

An Illinois-based greenhouse tomato grower is suing Mastronardi Produce over its use of the term “mighty” in its branding, [The Chicago Tribune](#) reported.

MightyVine, which grows hydroponic tomatoes in suburban Rochelle, has filed a federal lawsuit against Canadian grower Mastronardi Produce, whose Sunset brand of tomatoes can be found at many U.S. retailers.

The suit reportedly alleges Mastronardi’s Tiny Mighty Tomatoes infringe on MightyVine’s trademark because the branding is “confusingly similar” and “trades off the goodwill and brand reputation” of the Rochelle company.

MightyVine has held a registered trademark on its name since 2016.

Mastronardi filed a trademark application for Tiny Mighty Tomatoes in April 2018. Its line of Sprinkles Tiny Mighty Tomatoes are yellow and red miniature grape tomatoes marketed to kids.

MightyVine, in the suit, says it sent a cease-and-desist letter in June and Mastronardi responded a week later, declining to abide by its demands. A second letter sent in September went unanswered, according to the suit.

“Mastronardi’s actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with MightyVine’s MightyVine mark, to MightyVine’s great and irreparable harm,” the suit says. The company is seeking unspecified damages plus “all profits that are attributable to Mastronardi’s infringing mark”.

Julia Shreve, director of marketing at Mastronardi Produce, reportedly said of the suit: “We believe it is without merit and we will vigorously defend our intellectual property rights.”

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