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WALMART INC.

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 PATAGONIA, INC.,
12
13 Plaintiff,
14 v.
15 WALMART INC. and ROBIN RUTH
USA,
16 Defendants.

Case No.: 2:22-cv-07311 AB (RAOx)

**ANSWER OF DEFENDANT
WALMART INC.**

17
18 Defendant, WALMART INC. (“Defendant” or “Walmart”), by and through its
19 undersigned counsel hereby files, on behalf of itself and no other defendant(s), its
20 Answer to the Complaint filed by Plaintiff, PATAGONIA, INC. (“Plaintiff” or
21 “Patagonia”), and in so doing, states and alleges as follows:

22 Answering the prefatory paragraph of the Complaint in which Plaintiff makes
23 various allegations to the effect that the filing of this “lawsuit is necessary to stop
24 Defendants from copying Patagonia’s famous logo and using the mark to sell their t-
25 shirts”, and concerning Plaintiff’s alleged rights and Walmart’s alleged acts, Walmart
26 admits to selling items that look like the item depicted in the image in said paragraph;
27 however, other than said admission, Walmart generally and specifically denies every
28 such allegation.

1 **PARTIES, JURISDICTION, AND VENUE**

2 1. Answering paragraph 1 of the Complaint, Walmart is without sufficient
3 knowledge or information to form a belief as to the truth and accuracy of the
4 allegations therein, and, on that basis, denies every such allegation.

5 2. Answering paragraph 2 of the Complaint, Walmart admits that it is a
6 Delaware corporation with headquarters at 702 S.W. 8th St. Bentonville, Arkansas
7 72716, that Walmart operates general retail stores throughout the country, and that
8 Walmart has an online retail store at www.walmart.com. Walmart admits that it has
9 an active link at <https://www.walmart.com/c/kp/california-t-shirts>. Other than as
10 expressly so admitted, Walmart generally and specifically denies the remaining
11 allegations of said paragraph, and expressly denies that it has violated any laws
12 whatsoever including, but not limited to, the federal, state, and common law claims
13 alleged in the Complaint.

14 3. Answering paragraph 3 of the Complaint, Walmart is without sufficient
15 knowledge or information to form a belief as to the truth and accuracy of the
16 allegations therein, and, on that basis, denies every such allegation.

17 4. Answering paragraph 4 of the Complaint, Walmart admits that the
18 statutes cited by Patagonia relate to the alleged claims, and that the Court has prima
19 facie jurisdiction over said claims; however, Walmart generally and specifically
20 denies that there is any merit to Patagonia's alleged claims, denies any liability to
21 Plaintiff, and denies that Walmart has violated any laws whatsoever relating to said
22 claims including, but not limited to, the federal, state, and common law claims alleged
23 in the Complaint.

24 5. Answering paragraph 5 of the Complaint, Walmart admits that that the
25 Court has personal jurisdiction over Walmart. Except as expressly so admitted,
26 Walmart generally and specifically denies every remaining allegation of said
27 paragraph.
28

1 6. Answering paragraph 6 of the Complaint, Defendant admits that venue
2 for this action is proper in the Central District of California, Western Division. Except
3 as expressly so admitted, Defendant generally and specifically denies every allegation
4 of paragraph 6 of the Complaint and expressly denies that it has violated any laws
5 whatsoever including, but not limited to, the federal, state, and common law claims
6 alleged in the Complaint.

7 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

8 7. Answering paragraph 7 of the Complaint, Walmart is without sufficient
9 knowledge or information to form a belief as to the truth and accuracy of the
10 allegations therein, and, on that basis, denies every such allegation.

11 8. Answering paragraph 8 of the Complaint, Walmart is without sufficient
12 knowledge or information to form a belief as to the truth and accuracy of the
13 allegations therein, and, on that basis, denies every such allegation.

14 9. Answering paragraph 9 of the Complaint, Walmart is without sufficient
15 knowledge or information to form a belief as to the truth and accuracy of the
16 allegations therein, and, on that basis, denies every such allegation.

17 10. Answering paragraph 10 of the Complaint, Walmart is without sufficient
18 knowledge or information to form a belief as to the truth and accuracy of the
19 allegations therein, and, on that basis, denies every such allegation.

20 11. Answering paragraph 11 of the Complaint, Walmart is without sufficient
21 knowledge or information to form a belief as to the truth and accuracy of the
22 allegations therein, and, on that basis, denies every such allegation.

23 12. Answering paragraph 12 of the Complaint, Walmart is without sufficient
24 knowledge or information to form a belief as to the truth and accuracy of the
25 allegations therein, and, on that basis, denies every such allegation.

26 13. Answering paragraph 13 of the Complaint, Walmart is without sufficient
27 knowledge or information to form a belief as to the truth and accuracy of the
28 allegations therein, and, on that basis, denies every such allegation.

1 **DEFENDANTS' [ALLEGED] INFRINGEMENT OF PATAGONIA'S RIGHTS**

2 14. Answering paragraph 14 of the Complaint, Walmart admits to selling
3 items that look like the item depicted in the image on page 2, lines 1-15 of the
4 Complaint; however, other than as expressly so admitted, Walmart generally and
5 specifically denies every allegation of said paragraph.

6 15. Answering paragraph 15 of the Complaint, Walmart generally and
7 specifically denies every allegation of said paragraph.

8 16. Answering paragraph 16 of the Complaint, Walmart generally and
9 specifically denies every allegation of said paragraph.

10 17. Answering paragraph 17 of the Complaint, Walmart generally and
11 specifically denies every allegation of said paragraph.

12 18. Answering paragraph 18 of the Complaint, Walmart generally and
13 specifically denies every allegation of said paragraph.

14 19. Answering paragraph 19 of the Complaint, Walmart generally and
15 specifically denies every allegation of said paragraph.

16 20. Answering paragraph 20 of the Complaint, Walmart generally and
17 specifically denies every allegation of said paragraph.

18 **FIRST CAUSE OF ACTION**

19 **FEDERAL TRADEMARK INFRINGEMENT**

20 **(15 U.S.C. §§ 1114-1117)**

21 21. Answering paragraph 21 of the Complaint, except as expressly admitted
22 in the preceding paragraphs hereof, Walmart denies every such allegation.

23 22. Answering paragraph 22 of the Complaint, Walmart generally and
24 specifically denies every allegation of said paragraph.

25 23. Answering paragraph 23 of the Complaint, Walmart generally and
26 specifically denies every allegation of said paragraph.

27 24. Answering paragraph 24 of the Complaint, Walmart generally and
28 specifically denies every allegation of said paragraph.

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