



07-CV-00091-CMP

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

C 07-0091 *JLR*

MOONSTRUCK CHOCOLATE COMPANY,
an Oregon corporation,

Case No. _____

Plaintiff,

v.

MOONRAY ESPRESSO CORPORATION,
a Washington corporation, and MICHAEL
SNOW,

Defendants.

**COMPLAINT FOR FEDERAL TRADEMARK INFRINGEMENT AND
UNFAIR COMPETITION, WASHINGTON TRADEMARK INFRINGEMENT AND
UNFAIR COMPETITION**

Plaintiff Moonstruck Chocolate Company ("Moonstruck") by and through its
undersigned counsel, hereby files this Complaint against Mr. Michael Snow ("Snow") and

COMPLAINT - 1

HOLLAND & KNIGHT LLP
2300 U.S. Bancorp Tower
111 SW Fifth Avenue
Portland, OR 97204
Telephone: (503)243-2300

SFA 0696 Sum. Issu.

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1 Moonray Espresso Corporation ("Moonray") (collectively "Defendants"), and states and alleges
2 as follows:

3 **JURISDICTION AND VENUE**

4 1. This action is for trademark infringement and unfair competition arising under the
5 Trademark Act of 1946, as amended ("The Lanham Act"), 15 U.S.C. § 1051, *et seq.*, as well as
6 for trademark infringement and unfair competition under the laws of the state of Washington.

7 2. This Court has jurisdiction over Counts I and II of this Complaint pursuant to
8 15 U.S.C. § 1121 because this is an action arising under the Lanham Act and under 28 U.S.C. §
9 1338(a) because this is an action arising under an Act of Congress relating to trademarks; and
10 under 28 U.S.C. § 1331 because this is an action arising under the laws of the United States.

11 This Court has supplemental jurisdiction over Counts III and IV of this Complaint pursuant to
12 15 U.S.C. § 1338(b) because it is an action asserting claims of common law trademark
13 infringement and unfair competition and joined with substantial and related claims under the
14 trademark laws of the United States.

15 3. Venue lies in this District pursuant to 28 U.S.C. § 1391(b) and (c).

16 4. All conditions precedent to the filing of this action have been performed,
17 occurred, or are excused.

18 **THE PARTIES**

19 5. Moonstruck is a corporation duly organized under the laws of the state of Oregon
20 and maintains its primary place of business in Portland, Oregon. Moonstruck is an established
21 and nationally-known manufacturer, distributor, marketer and seller of chocolate and chocolate-
22 related products. Moonstruck sells its branded products and provides its services throughout the
23 United States.

1 6. Upon information and belief, Snow is an individual residing in the state of
2 Washington and in this District. Snow operates a retail business known as Moonray Espresso
3 Corporation in Duvall, Washington, selling coffee, coffee drinks, other beverages, pastries and
4 other food items, including chocolate.

5 7. Snow and Moonray reside and transact business in the state of Washington and
6 the acts of infringement and other wrongful acts alleged in this Complaint arose in the state of
7 Washington.

8 FACTS

9 8. Moonstruck was established in 1993. It sells chocolates all over the United States
10 online, through select gourmet food retailers, including gourmet food retailers in the state of
11 Washington and through Moonstruck's own company-owned cafes. Excerpts from the
12 Moonstruck website are attached and made a part hereof as Exhibit A.

13 9. Moonstruck now operates several company-owned chocolate cafes, including four
14 in the state of Oregon.

15 10. Moonstruck sells its products to numerous retailers in the state of Washington and
16 this District, including several in the greater Seattle area.

17 11. Moonstruck maintains high standards and exercises strict quality control measures
18 in relation to the quality and reputation of the gourmet food retailers to whom it sells it
19 chocolates for resale.

20 12. Moonstruck uses a number of trademarks to identify its goods and services,
21 including the names and marks **MOONSTRUCK**, **MOONSTRUCK CHOCOLATE**,
22 **MOONSTRUCK CHOCOLATIER**, and its distinctive "Moon" design mark:
23
24
25



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6 13. Moonstruck is the owner of several U.S. Trademark Registrations, including:

7 • Reg. No. 1,855,897 **MOONSTRUCK CHOCOLATIER** for
8 "cakes and dessert cakes, cheesecakes, pies, bundt cakes, chocolates, chocolate
9 toppings and hand-dipped chocolates, tarts, tartlets, barquettes, pastries, strudels,
10 cookies, brownies, candy bars, jambles; namely, shortbread cookies with
11 preserves or chocolate as a topping, petit fours, bread rolls, truffles and hand-
12 dipped truffles, caramels and hand-dipped caramels, paves, tortes, sheetcakes."

13 • Reg. No. 1,861,090 "Moon Design" for "cakes and dessert cakes,
14 cheesecakes, pies, bundt cakes, chocolates, chocolate toppings and hand-dipped
15 chocolates, tarts, tartlets, barquettes, pastries, strudels, cookies, brownies, candy
16 bars, jambles; namely, shortbread cookies with preserves or chocolate as a
17 topping, petit fours, bread rolls, truffles and hand-dipped truffles, caramels and
18 hand-dipped caramels, paves, tortes, sheetcakes."

19 • Reg. No. 2,837,997 "Moon Design outline" for "Printed materials,
20 namely, pastry bags, shopping bags, chipboard boxes, product description cards,
21 product legend sheets, foil stickers, paper beverage napkins, point-of-sale posters,
22 handmade keepsake boxes made of paper or cardboard"; " Earthenware mugs,
23 paper cups, thermal insulated wrap for disposable cups to prevent scalding of the
24 hand"; "Chocolate truffles, chocolate bars, chocolate toffee, solid chocolate
25

1 pieces, chocolate covered caramels, chocolate covered nuts, chocolate caramel
2 and nut clusters, French butter cream chocolates, chocolate covered fruits,
3 chocolate covered peanut butter and caramel springerle bars, chocolate bunnies
4 filled with marshmallow, nougatine bars, chocolate mint tingles, chocolate
5 covered blueberries, chocolate covered coffee beans, chocolate covered almonds,
6 chocolate covered pears, pastilles, gran cru, chocolate drink base, hot cocoa
7 powder, caramel sauce, and coffee"; "On-line ordering services featuring food,
8 namely, candy and confectionery products, and earthenware mugs; wholesale and
9 retail candy store and confectionery services"; "Cafe and restaurant services."

10 • Reg. No. 2,810,198 **MOONSTRUCK CHOCOLATE CO.** for
11 "On-line ordering services featuring food, namely, candy and confectionery
12 products, and earthenware mugs; wholesale and retail candy store and
13 confectionery services"; "handmade keepsake boxes made of paper or
14 cardboard."

15 • Reg. No. 2,812,581 **MOONSTRUCK** for "Printed materials,
16 namely, paper shopping bags, chipboard boxes, product description cards,
17 product legend sheets, foil stickers, beverage napkins of paper, point-of-sale
18 posters, handmade keepsake boxes made of paper or cardboard"; "Earthenware
19 mugs, paper cups, thermal insulated wrap for disposable cups to prevent scalding
20 of the hand, pastry bags"; "Chocolate truffles, chocolate bars, chocolate toffee,
21 solid chocolate pieces, chocolate covered caramels, chocolate covered nuts,
22 chocolate caramel and nut clusters, French butter cream chocolates, chocolate
23 covered fruits, springerle bars, namely, molded chocolate-covered peanut butter
24 and caramel bars, chocolate bunnies filled with marshmallow, nougatine bars,
25

1 namely, fluffy nougat bars, chocolate mint tingles, chocolate covered blueberries,
2 chocolate covered coffee beans, chocolate covered almonds, chocolate covered
3 pears, pastilles, gran cru, namely, chocolate made from single-origin cocoa,
4 chocolate drink base, hot cocoa powder, caramel sauce, and coffee"; "On-line
5 ordering services featuring food, namely, candy and confectionery products, and
6 earthenware mugs; wholesale and retail candy store and confectionery store
7 services"; "Cafe and restaurant services."

8 • Reg. No. 2,812,593 **MOONSTRUCK CHOCOLATE CAFÉ** for
9 "Printed materials, namely, paper shopping bags, point-of-sale posters, beverage
10 napkins of paper"; "Earthenware mugs, paper cups, thermal insulated wrap for
11 disposable cups to prevent scalding of the hand, pastry bags"; "Cafe and
12 restaurant services"

13 Copies are attached and made a part hereof collectively as Exhibit B.

14 14. Moonstruck has spent a substantial amount of time and resources promoting its
15 chocolate products, confectionary and candy products, related products including coffee and
16 restaurant and café services offered under the **MOONSTRUCK** name and mark and "Moon
17 Design" mark and related names and marks. Copies of promotional materials used by
18 Moonstruck that prominently feature the **MOONSTRUCK** name and mark and the "Moon
19 Design" mark and related marks are attached and made a part hereof as Exhibit C.

20 15. As a result of its efforts, Moonstruck has developed valuable goodwill and rights
21 in the **MOONSTRUCK** name and mark. Consumers have come to recognize chocolate
22 products, confectionary and candy products, related products including coffee and restaurant
23 and café services offered under the **MOONSTRUCK** mark and the "Moon Design" mark and
24 related marks as emanating exclusively from Moonstruck.
25

1 16. Moonstruck has been the subject of much unsolicited third-party publicity in the
 2 form of news articles in printed publications and on electronic media, including publications
 3 produced in and for readers in the state of Washington, this District and the greater Seattle area.
 4 Examples of such publicity are attached and made a part hereof as Exhibit D.

5 17. As a result of Moonstruck's longstanding use of the **MOONSTRUCK** name and
 6 mark, the "Moon Design" mark and related marks, and a result of the public exposure garnered
 7 through sales, promotion and unsolicited gratuitous publicity, including word of mouth, the
 8 **MOONSTRUCK** name and mark has acquired secondary meaning and has become well and
 9 favorably known as a designator of origin for the products and café services of Moonstruck.

10 18. As a result of the duration and extent of use of the **MOONSTRUCK** mark in
 11 connection with Moonstruck's goods and services, the widespread geographic use of the mark
 12 and the recognition of the mark by consumers, the **MOONSTRUCK** name and mark has
 13 become well known in the Pacific Northwest, in the state of Washington, and this District.

14 **DEFENDANTS' WRONGFUL ACTS**

15 19. Snow contacted Moonstruck on January 20, 2006 by electronic mail requesting
 16 information regarding Moonstruck's support of "wholesale purchases and resale through other
 17 businesses (such as coffee shops)." A copy of a printout of that communication is attached and
 18 made a part hereof as Exhibit E.

19 20. Snow and Ms. Diane Gilliland of Moonstruck engaged in an exchange of
 20 electronic mails over the next few days, discussing the optimum temperature and humidity for
 21 display cases holding chocolates. Copies of printouts of these communications are attached and
 22 made a part hereof as Exhibit F.

23 21. Snow subsequently filled out a "Credit Application Agreement" and included a
 24 statement reading:
 25

1 Hello and thank you for taking the time to review our application. Below are a
2 series of screenshots that show the location of our store, the display case we are
3 using and a drawing of our store including the location of our display case for
your chocolates.

4 We will be selling Espresso, bakery goods and hopefully your chocolates.

5
6 A copy of the Credit Application Agreement and associated documents, including the statement
7 above are attached and made a part hereof as Exhibit G.

8 22. Over the next few months Ms. Gilliland of Moonstruck and Snow exchanged
9 correspondence regarding Snow's plans to sell chocolates and related products made by
10 Moonstruck in his soon-to-be-open café.

11 23. In late June or early July of 2006, officers of Moonstruck learned of Snow's plans
12 to open a café selling coffees and chocolates and to use a design mark prominently featuring a
13 moon design. Copies of photographs showing use of the MOONRAY and "Moon Design"
14 marks sent by Snow to Moonstruck are attached and made a part hereof as Exhibit H.

15 24. Defendants have made prominent use of the designation MOONRAY and a
16 "Moon Design" mark on signage, menus and promotional material.

17 25. Defendants have made prominent use of the designation MOONRAY and a
18 "Moon Design" mark in commerce on its website. A copy is attached and made a part hereof as
19 Exhibit I.

20 26. Defendants are now or have at times sold loose and boxed chocolate products,
21 confection, pastries and other food products at their retail location.

22 27. Defendants do not have the right to use trademarks, service marks or identifiers of
23 any kind that are confusingly similar to the MOONSTRUCK mark and Moonstruck's "Moon
24 Design" mark, including the MOONRAY name and mark and a "Moon Design" mark.
25

1 28. Moonstruck has protested Defendant's infringing use of the **MOONRAY** name
2 and mark and breach of the Agreement in writing. Copies of letters from counsel for
3 Moonstruck to Defendants and counsel for Defendants are attached and made a part hereof
4 collectively as Exhibit J.

5 29. Despite its efforts, however, Moonstruck has been unsuccessful in preventing the
6 continued violations of its rights.

7 30. Defendants have willfully and knowingly adopted, advertised, and used the
8 **MOONRAY** mark and "Moon Design" mark to identify their services for the purposes of
9 profiting from and hijacking the goodwill of Moonstruck.

10 31. The public is likely to be misled or deceived by the false impression arising from
11 Defendants' use of the **MOONRAY** mark and "Moon Design" mark.

12 32. *Defendants' continuing infringing activity, demonstrates a willful and bad faith*
13 *intent to create confusion, deception, and mistake in the minds of both Moonstruck's customers*
14 *and potential customers and Defendants' customers and potential customers and a willful and*
15 *bad faith attempt to trade on Moonstruck's goodwill by implying a similarity, identity,*
16 *connection, sponsorship or relationship between Moonstruck and Defendants. As a result of this*
17 *infringing activity, Defendants have been and will be unjustly enriched.*

18 33. The offering for sale, the advertising for sale, and the sale by Defendants of
19 chocolates, coffee and related products and café services under the **MOONRAY** mark and the
20 "Moon Design" mark is likely to cause confusion, mistakes, and deceptions as to the source and
21 origin of Defendants' services.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT

1
2
3 34. Moonstruck repeats and incorporates by reference the allegations in Paragraphs 1
4 – 33 as if fully set forth herein.

5 35. The offering of goods and services by Defendants under the **MOONRAY** mark
6 and "Moon Design" mark is likely to cause confusion amongst consumers with the services of
7 Moonstruck.

8 36. Defendants' use of the **MOONRAY** name and mark and "Moon Design" mark is
9 without the permission or authorization of Moonstruck.

10 37. In view of the likelihood of consumer confusion caused by Defendants' use of the
11 **MOONRAY** mark and "Moon Design" mark, Defendants' continued use of the **MOONRAY**
12 mark and "Moon Design" mark is likely to cause confusion, mistake and deception among
13 purchasers and the public generally, leading them to believe, falsely, that Defendants' goods and
14 services are those of, sponsored or approved by, or are in some way connected with
15 Moonstruck, to the irreparable injury of Moonstruck and of the public. Despite such a
16 likelihood of public confusion, mistake or deception, Defendants have continued to use and are
17 presently using the **MOONRAY** mark and "Moon Design" mark and disregarding Moonstruck's
18 demand that Defendants cease this activity.

19
20 38. Upon information and belief, Defendants' acts complained of herein have for their
21 objective the willful appropriation of Moonstruck's rights in its proprietary mark and of the
22 valuable goodwill of Moonstruck's business, thereby unlawfully benefiting Defendants.

1 39. Upon information and belief, Defendants' continued use of the **MOONRAY**
2 name and mark and "Moon Design" mark will be likely to injure the business and reputation of
3 Moonstruck and will dilute the distinctive quality of Moonstruck's source identifying marks.

4 40. The acts complained of actually deceive and are likely to deceive the public into
5 believing, falsely, that Defendants' services are those of, and are sponsored or approved by, or
6 are in some way connected with Moonstruck, all to the irreparable injury of Moonstruck's trade
7 and goodwill and to the injury of the public.

8 41. The aforesaid acts constitute federal trademark infringement in direct violation of
9 15 U.S.C. § 1132(1).

10 **COUNT II**
11 **FEDERAL UNFAIR COMPETITION**

12 42. Moonstruck repeats and incorporates by reference the allegations in Paragraphs 1
13 - 41 as if fully set forth herein.

14 43. The aforesaid acts constitute federal unfair competition in the form of passing
15 off, false representation, false advertising and false designation of origin, all in direct violation
16 of 15 U.S.C. § 1125(a).

17 **COUNT III**
18 **WASHINGTON TRADEMARK INFRINGEMENT**

19 44. Moonstruck repeats and incorporates by reference the allegations in Paragraphs 1
20 - 43 as if fully set forth herein.

21 45. Defendants' use of the **MOONRAY** name and mark and "Moon Design" mark
22 without the permission or authorization of Moonstruck is likely to cause confusion, mistake and
23 deception among purchasers and the public generally, leading them to believe, falsely, that
24 Defendants' goods and services are those of, sponsored or approved by, or are in some way
25

1 connected with Moonstruck, to the irreparable injury of Moonstruck and of the public. Despite
2 such a likelihood of public confusion, mistake or deception, Defendants have continued to use
3 and are presently using the **MOONRAY** mark and "Moon Design" mark and disregarding
4 Moonstruck's demand that Defendants cease this activity.

5 46. Upon information and belief, Defendants' acts complained of herein have for their
6 objective the willful appropriation of Moonstruck's rights in its proprietary marks and of the
7 valuable goodwill of Moonstruck's business, thereby unlawfully benefiting Defendants.

8 47. Upon information and belief, Defendants' continued use of the **MOONRAY**
9 name and mark and "Moon Design" mark will be likely to injure the business and reputation of
10 Moonstruck and will dilute the distinctive quality of Moonstruck's source identifying mark.

11 48. The acts complained of actually deceive and are likely to deceive the public into
12 believing, falsely, that Defendants' services are those of, and are sponsored or approved by, or
13 are in some way connected with Moonstruck, all to the irreparable injury of Moonstruck's trade
14 and goodwill and to the injury of the public.

15 49. The aforesaid acts constitute trademark infringement under the laws of the state of
16 Washington.

17 50. The aforesaid acts of Defendants are greatly and irreparably damaging to
18 Moonstruck and will continue to be greatly and irreparably damaging to Moonstruck unless
19 enjoined by this Court, and Moonstruck is without an adequate remedy at law.

20 **COUNT IV**

21 **WASHINGTON UNFAIR COMPETITION**

22 51. Moonstruck repeats and incorporates by reference the allegations in Paragraphs 1
23 - 50 as if fully set forth herein.

1 52. Defendants' use of the **MOONRAY** name and mark and "Moon Design" mark is
2 likely to, and does, permit Defendants to "palm off" its goods and services as those of
3 Moonstruck, which is to the detriment of Moonstruck and unjustly enriches Defendants.

4 53. On information and belief, the acts of Defendants, as heretofore alleged, have
5 been done with the intent to deceive the public, for the purpose of misappropriation of
6 Moonstruck's valuable goodwill and proprietary interest in Moonstruck's source-identifying
7 **MOONSTRUCK** mark and "Moon Design" mark, and in undertaking such actions, Defendants
8 have acted to cause injury to Moonstruck, all of which constitutes palming off and common law
9 unfair competition.

10 54. The aforesaid acts of Defendants are greatly and irreparably damaging to
11 Moonstruck and will continue to be greatly and irreparably damaging to Moonstruck unless
12 enjoined by this Court, and Moonstruck is without an adequate remedy at law.

13
14 **COUNT V**
15 **ATTORNEY FEES AND EXPENSES**

16 55. Moonstruck repeats and incorporates by reference the allegations in Paragraphs 1
17 – 54 as if fully set forth herein.

18 56. As a result of Defendants' willful and malicious conduct, Moonstruck is entitled
19 to recover the attorney fees and expenses it has incurred in bringing this action pursuant to 15
20 U.S.C. § 1117(a).

21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiff Moonstruck prays:

- 23 1. That Snow and Moonray and any related companies, including parents, officers,
24 directors, agents, owners, employees, representatives and attorneys and all others acting under,
25

1 or in concert with them, or with any of them, be forthwith preliminarily and permanently
2 enjoined and restrained from:

3 a) using Moonstruck's proprietary and source identifying **MOONSTRUCK**
4 mark and "Moon Design" mark in isolation or any colorable imitation thereof upon or in
5 connection with Defendants' services;

6 b) in any manner imitating Moonstruck's proprietary and source identifying
7 **MOONSTRUCK** mark and "Moon Design" mark for the purpose of acquiring
8 Moonstruck's trade and goodwill by imitation, fraud, mistake or deception; and

9 c) unfairly competing with Moonstruck in any manner whatsoever.

10 2. For an Order holding that Defendants' activities complained constitute Federal
11 and Washington Trademark Infringement and Federal Unfair Competition and Common Law
12 Unfair Competition.

13 3. For an Accounting of all Damages in the form of Defendants' profits gained as a
14 result of their *infringing acts*.

15 4. For an Order directing Defendants to file with this Court and to serve upon
16 Plaintiff Moonstruck within thirty (30) days after service of the injunction, a report, in writing,
17 and under oath, setting forth in detail the manner and form in which Defendants have complied
18 with the injunction and any further orders of this Court.

19 5. That Snow, Moonray and its related companies, parents, agents, employees,
20 representatives, and all others acting under their direction or control or in concert with them, or
21 any of them, be ordered to deliver up for destruction all advertising materials, promotional
22 materials, flyers, signs, and any and all other materials which bear the **MOONRAY** mark and
23 "Moon Design" mark.

1 6. For joint and several liability for damages and a trebling of same, profits and costs
2 of suit, pursuant to 15 U.S.C. § 1117.

3 7. For an award of attorney fees due to the exceptional nature of this case, pursuant
4 to 15 U.S.C. § 1117.

5 8. For such other and further relief as the Court may deem proper.

6
7 DATED this 18th day of January, 2007.

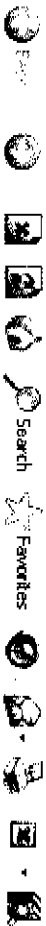
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9 By: 
10 **SETH H. ROW**
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13 2300 U.S. Bancorp Tower
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19 **THOMAS W. BROOKE**
20 *(admission pro hac vice pending)*
21 HOLLAND & KNIGHT LLP
22 2099 Pennsylvania Avenue, NW, Suite 100
23 Washington, D.C. 20006
24 Telephone: (202) 955-3000
25 Facsimile: (202) 955-5564
 Email: thomas.brooke@hkllaw.com

 Of Attorneys for Plaintiff Moonstruck Chocolate
 Company

Moonstruck Fine Chocolate Truffle Gourmet Gifts - Microsoft Internet Explorer provided by Holland & Knight LLP

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Address: <http://www.moonstruckchocolate.com/>

SHOP ONLINE | ABOUT MOONSTRUCK | CUSTOMER SERVICE | PRESS | SHOPPING BAG | MY ACCOUNT | PRODUCT SEARCH Enter Keyword



IT IS A MOONSTRUCK CHOCOLATE WINTER WONDERLAND

Come and enjoy the experience of Moonstruck Chocolate with selections from our Holiday Collection. Our hand crafted Holiday Collection, designed to amaze your senses, contains a variety of creations including our new hand printed Rocky Road Truffle, our new chocolate dipped fudge and our Classic award winning truffle collections. Perhaps your journey takes you to our distinctive Gourmet Collection. Developed exclusively for the 79th Annual Academy Awards, these uniquely styled truffles use precious single origin chocolates from around the world. So come and enjoy a time honored tradition with a Moonstruck Chocolate spin.

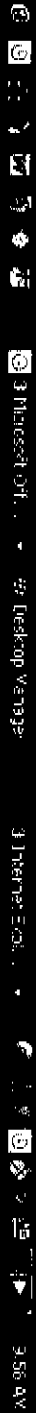
▶ TAKE ME SHOPPING



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For Assistance, email us, or call 800-657-3MOON © Moonstruck Chocolate Co. 2004

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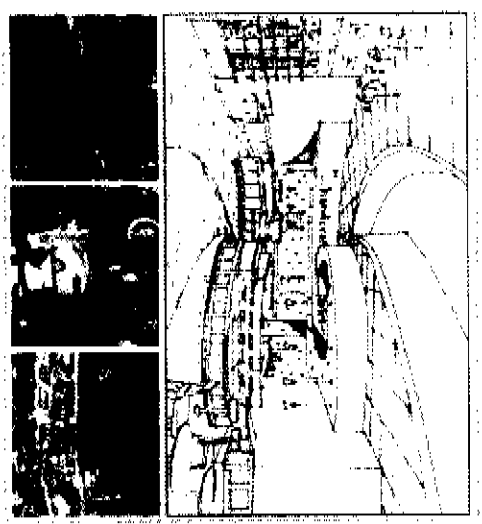




CHOCOLATE CAFÉS

Our Cafés are your gateway to the Moonstruck Experience. Specialty chocolate and espresso drinks partnered with hand crafted artisan chocolates for an experience that can alter the course of your day for the better, in a setting that inspires you to linger. Each Café features our full line of truffles, chocolates, and our own magical blended drinks like Brown Cow and Chocolate Chai, and they are also the place to find our newest products first.

CAFÉ LOCATIONS AND HOURS
FIND MOONSTRUCK CHOCOLATES NEAR YOU

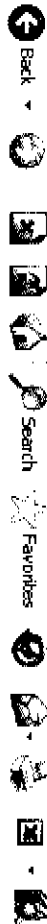


MOONSTRUCK CHOCOLATE CAFÉ LOCATIONS AND HOURS

- Portland - Oregon**
Downtown
648 SW Alder St.
Portland, OR 97205
503.244.1002
- Portland - Oregon**
Downtown
526 NW 23rd Ave
Portland, OR 97210
503.244.1002
- Lake Oswego - Oregon**
Village Shopping Center
45 South State St.
Lake Oswego, OR 97034
503.673.7001
- Beaverton - Oregon**
Beaverton Town Square
14705 SW Beaverton Hillsdale Hwy
Beaverton, OR 97005
503.267.1002

Moonstruck Fine Chocolate cafe and chocolate shop - Microsoft Internet Explorer provided by Holland & Knight LLP

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Address: <http://www.moonstruckchocolate.com/ChocolateCafes.aspx>

Go Links

MOONSTRUCK CHOCOLATE CAFE LOCATIONS AND HOURS

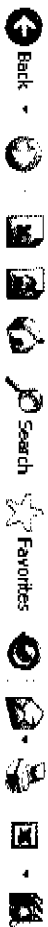
<p>Portland - Oregon Downtown 688 SW Alder St. Portland, OR 97205 503.241.0865 M-F 7:30 am - 6:00 pm Sat 10:00 - 6:00 pm Sun 10:00 - 5:00 pm</p>	<p>Portland - Oregon Downtown 526 NW 23rd Ave Portland, OR 97210 503.542.3400 M-Th 8:00 am - 10:00 pm Fri/Sat 8:00 am - 11:00 pm Sun 8:00 am - 8:00 pm</p>	<p>Lake Oswego - Oregon Village Shopping Center 45 South State St. Lake Oswego, OR 97034 503.697.7097 M-Th 7:00 am - 9:00 pm Fri 7:00 am - 10:00 pm Sat 8:00 am - 10:00 pm Sun 8:00 am - 7:00 pm</p>	<p>Beaverton - Oregon Beaverton Town Square 41705 SW Beaverton Hillsdale Hwy Beaverton, OR 97005 503.352.0835 M-F 7:00 am - 10:00 pm Sat 8:00 am - 11:00 pm Sun 9:00 am - 9:00 pm</p>
<p>Champaign - Illinois Across Campus 709 Wright St. Champaign, IL 61820 217.357.7402 M-F 7:00 am - 11:00 pm Sat/Sun 9:00 am - 11:00 pm</p>	<p>Chicago - Illinois Downtown 320 N. Michigan Ave Chicago, IL 60601 312.696.1201 M-Th 8:00 am - 9:00 pm Fri 8:00 am - 10:00 pm Sat 10:00 am - 10:00 pm Sun 12:00 pm - 8:00 pm</p>	<p>Walnut Creek - California Downtown 1273 Locust Street Walnut Creek, CA 94596 925.932.8377 M-Th 7:00 am - 9:00 pm Fri/Sat 7:00 am - 11:00 pm Sun 7:00 am - 7:00 pm</p>	<p>San Francisco - California Marina District 2109 Chestnut Street San Francisco, CA 94123 Phone: 415.563.9654 M-Th 7:00 am to 10:00 pm Fri/Sat 7:00 am to 11:00 pm Sun 7:00 am to 8:00 pm</p>
<p>Portland - Oregon Downtown Pioneer Place (in the Rotunda) 706 SW Fifth Avenue Portland, OR 97204 503.239.9118 M-Sat 9:30 am - 9:00 pm Sun 11:00 am - 6:00 pm</p>			

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Unique Chocolate Gift, gourmet chocolate gifts, Microsoft Internet Explorer provided by Holland & Knight LLP

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Address: http://www.moonstruckchocolate.com/Catalog_Product.aspx?catId=7

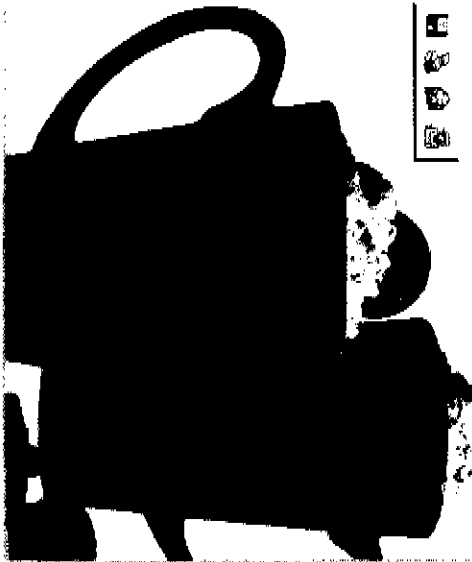
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SHOP ONLINE ABOUT MOONSTRUCK CUSTOMER SERVICE PRESS SHOPPING BAG MY ACCOUNT PRODUCT SEARCH Enter Keyword GO

SIGNATURE STYLE

People seem to love our bags as much as our chocolates. For that reason we've assembled a few fun gift ideas that let you show who your favorite chocolate company is.

The Cocoa Candles offered in this section are hand crafted right here in Oregon by a local candle maker. We gave her a few cans of each of our cocoas and asked that she make us candles based on their sweet and intoxicating aroma. Hints of vanilla bean, cinnamon, and spice are evident the minute you light one.



NEW!
Moonstruck "Hold 'em Tight"
Magnets

610676

\$12.00



Chocolate lovers unite! Based on a few of our fun and colorful advertising campaigns each magnet is approximately 1.45" round with an incredible frothing capacity.

http://www.moonstruckchocolate.com/Catalog_Product.aspx?catId=7&product=577

START



2:00:05 AM

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Address: http://www.moonstruckchocolate.com/catalog_Category.aspx?catId=7



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610676 \$12.00

Chocolate lovers unite! Ease on a few of our fun and colorful advertising campaigns each magnet is approximately 1-1/8" round with an incredible holding capacity.

[Learn More >](#)



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610677 \$9.95

The front and back cover of these cute little journals are full of colorful moonstruck designs used in some of our advertising campaigns. Each journal is approximately 3 1/2" x 5 1/2". They're perfect for jotting down your favorite truffles.

[Learn More >](#)



Return to top

3-05683 \$7.95

Now you can enjoy the tantalizing aroma of Moonstruck's hot cocoa blends even when you're not drinking them.

[Learn More >](#)



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610119 \$14.95

Smile, comfort, and great taste all in one easy-to-wear package.

[Learn More >](#)



610025 From \$5.95

Take a little piece of Moonstruck home with you to keep.

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Unique Chocolate Gift, gourmet chocolate gifts - Microsoft Internet Explorer provided by Holland & Knight LLP

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Moonstruck Logo Caps

670719

\$14.95

Style, comfort, and great taste all in one easy-to-wear package

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Moonstruck Mugs

670025

From \$5.95

Take a little piece of Moonstruck home with you to keep.

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Moonstruck T-Shirts

670058

\$14.95

Moonstruck's own high-quality t-shirts are 100% cotton and now available for you to own.

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Internet 10:03 AM

Gourmet Chocolate Truffle - Unique Dark Chocolate Gift - Microsoft Internet Explorer provided by Holland & Knight LLP


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Address: <http://www.moonstruckchocolate.com/ksahag/Product.aspx?catId=4&prodId=501>

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CRESCENT MOON BOX

Our Crescent Moons feature 10 of our delicious truffles and come in three distinct and eye-catching colors.


Type:

Quantity:

▶ ADD TO SHOPPING BAG

▶ CHECK OUT

MAKES ALSO SUGGEST



▶ SEE INSIDE THIS BOX

HEW: A Chocolate Novel

316785 \$39.00

Great ideas, beautifully executed, this is what we expect from the classics.

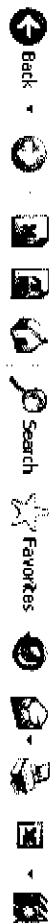
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Internet

10:11 AM

Gourmet Chocolate Truffle - Unique Dark Chocolate Gift - Microsoft Internet Explorer provided by Holland & Knight LLP

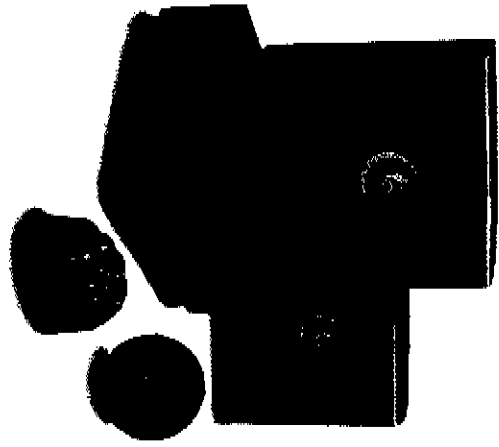
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Address: http://www.moonstruckchocolate.com/Catalog_Product.aspx?cadd=1&prodid=480

Go Links

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SEE INSIDE THIS BOX

CLASSIC COLLECTION 4
PIECE MILK

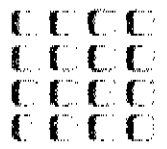
Moonstruck's own special milk chocolate blend surrounds an array of flavors: from sweet tuckerberrries to the Mayan's tantalizing cinnamon and almond blend.

\$9.00

Quantity:

ADD TO SHOPPING BAG
CHECK OUT

MAY WE ALSO SUGGEST



ITEM: **Composseur Collection**

31:014 \$2000.00



Although the silk and teak box was created exclusively for the Oscars, you can still order the decadent truffles that were included inside. For 17's year's collector we set out to find the best and rarest of all cacao's. The result is an amazing and innovative horchade

Done Start 3:00 PM Desktop 2:11:00 PM Internet

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office Reg. No. 1,855,897
Registered Sep. 27, 1994

**TRADEMARK
PRINCIPAL REGISTER**

MOONSTRUCK CHOCOLATIER

MOONSTRUCK CONFECTIONS COMPANY
(OREGON CORPORATION), DBA MOON-
STRUCK CHOCOLATIER
8865 S.W. CAROLINE DRIVE
PORTLAND, OR 97225

FOR: CAKES AND DESSERT CAKES,
CHEESECAKES, PIES, BUNDT CAKES,
CHOCOLATES, CHOCOLATE TOPPINGS AND
HAND-DIPPED CHOCOLATES, TARTS, TART-
LETS, BARQUETTES, PASTRIES, STRUDELS,
COOKIES, BROWNIES, CANDY BARS, JAM-
BLES; NAMELY, SHORTBREAD COOKIES
WITH PRESERVES OR CHOCOLATE AS A
TOPPING, PETIT FOURS, BREAD ROLLS,

TRUFFLES AND HAND-DIPPED TRUFFLES,
CAMELS AND HAND-DIPPED CAMELS,
PAVES, TORTES, SHEETCAKES, IN CLASS 30
(U.S. CL. 46).

FIRST USE 3-1-1993; IN COMMERCE
3-1-1993.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHOCOLATIER", APART
FROM THE MARK AS SHOWN.

SER. NO. 74-450,647, FILED 10-25-1993.

ANDREW D. LAWRENCE, EXAMINING AT-
TORNEY

SECTS TO AFFT. FILED ON: 3-17-05
RENEWED ON: 4-22-05
SENT ON: 5-4-05

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 1,861,090

Registered Nov. 1, 1994

United States Patent and Trademark Office

Renewed 2007

**TRADEMARK
PRINCIPAL REGISTER**



MOONSTRUCK CONFECTIONS COMPANY
(OREGON CORPORATION), DBA MOON-
STRUCK CHOCOLATIER
8865 S.W. CAROLINE DRIVE
PORTLAND, OR 97225

FOR: CAKES AND DESSERT CAKES,
CHEESECAKES, PIES, BUNDT CAKES,
CHOCOLATES, CHOCOLATE TOPPINGS AND
HAND-DIPPED CHOCOLATES, TARTS, TART-
LETS, BARQUETTES, PASTRIES, STRUDELS,
COOKIES, BROWNIES, CANDY BARS, JAM-
BLES; NAMELY, SHORTBREAD COOKIES

WITH PRESERVES OR CHOCOLATE AS A
TOPPING, PETIT FOURS, BREAD ROLLS,
TRUFFLES AND HAND-DIPPED TRUFFLES,
CAMELS AND HAND-DIPPED CAMELS,
PAVES, TORTES, SHEETCAKES, IN CLASS 30
(U.S. CL. 46).

FIRST USE 7-1-1993; IN COMMERCE
7-1-1993.

SER. NO. 74-450,648, FILED 10-25-1993.

ANDREW D. LAWRENCE, EXAMINING AT-
TORNEY

Int. Cls.: 16, 21, 30, 35 and 43

Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 40, 46, 50, 100, 101 and 102

Reg. No. 2,837,997

United States Patent and Trademark Office

Registered May 4, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



MOONSTRUCK CHOCOLATE COMPANY (OREGON CORPORATION)
6600 N. BALTIMORE AVENUE
PORTLAND, OR 97203

FOR: PRINTED MATERIALS, NAMELY, PASTRY BAGS, SHOPPING BAGS, CHIPBOARD BOXES, PRODUCT DESCRIPTION CARDS, PRODUCT LEGEND SHEETS, FOIL STICKERS, PAPER BEVERAGE NAPKINS, POINT-OF-SALE POSTERS, HANDMADE KEEPSAKE BOXES MADE OF PAPER OR CARDBOARD, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 2-5-1996; IN COMMERCE 2-5-1996.

FOR: EARTHENWARE MUGS, PAPER CUPS, THERMAL INSULATED WRAP FOR DISPOSABLE CUPS TO PREVENT SCALDING OF THE HAND, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 6-30-2000; IN COMMERCE 6-30-2000.

FOR: CHOCOLATE TRUFFLES, CHOCOLATE BARS, CHOCOLATE TOFFEE, SOLID CHOCOLATE PIECES, CHOCOLATE COVERED CARAMELS, CHOCOLATE COVERED NUTS, CHOCOLATE CARAMEL AND NUT CLUSTERS, FRENCH BUTTER CREAM CHOCOLATES, CHOCOLATE COVERED FRUITS, CHOCOLATE COVERED PEANUT BUT-

TER AND CARAMEL SPRINGERLE BARS, CHOCOLATE BUNNIES FILLED WITH MARSHMALLOW, NOUGATINE BARS, CHOCOLATE MINT TINGLES, CHOCOLATE COVERED BLUEBERRIES, CHOCOLATE COVERED COFFEE BEANS, CHOCOLATE COVERED ALMONDS, CHOCOLATE COVERED PEARS, PASTILLES, GRAN CRU, CHOCOLATE DRINK BASE, HOT COCOA POWDER, CARAMEL SAUCE, AND COFFEE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-1-1993; IN COMMERCE 7-1-1993.

FOR: ON-LINE ORDERING SERVICES FEATURING FOOD, NAMELY, CANDY AND CONFECTIONERY PRODUCTS, AND EARTHENWARE MUGS; WHOLESALE AND RETAIL CANDY STORE AND CONFECTIONERY SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1996; IN COMMERCE 0-0-1996.

FOR: CAFE AND RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 2-5-1996; IN COMMERCE 2-5-1996.

OWNER OF U.S. REG. NO. 1,861,090.

Int. Cls.: 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and 102

Reg. No. 2,810,198

Registered Feb. 3, 2004

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

MOONSTRUCK CHOCOLATE CO.

MOONSTRUCK CHOCOLATE COMPANY (OREGON CORPORATION)
6600 N. BALTIMORE AVENUE
PORTLAND, OR 97203

FOR: HANDMADE KEEPSAKE BOXES MADE OF PAPER OR CARDBOARD, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 4-30-2002; IN COMMERCE 4-30-2002.

FOR: ON-LINE ORDERING SERVICES FEATURING FOOD, NAMELY, CANDY AND CONFECTIONERY PRODUCTS, AND EARTHENWARE MUGS; WHOLESALE AND RETAIL CANDY STORE

AND CONFECTIONERY SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-2002; IN COMMERCE 4-30-2002.

OWNER OF U.S. REG. NO. 1,855,897.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHOCOLATE CO.", APART FROM THE MARK AS SHOWN.

SER. NO. 76-492,102, FILED 2-24-2003.

MARTHA SANTOMARTINO, EXAMINING ATTORNEY

Int. Cls.: 16, 21, 30, 35 and 43

Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 40, 46, 50, 100, 101 and 102

Reg. No. 2,812,581

Registered Feb. 10, 2004

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

MOONSTRUCK

MOONSTRUCK CHOCOLATE COMPANY (OREGON CORPORATION)
6600 N. BALTIMORE AVENUE
PORTLAND, OR 97203

FOR: PRINTED MATERIALS, NAMELY, PAPER SHOPPING BAGS, CHIPBOARD BOXES, PRODUCT DESCRIPTION CARDS, PRODUCT LEGEND SHEETS, FOIL STICKERS, BEVERAGE NAPKINS OF PAPER, POINT-OF-SALE POSTERS, HAND-MADE KEEPSAKE BOXES MADE OF PAPER OR CARDBOARD, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 2-5-1996; IN COMMERCE 2-5-1996.

FOR: EARTHENWARE MUGS, PAPER CUPS, THERMAL INSULATED WRAP FOR DISPOSABLE CUPS TO PREVENT SCALDING OF THE HAND, PASTRY BAGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 6-30-2000; IN COMMERCE 6-30-2000.

FOR: CHOCOLATE TRUFFLES, CHOCOLATE BARS, CHOCOLATE TOFFEE, SOLID CHOCOLATE PIECES, CHOCOLATE COVERED CARAMELS, CHOCOLATE COVERED NUTS, CHOCOLATE CARAMEL AND NUT CLUSTERS, FRENCH BUTTER CREAM CHOCOLATES, CHOCOLATE COVERED FRUITS, SPRINGERLE BARS, NAMELY, MOLDED CHOCOLATE-COVERED PEANUT BUTTER AND CARAMEL BARS, CHOCOLATE BUNNIES FILLED

WITH MARSHMALLOW, NOUGATINE BARS, NAMELY, FLUFFY NOUGAT BARS, CHOCOLATE MINT TINGLES, CHOCOLATE COVERED BLUEBERRIES, CHOCOLATE COVERED COFFEE BEANS, CHOCOLATE COVERED ALMONDS, CHOCOLATE COVERED PEARS, PASTILLES, GRAN CRU, NAMELY, CHOCOLATE MADE FROM SINGLE-ORIGIN COCOA, CHOCOLATE DRINK BASE, HOT COCOA POWDER, CARAMEL SAUCE, AND COFFEE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-1-1993; IN COMMERCE 3-1-1993.

FOR: ON-LINE ORDERING SERVICES FEATURING FOOD, NAMELY, CANDY AND CONFECTIONERY PRODUCTS, AND EARTHENWARE MUGS; WHOLESALE AND RETAIL CANDY STORE AND CONFECTIONERY STORE SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1996; IN COMMERCE 0-0-1996.

FOR: CAFE AND RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 2-5-1996; IN COMMERCE 2-5-1996.

OWNER OF U.S. REG. NO. 1,855,897.

SER. NO. 76-492,379, FILED 2-24-2003.

SUELLEN HICKEY, EXAMINING ATTORNEY

Int. Cls.: 16, 21 and 43

Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 40,
50, 100 and 101

Reg. No. 2,812,593

United States Patent and Trademark Office

Registered Feb. 10, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

MOONSTRUCK CHOCOLATE CAFÉ

MOONSTRUCK CHOCOLATE COMPANY (ORE-
GON CORPORATION)
6600 N. BALTIMORE AVENUE
PORTLAND, OR 97203

FOR: PRINTED MATERIALS, NAMELY, PAPER
SHOPPING BAGS, POINT-OF-SALE POSTERS, BEV-
ERAGE NAPKINS OF PAPER, IN CLASS 16 (U.S.
CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-19-2002; IN COMMERCE 3-19-2002.

FOR: EARTHENWARE MUGS, PAPER CUPS,
THERMAL INSULATED WRAP FOR DISPOSABLE
CUPS TO PREVENT SCALDING OF THE HAND,
PASTRY BAGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29,
30, 33, 40 AND 50).

FIRST USE 3-19-2002; IN COMMERCE 3-19-2002.

FOR: CAFE AND RESTAURANT SERVICES, IN
CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 3-26-2002; IN COMMERCE 3-26-2002.

OWNER OF U.S. REG. NO. 1,855,897.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHOCOLATE CAFE", APART
FROM THE MARK AS SHOWN.

SER. NO. 76-493,969, FILED 3-3-2003.

SUELLEN HICKEY, EXAMINING ATTORNEY

