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8 Attorneys for Plaintiff
 9 PATAGONIA, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 12 **WESTERN DIVISION – LOS ANGELES**

13 PATAGONIA, INC.,
 14 Plaintiff,
 15 v.
 16 WALMART INC. and ROBIN RUTH
 17 USA,
 18 Defendants.

Case No. 2: 22-cv-07311

**COMPLAINT FOR TRADEMARK
 INFRINGEMENT, UNFAIR
 COMPETITION, DILUTION,
 COPYRIGHT INFRINGEMENT**

JURY TRIAL DEMAND

19
 20 This lawsuit is necessary to stop Defendants from copying Patagonia’s
 21 famous logo and using the mark to sell their t-shirts in Walmart stores. Robin Ruth
 22 USA (“Robin Ruth”) is a retailer and supplier for Walmart Inc. (“Walmart”), with a
 23 focus on casual fashion. Robin Ruth has produced and sold apparel bearing nearly
 24 identical copies of Patagonia’s P-6 Trout logo and artwork, replacing Patagonia’s
 25 PATAGONIA trademark with the word “Montana.” Walmart has purchased and
 26 resold those copycat products in several retail stores. An example of Defendants’
 27 infringing product follows:

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To stop this infringement of Patagonia’s iconic trademark and prevent further damage to Patagonia and its brand, Patagonia alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Patagonia, Inc. (“Patagonia”) is a California corporation headquartered at 259 West Santa Clara Street, Ventura, California 93001. Patagonia has been designing, developing, marketing, and selling outdoor apparel, accessories, and active sportswear for nearly fifty years. Patagonia’s PATAGONIA brand and P-6 logo are famous in the United States and around the world, and instantly recognized by consumers as a symbol of innovative apparel designs, quality products, and environmental and corporate responsibility.

2. Defendant Walmart Inc. is a Delaware corporation headquartered at 702 S.W. 8th St. Bentonville, Arkansas, AK 72716. Walmart operates general retail stores throughout the country and a marketplace online at www.walmart.com (which

1 also promotes and sells lines of California-specific products, including at
2 www.walmart.com/c/kp/california-t-shirts). Walmart boasted of nearly \$560 billion
3 in sales and over 2 million employees in 2021. Walmart offers, promotes, and sells
4 products that infringe Patagonia's intellectual property rights through its retail
5 stores.

6 3. Defendant Robin Ruth USA is a corporation with places of business
7 located at 1410 Broadway Rm 508, New York, NY 10018; 14627 167th St Ste 201,
8 Jamaica, NY 11434-5214; and 383 5th Ave., Floor 3, New York, NY 10016 (the
9 third of these addresses is used for returns, including, on information and belief, of
10 the infringing products identified in this Complaint).

11 **Shipping**

12 To return your product, you should mail your product to: Robin Ruth USA, 383 5th
13 avenue, Floor 3, New York NY 10016, United States

14 Robin Ruth USA sells its products throughout the country and through a
15 marketplace online at www.robinruthstore.com (which also promotes and sells lines
16 of California-specific products, including at
17 <https://www.robinruthstore.com/collections/california>). Robin Ruth USA offers,
18 promotes, and sells products that infringe Patagonia's intellectual property rights.

19 4. Patagonia's trademark claims arise under the Trademark Act of 1946
20 (the Lanham Act), as amended by the Trademark Dilution Revision Act of 2006
21 (15 U.S.C. §§ 1051, *et seq.*). Patagonia's claims for copyright infringement arise
22 from Defendants' infringement of Patagonia's exclusive rights under the United
23 States Copyright Act (17 U.S.C. §§ 101, *et seq.*). This Court has jurisdiction over
24 such claims pursuant to 28 U.S.C. §§ 1338(a) and 1338(b) (trademark and unfair
25 competition), 17 U.S.C. § 501 (copyright), 28 U.S.C. § 1331 (federal question), and
26 15 U.S.C. § 1121 (Lanham Act). This Court has jurisdiction over the state law
27 claims under 28 U.S.C. § 1367 (supplemental jurisdiction) and 28 U.S.C. § 1332
28 (diversity).

1 5. This Court has personal jurisdiction over Defendants because
2 Defendants have purposefully availed themselves of the privilege of doing business
3 in this district. Through the sale of the infringing products identified in this lawsuit,
4 Defendants have directed their conduct into this district, including by individually
5 targeting Patagonia, a corporation they know has its principal place of business in
6 this district. Further, Defendants sell lines of product into California that
7 specifically are aimed at California residents, rendering each of them at home in this
8 state.

9 6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400(a)
10 because Defendants infringe Patagonia’s intellectual property in this district,
11 transact business in this district, and a substantial part of the events giving rise to the
12 claims asserted arose in this district.

13 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

14 **Patagonia’s History**

15 7. Patagonia was founded in the late 1960s to design and sell climbing
16 clothes and other active sportswear. The company adopted the brand
17 “PATAGONIA” to differentiate a related business that designed and manufactured
18 climbing gear and tools. PATAGONIA was chosen as the trademark to call to mind
19 romantic visions of glaciers tumbling into fjords, jagged windswept peaks, gauchos,
20 and condors. Since at least 1973, the PATAGONIA brand has appeared on a multi-
21 colored label inspired by a silhouette of the jagged peaks of the Mt. Fitz Roy skyline
22 (the “P-6 logo”).

23 8. In the nearly-fifty years since Patagonia’s business started, the
24 PATAGONIA brand and its P-6 logo have become among the most identifiable
25 brands in the world. Patagonia’s products now include a wide range of apparel
26 products and equipment, including T shirts, hoodies, sweatshirts, and fleece, as well
27 as technical products designed for climbing, skiing and snowboarding, surfing, fly
28 fishing, and trail running, which are sold around the world.

1 9. Over the years, Patagonia has been recognized and honored for its
2 business initiatives, including receiving the Sustainable Business Counsel’s first
3 “Lifetime Achievement Award.” In 1996, with an increased awareness of the
4 dangers of pesticide use and synthetic fertilizers used in conventional cotton
5 growing, Patagonia began the exclusive use of organically grown cotton and has
6 continued that use for more than twenty years. It was a founding member of the
7 Fair Labor Association[®], which is an independent multi-stakeholder verification and
8 training organization that audits apparel factories. Additionally, since 1985
9 Patagonia has pledged 1% of sales to environmental groups to preserve and restore
10 our natural environment, donating more than \$100 million to date. In 2002,
11 Patagonia’s founder, Yvon Chouinard, along with others, created a non-profit called
12 1% For the Planet[®] to encourage other businesses to do the same. Today, more
13 than 1,200 member companies have donated more than \$150 million to more than
14 3,300 nonprofits through 1% For the Planet. In 2012, Patagonia became one of
15 California’s first registered Benefit Corporations, ensuring Patagonia could codify
16 into its corporate charter consideration of its workers, community, and the
17 environment. In 2016, Patagonia pledged to donate all revenue from sales on Black
18 Friday, donating \$10 million to environmental grantees in response to customers’
19 purchases on that day. In 2018, Patagonia pledged an additional \$10 million in
20 grants to environmental groups in response to recent tax cuts given to businesses.
21 Over the course of two weeks in December 2019, Patagonia matched another \$10
22 million in donations to environmental and other grassroots organizations.

23 **Patagonia’s Trademarks**

24 10. Patagonia owns numerous registrations for its distinctive P-6 logo and
25 PATAGONIA trademark, covering a wide-ranging assortment of products. Among
26 these are the following U.S. trademark registrations:

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