

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

**BOSQUE RANCH
HEADQUARTERS, LLC**

Plaintiff,

v.

**CODE OF THE WEST, LLC and
FREE REIN LLC d/b/a
FREE REIN COFFEE COMPANY**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. _____

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

COMES NOW Plaintiff, Bosque Ranch Headquarters, LLC (“Bosque Ranch”), and files this Original Complaint against Defendant Code of the West Coffee, LLC and Free Rein LLC d/b/a Free Rein Coffee Company (collectively “Defendants”), and alleges as follows:

Nature of Action

1. This is an action under the Lanham Act and Texas law for trademark infringement, unfair competition, and false advertising.

Parties

2. Bosque Ranch Headquarters, LLC is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in Weatherford, Texas.

3. Defendant Free Rein LLC d/b/a Free Rein Coffee Company (“Free Rein”) is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 901 S. Oakes Street, San Angelo, Texas. Free Rein may be served

through its registered agent Capitol Corporate Services, Inc., 206 E. 9th Street, Suite 1300, Austin, Texas 78701.

4. Defendant Code of the West Coffee, LLC (“Code of the West”) is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 901 S. Oakes Street, San Angelo, Texas. Code of the West may be served through its registered agent Rick Strange, 706 N. Colorado Street, Midland, Texas 79701.

Jurisdiction and Venue

5. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338, and 1367.

6. This Court has personal jurisdiction over Defendants because Defendants are Texas limited liability companies with their principal place of business in Texas, and they transact business in Texas.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c), as well as 28 U.S.C. § 123(c)(1), because Defendants reside within the San Angelo Division of the Northern District of Texas and because a substantial part of the events or omissions giving rise to this complaint occurred within the San Angelo Division of the Northern District of Texas.

Factual Allegations

Bosque Ranch and Its Mark

8. Almost 20 years ago, writer and director Taylor Sheridan created the “Bosque Ranch” name and began attaching it to various of his business and personal endeavors. One of the first to bear that name in 2004 was his burgeoning production company, “Bosque Ranch Productions.” In following years, Sheridan attached it to the company managing horses used in his shows (“Bosque Ranch Performance Horses”), an event management company (“Bosque

Ranch Events”), and the company managing his Weatherford ranch (“Bosque Ranch Headquarters”). Early on, the “Bosque Ranch” name was paired with the unique branding mark overlaying the letters B and R (the “BR Brand”):



BOSQUE RANCH PRODUCTIONS

BOSQUE RANCH



PERFORMANCE
HORSES

BOSQUE RANCH



9. On occasion, these marks even made an appearance, in Sheridan's hit show, Yellowstone (sometimes with him):



10. Bosque Ranch Productions obtained federal registrations for its design mark (Reg. Nos. 5,971,552 and 5,971,553) in January 2020.

11. In early 2023, Bosque Ranch and Community Coffee Company collaborated to launch “Bosque Ranch Craft Coffee.” As before, the “Bosque Ranch” name was associated with the BR Brand:



12. On June 21, 2023, this collaboration was publicly announced describing this new craft coffee as reflecting the “Cowboy way of life.”¹ Online sales of Bosque Ranch Craft Coffee and associated merchandise began in mid-August 2023.

13. On November 16, 2023, Bosque Ranch applied to register its Bosque Ranch Craft Coffee trademark with the United States Patent and Trademark Office (Serial No. 98273042).

¹ Ex. A (June 21, 2023 Press Release, *Community Coffee Launches Bosque Ranch Coffee Brand*).

Defendants' Infringing Mark

14. A little over three months *after* Sheridan announced Bosque Ranch Craft Coffee, another Yellowstone star, Cole Hauser, launched Defendant Free Rein and began selling “Free Rein” coffee, “Born from the cowboy tradition.”² Like the ubiquitous Bosque Ranch trademark, Defendant Free Rein created a branding mark with two overlapping letters – this time F and R (the “FR Brand”).



15. Neither Hauser nor the Defendants asked or received permission or authorization of Sheridan or Bosque Ranch to use a mark confusingly similar to the BR Brand for virtually identical goods:

² www.freereincoffee.com.



16. Despite Bosque Ranch's clear prior use, on October 25, 2023, Defendant Code of the West applied to the United States Patent and Trademark Office for registration of its FR Brand.

Count 1

***Unfair Competition, False Designation of Origin, and False Descriptions
In Violation of Lanham Act § 43(a) (15 U.S.C. § 1125(a))***

17. Bosque Ranch repeats and reasserts all allegations contained in Paragraphs 1 through 16 above as if they were stated in full herein.

18. For years, Bosque Ranch has used the BR Brand in connection with a wide variety of goods and services. Beginning as early as June 2023, Bosque Ranch adopted and used the BR Brand for the sale of coffee products (whole bean, ground, pods), including associated merchandise (mugs, coffee scoop).³ The BR Brand is, or has become, distinctive of Bosque Ranch's goods and services, most recently coffee.

19. Defendants, beginning on or after October 3, 2023, has been using their FR Brand in connection with the sale of coffee products (whole bean, ground, pods),⁴ and associated merchandise (mugs, hats, shirts).⁵

³ www.communitycoffee.com/br/#shop (Bosque Ranch Craft Coffee website).

⁴ <https://freereincoffee.com/collections/coffee-beans>

⁵ <https://freereincoffee.com/collections/merch>

20. The FR Brand used by Defendants is confusingly similar to the BR Brand used by Bosque Ranch, and constitutes false and misleading descriptions of fact, or false or misleading representations of fact, which are likely to cause confusion or to cause mistake or to deceive as to the affiliation, connection, or association of the Defendants with Bosque Ranch, or as to the origin, sponsorship, or approval of Defendants' goods by Bosque Ranch. The Defendants' use of the FR Brand is likely to deceive or cause confusion or mistake as to source or origin of Bosque Ranch's goods. The Defendants' actions as set forth above constitute a violation of Section 43(a)(1)(A) of the Lanham Act (15 U.S.C. § 1125(a)(1)(A)).

21. Defendants' unlawful use of the confusingly similar FR Brand is irreparably damaging to Bosque Ranch in the form of: (i) interference with Bosque Ranch's ability to exploit its rights; (ii) confusion in the marketplace as to the duly authorized source of the goods and services provided in conjunction with the BR Brand; and (iii) impairment of the goodwill Bosque Ranch has in its BR Brand. If not enjoined, Bosque Ranch will continue to suffer irreparable injury to its rights in the BR Brand and to its business, reputation, and goodwill. Bosque Ranch has no adequate remedy at law. Bosque Ranch is entitled to permanent injunctive relief against Defendants under 15 U.S.C. §1116.

22. Bosque Ranch is entitled to recover from Defendants its profits, all damages that Bosque Ranch has sustained from Defendants' infringement, prejudgment interest, and the costs associated with this action under 15 U.S.C. § 1117.

Count 2:

***Trademark Infringement and
Unfair Competition under Texas Common Law***

23. Bosque Ranch repeats and reasserts all allegations contained in Paragraphs 1 through 22 above as if they were stated in full herein.

24. For years, Bosque Ranch has used the BR Brand in connection with a wide variety of goods and services. Beginning as early as June 2023, Bosque Ranch adopted and used the BR Brand with the selling, offering for sale, or advertising and/or marketing of coffee products (whole bean, ground, pods), including associated merchandise (mugs, coffee scoop).

25. Without Bosque Ranch's consent, Defendants began using a colorable imitation of Bosque Ranch's BR Brand in connection with selling, offering for sale, or advertising and/or marketing its own coffee products and merchandise.

26. Defendants' use of the confusingly similar FR Brand is likely to deceive or cause confusion or mistake as to the source or origin of Defendants' goods and services. As alleged in more detail above, Defendants acts constitute federal unfair competition under Section 43(a) of the Lanham Act. These acts also constitute trademark infringement and unfair competition under Texas common law.

27. Unless Defendants are enjoined from the acts complained of, Bosque Ranch will suffer irreparable harm, for which Bosque Ranch has no adequate remedy at law. Bosque Ranch is entitled to a permanent injunction under Texas law.

28. Bosque Ranch is also entitled to recover from Defendants its lost profits resulting from Defendant's infringement and/or unjust enrichment damages.

Count 3:

Trademark Dilution under Texas Trademark Act

29. Bosque Ranch repeats and reasserts all allegations contained in Paragraphs 1 through 28 above as if they were stated in full herein.

30. Bosque Ranch's BR Brand is famous and distinctive in this state.

31. Defendants' use of the FR Brand began after the BR Brand became famous.

32. Defendants' use of the FR Brand is likely to cause dilution of the BR Brand.

33. Bosque Ranch is entitled to permanent injunctive relief against Defendants' use of the BR Brand, or any derivation or colorable imitation of the BR Brand, or any of them, including the FR Brand. TEX. BUS. & COM. CODE § 16.103(a).

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Bosque Ranch demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Bosque Ranch respectfully requests that the Court:

A. Permanently enjoin Defendants from continuing to use the FR Brand (or any other derivation or colorable imitation of the BR Brand), in conjunction with marketing, promotion, and/or sale (including without limitation, all usage on any social media) of coffee and other merchandise;

B. Compel Defendants to destroy all products, marketing, and promotional materials displaying, or to remove therefrom all references to, the FR Brand or any other term or mark confusingly similar to the BR Brand;

C. Award Bosque Ranch compensatory damages associated with Defendants' past use and infringement of the BR Brand, including but not limited to Defendants' profits and the damages sustained by Bosque Ranch as the result of Defendants' conduct;

D. Award Bosque Ranch its costs incurred herein and prejudgment interest; and,

E. Such further and/or alternative relief this Court deems proper.

Dated: November 21, 2023.

Respectfully submitted,

/s/ Ralph H. Duggins

Ralph H. Duggins

rduggins@canteyhanger.com

State Bar No. 06183700

Scott A. Fredricks

State Bar No. 24012657

sfredricks@canteyhanger.com

Philip Vickers

State Bar No.24051699

pvickers@canteyhanger.com

Kate Hancock

State Bar No.24106048

khancock@canteyhanger.com

CANTEY HANGER LLP

600 West 6th Street, Suite 300

Fort Worth, Texas 76102

Telephone: (817) 877-2800

Fax: (817) 877-2807

ATTORNEYS FOR PLAINTIFF