Day Apparel
GREEK FR34K Basketball Shirt Milwaukee Freak geekT-shirt
★★★★★ 1 rating

Price: **\$15.99** FREE Shipping on orders over \$25.00 shipped by Amazon or get **Fast, Free Shipping** with Amazon Prime
FREE Returns

Fit Type: Men
 Men Women Youth

Color: Black

Size:

- Solid colors: 100% Cotton; Heather Grey: 90% Cotton, 10% Polyester; All Other Heathers: 50% Cotton, 50% Polyester
- Imported
- Machine wash cold with like colors, dry low heat
- Lightweight, Classic fit, Double-needle sleeve and bottom hem


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Good Day Apparel
GREEK FR34K Basketball Shirt Milwaukee Freak geekT-shirt
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Price: **\$15.99** FREE Shipping on orders over \$25.00 shipped by Amazon or get **Fast, Free Shipping** with Amazon Prime
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Anastasi Pardalis
Pardalis & Nohavicka, LLP
950 Third Avenue, 25th Floor
New York, NY 10022
Telephone: (718) 777-0400
Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Civ. Case No.

Plaintiff,

COMPLAINT
JURY TRIAL DEMANDED

-v-

WHISTLE SPORTS, INC.
and JACK SETTLEMAN d/b/a SNAPBACK
SPORTS,

Defendants.

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through his undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendants WHISTLE SPORTS, INC. and JAKE SETTLEMAN d/b/a SNAPBACK SPORTS (collectively “Defendants”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendants through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ. Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, has been using the nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendants have been designing, manufacturing, importing, selling and distributing apparel, such as t-shirts under the GREEK FREAK mark.

7. Upon learning of Defendants' unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendants to provide him with a full accounting of all merchandise sold by Defendants that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendants cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendants, after receiving Antetokounmpo's cease and desist letter, did not respond and did not provide a record of their alleged sales and profits of GREEK FREAK branded products.

10. Furthermore, Defendants failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendants' wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendants in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendants regularly conduct, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from this business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendants should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendants have been systematically directing and/or targeting their business activities at consumers all over the country, including New York, through their website where consumers can place orders.

b) Defendants' website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendants are aware of the products that Plaintiff offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendants are aware that their infringing actions, alleged herein, are likely to cause injury to Plaintiff in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Plaintiff started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association ("NBA"). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the "GREEK FREAK." His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant JACK SETTLEMAN is an individual, residing at 155 E 31st St Apt 15b, New York NY 10016-6864.

20. Upon information and belief, Defendant WHISTLE SPORTS, INC. is a Delaware corporation, authorized to conduct business in the State of New York, with an address at 79 Madison avenue, 8th floor, New York, NY 10016.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo's recognized GREEK FREAK Mark

21. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

22. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the "GREEK FREAK" even earlier than that, due to his impressive professional abilities and achievements.

23. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

24. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

25. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the "Greek Freak," and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

26. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark "GREEK FR34K" which includes the numbers appearing on his NBA jersey. This mark has been

approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

27. Antetokounmpo's U.S. trademark registration for the GREEK FREAK mark covers "Backpacks" in International Class 18 and "Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats" in International Class 25 (Registration No. 5401870).

28. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

29. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

30. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

31. As a result, Plaintiff's mark has become famous, and an extremely valuable asset for Plaintiff.

Defendants' Infringing Activities

32. Notwithstanding Antetokounmpo's established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under the "GREEK FREAK" name through various media, platforms, and websites, including their website <https://www.snapbacksports.store/> and <https://shop.whistlesports.com/> (**EXHIBIT C**).

33. Defendants have engaged in this infringing activity despite having constructive notice of Antetokounmpo's federal trademark rights under 15 U.S.C. § 1072 and despite having

actual knowledge of Antetokounmpo's use of the GREEK FREAK mark, since Defendants offer directly competitive products in the same marketplace.

34. Defendants' use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

35. Antetokounmpo never authorized Defendants to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

36. On March 27, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendants (**EXHIBIT D**), alerting them of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

37. Defendants failed to respond to this letter, never provided any evidence showing the cessation of their infringing activities, and never provided any accounting of their profits from sales of merchandise under the GREEK FREAK mark.

38. Furthermore, Defendants failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

39. In addition, even after being notified in writing of Plaintiff's registered trademark and associated intellectual property, Defendants continued to display and offer the infringing items for sale through their website through the date of this Complaint, in total defiance and disregard of Plaintiff's good faith attempt to resolve the dispute. (**EXHIBIT E**).

40. Upon information and belief, Defendants have made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

41. Upon information and belief, the products offered by Defendants under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower

quality than the products offered by Plaintiff. Therefore, Defendants' actions constitute trademark dilution by tarnishment.

42. Defendants' use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendants' goods and services.

43. Defendants' failure to cooperate with Plaintiff in the face of a demand to cease and desist their infringing activities and to provide proof of sales and profits derived therefrom, demonstrates Defendants' bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

44. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

45. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

46. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

47. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the GREEK FREAK mark, Plaintiff's ownership of the mark, and Plaintiff's exclusive right to use the mark in commerce.

48. Defendants made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

49. Defendants' unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendants' products and/or result in the mistaken belief that Defendants are somehow legitimately affiliated, connected or associated with Antetokounmpo.

50. Defendants' aforesaid act, specifically Defendants' unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

51. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

52. Unless enjoined by this Court, Defendants will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

53. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

54. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

55. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

56. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendants' products bear counterfeit marks, Defendants intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

57. Defendants' infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendants' infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

58. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

59. Plaintiff has no adequate remedy at law.

60. Unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

61. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendants' infringing activities, and all gains, profits and advantages obtained by Defendants as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

62. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

63. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

64. Defendants' unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

65. Defendants' unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

66. Upon information and belief, Defendants have profited or will profit through their wrongful conduct and activities.

67. Defendants' conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

68. As a result of Defendants' conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendants' acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

71. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

72. Plaintiff's GREEK FREAK mark is inherently distinctive.

73. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

74. Defendants' unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendants' products by Plaintiff and results in the mistaken belief that Defendants and their products are somehow legitimately affiliated, connected or associated with Plaintiff.

75. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendants have traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

76. Defendants knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

77. Defendants' aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

78. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

79. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

80. Unless enjoined by this Court, Defendants will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

81. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

82. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

83. By their wrongful acts, Defendants have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

84. Upon information and belief, Defendants have profited by their conduct and activities.

85. Upon information and belief, Defendants' conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

86. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

87. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

88. Defendants' activities consist of deceptive acts and practices in the conduct of their business.

89. Defendants' aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendants' activities, and/or falsely suggest that Defendants are somehow legitimately affiliated, connected, or associated with Plaintiff.

90. Plaintiff has been, and will continue to be, damaged by Defendants' deceptive acts and practices in an amount to be determined at trial.

91. Defendants have caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

92. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

93. Defendants' aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

94. Defendants' acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

95. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

96. Defendants' aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

97. Upon information and belief, Defendants' conduct is willful, deliberate, intentional, and in bad faith.

98. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

99. Unless and until enjoined by this Court, Defendants will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. By virtue of the egregious and illegal acts of Defendants as described herein, Defendants have been unjustly enriched in an amount to be proven at trial.

102. Defendants' retention of monies gained through their deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendants and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

103. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

104. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

105. Defendants' conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

106. Defendants employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendants and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

107. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

108. Defendants have used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell their products, *inter alia*, by labeling such products with the GREEK FREAK mark.

109. Defendants' actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

110. Plaintiff is the sole owner of the GREEK FREAK mark.

111. Defendants' false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendants' affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

112. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

113. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendants have proximately contributed to the harm that Plaintiff has suffered.

114. Defendants have therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

115. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

116. Upon information and belief, Defendants have conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

117. Defendants' conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION
Violation of Right of Publicity

118. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

119. Defendants knowingly used the Plaintiff's name, nickname and image, which is part of Plaintiff's identity; such use resulted in Defendants' commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

120. Defendants used Plaintiff's name, nickname and image through Defendants' website, which is accessible by and targets consumers throughout the U.S., including New York.

121. Defendants have therefore committed an actionable wrong under NY Civ. Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ. Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendants on all his claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendants and their agents, attorneys, employees, and all others in active concern or participation with them from:
 - (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.

(b) using Plaintiff's name, portrait, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.

(c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendants have complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendants' unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 12, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
950 Third Avenue, 25th Floor
New York, NY 10022
Tel.: (718) 777 0400
Fax: (718) 777 0599
taso@pnlawyers.com

Generated on: This page was generated by TSDR on 2019-07-08 10:55:15 EDT

Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
TROUTMAN SANDERS LLP
600 PEACHTREE ST NE STE 5200
ATLANTA, GEORGIA 30308-2216
UNITED STATES

Phone: (949) 622-2700

Fax: (949) 622-2739

Correspondent e-mail: trademarks@troutmansanders.com susan.stabe@troutmansanders.com erin.zaskoda@troutmansanders.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019



GREEK FREAK-KHASH T-SHIRT

\$25.00

STYLE

100% COTTON TEE

TRIBLEND TSHIRT

SIZE

S

M

L

XL

2XL

3XL

4XL

5XL

COLOR

BLACK

HEATHER GREY

WHITE

VINTAGE BLACK

VINTAGE HEATHER GREY

VINTAGE WHITE

QUANTITY

-

1

+

ADD TO CART

BUY IT NOW



THE BEST DUO IN MILWAUKEE.

Your choice of the classic 100% ring-spun cotton or the premium, soft triblend (50% polyester, 25% cotton & 25% rayon) t-shirt.



GREEK FREAK-KHASH JAM T-SHIRT

\$25.00

STYLE

100% COTTON TEE

TRIBLEND TSHIRT

SIZE

S

M

L

XL

2XL

3XL

4XL

5XL

COLOR

HEATHER GREY

BLACK

WHITE

VINTAGE BLACK

VINTAGE HEATHER GREY

VINTAGE WHITE

QUANTITY

-

1

+

ADD TO CART

BUY IT NOW



March 27, 2020

VIA REGULAR MAIL & EMAIL

settleman@thewhistle.com

Jsettleman23@aol.com

Jack Settleman
Whistle Sports, Inc.
d/b/a SnapBack Sports
79 MADISON AVENUE, 9TH FLOOR
NEW YORK NY 10016

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Settleman:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through your website and potentially through other outlets. **See Exhibit A.** As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A



GREEK FREAK-KHASH T-SHIRT

\$25.00

STYLE
 100% COTTON TEE TRIBLEND TSHIRT

SIZE
 S M L XL 2XL 3XL 4XL
 5XL

COLOR
 BLACK HEATHER GREY WHITE
 VINTAGE BLACK VINTAGE HEATHER GREY
 VINTAGE WHITE

QUANTITY
- 1 +

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Anastasi Pardalis
Pardalis & Nohavicka, LLP
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New York, NY 10022
Telephone: (718) 777-0400
Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Plaintiff,

-v-

KATHERINE B. JONES and STEVE JONES
d/b/a CAROLINA THREADZ,

Defendants.

Civ. Case No.

**COMPLAINT JURY TRIAL
DEMANDED**

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through his undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendants KATHERINE B. JONES and STEVE JONES d/b/a CAROLINA THREADZ, (“Defendants”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendants through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ. Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, has been using the nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendants have been designing, manufacturing, importing, selling and distributing apparel, such as t-shirts under the GREEK FREAK mark.

7. Upon learning of Defendants' unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendants to provide him with a full accounting of all merchandise sold by Defendants that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendants cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendants, after receiving Antetokounmpo's cease and desist letter, failed to cooperate to provide a truthful record of their profits from the sale of GREEK FREAK branded products.

10. Furthermore, Defendants failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendants' wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendants in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendants regularly conduct, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from this business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process, and/or Defendants' infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendants should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendants have been systematically directing and/or targeting their business activities at consumers all over the country, including New York, through their website where consumers can place orders.

b) Defendants' website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendants are aware of the products that Plaintiff offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendants are aware that their infringing actions, alleged herein, are likely to cause injury to Plaintiff in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Plaintiff started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association ("NBA"). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the "GREEK FREAK." His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendants KATHERINE B. JONES and STEVE JONES are individuals doing business as “CAROLINA THREADZ”, residing at 1451 Glenmoor Rd., Evansville, IN 47715.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo’s recognized GREEK FREAK Mark

20. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

21. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the “GREEK FREAK” even earlier than that, due to his impressive professional abilities and achievements.

22. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

23. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

24. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the “Greek Freak,” and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

25. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark “GREEK FR34K” which includes the numbers appearing on his NBA jersey. This mark has been

approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

26. Antetokounmpo's U.S. trademark registration for the GREEK FREAK mark covers "Backpacks" in International Class 18 and "Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats" in International Class 25 (Registration No. 5401870).

27. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

28. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

29. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

30. As a result, Plaintiff's mark has become famous, and an extremely valuable asset for Plaintiff.

Defendants' Infringing Activities

31. Notwithstanding Antetokounmpo's established rights in the GREEK FREAK mark, upon information and belief, Defendants have advertised and sold various products under the "GREEK FREAK" name through various media, platforms, and websites including Etsy (**EXHIBIT C**).

32. Defendants have engaged in this infringing activity despite having constructive notice of Antetokounmpo's federal trademark rights under 15 U.S.C. § 1072 and despite having

actual knowledge of Antetokounmpo's use of the GREEK FREAK mark, since Defendants offer directly competitive products in the same marketplace.

33. Defendants' use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

34. Antetokounmpo never authorized Defendants to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

35. On March 20, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendants (**EXHIBIT D**), alerting them of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

36. Defendants after receiving Antetokounmpo's cease and desist letter, failed to cooperate to provide a truthful record of their profits from the sale of GREEK FREAK branded products.

37. Furthermore, Defendants failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

38. Upon information and belief, before removing the "GREEK FREAK" from the website through which they were available, Defendants had made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

39. Upon information and belief, the products offered by Defendants under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendants' actions constitute trademark dilution by tarnishment.

40. Defendants' use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendants' goods and services.

41. Defendants' failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide accurate proof of sales and profits derived therefrom, demonstrates Defendants' bad faith intent to profit from Plaintiff's success, by misleading, confusing and deceiving consumers.

42. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

43. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

44. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

45. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the

GREEK FREAK mark, Plaintiff's ownership of the mark, and Plaintiff's exclusive right to use the mark in commerce.

46. Defendants made unauthorized use of the GREEK FREAK mark for apparel that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

47. Defendants' unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendants' products and/or result in the mistaken belief that Defendants are somehow legitimately affiliated, connected or associated with Antetokounmpo.

48. Defendants' aforesaid act, specifically Defendants' unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

49. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

50. Unless enjoined by this Court, Defendants will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

51. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

52. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

53. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as **Exhibit A**.

54. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendants' products bear counterfeit marks, Defendants intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

55. Defendants' infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendants' infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

56. As a direct and proximate result of Defendants' illegal actions alleged herein, Defendants have caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

57. Plaintiff has no adequate remedy at law.

58. Unless immediately enjoined, Defendants will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

59. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendants' infringing activities, and all gains, profits and advantages obtained by Defendants as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of

up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

60. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

61. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

62. Defendants' unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

63. Defendants' unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

64. Upon information and belief, Defendants have profited or will profit through their wrongful conduct and activities.

65. Defendants' conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

66. As a result of Defendants' conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendants' acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

67. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

68. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

69. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

70. Plaintiff's GREEK FREAK mark is inherently distinctive.

71. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

72. Defendants' unauthorized use of the GREEK FREAK mark in connection with apparel causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendants' products by Plaintiff and results in the mistaken belief that Defendants and their products are somehow legitimately affiliated, connected or associated with Plaintiff.

73. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the infringing products, Defendants have traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

74. Defendants knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

75. Defendants' aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

76. Upon information and belief, Defendants' aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

77. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

78. Unless enjoined by this Court, Defendants will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

79. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

80. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

81. By their wrongful acts, Defendants have caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

82. Upon information and belief, Defendants have profited by their conduct and activities.

83. Upon information and belief, Defendants' conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

84. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

85. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

86. Defendants' activities consist of deceptive acts and practices in the conduct of their business.

87. Defendants' aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendants' activities, and/or falsely suggest that Defendants are somehow legitimately affiliated, connected, or associated with Plaintiff.

88. Plaintiff has been, and will continue to be, damaged by Defendants' deceptive acts and practices in an amount to be determined at trial.

89. Defendants have caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

90. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

91. Defendants' aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

92. Defendants' acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

93. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

94. Defendants' aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

95. Upon information and belief, Defendants' conduct is willful, deliberate, intentional, and in bad faith.

96. By reason of Defendants' aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

97. Unless and until enjoined by this Court, Defendants will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants' wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

98. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

99. By virtue of the egregious and illegal acts of Defendants as described herein, Defendants have been unjustly enriched in an amount to be proven at trial.

100. Defendants' retention of monies gained through their deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendants and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

101. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

102. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

103. Defendants' conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

104. Defendants employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendants and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

105. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

106. Defendants have used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell their products, *inter alia*, by labeling such products with the GREEK FREAK mark.

107. Defendants' actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

108. Plaintiff is the sole owner of the GREEK FREAK mark.

109. Defendants' false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendants' affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

110. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

111. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendants have proximately contributed to the harm that Plaintiff has suffered.

112. Defendants have therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

113. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

114. Upon information and belief, Defendants have conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

115. Defendants' conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION

Violation of Right of Publicity

116. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

117. Defendants knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendants' commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

118. Defendants used Plaintiff's name and nickname through Defendants' e-shop, which is accessible by and targets consumers throughout the U.S., including New York.

119. Defendants have therefore committed an actionable wrong under NY Civ. Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ. Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendants on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendants and their agents, attorneys, employees, and all others in active concern or participation with them from:
 - (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.
 - (b) using Plaintiff's name, portrait, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.
 - (c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendants to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendants have complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendants' unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 22, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/Anastasi Pardalis
Anastasi Pardalis
Attorneys for Plaintiff
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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN STABE, ESQ.
TROUTMAN SANDERS LLP
600 PEACHTREE ST NE STE 5200
ATLANTA, GEORGIA 30308-2216
UNITED STATES

Phone: (949) 622-2700

Fax: (949) 622-2739

Correspondent e-mail: trademarks@troutmansanders.com susan.stabe@troutmansanders.com erin.zaskoda@troutmansanders.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

Generated on: This page was generated by TSDR on 2019-07-08 10:56:24 EDT

Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103


File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019

Etsy Greek Freak

Jewelry & Accessories Clothing & Shoes Home & Living Wedding & Party Toys & Entertainment Art & Collectibles Craft Supplies Vintage Gifts

← Back to search results



CarolinaThreadz ★★★★★ (253)

Giannis Antetokounmpo T-Shirt
Unique Greek Freak Basketball Bucks Tee

\$16.79+ ~~\$19.75+~~
You save \$2.96 (15%)

Size
Select an option

Quantity
1

Buy it now

Add to cart

🚚 Hooray! This item ships free to the US.

👉 Handmade


Materials
Ring spun, cotton

Description
The Greek Freak Unique Tee

Etsy Greek Freak

Jewelry & Accessories Clothing & Shoes Home & Living Wedding & Party Toys & Entertainment Art & Collectibles Craft Supplies Vintage Gifts

← Back to search results



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Quantity
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👉 Handmade

Materials
Ring spun, cotton

Description
The Greek Freak Unique Tee



March 20, 2020

VIA REGULAR MAIL & EMAIL

carolinathreadz@gmail.com

Steve Jones and Katherine B. Jones
d/b/a/ Carolina Threadz
1451 Glenmoor Rd,
Evansville, IN 47715-6011

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. & Mrs. Jones:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely t-shirts, bearing Antetokounmpo's trademarks, through online marketplaces such as ETSY. See **Exhibit A**. As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP

By: /s/Taso Pardalis/


Taso Pardalis, Esq.

EXHIBIT A

Etsy Greek Freak

Jewelry & Accessories Clothing & Shoes Home & Living Wedding & Party Toys & Entertainment Art & Collectibles Craft Supplies Vintage Gifts

← Back to search results



CarolinaThreadz ★★★★★ (253)

Giannis Antetokounmpo T-Shirt
Unique Greek Freak Basketball Bucks Tee

\$16.79+ ~~\$19.75+~~
You save \$2.96 (15%)

Size
Select an option

Quantity
1

Buy it now

Add to cart

🚚 Hooray! This item ships free to the US.

👉 Handmade


Materials
Ring spun, cotton

Description
The Greek Freak Unique Tee

Etsy Greek Freak

Jewelry & Accessories Clothing & Shoes Home & Living Wedding & Party Toys & Entertainment Art & Collectibles Craft Supplies Vintage Gifts

← Back to search results



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Quantity
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Materials
Ring spun, cotton

Description
The Greek Freak Unique Tee

Anastasi Pardalis
Pardalis & Nohavicka, LLP
950 Third Avenue, 25th Floor
New York, NY 10022
Telephone: (718) 777-0400
Facsimile: (718) 777-0599
Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIANNIS ANTETOKOUNMPO,

Civ. Case No.

Plaintiff,

COMPLAINT
JURY TRIAL DEMANDED

-v-

BRYANT YARBOROUGH d/b/a BONAFIDE
ICON,

Defendant.

Plaintiff, GIANNIS ANTETOKOUNMPO (“Antetokounmpo” or “Plaintiff”), an individual, by and through its undersigned attorneys, PARDALIS & NOHAVICKA, LLP, hereby alleges as follows against Defendant BRYANT YARBOROUGH d/b/a BONAFIDE ICON (“Defendant”):

NATURE OF ACTION

1. Antetokounmpo brings this action for the infringement of his GREEK FREAK trademark by Defendant through the unauthorized use of the GREEK FREAK mark, including, without limitation, by advertising, marketing, promoting, distributing, displaying, offering for sale and selling unlicensed infringing products bearing the GREEK FREAK brand label.

2. This action involves claims for:

- 1) Trademark infringement of Antetokounmpo's federally registered mark in violation of §32 of the Federal Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*;
- 2) Counterfeiting of Antetokounmpo's federally registered trademark in violation of 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d), and 1117(b)-(c);
- 3) Federal Trademark Dilution;
- 4) False designation of origin, passing off and unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended with 15 U.S.C. § 1125(a);
- 5) Common Law Trade Name, Trademark and Service Mark Infringement;
- 6) Deceptive Acts and Practices (N.Y. Gen Bus L. § 349);
- 7) Common Law Trademark Dilution;
- 8) Common Law Unfair Competition;
- 9) Unjust Enrichment;
- 10) Tortious Interference with prospective economic advantage;
- 11) False Labeling in Violation of the Lanham Act;
- 12) Conspiracy and Concert of Action; and
- 13) Violation of Antetokounmpo's right of publicity (NY Civ Rights Law § 50-51).

3. Antetokounmpo is widely identified by his nickname the "Greek Freak." Further, he has been using his nickname, Greek Freak, as a trademark in U.S. commerce (the "GREEK FREAK mark"); Antetokounmpo's products are distributed under the GREEK FREAK mark at stores and markets throughout the United States.

4. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK-branded products.

5. Through his efforts, and as a result of Antetokounmpo's continuous and extensive use of his GREEK FREAK mark, Antetokounmpo's GREEK FREAK mark has become famous, and exclusively associated with Antetokounmpo and Antetokounmpo's products.

6. Nevertheless, upon information and belief, Defendant has been designing, selling and distributing phone cases under the GREEK FREAK brand mark.

7. Upon learning of Defendant's unauthorized use of the GREEK FREAK mark and brand, Antetokounmpo took immediate action and asked Defendant to provide him with a full accounting of all merchandise sold by Defendant that is infringing upon Plaintiff's trademark (the "Infringing Products").

8. Moreover, Antetokounmpo demanded that Defendant cease selling the Infringing Products using the GREEK FREAK mark and brand.

9. Defendant, after receiving Antetokounmpo's cease and desist letter, did not provide a record of his sales and profits of GREEK FREAK branded products.

10. Furthermore, Defendant failed to cooperate with Antetokounmpo's request for surrender of the infringing inventory and other reasonable requests which were meant to ensure that the infringement has ceased and that the Antetokounmpo's has been adequately compensated for the damages he incurred.

11. As a result of Defendant's wrongful conduct, Antetokounmpo brings this action for monetary and injunctive relief.

JURISDICTION AND VENUE
Federal Question Jurisdiction and Supplemental Jurisdiction

12. This action arises under the Lanham Act, 15 U.S.C. § 1051 et seq. and the statutory and common laws of the State of New York. This Court has subject matter jurisdiction over this action over Plaintiff's federal claims under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. §§ 1367(a), because they are so related to the claims within the original jurisdiction of the Court that they form part of the same case or controversy under Article III of the United States Constitution.

14. Personal jurisdiction exists over Defendant in this judicial district pursuant to N.Y.C.P.L.R. § 302(a)(1) and N.Y.C.P.L.R. § 302(a)(3), or in the alternative, Federal Rule of Civil Procedure 4(k), because, upon information and belief, Defendant regularly conducts, transacts and/or solicits business in New York and in this judicial district, and/or derives substantial revenue from his business transactions in New York and in this judicial district and/or otherwise avails himself of the privileges and protections of the laws of the State of New York such that this Court's assertion of jurisdiction over Defendant does not offend traditional notions of fair play and due process, and/or Defendant's infringing actions caused injury to Plaintiff in New York and in this judicial district such that Defendant should reasonably expect such actions to have consequences in New York and in this judicial district, for example:

- a) Upon information and belief, Defendant has been systematically directing and/or targeting his business activities at consumers all over the country, including New York, through a website where consumers can place orders.
- b) Said website provides information about and describes the goods sold; it further allows online sales with the use of a credit card and other means of payment, and it provides for shipping of purchased items.

c) Upon information and belief, Defendant is aware of the products that Antetokounmpo offers, namely the GREEK FREAK products and the GREEK FREAK mark. Defendant is aware that his infringing actions, alleged herein, are likely to cause injury to Antetokounmpo in New York and in this judicial district specifically, as Antetokounmpo conducts substantial business in New York.

15. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), because acts giving rise to this complaint occurred within this judicial district.

THE PARTIES

16. Plaintiff, Giannis Antetokounmpo, is an individual residing in Chicago, Illinois. Antetokounmpo is an internationally famous athlete and professional basketball player. Born in Greece and currently residing in the United States.

17. In 2007, Antetokounmpo started playing basketball, and by 2009, he was playing competitively for the youth squad of Filathlitikos. From 2013 to the present, he is playing for the Milwaukee Bucks in the National Basketball Association (“NBA”). Antetokounmpo recently won the MVP at the 2019 NBA Awards.

18. Giannis Antetokounmpo is widely known under his nickname the “GREEK FREAK.” His popularity has been rising over the last years and he has participated or licensed his name/nickname and/or likeness to various brands and campaigns.

19. Upon information and belief, Defendant is an individual with the address 12015 142 street, Jamaica NY 11436.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

Antetokounmpo’s recognized GREEK FREAK Mark

20. Antetokounmpo has built a strong reputation for his professional skills which is further reflected in the quality of the products he offers.

21. Antetokounmpo has continually used his GREEK FREAK mark in connection with his products in U.S. commerce at least as early as 2017. He has been identified as the “GREEK FREAK” even earlier than that, due to his impressive professional abilities and achievements.

22. During this time, Plaintiff has engaged in substantial advertising and promotion, and has expended substantial time, money and resources successfully developing and promoting the GREEK FREAK mark and brand.

23. Plaintiff has also entered into licensing and other similar agreements with third parties, for the authorized use of the GREEK FREAK mark in commerce in connection with a variety of goods.

24. The GREEK FREAK products are directly associated with Antetokounmpo as he is recognized as the “Greek Freak,” and they distinguish themselves among competitive products based on their association with Antetokounmpo and their superior design and quality.

25. In addition to continuous and uninterrupted use in commerce, Antetokounmpo has applied for, and obtained a federal registration for his GREEK FREAK mark (**EXHIBIT A**). Antetokounmpo has also applied for a variation of his GREEK FREAK mark, namely for the mark “GREEK FR34K” which includes the numbers appearing on his NBA jersey. This mark has been approved for registration and no third party oppositions have been filed against it; therefore it will be registered with the United States Patent and Trademark Office soon (**EXHIBIT B**). This mark also covers apparel and related items, among others.

26. Antetokounmpo's U.S. trademark registration for the GREEK FREAK mark covers "Backpacks" in International Class 18 and "Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats" in International Class 25 (Registration No. 5401870).

27. Antetokounmpo has expended substantial time, money and resources successfully developing, promoting and advertising his GREEK FREAK mark.

28. Antetokounmpo has sold tens of thousands of dollars of products under the GREEK FREAK mark.

29. Antetokounmpo has used the GREEK FREAK brand continuously and exclusively, and any products offered under that mark are directly associated with him.

30. As a result, Plaintiff's mark has become famous, and an extremely valuable asset for Plaintiff.

Defendant's Infringing Activities

15. Notwithstanding Antetokounmpo's established rights in the GREEK FREAK mark, upon information and belief, Defendant has advertised and sold various products under the "GREEK FREAK" name through various media, platforms, and websites, including Redbubble **(EXHIBIT C)**.

16. Defendant has engaged in this infringing activity despite having constructive notice of Antetokounmpo's federal trademark rights under 15 U.S.C. § 1072 and despite having actual knowledge of Antetokounmpo's use of the GREEK FREAK mark, since Defendant offers directly competitive products in the same marketplace.

17. Defendant's use of the GREEK FREAK mark postdates the date of first use of the GREEK FREAK mark by Plaintiff.

18. Plaintiff never authorized Defendant to design, advertise, sell and distribute products bearing the GREEK FREAK mark.

19. On March 20, 2020, Plaintiff, through his attorneys, sent a Cease and Desist letter to Defendant (**EXHIBIT D**), alerting him of Plaintiff's exclusive rights in the mark and requesting an accounting of all profits generated.

20. Defendant, after receiving Antetokounmpo's cease and desist letter, did not provide a record of his sales and profits of GREEK FREAK branded products.

21. Furthermore, Defendant failed to cooperate with Plaintiff in good faith to reach an agreement that would ensure that infringement has ceased and Plaintiff is reasonably compensated for the damage he incurred.

22. Upon information and belief, before removing the "GREEK FREAK" from Redbubble, Defendant had made substantial sales of products under it, capitalizing upon Plaintiff's famous mark.

23. Upon information and belief, the products offered by Defendant under the GREEK FREAK mark were of a particular aesthetic not aligned with Plaintiff and of a substantially lower quality than the products offered by Plaintiff. Therefore, Defendant's actions constitute trademark dilution by tarnishment.

24. Defendant's use of the GREEK FREAK mark is directly competitive with Plaintiff's use of the mark on his products and has caused confusion, mistake, and deception as to the source of Defendant's goods and services.

25. Defendant's failure to cooperate with Plaintiff in the face of a demand to cease and desist its infringing activities and to provide proof of sales and profits derived therefrom,

demonstrates Defendant's bad faith intent to profit from Plaintiffs success, by misleading, confusing and deceiving consumers.

26. There is no question that the products sold by Defendant under the GREEK FREAK mark were sold by Defendant with the purpose of confusing and misleading consumers into believing that they are purchasing products associated with or endorsed by Giannis Antetokounmpo, one of the most successful and popular NBA players. Defendant therefore traded off the goodwill and reputation of Antetokounmpo by engaging in the unauthorized use of Antetokounmpo's trademark and publicity rights.

FIRST CAUSE OF ACTION
Trademark Infringement of Plaintiff's Federal Registered Mark
[15 U.S.C. § 1114/Lanham Act § 32(a)]

27. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

28. Since the early days of his career, Antetokounmpo has been identified as the "GREEK FREAK," and since at least as early as 2017, he has continuously and extensively used the GREEK FREAK mark in commerce, and has built its reputation under the same mark.

29. Antetokounmpo owns Federal Registration No. 5401870 for the GREEK FREAK mark. This registration is valid, substituting, and prima facie evidence of the validity of the GREEK FREAK mark, Antetokounmpo's ownership of the mark, and Antetokounmpo's exclusive right to use the mark in commerce.

30. Defendant made unauthorized use of the GREEK FREAK mark for phone cases that are confusingly similar to, related to, and directly competitive with Antetokounmpo's goods sold under the GREEK FREAK mark.

31. Defendant's unauthorized use of the GREEK FREAK mark is likely to cause confusion, mistake, and deception as to the source, sponsorship or approval of Defendant's products and/or result in the mistaken belief that Defendant is somehow legitimately affiliated, connected or associated with Antetokounmpo.

32. Defendant's aforesaid act, specifically Defendant's unlawful misappropriation of the GREEK FREAK mark, constitute willful trademark infringement of a federally registered trademark in violation of the Lanham Act, 15 U.S.C. § 1114.

33. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business reputation and goodwill and will sustain loss of revenue and profits.

34. Unless enjoined by this Court, Defendant will potentially continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendants wrongful acts.

SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Section 32, 34 and 35 of the Lanham Act,
15 U.S.C. §§ 1114(1)(b), 1116(d), and 1117(b)-(c)

35. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

36. Plaintiff is the exclusive owner of all right and title to the GREEK FREAK mark.

37. Plaintiff has continuously used the GREEK FREAK mark in interstate commerce since on or before the date of the first use as reflected in its registration attached hereto as

Exhibit A.

38. Without Plaintiff's authorization or consent, with knowledge of Plaintiff's rights in the GREEK FREAK mark and with knowledge that Defendant's products bear counterfeit marks, Defendant intentionally reproduced, copied and/or colorable imitated the GREEK FREAK mark on products which are indistinguishable from the actual/original products offered under the GREEK FREAK mark by Plaintiff.

39. Defendant's infringing products are likely to cause confusion, mistake and deception among the general purchasing public as to the origin of these infringing products, and are likely to deceive consumers, the public and the trade into believing that Defendant's infringing products originate from, are associated with or are otherwise authorized or endorsed by Plaintiff.

40. As a direct and proximate result of Defendant's illegal actions alleged herein, Defendant has caused substantial monetary loss and irreparable injury and damage to Plaintiff, his business, reputation and valuable rights in the GREEK FREAK mark and the goodwill associated therewith, in an amount as yet unknown, but to be determined at trial.

41. Plaintiff has no adequate remedy at law.

42. Unless immediately enjoined, Defendant will continue to cause such substantial and irreparable injury, loss and damage to Plaintiff.

43. Plaintiff is entitled to injunctive relief, damages for the irreparable harm caused by Defendant's infringing activities, and all gains, profits and advantages obtained by Defendant as a result therefrom, enhanced discretionary damages, treble damages and/or statutory damages of up to \$2,000,000.00 per counterfeit mark per type of goods sold, offered for sale or distributed and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Federal Trademark Dilution (15 U.S.C. § 1125 (c))

44. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

45. As a result of Plaintiff's widespread and continuous use of his GREEK FREAK mark in commerce in the United States and as a result of Plaintiff's fame and direct association with such mark, the GREEK FREAK mark is famous within the meaning of relevant statutes.

46. Defendant's unauthorized commercial use of the GREK FREAK mark was willfully intended to trade on Plaintiff's reputation.

47. Defendant's unauthorized commercial use of the GREEK FREAK mark has caused and continues to cause irreparable injury to Plaintiff and his business reputation and has diluted the distinctive quality of Plaintiff's famous GREEK FREAK mark within the meaning of 15 U.S.C. § 1125(c).

48. Upon information and belief, Defendant has profited or will profit through his wrongful conduct and activities.

49. Defendant's conduct complained herein is malicious, fraudulent, deliberate, and/or willful.

50. As a result of Defendant's conduct, Plaintiff is entitled to injunctive relief, and is entitled to recover damages by reason of Defendant's acts.

FOURTH CAUSE OF ACTION
False designation of Origin, Passing Off and Unfair Competition
[15 U.S.C. § 1125(a)/Lanham Act § 43(a)]

51. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

52. Plaintiff as the owner of all right, title and interest in and to the GREEK FREAK mark, has standing to maintain an action for false designation of origin and unfair competition under Federal Trademark Statute, Lanham Act § 43(a) (16 U.S.C. § 1125).

53. Since 2017, Plaintiff has continuously and extensively advertised and marketed his products under his GREEK FREAK mark throughout the United States.

54. Plaintiff's GREEK FREAK mark is inherently distinctive.

55. As a result of Plaintiff's continuous use of the GREEK FREAK mark in connection with his products and Plaintiff's reputation and fame, the GREEK FREAK mark has become widely recognized among consumers as a source-identifier of Plaintiff's products.

56. Defendant's unauthorized use of the GREEK FREAK mark in connection with phone cases causes confusion, mistake, and deception as to the source, sponsorship, or approval of Defendant's products by Plaintiff and results in the mistaken belief that Defendant and his products are somehow legitimately affiliated, connected or associated with Plaintiff.

57. By designing, advertising, marketing, promoting, distributing, offering for sale or otherwise dealing with the Infringing Products, Defendant has traded off the goodwill of Plaintiff and his products, thereby directly and unfairly competing with Plaintiff.

58. Defendant knew, or by the exercise of reasonable care should have known, that the infringing products would cause confusion, mistake and deception among consumers and the public.

59. Defendant's aforesaid acts constitute willful unfair competition with Plaintiff, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

60. Upon information and belief, Defendant's aforementioned wrongful actions have been knowing, deliberate, willful, intended to cause confusion, to cause mistake and to deceive

consumers and were performed with the intent to trade on the goodwill and reputation of Plaintiff.

61. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, and will sustain loss of revenue and profits.

62. Unless enjoined by this Court, Defendant will continue to perform the acts complained of herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

FIFTH CAUSE OF ACTION
Common Law Trade Name, Trademark Infringement

63. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

64. Plaintiff has established and enjoys common law trade name and trademark rights in the GREEK FREAK mark in connection with clothing and related products, through continuous, extensive and uninterrupted use of the mark in commerce throughout the United States.

65. By his wrongful acts, Defendant has caused, and unless restrained by this Court will continue to cause, serious and irreparable injury and damage to Plaintiff and to the goodwill, reputation and proven business success associated with the GREEK FREAK mark.

66. Upon information and belief, Defendant has profited and will profit by his conduct and activities.

67. Upon information and belief, Defendant's conduct complained of herein is malicious, fraudulent, deliberate, and/or willful.

68. Plaintiff has no adequate remedy at law.

SIXTH CAUSE OF ACTION
Deceptive Acts and Unfair Trade Practices (N.Y. Gen Bus L. § 349)

69. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

70. Defendant's activities consist of deceptive acts and practices in the conduct of his business.

71. Defendant's aforementioned deceptive acts are aimed at consumers, and are materially misleading with respect to the source, sponsorship, and affiliation or approval of Defendant's activities, and/or falsely suggest that Defendant is somehow legitimately affiliated, connected, or associated with Plaintiff.

72. Plaintiff has been, and will continue to be, damaged by Defendant's deceptive acts and practices in an amount to be determined at trial.

73. Defendant has caused, and will continue to cause, irreparable injury to Plaintiff and to the public unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 349.

SEVENTH CAUSE OF ACTION
Trademark Dilution (N.Y. Gen. Bus. L. § 360-1)

74. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

75. Defendant's aforesaid acts have created a likelihood of injury to the business reputation of Plaintiff and likelihood of dilution of the distinctive quality of the GREEK FREAK mark.

76. Defendant's acts have caused, and will continue to cause irreparable injury to Plaintiff unless restrained by this Court, pursuant to N.Y. Gen. Bus. L. § 360-1.

EIGHTH CAUSE OF ACTION
Common Law Unfair Competition

77. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

78. Defendant's aforesaid activities constitute deliberate passing off, unfair competition, misappropriation, unjust enrichment, unfair and fraudulent business practices, and misuse of Plaintiff's GREEK FREAK mark under the common law of the State of New York.

79. Upon information and belief, Defendant's conduct is willful, deliberate, intentional, and in bad faith.

80. By reason of Defendant's aforesaid acts, Plaintiff has suffered and will continue to suffer damage and injury to its business, reputation and good will, and will sustain loss of revenues and profits.

81. Unless and until enjoined by this Court, Defendant will continue to perform the acts complained herein and cause said damages and injury, all to the immediate and irreparable harm of Plaintiff. Plaintiff has no adequate remedy at law for Defendant's wrongful acts.

NINTH CAUSE OF ACTION
Unjust Enrichment

82. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

83. By virtue of the egregious and illegal acts of Defendant as described herein, Defendant has been unjustly enriched in an amount to be proven at trial.

84. Defendant's retention of monies gained through its deceptive business practices, infringement, acts of deceit, and otherwise would serve to unjustly enrich Defendant and would be contrary to the interests of justice.

TENTH CAUSE OF ACTION
Tortious Interference with Prospective Economic Advantage

85. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

86. Plaintiff has enjoyed long and successful business relationships with its authorized distributors and customers.

87. Defendant's conduct has interfered with these relationships and constitutes tortious interference with prospective business relationships with these distributors and customers.

88. Defendant employed wrongful means in an effort to harm Plaintiff, Plaintiff's reputation, Plaintiff's relationship with his customers and his distribution network, for which Defendant and any other identified person or entity who has acted in concert or in participation with him, are liable to Plaintiff for actual and punitive damages in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION
False Labeling in Violation of the Lanham Act

89. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

90. Defendant has used the GREEK FREAK mark in order to promote, distribute, offer for sale and sell his products, *inter alia*, by labeling such products with the GREEK FREAK mark.

91. Defendant's actions constitute a direct violation of Plaintiff's trademark rights in the GREEK FREAK mark.

92. Plaintiff is the sole owner of the GREEK FREAK mark.

93. Defendant's false labeling has caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK products as to Defendant's affiliation, connection, or association with Plaintiff and Plaintiff's authorized distributors.

94. The false trade statements have also caused confusion, mistake, and deception among buyers of the counterfeited products and all purchasers of the GREEK FREAK brand products as to the origin, sponsorship, approval or endorsement by Plaintiff of the above-pled counterfeit goods.

95. By setting forth the false labeling on the counterfeit goods, and as pled above in this Complaint, Defendant has proximately contributed to the harm that Plaintiff has suffered.

96. Defendant has therefore committed an actionable wrong under 15 U.S.C. § 1125(a)(1)(A) and is liable to Plaintiff for such remedies as are afforded it under 15 U.S.C. §§ 1117 and 1125(a)(1).

TWELFTH CAUSE OF ACTION
Conspiracy and Concert of Action

97. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

98. Upon information and belief, Defendant has conspired with unknown manufacturers and/or suppliers in the U.S. and/or overseas and other persons to illegally manufacture and/or import in the United States, products under the GREEK FREAK mark.

99. Defendant's conduct combined with the conduct of unknown third parties constituted conspiracy and concert of action to tortuously interfere with Plaintiff's business, for which each conspirator is liable to Plaintiff for damages.

THIRTEENTH CAUSE OF ACTION

Violation of Right of Publicity

100. Plaintiff incorporates by reference each and every allegation in the foregoing paragraphs of this Complaint.

101. Defendant knowingly used the Plaintiff's name and nickname, which is part of Plaintiff's identity; such use resulted in Defendant's commercial advantage; such use was made without Plaintiff's consent; and the Plaintiff has been injured financially because of such use.

102. Defendant used Plaintiff's name and nickname through Defendant's website, which is accessible by and targets consumers throughout the U.S., including New York.

103. Defendant has therefore committed an actionable wrong under NY Civ Rights Law § 50 and is liable to Plaintiff for such remedies as are afforded it under NY Civ Rights Law § 51.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in its favor and against Defendant on all its claims and award the following to Plaintiff:

1. Preliminary and permanent injunctive relief enjoining Defendant and his agents, attorneys, employees, and all others in active concern or participation with them from:
 - (a) any further acts of infringement of Plaintiff's intellectual property rights in the GREEK FREAK mark, and in any similar mark Plaintiff owns, uses and/or may use.
 - (b) using Plaintiff's name, likeness and/or the GREEK FREAK mark and any variation that is confusingly similar to the Plaintiff's mark unless expressly and specifically authorized by Plaintiff.
 - (c) doing any act or thing that is likely to dilute the distinctiveness of Plaintiff's GREEK FREAK mark or that is likely to tarnish the goodwill associated with it.

2. An order, pursuant to 15 U.S.C. § 1116(a), directing Defendant to file with the Court and serve on counsel for Plaintiff within thirty (30) days after the entry of injunction issued by this Court, a sworn statement setting forth in detail the manner and form in which Defendant has complied with the injunction;

3. The following damages:

(a) All monetary actual and/or statutory damages sustained and to be sustained by Plaintiff as a consequence of Defendant's unlawful conduct, said amount to be trebled pursuant to 15 U.S.C. § 1117 N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute;

(b) All exemplary and/or punitive damages to which Plaintiff is entitled under statutory or common law;

(c) Pre-judgment interest according to law;

(d) Plaintiff's reasonable attorney's fees, pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. L. § 349, N.Y. Gen. Bus. L. § 360-m, and/or any other applicable statute, together with the costs and disbursements of this action; and

4. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Giannis Antetokounmpo, an individual, hereby demands a jury trial.

Dated: New York, New York
May 27, 2020

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

By: /s/ Anastasi Pardalis
Anastasi Pardalis

Attorneys for Plaintiff
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Mark: GREEK FREAK

GREEK FREAK

US Serial Number: 86296824

Application Filing Date: May 30, 2014

US Registration Number: 5401870

Registration Date: Feb. 13, 2018

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2018

Publication Date: Oct. 21, 2014

Notice of Allowance Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: GREEK FREAK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name "GREEK FREAK" identifies the nickname of Giannis Antetokounmpo, a living individual whose consent is of record.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

For: Shirts, t-shirts, sweatshirts, hooded sweatshirts, jackets, hooded jackets, sports jerseys, socks, warm up suits, caps, hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2017

Use in Commerce: Dec. 01, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Gianni Antetokounmpo

Owner Address: Suite 2700
875 N. Michigan Avenue
Chicago, ILLINOIS 60611
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Stabe,

Docket Number: 245463.00000

Attorney Primary Email Address: trademarks@troutmansanders.com

Attorney Email Authorized: Yes

Correspondent

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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 05, 2018	ASSIGNED TO EXAMINER	81094
Dec. 21, 2017	STATEMENT OF USE PROCESSING COMPLETE	74055
Dec. 18, 2017	USE AMENDMENT FILED	74055
Dec. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Jun. 09, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2017	EXTENSION 5 GRANTED	74055
May 25, 2017	EXTENSION 5 FILED	74055
Jun. 07, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
May 25, 2017	TEAS EXTENSION RECEIVED	
Jan. 10, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2017	EXTENSION 4 GRANTED	75298
Dec. 06, 2016	EXTENSION 4 FILED	75298
Dec. 06, 2016	TEAS EXTENSION RECEIVED	
May 27, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 26, 2016	EXTENSION 3 GRANTED	75298
May 25, 2016	EXTENSION 3 FILED	75298
May 25, 2016	TEAS EXTENSION RECEIVED	
Dec. 16, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 15, 2015	EXTENSION 2 GRANTED	75298
Nov. 18, 2015	EXTENSION 2 FILED	75298
Dec. 11, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Nov. 18, 2015	TEAS EXTENSION RECEIVED	
Jul. 15, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Jul. 14, 2015	EXTENSION 1 GRANTED	70458
Jun. 15, 2015	EXTENSION 1 FILED	70458
Jul. 14, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
Jun. 15, 2015	TEAS EXTENSION RECEIVED	
Dec. 16, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 17, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Sep. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	91174
Sep. 11, 2014	ASSIGNED TO EXAMINER	91174
Jun. 17, 2014	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77976
Jun. 16, 2014	ASSIGNED TO LIE	77976
Jun. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91245533](#)

Filing Date: Dec 28, 2018

Status: Terminated

Status Date: Mar 12, 2019

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Giannis M Glykas

Correspondent Address: MARK TERRY
MARK TERRY PA
801 BRICKELL AVE STE 900
MIAMI FL , 33131
UNITED STATES

Correspondent e-mail: mark@terryfirm.com , yurie@terryfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREEK	Abandoned - After Inter-Partes Decision	88011889	

Plaintiff(s)

Name: Giannis Antetokounmpo

Correspondent Address: ARIADNE PANAGOPOULOU
ARIADNE PANAGOPOULOU LLP
950 THIRD AVENUE 25TH FL
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: ari@pnlawyers.com , taso@pnlawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GREEK FREAK	Registered	86296824	5401870

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2018	Feb 06, 2019
3	PENDING, INSTITUTED	Dec 28, 2018	
4	P MOT FOR DEFAULT JUDGMENT	Feb 07, 2019	
5	BD DECISION: OPP SUSTAINED	Mar 12, 2019	
6	TERMINATED	Mar 12, 2019	

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Mark: GREEK FR34K

GREEK FR34K

US Serial Number: 88235593

Application Filing Date: Dec. 19, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 14, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: GREEK FR34K

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies Giannis Antetokounmpo, whose consent(s) to register is made of record.

Related Properties Information

Claimed Ownership of US Registrations: 5401870

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: After shave; hair and body wash for men; Fragrances for men, namely, perfumery, colognes, eau de toilette; after shave balm; shave cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Nutritional supplements; Dietary supplements; Powdered nutritional supplement drink mix; Nutritional supplements for boosting energy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Backpacks

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(b)

For: Shirts; t-shirts; sweatshirts; hooded sweatshirts; jackets; hooded jackets; sports jerseys; socks; warm up suits; caps being headwear; hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Basketball nets; Basketball backboards; Basketball goals; Basketball hoops; Basketball baskets; Basketball tube bags; Basketballs

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Nut-based snack foods; Meat-based snack foods; Seed-based snack foods; Vegetable-based snack foods; Soy-based snack foods; Nut-based snack bars; Seed-based snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Beverages made of coffee; Beverages made of tea; Beverages with a coffee base; Beverages with a tea base; Cocoa-based beverages; Coffee-based iced beverages; Coffee based beverages; Coffee beverages with milk; Tea-based beverages; Tea-based iced beverages; Chocolates and chocolate based ready to eat candies and snacks; Grain-based snack foods; Granola-based snack bars; Cereal based snack food; Quinoa-based snack foods; Cereal-based snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: sports drinks; Non-alcoholic drinks, namely, sports and energy drinks; Soft drinks, namely, sodas; Water beverages; bottled water; Cider, non-alcoholic; Fruit-flavored beverages; Fruit-flavoured beverages; Fruit beverages; Fruit juice beverages; Ginger ale; Ginger beer; Lemonade; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages flavored with coffee; Non-alcoholic beverages flavored with tea; Non-alcoholic beverages flavoured with coffee; Non-alcoholic beverages flavoured with tea; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Non-alcoholic fruit juice beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

For: Promoting the goods and/or services of others through the issuance of product endorsements

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Antetokounmpo, Giannis**Owner Address:** 875 N. Michigan Avenue, Suite 2700
Chicago, ILLINOIS UNITED STATES 60611**Legal Entity Type:** INDIVIDUAL**Citizenship:** GREECE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lydia Vradi**Attorney Primary Email Address:** lydia@pnlawyers.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Lydia Vradi
PARDALIS & NOHAVICKA LLP
950 THIRD AVENUE 25TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10022**Phone:** 718-777-0400**Correspondent e-mail:** lydia@pnlawyers.com taso@pnlawyers.com**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 14, 2019	PUBLISHED FOR OPPOSITION	
Apr. 24, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 03, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Apr. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 28, 2019	ASSIGNED TO LIE	66213
Mar. 21, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2019	NON-FINAL ACTION WRITTEN	78475
Mar. 14, 2019	ASSIGNED TO EXAMINER	78475
Jan. 11, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 26, 2018	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Dec. 26, 2018	TEAS VOLUNTARY AMENDMENT RECEIVED	
Dec. 22, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAW, CHRISTOPHER M**Law Office Assigned:** LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION**Date in Location:** Apr. 05, 2019

Clothing

Stickers

Phone Cases

Wall Art

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Greek Freak MIL 34 iPhone Case & Cover

Designed by Bonafidelcon

\$22.75

Model

iPhone XR

Case Style

Soft Case

Add to cart

Delivery

Express by 26 March

Standard between 26 - 30 March





Giannis Freek 34 iPhone Case & Cover

Designed by Bonafidelcon

\$27.35

Model

iPhone 11

Case Style

Snap Case

Add to cart

Delivery

Express by 26 March

Standard between 26 - 30 March



Features

- Slim, one-piece, clip-on protective case
- Impact resistant polycarbonate shell with protective lip
- Super-bright colors embedded directly into the case

Reviews





March 20, 2020

VIA REGULAR MAIL & EMAIL

Bonafideicon@gmail.com

Bryant Yarborough
d/b/a/ Bonafide Icon
12015 142nd street
Jamaica, NY 11436

**NOTICE OF INFRINGEMENT AND
NOTICE TO CEASE AND DESIST**

DEMAND TO CEASE AND DESIST

(This document should be presented to your legal representative upon receipt)

Re: *Infringement of the "Greek Freak" Mark.*

Mr. Yarborough:

This firm represents Giannis Antetokounmpo ("Antetokounmpo"). This correspondence constitutes formal notice that we will be filing claims against your organization for trademark infringement pursuant to 15 U.S.C. § 1114(1)(a); false designation of origin and trademark dilution pursuant to 15 U.S.C. § 1125(a)(1)(A); common law claims for unjust enrichment; trademark infringement and unfair competition in violation of New York common law; and trademark dilution pursuant to 15 U.S.C. § 1125(c); and deceptive acts and practices pursuant to New York General Law Section 349.

Antetokounmpo, a/k/a the "Greek Freak", is a professional basketball player for the Milwaukee Bucks of the National Basketball Association (NBA). Antetokounmpo is one of the most renowned and globally-recognizable athletes in the sport industry. He has established his professional basketball career known as "the Greek Freak", and therefore he is identified by this nickname.

Antetokounmpo is committed to protecting and defending his brand name against any unauthorized use and exploitation. He has therefore registered the mark "GREEK FREAK" and "GREEK FR34K" (application approved by the USPTO) both in Europe and the United States. Only third parties authorized by our client have the right to use his image, likeness, name and/or nickname, under conditions mutually agreed.

It recently came to our attention that you sell products, namely phone cases, bearing Antetokounmpo's trademarks, through online marketplaces such as REDBUBBLE. *See Exhibit A.* As a result, we wish to bring to your attention that your actions constitute infringement of our client's trademarks. Moreover, this unauthorized and unlawful use of our client's marks can result in a likelihood of significant consumer confusion as to the source and affiliation of the products, and dilution of the value of our client's trademarks. Your attempt to gain significant pecuniary advantage by exploiting the intellectual property rights of a famous personality without permission is also an unlawful commercial practice at the expense of Mr. Antetokounmpo and authorized sellers of products under his brand.

This correspondence shall constitute the formal demand that you immediately CEASE and DESIST, whether it is you or by third parties who do business with you or act on your behalf, from initiating, engaging or continuing any use of our client's likeness, name and trademarks "GREEK FREAK" and "GREAK FR34K" and other relevant variations of these marks, and that you promptly remove all the products and merchandise which infringe upon our client's exclusive rights to the above trademarks from your inventory, website and social media pages.

We prefer to resolve this matter without taking any legal action, however, our client will undertake all appropriate steps to protect his intellectual property rights and the associated goodwill which is related to his nickname. You may avoid a lawsuit by having your authorized representative or an attorney respond to our office no later than five (5) days from the date of this letter, together with a full accounting of every merchandise sold by you that utilizes or incorporates the "GREEK FREAK" and other similar variations, as well as of the profits derived from the use of "GREEK FREAK" mark received to date which rightfully belong to our client.

We, also, request a written agreement that you will immediately cease and desist all use of our client's trademarks and a written agreement that you will not use without written authorization any mark belonging to Mr. Antetokounmpo, or anything confusing similar thereto. You will have to surrender all infringing items in your possession, namely the items associated with Antetokounmpo and copies of your records which include the names of all parties which manufacture, import, export, distribute and purchase the infringing products.

Kindly note that nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by the rightful owner of the marks. We reserve all rights and remedies under all applicable Federal and State laws.

If you or your attorney have any questions, please feel free to contact our office.

Very truly yours,

PARDALIS & NOHAVICKA, LLP


By: /s/Taso Pardalis/

Taso Pardalis, Esq.

EXHIBIT A

REDBUBBLE Search designs and products. Sell your art Login Signup

Clothing Stickers Phone Cases Wall Art Home & Living Kids & Babies Accessories Stationery Gifts Explore designs



Giannis Freek 34 iPhone Case & Cover
Designed by Bonafidelcon
\$27.35

Model: iPhone 11

Case Style: Snap Case

Add to cart

Delivery
Express by 26 March
Standard between 26 - 30 March

Features


- Slim, one-piece, clip-on protective case
- Impact resistant polycarbonate shell with protective lip
- Super-bright colors embedded directly into the case

Reviews

★★★★★	_____
★★★★☆	_____
★★★☆☆	_____
★★☆☆☆	_____
★☆☆☆☆	_____
☆☆☆☆☆	_____

REDBUBBLE Search designs and products. Sell your art Login Signup

Clothing Stickers Phone Cases Wall Art Home & Living Kids & Babies Accessories Stationery Gifts Explore designs



Greek Freak MIL 34 iPhone Case & Cover
Designed by Bonafidelcon
\$22.75

Model: iPhone XR

Case Style: Soft Case

Add to cart

Delivery
Express by 26 March
Standard between 26 - 30 March