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the New Jerusalem in the United States of America
d/b/a Wayfarers Chapel*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

General Convention of the New
Jerusalem in the United States of
America d/b/a Wayfarers Chapel,

Plaintiff,

vs.

Calamigos Ranch Corporation; Malibu
Conference Center, Inc. d/b/a Calamigos
Ranch,

Defendants.

No. 2:23-cv-00572

COMPLAINT

(1) FEDERAL TRADEMARK &
TRADE DRESS INFRINGEMENT [15
U.S.C. § 1114/Lanham Act § 32]

(2) FEDERAL UNFAIR
COMPETITION – TRADE DRESS &
TRADEMARK INFRINGEMENT &
FALSE DESIGNATION [15 U.S.C.
§ 1125(a)/Lanham Act § 43(a)]

(3) CALIFORNIA UNFAIR
COMPETITION, TRADEMARK
INFRINGEMENT & TRADEMARK
DILUTION [Cal. Bus. & Prof. Code §
14200 et seq., § 17200 et seq.]

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff, General Convention of the New Jerusalem in the United States of America d/b/a Wayfarers Chapel (“Plaintiff” or “Wayfarers Chapel”), by its attorneys, hereby files its Complaint against Defendants, Calamigos Ranch Corporation; Malibu Conference Center, Inc. d/b/a Calamigos Ranch (“Defendants”), and alleges as follows:

SUMMARY OF THE COMPLAINT

1. This is an action for trade dress infringement, trademark infringement, unfair competition, and related California state statutory and common law claims.

2. Wayfarers Chapel’s claims against Defendants arise under: the United States Trademark Laws (Lanham Act of 1946), 15 U.S.C. §§ 1051 et seq. (as amended), particularly under sections 32 and 43(a) of the Lanham Act (15 U.S.C. §§ 1114, 1125(a)); and under California statutory and common law.

3. Defendants have blatantly, willfully and repeatedly infringed Wayfarers Chapel’s intellectual property rights, including: (1) the distinctive architectural design and trade dress in Wayfarers Chapel; and (2) Wayfarers Chapel’s trademarks. Specifically, Defendants have infringed and violated Wayfarers Chapel’s intellectual property rights by reproducing, marketing, displaying, offering for sale, selling and/or rendering services and using materials, trademarks, trade dress, architectural elements and other items which copy, misappropriate, derive from and/or make unauthorized use of Wayfarers Chapel’s trade dress and trademarks, all in a manner that trades off Wayfarers Chapel’s proprietary intellectual property and goodwill to deceive and confuse consumers, thereby inducing them to purchase and utilize Defendants’ illegitimate goods and services for their own financial gain and at the expense of Wayfarers Chapel. Indeed, consumers will be, and have already been, confused by Defendants’ infringement of Wayfarers Chapel’s trade dress and trademarks, including through commercial advertisements featuring unauthorized use of Wayfarers Chapel’s trade dress and trademarks.

4. None of Defendants' infringing materials, trade dress, trademarks, or architectural elements were created, sold, sponsored, and/or approved by Wayfarers Chapel.

5. Below are representative examples of Wayfarer's architectural trade dress, which are shown on the left, and Defendants' corresponding infringing architectural trade dress, to the right:

Wayfarers Chapel's architectural trade dress (L) vs.
Defendants' infringing architectural trade dress (R)

Wayfarers Chapel	Calamigos Ranch Oak Room
	
	

1 services, including facilities for filming locations for weddings, memorials, movies,
2 and television shows, and related products and services in California to customers
3 from throughout the United States, as well as the world.

4 9. On information and belief, Defendant Calamigos Ranch Corporation, and
5 Defendant Malibu Conference Center, Inc. d/b/a Calamigos Ranch, are California
6 corporations, having their principal place of business located at 327 S. Latigo Canyon
7 Road, Malibu, California 90265. Defendants provide wedding, religious, and
8 memorial services, as well as entertainment services including facilities for filming
9 locations for a variety of entertainment and media programming, all at their California
10 place of business. Defendants own and run the Calamigos Ranch facility, including
11 the Oak Room which contains the infringing trade dress and trademarks and is used to
12 provide wedding, religious, and memorial services, as well as entertainment services
13 such as facilities for filming.

14 **SUBJECT MATTER JURISDICTION**

15 10. The First and Second Causes of Action arise under the United States
16 Trademark (Lanham) Act of 1946, as amended, 15 U.S.C. §§ 1051-1127. Jurisdiction
17 in this Court over these causes of action is proper pursuant to 28 U.S.C. §§ 1331 and
18 1338, and the Trademark Laws of the United States, 15 U.S.C. §§ 1121 *et seq.*

19 11. The Third Cause of Action arises under California statutory and common
20 law and are substantially based upon many of the same operative facts as the First and
21 Second Causes of Action. Jurisdiction in this Court over the Third Cause of Action is
22 proper at least pursuant to 28 U.S.C. § 1338(b) and on the basis of supplemental
23 jurisdiction under 28 U.S.C. § 1367(a).

24 **PERSONAL JURISDICTION**

25 12. Personal jurisdiction over the Defendants is proper under the laws of the
26 State of California, namely, California Code of Civil Procedure § 410.10, pursuant to
27 Rule 4 (including Rule 4(k)) of the Federal Rules of Civil Procedure, and under the
28 Due Process Clause of the Fourteenth Amendment of the Federal Constitution.

1 Defendants are subject to general jurisdiction based on their physical presence in this
2 District and incorporation in the State of California, as further alleged above and
3 below. Defendants are also subject to personal jurisdiction based on their infringing
4 commercial activity in this District which they knew would cause injury to Plaintiff in
5 this District, and based on their numerous contacts in this District and the State of
6 California, as further alleged above and below.

7 VENUE

8 13. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 in
9 that (1) a substantial part of the events and acts giving rise to the claims occurred in
10 this District, including, but not limited to, the advertising, marketing, and rendering of
11 services in violation of Wayfarers Chapel's rights, causing injury to Wayfarers Chapel
12 in this District, (2) Wayfarers Chapel's claims arise out of the business transacted by
13 Defendants in this District, causing injury to Wayfarers Chapel in this District, (3)
14 Defendants are subject to personal jurisdiction with respect to this action in this
15 District, and (4) Defendants regularly conducts business in this district and/or
16 Defendants reside or are domiciled in this district.

17 STATEMENT OF FACTS

18 **I. WAYFARERS CHAPEL'S BUSINESS AND INTELLECTUAL** 19 **PROPERTY RIGHTS**

20 14. Wayfarers Chapel operates a chapel located in Rancho Palos Verdes,
21 California, which was designed by Frank Lloyd Wright Jr., and is listed in the
22 National Register of Historic Places. The chapel has also been nominated as a
23 National Historic Landmark by a unanimous vote of the National Park System
24 Advisory Board's National Historic Landmarks Committee, and if approved would
25 join the likes of other notable Southern California landmarks such as the Rose Bowl
26 and the Los Angeles Memorial Coliseum. Wayfarers Chapel is a well-known
27 destination site for travelers from across the United States and the globe for worship
28 services and other celebrations, including weddings, memorial services, and baptisms.

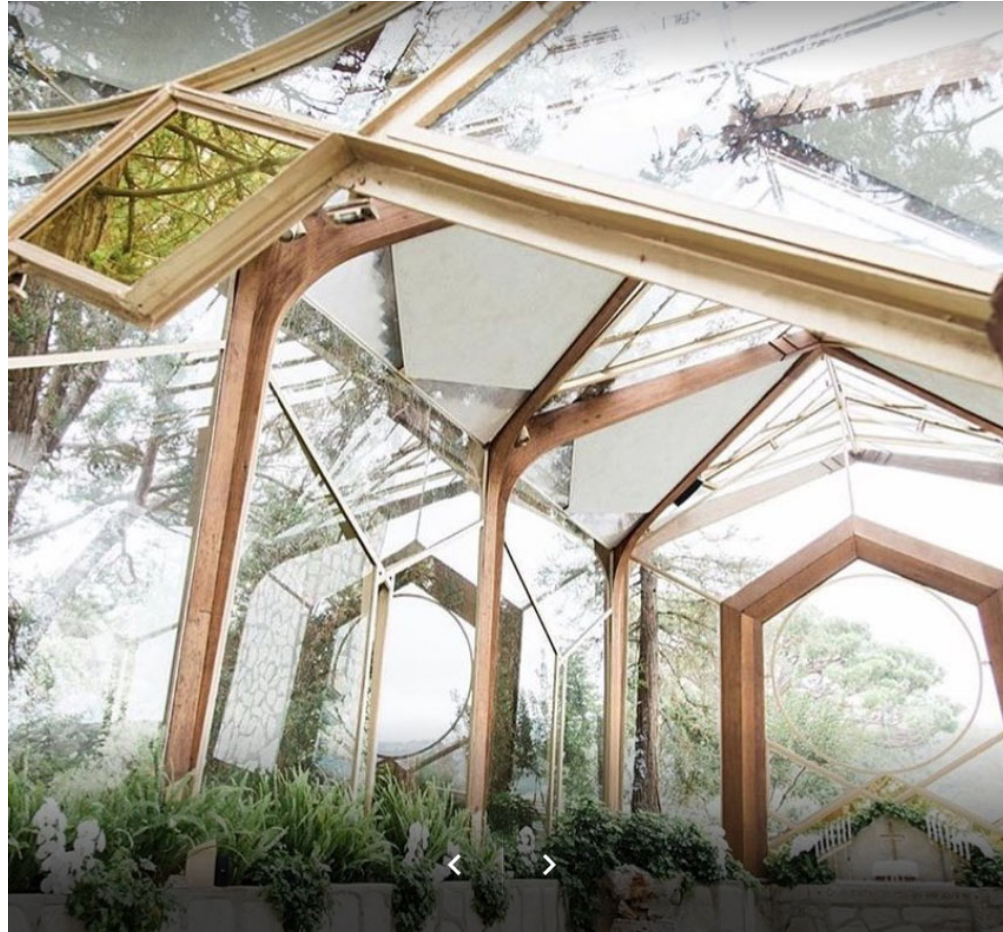
Wayfarers Chapel is also a popular venue for educational and entertainment services, including as a filming location for weddings, memorials, movies, and television shows, as well as related products and services. Information about Wayfarers Chapel and its related services is readily accessible through its website¹ and social media accounts² 24 hours a day, 7 days a week, 365 days a year. The chapel itself is open daily to the public from 9 a.m. to 5 p.m. Wayfarers Chapel also operates a Visitors Center on the grounds of the chapel which provides additional information and related goods/services.

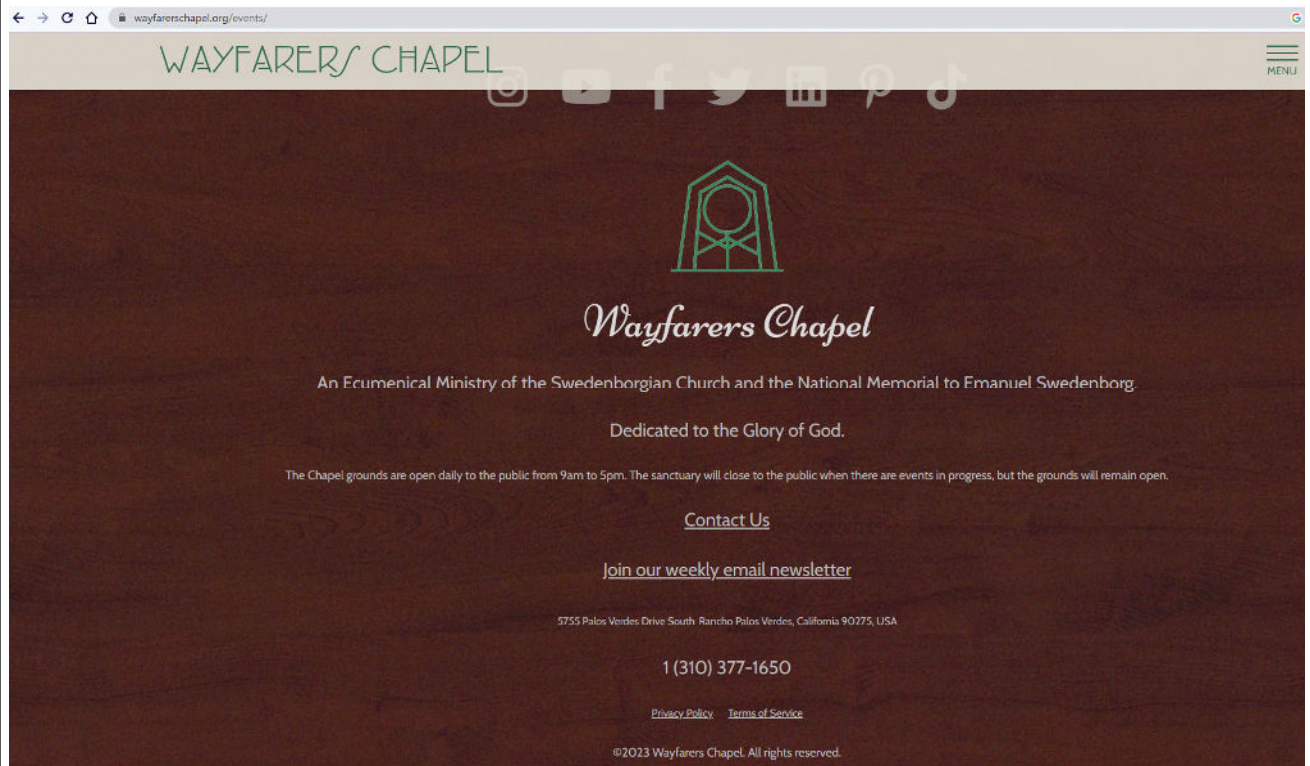
15. Since at least as early as 1979, and in continuous use since that time, Wayfarers Chapel has used a logo depicting the distinctive design of its chapel, as well as the distinctive architectural trade dress of the chapel itself, including the “circular altar” design and the double-stemmed “Y-shaped” mullions in the side glass walls of the chapel, in connection with worship services, wedding services, memorial services, baptisms, and educational and entertainment services, as well as related goods and services. Indeed, Wayfarers Chapel was included in the National Register of Historic Places because it qualified on the basis that it “embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.” Representative examples of Wayfarers Chapel’s distinctive trade dress, as well as its trademark, are included below:

¹ <https://www.wayfarerschapel.org/>.

² See https://www.instagram.com/wayfarers_chapel/, <https://www.youtube.com/c/wayfarerschapel>, <https://www.facebook.com/wayfarerschapel.org/>, <https://twitter.com/ChapelWayfarers>, <https://www.linkedin.com/company/wayfarers-chapel/>, <https://www.pinterest.com/wayfarerschapel/>.







a. Wayfarers Chapel's Trade Dress

16. Wayfarers Chapel displays distinctive combinations of elements that, in total, comprise distinct, non-functional architectural designs and trade dress. The overall appearance of the chapel — including (i) the circular section of the glass back wall, (ii) the beveled beams in the shape of two vertical lines angled inward connected on top by a triangular arch above the circle design, (iii) the criss-crossing linear designs below the circle design that form a diamond below the circle with lines extending at an upward angle from below the circle to the surrounding beams, (iv) the arched gabled trusses and supports on the interior of the chapel, (v) walls made of glass filling the spaces between the gables and supports, (vi) triangular patterns among glass panels on the ceiling, and (vii) the “Y”-shaped mullions which divide the glass walls between the supports into four sections: two trapezoidal shapes on either side of the center body section of the Y-shaped mullion, one section at the top that fills the triangular area created by the arms of the Y-shaped mullion, and one long, vertical rectangular section in between the two vertical, parallel center components making up

1 the body of the Y-shaped mullion — are not dictated by function but each is
2 comprised of multiple features that create unique, distinctive, unusual and non-
3 traditional designs which are quite different from other competitive venues in the
4 marketplace.

5 17. The non-functional architectural design elements of the chapel were
6 specifically designed to present a distinctive, unique impression that would identify a
7 single source for the services, that is, Wayfarers Chapel.

8 18. Since at least 1979, Wayfarers Chapel has continuously and prominently
9 featured, displayed, and promoted its chapel, as well as the distinctive architectural
10 design components referenced above and other related trade dress, to patrons, visitors,
11 and customers via the internet, physical brochures, pamphlets, and mailings, and
12 related marketing efforts. Since that time, Wayfarers Chapel has been open to the
13 public and available for use in connection with any of Plaintiff's claimed services.
14 These distinctive trade dress components have been in plain sight, ready and available
15 for anyone to view.

16 19. Wayfarers Chapel has invested substantial sums in marketing and
17 advertising to build recognition of its products and services, including its chapel,
18 which has resulted in the trade dress and trademarks becoming well-known to the
19 general public nationwide and globally as an indication of exclusive source or origin
20 in Wayfarers Chapel. As a result of its marketing efforts, and the strength of its
21 intellectual property, Wayfarers Chapel has rendered its services tens of thousands of
22 times to hundreds of thousands of people in connection with its distinctive, non-
23 functional trade dress, resulting in revenue of millions of dollars.

24 20. Wayfarers Chapel enjoys a substantial demand for its services, notably
25 because of the trade dress components of its chapel, and both the trade dress and
26 trademarks have become well-known to consumers, the trade, and complementary
27 industries by virtue of widespread, long, continuous and exclusive use. Hereinafter,
28 Wayfarers Chapel's architectural design elements and/or "packaging" for the chapel

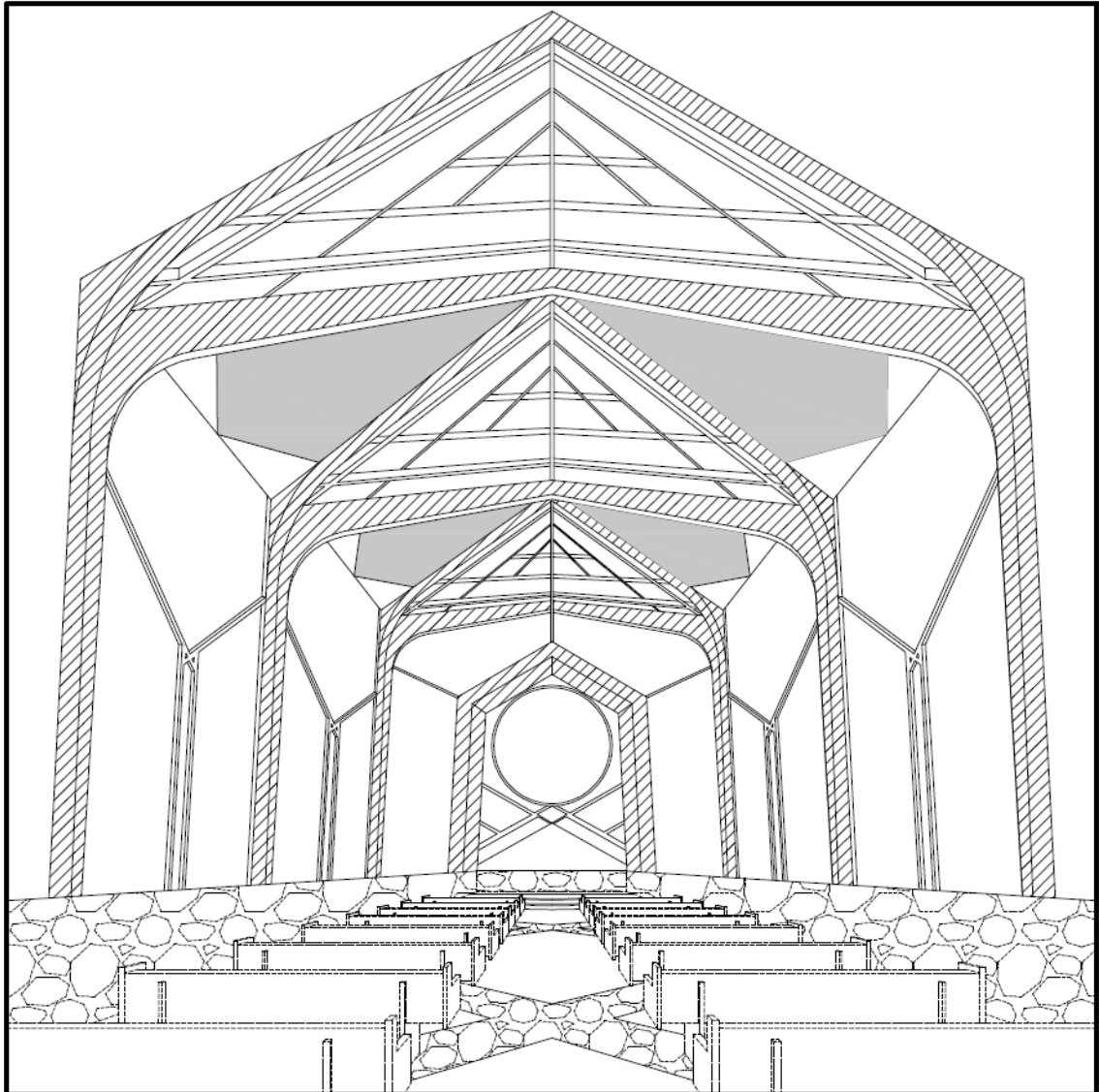
1 and its related goods and services shall be referred to individually and/or collectively
2 as the “Wayfarers Chapel Trade Dress”.

3 21. Wayfarers Chapel owns U.S. Service Mark Registration No. 6817479
4 for its Wayfarers Chapel Trade Dress, which is further described in the Certificate of
5 Registration as consisting of:

6 “[T]hree-dimensional trade dress depicting an interior design of a chapel
7 with extensive use of glass in the walls and with distinctive designs made
8 of wood or steel among the glass in the walls. The interior includes
9 arched gabled trusses and supports, represented by diagonal lining, with
10 glass walls filling the spaces between the gables and supports. The
11 diagonal lining is used to indicate the gabled trusses and supports and are
12 not claimed as a feature of the mark. The glass areas are represented as
13 open white spaces. The glass walls between the supports are divided by
14 narrow, Y-shaped mullions that create four sections: two trapezoidal
15 shapes on either side of the center body section of the Y-shaped mullion,
16 one section at the top that fills the triangular area created by the arms of
17 the Y-shaped mullion, and one long, vertical rectangular section in
18 between the two vertical, parallel center components making up the body
19 of the Y-shaped mullion. The ceiling includes triangular patterns among
20 glass panels in the ceiling. Acoustical panels represented in gray shading,
21 pattern parts of the ceiling. The glass walls rise from lower walls. The
22 back wall of the building consists primarily of glass and contains a large,
23 circular section of glass with a frame creating a circle design, surrounded
24 by beveled beams in the shapes of two vertical lines angled inward
25 connected on top by a triangular arch above the circle design. Below the
26 circle design are criss-crossing linear designs that form a diamond below
27 the circle, with lines extending at an upward angle from below the circle
28 to the surrounding beams. The floor design utilizes two criss-crossing
designs. The stones on the floor and walls are represented in dotted lining
and are not claimed as a feature of the mark. The benches are represented
in dotted lines and are not claimed as a feature of the mark”

22. The goods and services set forth in U.S. Registration No. 6817479
include “streaming of audio and video material on the internet” in Class 38,
“Educational and entertainment services, namely, providing facilities for filming
locations for movies, and television shows; video and film production” in Class 41,

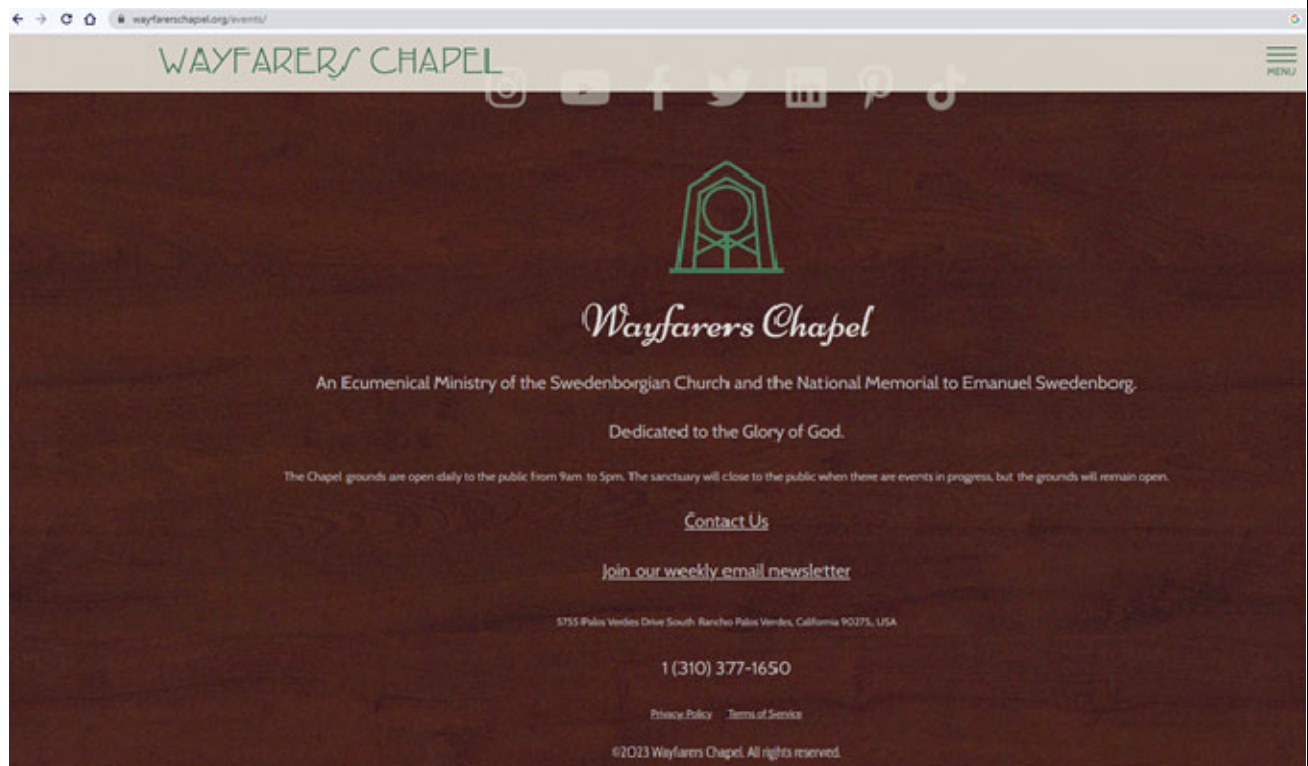
1 “Rental of banquet and social function facilities for special occasions, namely, parties
2 and social events” in Class 43, and “Religious and spiritual services, namely,
3 conducting religious worship, marriage ceremonies, baptismal ceremonies, and
4 memorial services; marriage counseling; providing facilities for wedding ceremonies”
5 in Class 45, as shown below. The registration was granted on August 16, 2022, and
6 identifies dates of first use and first use in commerce of at least as early as December
7 1979 for Classes 41, 43, and 45, and August 2016 for Class 38. A true and correct
8 copy of the current status and title of the registration from the TSDR database, as well
9 as the Certificate of Registration, are attached as Exhibit 1 and an image of the
10 registered trade dress appears below:



23. Registration No. 6817479 is conclusive evidence of the validity of the registered trade dress, Wayfarers Chapel's ownership of the registered trade dress, and Wayfarers Chapel's exclusive right to use the registered trade dress in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

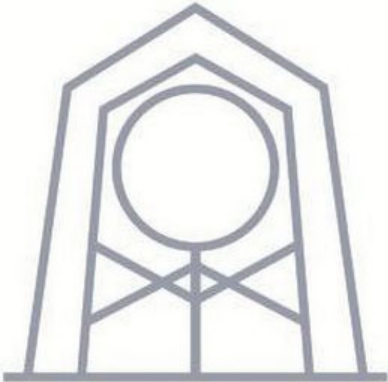
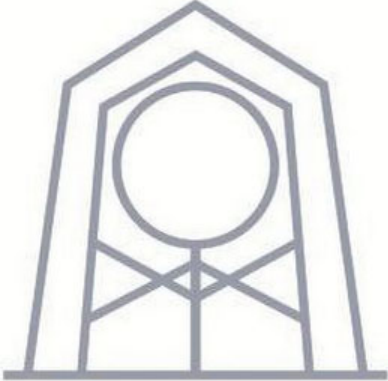
b. Wayfarers Chapel's Trademarks

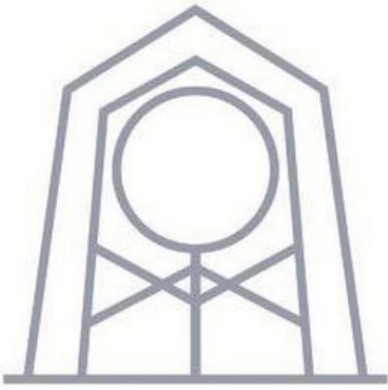
24. For many decades now since 1979, and on information and belief well before Defendants began utilizing Wayfarers Chapel Trade Dress and trademarks, Wayfarers Chapel has been continuously utilizing one or more trademarks depicting the distinctive design of its chapel in connection with its wedding services, religious and memorial services, educational and entertainment services, including being the filming location for a number of weddings, memorials, movies, and television shows, as well as related goods and services. A representative example of such marks follows:



25. No entities other than Wayfarers Chapel are authorized to create, sell, advertise, market, or render services under or in connection with the aforementioned trademarks.

1 26. The distinctive Wayfarers Chapel design trademark and variants have
2 been extensively used by Wayfarers Chapel in United States interstate commerce in
3 connection with the advertising, promotion, sale or rendering of Wayfarers Chapel's
4 services. Such marks are prominently presented on Wayfarers Chapel's website,
5 advertisements, brochures, in the chapel itself, and in other ways customary to the
6 trade. Through such substantial, prior use in commerce, Wayfarers Chapel is the
7 owner of the Wayfarers Chapel design mark and variants thereof at common law and
8 under corresponding state and federal trademark registrations for certain of these
9 marks including, but not limited to the following:

<u>Mark</u>	<u>App./Reg. No.</u>	<u>Reg./Filing Date</u>	<u>Goods/Services and Date of First Use (no later than)</u>
	02012513 (California State Reg.)	5/4/21	Class 35 – Retail store services featuring gifts and sundries relating to books, jewelry, art, architecture and religion (Dec. 1979) Class 41 – Educational and entertainment services, namely, facilities for filming locations for weddings, memorials, movies, and television shows; video and film production (Dec. 1979) Class 45 – Religious and spiritual services, namely, conducting religious worship, marriage ceremonies, baptismal ceremonies, and memorial services; marriage counseling (Dec. 1979)
	02012512 (California State Reg.)	5/4/21	Class 38 – Streaming of audio and video material on the internet (Aug. 2016)

<u>Mark</u>	<u>App./Reg. No.</u>	<u>Reg./Filing Date</u>	<u>Goods/Services and Date of First Use (no later than)</u>
	90447207/ 6721486 (Federal Reg.)	1/4/21 (Filing) 5/24/22 (Registration)	Class 35 – Retail store services featuring gifts and sundries relating to books, jewelry, art, architecture and religion (Dec. 1979) Class 38 – Streaming of audio and video material on the Internet (Aug. 2016) Class 41 – Educational and entertainment services, namely, providing facilities for filming locations for movies and television shows; video and film production (Dec. 1979) Class 43 - Rental of social function facilities for special occasions, namely, parties and social events (Dec. 1979) Class 45 – Religious and spiritual services, namely, conducting religious worship, marriage ceremonies, baptismal ceremonies, and memorial services; marriage counseling; providing facilities for wedding ceremonies (Dec. 1979)

1 27. The state and federal Certificates of Registration for the above
2 registrations, as well as the current TSDR status page for the federal registration, are
3 attached hereto as Exhibit 2. The state registrations, federal registrations, and
4 Wayfarers Chapel's common law rights in the design marks and other trademarks are
5 hereinafter referred to individually and/or collectively as the "Wayfarers Chapel
6 Marks", unless otherwise specified.

7 28. The Wayfarers Chapel Marks and variants have been extensively,
8 continually, and exclusively advertised, promoted, and used by Wayfarers Chapel in
9 United States commerce since at least as early as December 1979. Substantial
10 amounts of time, effort, and money have been expended over the years ensuring that
11 the purchasing public associates such marks exclusively with Wayfarers Chapel.
12 Wayfarers Chapel markets, advertises, promotes, and offers for sale its services in
13 connection with the Wayfarers Chapel Marks directly to consumers through its
14 website located at <https://www.wayfarerschapel.org/>, as well as through its social
15 media accounts available at https://www.instagram.com/wayfarers_chapel/,
16 <https://www.youtube.com/c/wayfarerschapel>,
17 <https://www.facebook.com/wayfarerschapel.org/>,
18 <https://twitter.com/ChapelWayfarers>, [https://www.linkedin.com/company/wayfarers-](https://www.linkedin.com/company/wayfarers-chapel/)
19 [chapel/](https://www.linkedin.com/company/wayfarers-chapel/), and <https://www.pinterest.com/wayfarerschapel/>.

20 29. As a result of immense time, effort and resources invested in its business,
21 Wayfarers Chapel has achieved a reputation with consumers, competitors, and
22 businesses in complementary industries for quality and excellence in the rendering of
23 wedding services, religious and memorial services, educational and entertainment
24 services, including being the filming location for a number of weddings, memorials,
25 movies, and television shows, as well as related goods and services.

26 30. By virtue of the extensive rendering, promotion, and sales of its services,
27 as well as the substantial sums spent to market, advertise, and promote its services
28 under the Wayfarers Chapel Marks, such marks, in addition to being inherently

1 distinctive, have acquired significant commercial strength and strong secondary
2 meaning in the minds of the purchasing public and the business community, and are
3 now highly distinctive and serve uniquely to identify Wayfarers Chapel's services
4 and/or products.

5 31. Through widespread use and favorable public acceptance and
6 recognition, the Wayfarers Chapel Trade Dress and Wayfarers Chapel Marks have
7 become assets of incalculable value as symbols of Wayfarers Chapel, its business,
8 products and services. As a result of this reputation for excellence, Wayfarers Chapel
9 enjoys a substantial demand for and consumer sales of its services. Together with its
10 reputation for quality and excellence, Wayfarers Chapel enjoys tremendous goodwill
11 in the Wayfarers Chapel Trade Dress and Wayfarers Chapel Marks.

12 II. DEFENDANTS' UNLAWFUL ACTIONS

13 32. On information and belief, long after Wayfarers Chapel's first use of the
14 Wayfarers Chapel Trade Dress and Wayfarers Chapel Marks, Defendants, without
15 permission or authorization from Wayfarers Chapel, and on information and belief,
16 with complete knowledge of at least some of Wayfarers Chapel's prior and superior
17 intellectual property rights, have been (i) making or coordinating unauthorized use in
18 commerce of the Wayfarers Chapel Trade Dress, including Wayfarers Chapel's
19 architectural design components and "packaging" for its chapel, or architectural trade
20 dress and/or "packaging" trade dress confusingly similar thereto or colorable
21 imitations thereof, in connection with the promotion, advertising, marketing, sale, and
22 rendering of wedding services, religious and memorial services, and educational and
23 entertainment services, including purposefully being the filming location for a number
24 of weddings, memorials, movies, television shows, and commercials, which were not
25 rendered by Wayfarers Chapel or subject to its quality control standards, and without
26 authorization, approval or permission of Wayfarers Chapel, thereby engaging in trade
27 dress infringement, unfair competition and unlawful deceptive acts and practices
28 under federal or California state law; and (ii) making or coordinating unauthorized use

1 in commerce of the Wayfarers Chapel Marks in connection with the promotion,
2 advertising, marketing, offering for sale, sale, and rendering of wedding services,
3 religious and memorial services, and educational and entertainment services,
4 including intentionally serving as the filming location for weddings, memorials,
5 movies, television shows, and commercials which were not rendered by Wayfarers
6 Chapel or subject to its quality control standards, and without authorization, approval
7 or permission of Wayfarers Chapel, thereby engaging in trademark infringement, false
8 representation, and unfair competition under federal or California state law.

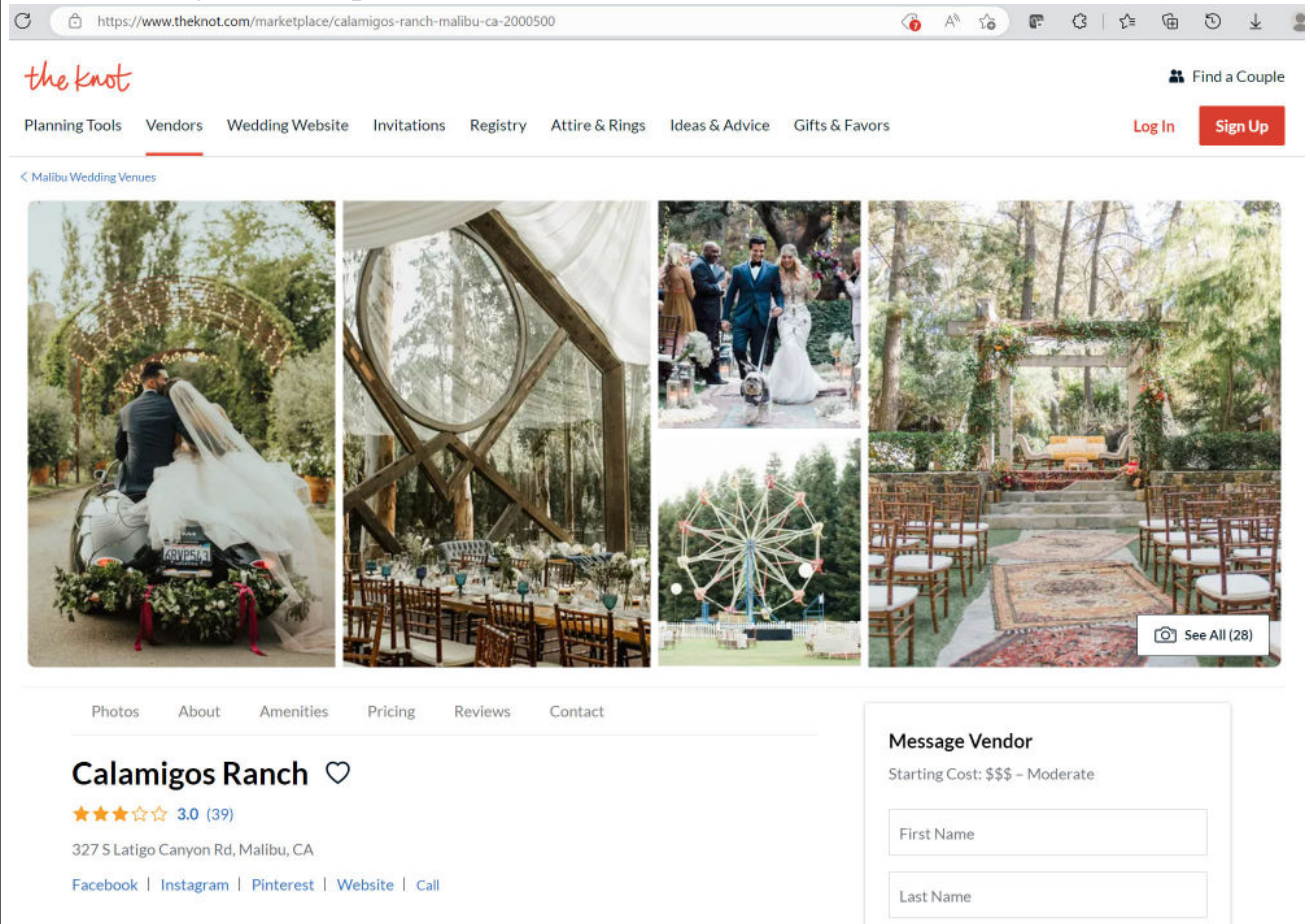
9 33. Representative examples of the marketing, advertising, promotion,
10 offering for sale and/or rendering of services by Defendants in connection with trade
11 dress and marks that infringe Wayfarers Chapel's proprietary rights in and to its trade
12 dress and trademarks are excerpted below with additional examples attached as
13 Exhibit 3. Hereinafter, Defendants' infringing goods, services, and other materials are
14 individually and/or collectively referred to as "Defendants' Infringing Material",
15 unless otherwise specified.

16 34. Defendants, without authorization, approval or permission of any kind
17 from Wayfarers Chapel, have been marketing, advertising, promoting, offering for
18 sale, coordinating, and rendering through its website³, social media accounts⁴, and in
19 person at its Oak Room, services and trade dress confusingly and/or substantially
20 similar, if not identical, to Wayfarers Chapel's services, Wayfarers Chapel Marks, and
21 Wayfarers Chapel Trade Dress, including allowing the filming of third-party
22 commercials in the Oak Room at Calamigos Ranch. Additionally, on information and
23 belief, Defendants purposefully utilize images of its infringing trade dress on third-

24
25
26 ³ <https://www.calamigos.com/weddings/>.

27 ⁴ <https://www.facebook.com/CalamigosRanch/>,
28 <https://www.instagram.com/calamigosevents/>, and
<https://www.pinterest.com/calamigosg/>.

party industry websites and resources such as The Knot⁵, Here Comes The Guide⁶, and Wedding Wire⁷ to promote its services:



⁵ <https://www.theknot.com/marketplace/calamigos-ranch-malibu-ca-2000500>.

⁶ <https://www.herecomestheguide.com/wedding-venues/southern-california/calamigos-ranch>.

⁷ <https://www.weddingwire.com/biz/calamigos-ranch-in-malibu-malibu/414b87d9dfe3ac75.html>.

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https://www.herecomestheguide.com/wedding-venues/southern-california/calamigos-ranch

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23 / 35

Calamigos Ranch Malibu

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35. Defendants' architectural design elements and "packaging" trade dress are confusingly similar in numerous ways to the Wayfarers Chapel Trade Dress.

Wayfarers Chapel Trade Dress (L) v. Defendants' trade dress (R)



36. Wayfarers Chapel Trade Dress and Defendants' infringing trade dress both feature (i) walls made of glass filling spaces between arched gabled trusses and supports, as well as ceilings composed of glass panels; (ii) glass walls between the supports separated by narrow, double-stemmed Y-shaped mullions that create four sections: two trapezoidal shapes on either side of the center body section of the Y-shaped mullion, one section at the top that fills the triangular area created by the arms of the Y-shaped mullion, and one long, vertical rectangular section in between the two

1 vertical, parallel center components making up the body of the Y-shaped mullion; (iii)
2 a back wall consisting primarily of glass with a large, circular section of glass with a
3 frame creating a circle design, surrounded by beveled beams in the shapes of two
4 vertical lines angled inward connected on top by a triangular arch above the circle
5 design; and (iv) below the circular design are criss-crossing linear designs that form a
6 diamond below the circle, with lines extending at an upward angle from below the
7 circle to the surrounding beams.

8 37. Defendants' infringing trade dress also reflects, copies, and imitates
9 Wayfarers Chapel Marks, and represent an enlarged version of the design mark that
10 Wayfarers Chapel has utilized in commerce for decades.

11 38. On information and belief, Defendants intentionally copied Wayfarers
12 Chapel's chapel design in creating and designing its own Oak Room. In both
13 Wayfarers Chapel Trade Dress and Defendants' trade dress, the spacing, arrangement,
14 and juxtaposition of each of the elements described above is virtually
15 indistinguishable, if not identical. The similarities and near-identical nature of the
16 trade dress configurations and "packaging" are undeniable. On information and belief,
17 Defendants are marketing, advertising, promoting, offering for sale and rendering
18 identical services through identical channels of trade as those of Wayfarers Chapel,
19 e.g. in-person, on their respective websites, and through social media accounts on
20 Instagram, Facebook, and Pinterest, that embody trade dress confusingly similar to
21 Wayfarers Chapel Trade Dress and that prominently feature the Wayfarers Chapel
22 Marks.

23 39. There is no legal competitive reason for Defendants to slavishly copy
24 Wayfarers Chapel's proprietary trade dress and marks. There are many distinct
25 architectural designs for an event space as demonstrated, in part, by other churches
26 and event venue spaces offering similar services which do not infringe or violate
27 Wayfarers Chapel's trade dress or trademarks.

1 40. Defendants' unauthorized use of the Wayfarers Chapel Trade Dress and
2 Wayfarers Chapel Marks is likely to confuse, mislead and deceive the purchasing
3 public and the trade as to the source, approval, authorization or sponsorship of their
4 services and/or as to an association, affiliation or relationship between Wayfarers
5 Chapel and the Defendants and their respective services. Indeed, Defendants' actions
6 have already caused actual confusion in the marketplace.

7 41. On information and belief, Defendants blatantly, intentionally and
8 unlawfully copied Wayfarers Chapel Trade Dress and Wayfarers Chapel Marks to
9 unfairly compete with Wayfarers Chapel, usurp its customers, and/or to falsely and
10 fraudulently represent to consumers and customers that Defendants were the source,
11 originator and designer of Wayfarers Chapel Trade Dress and Wayfarers Chapel
12 Marks, which were first created, developed, adopted, marketed and/or used by
13 Wayfarers Chapel many years before Defendants.

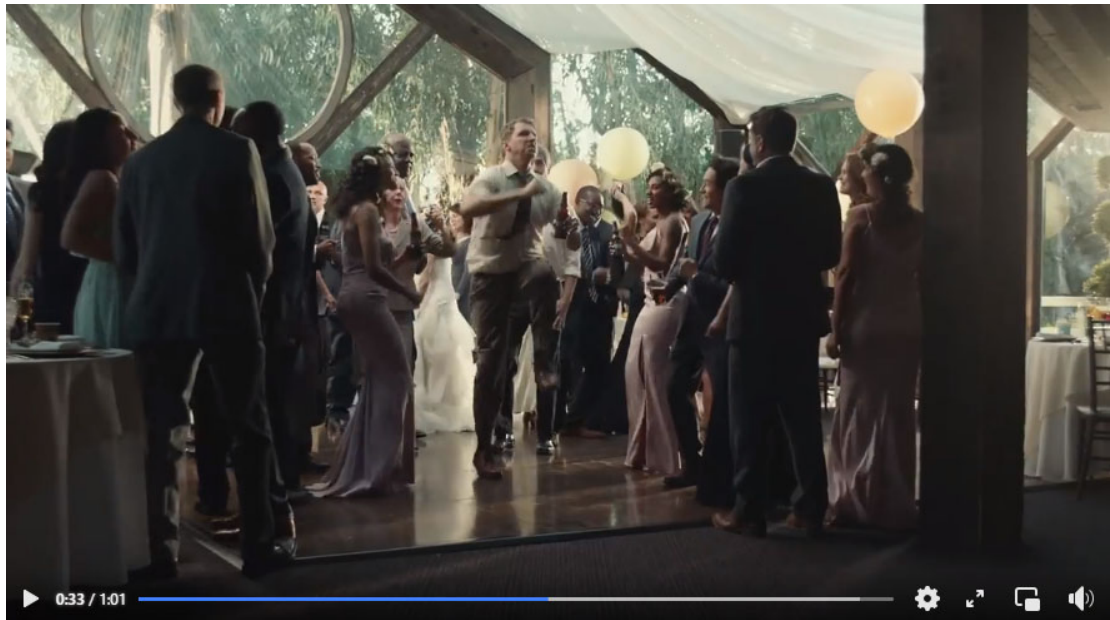
14 42. On information and belief, because of Wayfarers Chapel's long,
15 extensive and substantially exclusive use and sale of its services and related products
16 under the Wayfarers Chapel Marks and in connection with the Wayfarers Chapel
17 Trade Dress, Wayfarers Chapel's significance and hard earned reputation as a high
18 quality and well-known provider of marriage, church, ceremonial, and other related
19 services, as well as educational and entertainment services, and the close geographical
20 proximity of the two parties (they are approximately 60 miles away from one another,
21 or approximately an hour and a half by car), Defendants were or should have been, at
22 all times, fully aware of Wayfarers Chapel's trademark and trade dress rights. On
23 information and belief, Defendants' unauthorized use of marks and trade dress
24 confusingly similar to the Wayfarers Chapel Trade Dress and Wayfarers Chapel
25 Marks was and is conducted with actual knowledge of the reputation and goodwill in
26 Wayfarers Chapel's intellectual property, and its ownership of the proprietary
27 trademarks and trade dress, and was done willfully and wantonly.
28

1 **III. DAMAGE TO WAYFARERS CHAPEL**

2 43. On information and belief, the relevant public and the trade will be
3 confused, mistaken and deceived into wrongfully attributing to Wayfarers Chapel the
4 source, sponsorship, endorsement or approval of Defendants’ services as a result of
5 Defendants’ unlawful use, or coordination of unlawful use, of colorable imitations of
6 Wayfarers Chapel Trade Dress and Wayfarers Chapel Trademarks. Indeed, such
7 actual confusion has already occurred.

8 44. For example, Wayfarers Chapel received communications from
9 individuals who wrongly associated Wayfarers Chapel with the Sam Adams beer
10 commercial “Your Cousin from Boston, at Your Wedding” which actually featured
11 Defendants’ Oak Room at the Calamigos Ranch.

12 45. Excerpted below are screenshots from the Sam Adams beer commercial:
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46. On information and belief, this Sam Adams beer commercial was filmed in the Oak Room, and depicts the circular design on the back wall during wedding festivities, and also shows part of the distinctive double-stemmed “Y” mullions.

47. The high likelihood of continuing consumer confusion will further cause irreparable harm to Wayfarers Chapel, particularly given recent negative reviews of Calamigos Ranch from the wedding website The Knot, where Wayfarers Chapel enjoys an almost-perfect 4.8 star rating while Calamigos Ranch has a rating of only 3.0 stars. Wayfarers Chapel has no control over the quality of Defendants’ services

1 offered in connection with its infringing trade dress and trademarks, which are rated
2 lower than Wayfarers Chapel's, or their unauthorized use of Wayfarers Chapel's
3 proprietary Wayfarers Chapel Trade Dress and the Wayfarers Chapel Marks. Such
4 confusion and misappropriation threaten irreparably injury to Wayfarers Chapel's
5 goodwill, business reputation, and intellectual property.

6 48. Defendants' actions as described above (1) have affected and are likely to
7 continuously affect interstate commerce by deceiving or confusing the public from
8 throughout the United States, including in the state of California; (2) constitute trade
9 dress infringement, trademark infringement, unfair competition, and false designation
10 of the origin of Defendants' services; (3) suggest a non-existent connection,
11 association or affiliation between Defendants and Wayfarers Chapel, its business, the
12 Wayfarers Chapel Marks, and the Wayfarers Chapel Trade Dress; (4) falsely suggest
13 that Wayfarers Chapel has sponsored, licensed, authorized, permitted or approved of
14 Defendants' services; and (5) dilute the distinctive quality and value of the Wayfarers
15 Chapel Marks. Such wrongdoing has and will continue to irreparably injure
16 Wayfarers Chapel's sales, goodwill, reputation, intellectual property, trademarks, and
17 trade dress.

18 **FIRST CAUSE OF ACTION**

19 **(Federal Trademark and Trade Dress Infringement:**

20 **Lanham Act § 32 (15 U.S.C. § 1114))**

21 49. Wayfarers Chapel realleges and incorporates herein by reference the
22 allegations of paragraphs 1–48 of the Complaint as set forth above.

23 50. Wayfarers Chapel owns prior, valid and superior trade dress rights in its
24 federally registered Wayfarers Chapel Trade Dress, which is the subject of U.S.
25 Registration No. 6817479, as well as in its federally registered Wayfarers Chapel
26 Mark, which is the subject of U.S. Registration No. 6721486.

1 51. The Wayfarers Chapel Trade Dress for its chapel where it renders its
2 services, as well as its Wayfarers Chapel Mark, are inherently distinctive and/or have
3 acquired distinctiveness and secondary meaning through long, widespread, continuous
4 and substantially exclusive use, and has become associated with, and hence identifies,
5 Wayfarers Chapel's business and services. Wayfarers Chapel's Trade Dress is not
6 functional.

7 52. By reason of Defendants' wrongful use, display, marketing, advertising,
8 promotion, sale, coordination, and rendering of services in commerce under or in
9 connection with colorable imitations of the Wayfarers Chapel Trade Dress, which is
10 the subject of U.S. Registration No. 6817479, and Wayfarers Chapel Mark, which is
11 the subject of U.S. Registration No. 6721486, purchasers and prospective purchasers
12 of Defendants' services are likely to be confused, deceived, or mistakenly led to
13 believe that Defendants' services originate from or are sponsored or otherwise
14 approved by Wayfarers Chapel. In fact, Defendants have no connection whatsoever
15 with Wayfarers Chapel, its business, its trade dress, its trademarks, or its services.

16 53. Defendants' unauthorized and willful advertising, marketing, sale and
17 rendering of services in commerce, or coordination thereof, under or in connection
18 with "packaging" and configurations embodying trade dress confusingly similar to the
19 Wayfarers Chapel Trade Dress constitutes trade dress infringement, and under or in
20 connection with colorable imitations of the federally registered Wayfarers Chapel
21 Marks constitutes trademark infringement, and are calculated to and are likely to
22 cause confusion, or to cause mistake or to deceive consumers as to the source or origin
23 of Defendants' services, or suggest an affiliation, connection or association between
24 Wayfarers Chapel and Defendants or as to the nature, quality and characteristics of
25 their respective services and commercial activities, in and affecting interstate
26 commerce. Such actions constitute Federal trademark and trade dress infringement in
27 violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

1 59. By reason of Defendants' subsequent and unauthorized use, display,
2 marketing, promotion, sale, coordination, and rendering in interstate commerce of
3 services as alleged herein in connection with marks and trade dress confusingly
4 similar to Wayfarers Chapel Marks and Wayfarers Chapel Trade Dress, purchasers
5 and prospective purchasers of Defendants' services are likely to be confused, deceived
6 or mistakenly led to believe that Defendants and/or their services originate from, are
7 sponsored or otherwise approved by Wayfarers Chapel, or that Defendants are
8 affiliated, connected or associated with Wayfarers Chapel, when in fact Defendants
9 have no connections whatsoever with Wayfarers Chapel or its services.

10 60. Defendants' unauthorized and willful use in commerce of marks and
11 trade dress confusingly similar or identical to Wayfarers Chapel Marks and Wayfarers
12 Chapel Trade Dress constitutes unfair competition, trademark infringement, trade
13 dress infringement, false designation of origin and false or misleading representations
14 of fact, which is likely to cause confusion, or to cause mistake or to deceive
15 consumers as to an affiliation, connection or association between Wayfarers Chapel
16 and Defendants, as to the origin, sponsorship or approval of Defendants' goods,
17 services, or as to the nature, quality and characteristics of Defendants' goods and
18 commercial activities, in and affecting interstate commerce all in violation of Section
19 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

20 61. Upon information and belief, Defendants' unfair competition, trademark
21 infringement, trade dress infringement and false designation has been willful and with
22 the intent to deceive, making this an exceptional case under 15 U.S.C. § 1117.

23 62. As a proximate result of the acts of Defendants as alleged herein,
24 Wayfarers Chapel, having no control over Defendants, their business, products,
25 services or unauthorized use of the Wayfarers Chapel Marks and Wayfarers Chapel
26 Trade Dress, has suffered and will continue to suffer great damage to its trademarks,
27 business, goodwill, reputation, and profits, while Defendants profit at Wayfarers
28 Chapel's expense.

63. Wayfarers Chapel has no adequate remedy at law for this unfair competition. Unless Defendants are preliminarily and permanently enjoined by the Court, Wayfarers Chapel will continue to suffer irreparable harm.

THIRD CAUSE OF ACTION

(Unfair Competition, Trademark Infringement, and Trademark Dilution – California Law: Cal. Bus. & Prof. Code § 14200 et seq., § 17200 et seq.)

64. Wayfarers Chapel realleges and incorporates herein by reference the allegations of paragraphs 1–63 of the Complaint as set forth above.

65. This is a cause of action for unfair competition, trademark infringement, and trademark dilution arising under California law.

66. Wayfarers Chapel’s trademarks, trade dress, and variants thereof are each inherently distinctive and/or have acquired a strong secondary meaning. Wayfarers Chapel has used the Wayfarers Chapel Marks and Wayfarers Chapel Trade Dress, several of which are the subject of California state trademark registrations, in connection with marriage, church, ceremonial, and other related services, as well as educational and entertainment services, for over 40 years. As a direct result of Wayfarers Chapel’s long and extensive experience, care, and skill in providing its services in association with the Wayfarers Chapel Marks and Wayfarers Chapel Trade Dress, the Wayfarers Chapel Marks and Wayfarers Chapel Trade Dress have become extensively known and associated in the minds of the public exclusively with Wayfarers Chapel’s business, chapel, and services. Wayfarers Chapel has acquired a reputation for excellence such that its name, the Wayfarers Chapel Marks, and the Wayfarers Chapel Trade Dress enjoy significant fame, renown and goodwill.

67. The name Wayfarers Chapel, and the Wayfarers Chapel Mark and Wayfarers Chapel Trade Dress, are extremely well-known, if not famous, which are distinctive in the state of California by virtue of their inherent and/or acquired distinctiveness and their extensive use in the state of California, all of which have

1 enabled Wayfarers Chapel to develop widespread recognition of the Wayfarers Chapel
2 Marks and Wayfarers Chapel Trade Dress.

3 68. Wayfarers Chapel began using its well-known, inherently distinctive and
4 famous, Wayfarers Chapel Mark and Wayfarers Chapel Trade Dress to identify its
5 services long before Defendants began promoting and offering their services under or
6 in connection with their infringing marks.

7 69. Defendants, by wrongfully using colorable imitations of the Wayfarers
8 Chapel Mark and Wayfarers Chapel Trade Dress, are misleading the public into
9 believing that their services, and their marketing, advertisements and promotions, are
10 associated or connected with Wayfarers Chapel's business, when they are not. This
11 association dilutes, tarnishes, blurs and disparages Wayfarers Chapel's reputation,
12 goodwill, and the Wayfarers Chapel name, the Wayfarers Chapel Marks, and the
13 Wayfarers Chapel Trade Dress. Wayfarers Chapel has no control over Defendants or
14 the quality of their products.

15 70. Defendants' unlawful deceptive and infringing services, and other
16 conduct as described above, constitute unfair competition, an infringement of
17 Wayfarers Chapel's rights in its services and marks, and trademark dilution in
18 violation of Cal. Bus. & Prof. Code § 14200 et seq., and § 17200 et seq.

19 71. By these actions, Defendants have appropriated Wayfarers Chapel's
20 marks at no cost to themselves, and such unfair competition, infringement, dilution
21 and misappropriation have irreparably injured the trade recognition and goodwill
22 associated with Wayfarers Chapel Marks. Such injury, for which there is not adequate
23 remedy at law, will continue unless enjoined by this Court.

24 72. As a proximate result of the willful acts of Defendants as alleged herein,
25 Wayfarers Chapel has suffered and will continue to suffer great damage to its
26 business, goodwill, reputation, and profits, while Defendants profit at Wayfarers
27 Chapel's expense.

1 73. Wayfarers Chapel has no adequate remedy at law against this unfair
2 competition, trademark infringement, and trademark dilution. Unless Defendants are
3 enjoined by the Court, Wayfarers Chapel will continue to suffer irreparable harm.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Wayfarers Chapel prays for entry of judgment and for
7 relief against Defendants as follows:

8 1. That Defendants, their respective principals, officers, directors,
9 shareholders, employees, agents, servants, and/or representatives, privies, related
10 businesses, affiliates, successors and/or assigns, and all other persons (legal or
11 otherwise), entities, firms or corporations in active concert or participation with them,
12 whether in the United States, abroad or anywhere in the world, be permanently
13 enjoined and restrained from: (a) advertising, promoting, offering for sale, selling,
14 and/or rendering goods or services in connection with the Wayfarers Chapel Trade
15 Dress or Wayfarers Chapel Marks, or any variant thereof, or any mark or trade dress
16 confusingly similar thereto; and (b) doing any act or thing, or coordinating any act or
17 thing, calculated or likely to cause confusion or mistake in the minds of members of
18 the public or the trade, or prospective purchasers of Defendants' services, as to the
19 source of services sold, offered for sale, promoted, marketed, or rendered thereby, or
20 likely to deceive members of the public or the trade, or prospective purchasers, into
21 believing that there is some connection between Defendants and Wayfarers Chapel or
22 that Defendants' services are being advertised, promoted, sold or offered for sale by
23 Wayfarers Chapel or with Wayfarers Chapel's authorization;

24 2. That Defendants be ordered to take down the infringing trade dress and
25 trademarks from the walls of the Oak Room, as well as Defendants' web pages and
26 social media accounts and remove any designation incorporating any mark infringing
27 Wayfarers Chapel's trademark rights or which otherwise comprise false representation
28 or unfair competition.

1 3. That Defendants disable and cease displaying any advertisements or
2 promotions used by or associated with Defendants in connection with the marketing,
3 sale, or rendering of services in connection with marks which infringe the Wayfarers
4 Chapel Trade Dress and/or Wayfarers Chapel Marks.

5 4. That Defendants, pursuant to 15 U.S.C. § 1118, be ordered to deliver for
6 destruction all infringing packaging, labels, signs, prints, catalogues, sell sheets,
7 purchase orders, invoices, packages, wrappers, receptacles, articles, advertisements
8 and/or promotional materials in their possession, custody or control referring or
9 relating to the infringing trade dress or marks, or other services incorporating trade
10 dress and/or trademarks confusingly similar to the Wayfarers Chapel Trade Dress and
11 the Wayfarers Chapel Marks.

12 5. That Defendants account for and pay over to Wayfarers Chapel all of the
13 profits realized by Defendants, or others acting in concert or participation with
14 Defendants, from the sale or rendering of services in connection with the infringing
15 marks and architectural design and/or packaging trade dress confusingly similar to
16 Wayfarers Chapel Trade Dress, or any variant thereof confusingly similar thereto; and
17 from the sale and rendering of services resulting from Defendants' unfair methods of
18 competition as alleged herein;

19 6. That Wayfarers Chapel recover its damages sustained as a result of
20 Defendants' unfair competition and infringement of the Wayfarers Chapel Trade
21 Dress and Wayfarers Chapel Marks;

22 7. That Wayfarers Chapel be awarded three times Defendants' profits or
23 three times Wayfarers Chapel's damages, whichever is greater, together with its
24 reasonable attorneys' fees, pursuant to 15 U.S.C. §§ 1117(a) and (b);

25 8. That Defendants, pursuant to 15 U.S.C. § 1116(a), be directed to
26 complete, execute and file with the Court and serve upon Wayfarers Chapel within
27 thirty (30) days after entry of the injunction, a report in writing under oath setting
28 forth in detail the manner and form in which it has complied with the injunction;

1 9. That Defendants shall pay to Wayfarers Chapel the costs of this action
2 (including all disbursements), and reasonable attorney fees, if the case is exceptional,
3 pursuant to 15 U.S.C. § 1117;

4 10. That Wayfarers Chapel be awarded punitive and exemplary damages and
5 attorneys fees under California state law for Defendants' willful and intentional acts;

6 11. That Wayfarers Chapel recover the costs of this action; and

7 12. That Wayfarers Chapel be granted such other and further favorable relief
8 as the Court deems just and proper.

9
10
11 Dated: January 25, 2023

By: /s/ Theodore W. Chandler

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JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: January 25, 2023

By: /s/ Theodore W. Chandler

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