IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. BOKF, NA, a national bank,	)	
Plaintiff,	)	
v.	)	Case No. 4:20-cv-00100-CVE-JFJ
1. DOK CORPORATION, an Oklahoma corporation,	)	
Defendant.	)	JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, BOKF, NA ("***BOKF***"), through its undersigned counsel, for its claims for relief against the Defendant DOK Corporation ("***Defendant***") states as follows:

JURISDICTIONAL AND PROCEDURAL MATTERS

1. BOKF is a national bank, with its principal place of business at One Williams Center, Tulsa, OK 74172. BOKF has twenty-four full-service bank branches in Tulsa County.

2. On information and belief, Defendant DOK Corporation is a corporation organized and existing under the laws of the State of Oklahoma, with its principal place of business at 6540 E. 21st Street, Suite D, Tulsa, OK 74129. Defendant DOK Corporation's registered agent for service of process is identified as Adam Havig, 7633 E. 3rd Pl., Suite 300, Tulsa OK 74133.

3. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. §§ 1116(a) and 1121, and also under 28 U.S.C. §§ 1331 and 1338(a). This Court has jurisdiction over the state law claims under 28 U.S.C. §§ 1338(b) and 1367(a), as well as principles of supplemental and pendent jurisdiction.

4. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c). On information and belief, Defendant is doing business in this District, has substantial contacts with this District, and a substantial portion of the events giving rise to the claims asserted herein have occurred in this District.

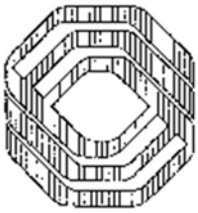
5. All conditions precedent to bringing this action have been satisfied.

I. COMMON FACTUAL ALLEGATIONS

A. BOKF'S OWNERSHIP OF THE BANK OF OKLAHOMA MARKS.

6. BOKF is a national bank based in Tulsa, Oklahoma. BOKF operates banking divisions across eight states, branded as: Bank of Oklahoma; Bank of Albuquerque; Bank of Texas and BOK Financial (in Arizona, Arkansas, Colorado, Kansas and Missouri); as well as having limited purpose offices in Nebraska, Milwaukee and Connecticut. BOKF also operates TransFund, Cavanal Hill Investment Management and BOK Financial Asset Management, Inc. BOKF provides a full suite of financial services including commercial and consumer banking, brokerage trading, investment, trust and insurance services, mortgage origination and servicing, and an electronic funds transfer network.

7. About May of 1975, BOKF's predecessor-in-interest, the Bank of Oklahoma, N.A., began using the mark BANK OF OKLAHOMA and a distinctive polygon design mark as follows:

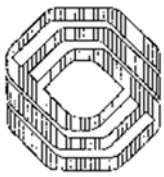


(collectively, the "***BANK OF OKLAHOMA Marks***") in the United States for banking services and other financial services. Since that time, BOKF's use of the BANK OF OKLAHOMA Marks

has expanded, with BOKF now operating 135 locations in nine states, and offering a full line of financial services. Furthermore, BOKF's use of the BANK OF OKLAHOMA Marks has expanded beyond financial services. For example, BOKF's now-famous polygon logo is prominently displayed on the BOK Center in downtown Tulsa to promote sporting and entertainment events, as well as displayed on merchandise and clothing.

8. BOKF, including through its predecessors-in-interest, has used and continues to use the BANK OF OKLAHOMA Marks to provide financial services and other related services. In addition, the BANK OF OKLAHOMA Marks are displayed prominently on facilities for sporting events, cups, shirts, and other merchandise found throughout the United States and abroad, as well as being used in BOKF's extensive charitable activities.

9. BOKF owns twenty registrations on the U.S. Principal Register for the BANK OF OKLAHOMA Marks, as follows.

#	Reg. No.	Reg. Date	Mark	Goods & Services
1	1,056,277	Jan. 11, 1977		Banking services in Class 36.
2	3,116,816	July 18, 2006	BANK OF OKLAHOMA	Banking services in Class 36.
3	5,703,155	March 19, 2019	BANK OF OKLAHOMA	Business succession planning in Class 35;

				Private banking, financial trust administration, financial asset management, investment management, financial planning, estate planning, financial planning for retirement in Class 36.
4	3,424,794	May 6, 2008	BOK Center	Promoting sports and entertainment events of others in Class 35; Providing facilities for sports events, movies, shows, plays, music or education training in Class 41; and Arena services, namely, providing facilities in the nature of an arena for sports, concerts, conventions, exhibitions, and entertainment events in Class 43.
5	3,578,030	February 17, 2009	BOK Center	Mugs in Class 21; and polo shirts, shirts in Class 25.
6	2,194,807	October 13, 1998	BANK OF ARKANSAS N.A.	Banking services, loan financing, mortgage lending, safety deposit box services, credit card services, and electronic funds transfer services in Class 36.
7	2,187,730	September 8, 1998	BANK OF TEXAS N.A.	Banking services in Class 36.
8	2,862,163	July 13, 2004	BANCTEXAS INVESTMENT CENTER	Banking services in Class 36.
9	3,495,305	September 2, 2008	COLORADO STATE BANK AND TRUST N.A.	Banking services; On-line banking services; Mortgage banking; Financial planning and investment advisory services; Trust services, namely, investment and trust company services; Estate planning; Financial services in the field of money

				lending; Financial planning for retirement in Class 36.
10	3,182,849	December 12, 2006	BANK OF ARIZONA N.A.	Banking, commercial lending, consumer lending, financial services in the field of money lending, and mortgage lending in Class 36.
11	3,292,205	September 11, 2007	BANK OF KANSAS CITY N.A.	Banking and consumer and mortgage lending services in Class 36.
12	4,751,355	June 9, 2015	BANCALBUQUERQUE INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
13	4,751,377	June 9, 2015	BANCARKANSAS INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
14	4,751,380	June 9, 2015	BANCARIZONA INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
15	4,751,382	June 9, 2015	BANCKANSAS CITY INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
16	4,751,383	June 9, 2015	BANCOKLAHOMA INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
17	4,751,385	June 9, 2015	CSBT INVESTMENT CENTER	Investment brokerage services; investment advisory services in Class 36.
18	5,703,154	March 19, 2019	BANK OF TEXAS	Business succession planning in Class 35; private banking, financial trust administration, financial asset management, investment management, financial planning, estate planning, financial planning for retirement in Class 36.

19	5,703,156	March 19, 2019	BANK OF ARKANSAS	Business succession planning in Class 35; private banking, financial trust administration, financial asset management, investment management, financial planning, estate planning, financial planning for retirement in Class 36.
20	5,703,157	March 19, 2019	BANK OF ARIZONA	Business succession planning in Class 35; private banking, financial trust administration, financial asset management, investment management, financial planning, estate planning, financial planning for retirement in Class 36.

10. Each of the twenty registrations listed in the chart above is valid and subsisting, and the first, second and fourth through eleventh are incontestable pursuant to 15 U.S.C. § 1065.

11. BOKF operates websites at www.bankofoklahoma.com, which was registered in July 1998, www.bokf.com, which was registered in May of 1996, as well as other domain names, Twitter and Instagram handles, which include variants of the BANK OF OKLAHOMA Marks.

12. BOKF is the exclusive owner of the BANK OF OKLAHOMA Marks, and has acquired substantial brand name recognition, goodwill and nationwide priority through its extensive and continuous use of the BANK OF OKLAHOMA Marks. BOKF and its predecessors-in-interest have used the BANK OF OKLAHOMA Marks extensively in the United States and abroad since at least 1975.

13. BOKF has acquired substantial and exclusive rights nationwide in the BANK OF OKLAHOMA Marks and has developed a reputation for excellence in providing a full line of

financial services, as well as other goods and services, in connection with the BANK OF OKLAHOMA Marks. The BANK OF OKLAHOMA Marks are distinctive.

14. The BANK OF OKLAHOMA Marks are famous.

15. The BANK OF OKLAHOMA Marks are the valuable proprietary property of BOKF.

B. DEFENDANTS' INFRINGING ACTIVITIES

16. The Defendant is operating a marijuana business under the designation DANK OF OKLAHOMA. The Defendant uses a polygon similar to BOKF's distinctive polygon design mark next to the wording DANK OF OKLAHOMA on its signage and in advertisements, such as billboards. The Defendant uses font that is similar to, if not identical, to the stylized font used and registered by BOKF. An exemplary billboard displayed along a highway in Tulsa is as follows:

17. The Defendant uses the following logo, which includes a polygon similar to BOKF's BANK OF OKLAHOMA Marks, next to the wording DANK OF OKLAHOMA in font that is confusingly similar to the font registered and used by BOKF:

18. Defendant advertises accounts and other services that are clearly intended to evoke the services offered by BOKF.

19. Defendant operates a storefront at weedmaps.com and use DankofOklahoma as a Twitter handle.

20. BOKF recently became aware of Defendant's activities due to a wave of customers and employees complaining to BOKF about Defendant's billboards and signage.

21. Defendant is wrongfully using and promoting the BANK OF OKLAHOMA Marks and/or marks confusingly similar to the BANK OF OKLAHOMA Marks to market marijuana, a product that is inconsistent with BOKF's reputation for providing high quality, dependable financial services and illegal under federal law.

22. Defendant knowingly adopted and knowingly uses the name DANK OF OKLAHOMA and its associated logo in bad faith, intending to play on and capture the good will of BOKF and attempting to use BOKF's fame to gain notoriety and recognition.

23. Defendant's use of the designation DANK OF OKLAHOMA and its associated polygon logo occurred subsequent to BOKF's first use and registration of the BANK OF OKLAHOMA Marks.

24. Defendant's use of BOKF's BANK OF OKLAHOMA Marks, or marks confusingly similar thereto, in connection with the sale of marijuana, harms BOKF's reputation and detracts from the goodwill associated with the BANK OF OKLAHOMA Marks.

25. Defendant attempts to attract, for commercial gain, customers to its marijuana store, by misappropriating and unjustly taking advantage of the longtime marketing efforts and fame of the BANK OF OKLAHOMA Marks.

26. Defendant's false and misleading advertising under the BANK OF OKLAHOMA Marks mark disrupts BOKF's business.

27. Marijuana is illegal under federal law and under the laws of several states, and is used as a recreational drug, which is all inconsistent with and harms BOKF's reputation as a federally chartered bank that provides high quality, reliable financial services.

28. Further, the manner in which Defendant attempts to attract customers to its marijuana store for commercial gain by misappropriating the BANK OF OKLAHOMA Marks is inconsistent with the lawful sale and purchase of marijuana as required by State Question 788, codified as 63 O.S. § 420 et seq., thereby damaging BOKF's image and reputation.

COUNT ONE
(Federal Trademark Dilution, 15 U.S.C. § 1125(c))

29. BOKF adopts the allegations contained in paragraphs 1-28, and pleads the following claim.

30. The BANK OF OKLAHOMA Marks are famous and distinctive marks.

31. Defendant's use of the BANK OF OKLAHOMA Marks or marks confusingly similar thereto, including DANK OF OKLAHOMA, a polygon logo, a stylized font similar to the font of BOKF's famous marks, and similar marks, are used by Defendant as a designation of source for Defendant's own goods.

32. Defendant's use of the marks DANK OF OKLAHOMA, a polygon logo, a stylized font similar to the font used by BOKF, and similar marks, throughout the United States, including in the state of Oklahoma, harms BOKF's reputation, dilutes the distinctiveness of BOKF's famous Marks, and is likely to cause dilution by blurring and dilution by tarnishment of BOKF's famous BANK OF OKLAHOMA Marks.

33. The Defendants' violation is willful. Defendant has intentionally mimicked BOKF's Marks to unjustly benefit from BOKF's fame.

34. BOKF has been and is being irreparably damaged by the Defendants' violation of §1125(c) and has no adequate remedy at law. Unless restrained by this Court, the Defendants' violation will continue to cause irreparable injury to BOKF and to the public.

35. BOKF prays that it be awarded monetary recovery to the fullest extent permitted by law, including in accordance with 15 U.S.C. § 1117.

COUNT TWO
(Federal Trademark Infringement under 15 U.S.C. §§ 1114 and 1125(a))

36. BOKF adopts the allegations contained in paragraphs 1-35, and pleads the following claim in the alternative, if necessary.

37. The actions of Defendant described above and specifically, without limitation, their unauthorized use of the BANK OF OKLAHOMA Marks, including the registered marks BANK OF OKLAHOMA®, the polygon logo, and confusingly similar variations thereof in commerce to advertise, promote, market and sell, marijuana throughout the United States, including in the state of Oklahoma, constitute trademark infringement in violation of 15 U.S.C. §§ 1114 and 1125(a).

38. The actions of Defendant, if not enjoined, will continue. BOKF has suffered and continues to suffer damages in an amount to be proven at trial consisting of, among other things, diminution in the value of goodwill associated with the BANK OF OKLAHOMA Marks, and

injury to BOKF's business. BOKF is therefore entitled to injunctive relief pursuant to 15 U.S.C § 1116.

39. Pursuant to 15 U.S.C. § 1117, BOKF is entitled to recover damages in an amount to be determined at trial, profits made by the Defendants on sales of lending services, and the costs of this action. Furthermore, BOKF alleges that the actions of the Defendants were undertaken willfully and with the intention of causing confusion, mistake, or deception, making this an exceptional case entitling BOKF to recover additional treble damages and reasonable attorneys' fees pursuant to 15 U.S.C. § 1117.

COUNT THREE
(Federal False Designation of Origin and Unfair Competition under 15 U.S.C. § 1125(a))

40. BOKF adopts the allegations contained in paragraphs 1-39, and pleads the following claim in the alternative, if necessary.

41. Through extensive promotion, sales, media coverage, etc. since about May 1975, the BANK OF OKLAHOMA Marks are distinctive and strong marks.

42. Continuously since 1975, BOKF has used the BANK OF OKLAHOMA Marks in interstate commerce in connection with and to identify financial and related goods and services, in addition to entertainment services and merchandise, and to distinguish these services from similar services offered by other companies, by and without limitation, prominently using the BANK OF OKLAHOMA Marks on advertising distributed throughout the United States, including particularly in the State of Oklahoma.

43. BOKF has priority to the BANK OF OKLAHOMA Marks over Defendant.

44. Defendant has infringed BOKF's marks in interstate commerce by advertising, promoting, marketing and selling marijuana under marks confusing similar to the BANK OF OKLAHOMA Marks.

45. Defendant's use and promotion of the designations DANK OF OKLAHOMA and a polygon logo in connection with marijuana is without permission or authority of BOKF and this use and promotion is likely to cause confusion, to cause mistake and/or to deceive the consuming public, including without limitation, present and prospective banking and financial customers.

46. Defendant's use of the BANK OF OKLAHOMA Marks and/or marks very similar to the BANK OF OKLAHOMA Marks in connection with marijuana has been made notwithstanding BOKF's well-known and prior established rights in the BANK OF OKLAHOMA Marks. Defendant has actual or constructive knowledge of BOKF's marks.

47. BOKF has never authorized or acquiesced in Defendant's use of the BANK OF OKLAHOMA Marks, or any similar mark.

48. As a result of the strong similarity of the BANK OF OKLAHOMA Marks on the one hand, and DANK OF OKLAHOMA and its associated polygon logo on the other hand, prospective customers, including without limitation prospective financial customers, will be confused as to the source and sponsorship of Defendant, including by mistakenly believing that BOKF has endorsed the products of Defendant.

49. Defendant's unauthorized use of the BANK OF OKLAHOMA Marks in advertising, confuses customers due to its similarity with the BANK OF OKLAHOMA Marks, thereby creating a likelihood that customers will purchase goods and services offered or to be offered by the Defendants because of the close association with BOKF implied through usage of the Marks.

50. Defendant's unauthorized use of the BANK OF OKLAHOMA Marks disrupts BOKF's business by associating BOKF with a product harmful to its reputation.

51. Unless the Defendants are stopped from infringing the BOK Marks, the public is likely to be confused as to whether there is an affiliation between BOKF and Defendant, and the Defendant's actions will continue to cause economic injury to BOKF and the goodwill associated with the BANK OF OKLAHOMA Marks.

52. By Defendant's imitating and infringing the BANK OF OKLAHOMA Marks by the interstate use of the BANK OF OKLAHOMA Marks and very similar marks, the Defendant has created a false designation of origin, a false or misleading description and misrepresentation of fact which is likely to cause confusion and to cause mistake and to deceive as to the affiliation, connection or association of Defendant with BOKF as to the origin, sponsorship or approval of the Defendant's advertised goods and the commercial activities of BOKF, all in violation of 15 U.S.C. § 1125(a).

53. The Defendants' advertisement is false or misleading and has the tendency to deceive customers or a substantial part of the targeted audience. The advertising is likely to influence purchasing decisions and therefore has caused injury to BOKF.

54. The Defendants' foregoing acts have been, and continue to be, willful and deliberate.

55. BOKF has been and is being irreparably damaged by Defendant's violation of §1125(a) and has no adequate remedy at law. Unless restrained by this Court, the Defendants' violation will continue to cause irreparable injury to BOKF and to the public.

56. BOKF prays that it be awarded monetary recovery to the fullest extent permitted by law, including in accordance with 15 U.S.C. § 1117.

COUNT FOUR
(Common Law Trademark Infringement and Unfair Competition)

57. BOKF adopts the allegations contained in paragraphs 1-56, and pleads the following claim in the alternative, if necessary.

58. Defendant's use of the BANK OF OKLAHOMA Marks and/or marks similar to the BANK OF OKLAHOMA Marks in connection with marijuana is in violation of the common law, including the common law of the State of Oklahoma, because it is likely to confuse customers as to the source of the goods and services, and therefore constitutes common law trademark infringement and unfair competition.

59. Defendant's foregoing acts have been, and continue to be, willful and deliberate.

60. BOKF has been and is being irreparably damaged by Defendant's willful violation, and it has no adequate remedy at law. Unless restrained by this Court, Defendant's violation will continue to cause injury to BOKF.

61. BOKF prays that Defendant be required to account to BOKF for Defendant's profits, the actual damages suffered by BOKF as a result of Defendant's acts of infringement, false designation of origin, unfair competition and unfair and deceptive trade practices together with interest and costs.

COUNT FIVE
(Unjust Enrichment)

62. BOKF adopts the allegations contained in paragraphs 1-61, and pleads the following claim in the alternative, if necessary.

63. BOKF, through extensive marketing and use, acquired goodwill and value in the BANK OF OKLAHOMA Marks, which goodwill has been used by Defendant without authorization.

64. Defendant misappropriated and used BOKF's BANK OF OKLAHOMA Marks, and has benefited from BOKF's fame and the goodwill associated with the Marks by drawing attention and business to Defendant that Defendant would not otherwise enjoy.

65. Defendant has been unjustly enriched by use of said Marks; the unjust enrichment of Defendant occurring at the expense of BOKF.

REQUEST FOR RELIEF

WHEREFORE, BOKF prays that this Court:

(i) Preliminarily and permanently enjoin Defendant from using the BANK OF OKLAHOMA Marks and marks confusingly similar to them (including "DANK OF OKLAHOMA", the polygon logo, BOKF's iconic font, and referring to an "account"), and from unfairly competing with BOKF, from engaging in unfair and deceptive trade practices, from engaging in acts of false advertising, from tarnishing BOKF's brand and from otherwise injuring BOKF's business reputation;

(ii) Require the Defendants to account for and pay to BOKF the profits derived by Defendant from operating advertising and offering any goods or services bearing the BANK OF OKLAHOMA Marks and marks similar to them and such additional relief as the Court finds just;

(iii) Require Defendant to pay to BOKF an amount determined by the Court or trier of fact to compensate BOKF for all damages sustained as a result of Defendant's unlawful conduct described above, and require that such damages be trebled;

(iv) Require Defendant to pay to BOKF an amount determined by the Court or trier of fact sufficient to secure corrective advertising to remedy the harm caused by Defendant;

(v) Require Defendant to pay BOKF punitive damages in an amount determined by the Court or trier of fact;

(vi) Order the Defendants to forfeit or cancel the Twitter handle DankofOklahoma and other similar social media accounts;

(vii) Award BOKF its costs and reasonable attorney fees;

(viii) Require the payment of prejudgment interest; and

(ix) Grant BOKF such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

Dated: March 11, 2020

By: /s/Jared Burden

Frederic Dorwart, OBA #2436.
Penina Michlin Chiu, OBA # 21493
Jared Burden, OBA #30026
FREDERIC DORWART, LAWYERS PLLC
124 East Fourth Street
Tulsa, Oklahoma 74103
918/583-9922 – Telephone
918/583-8251 – Facsimile
fdorwart@fdlaw.com
pmichlin@fdlaw.com
jburden@fdlaw.com

COUNSEL FOR PLAINTIFF, BOKF, NA

JURY TRIAL DEMANDED