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10 GARAN, INC. and GARAN SERVICES CORP.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

14 GARAN, INC. and GARAN SERVICES  
CORPORATION,  
15  
16 Plaintiffs,  
17 vs.  
18 GRIZZLY PEAK FARMS, LLC,  
19 Defendant.

Case No.

**COMPLAINT FOR:**

- (1) **Trademark Dilution in Violation of 15 U.S.C. § 1125(c);**
- (2) **Trademark Dilution in Violation of Cal. Bus. & Prof. Code § 14247;**
- (3) **Unfair Competition in Violation of Cal. Bus. & Prof. Code §§ 17200, et seq.**

**JURY TRIAL DEMANDED**

28

1 Plaintiffs Garan, Inc. and Garan Services Corp. (collectively, “Garan” or “Plaintiffs”), for  
2 their complaint against defendant Grizzly Peak Farms, LLC (“Defendant”), allege as follows:

### 3 PRELIMINARY STATEMENT

4 1. The GARANIMALS brand has been a fixture in American culture since the early  
5 1970s, when Garan first coined the fanciful and arbitrary GARANIMALS trademark.  
6 GARANIMALS was founded on a simple but unique concept: to help parents affordably dress their  
7 young children in comfortable clothing that is easy to mix and match. The GARANIMALS brand  
8 is sold through more than 4,700 Walmart stores across the United States, where 90 percent of the  
9 population resides within 10 miles of a Walmart store.

10 2. Defendant is using the fanciful and arbitrary GARANIMALS trademark to  
11 advertise, promote, distribute, import/export, offer for sale and/or sell cannabis-derived goods under  
12 a “Garanimals” name (see images below). These products are illegal for most uses in most states.  
13 Defendant’s use thus tarnishes Garan’s goodwill and reputation—as well as the innocent and  
14 wholesome nature associated with the GARANIMALS brand (which is child and family friendly)—  
15 and also blurs and weakens the public’s association of the GARANIMALS brand and  
16 GARANIMALS Marks with GARANIMALS products. In both respects, Defendant’s use actually  
17 impairs the distinctive character and reputation of the GARANIMALS Marks in violation of, *inter*  
18 *alia*, Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and various state and common laws.



25  
26 3. Garan has suffered actual damages as a result of Defendant’s unpermitted use, and  
27 unless Defendant is enjoined, will continue to suffer the same. Garan accordingly files this action  
28 pursuant to Section 43(c)(1) and 15 U.S.C. § 1125 (c)(1) to enjoin and recover damages and

1 restitution from Defendant's adoption and unpermitted use of the GARANIMAL trademark in  
2 connection with the sale of cannabis and cannabis-related products.

3 **PARTIES**

4 4. Plaintiff Garan, Incorporated is a corporation organized and existing under the laws  
5 of the State of Delaware, with its principal place of business located at 200 Madison Avenue, New  
6 York, New York 10016.

7 5. Plaintiff Garan Services Corporation is a wholly owned subsidiary of Garan,  
8 Incorporated and is organized and existing under the laws of the State of Delaware, with its principal  
9 place of business located at 200 Madison Avenue, New York, New York 10016.

10 6. Defendant Grizzly Peak Farms, LLC is a limited liability company organized and  
11 existing under the laws of the State of California, with its principal place of business located at 200  
12 Hegenberger Road, Oakland, California 94621.

13 **JURISDICTION AND VENUE**

14 7. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §  
15 1331, 28 U.S.C. § 1338(a), 28 U.S.C. § 1338(b), 15 U.S.C. § 1121(a), and 28 U.S.C. § 1367.

16 8. This Court has personal jurisdiction over Defendant because Defendant conducts  
17 business in this district and jurisdiction. Personal jurisdiction is also proper over Defendant because  
18 Defendant distribute, manufacture, advertise, promote, market, offer for sale and sell cannabis  
19 goods under the infringing GARANIMAL Mark and otherwise conduct business in California,  
20 including in this judicial district, resulting in injury to Garan in California, including in this district.

21 9. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) because, among other  
22 reasons, a substantial part of the events giving rise to the claims alleged occurred in this district and  
23 further, on information and belief, Defendant transacts business within this district and distribute,  
24 manufacture, advertise, promote, market, offer for sale and sell goods in this district in a manner  
25 that dilutes and tarnishes Garan's trademark rights. Venue is also proper pursuant to 28 U.S.C.  
26 § 1391(d), as Defendant's contacts with this district would be sufficient to establish personal  
27 jurisdiction within this district were it its own state.

28

**FACTS COMMON TO ALL CLAIMS**

**A. The Garanimals Brand**

10. The GARANIMALS brand has been a fixture in American culture since the early 1970s, when Garan first coined the fanciful and arbitrary trademark. Since then, Garan has continuously used GARANIMALS alone or in combination with other words and/or designs, many of which are federally registered (collectively, the “GARANIMALS Marks”) to distribute, market, advertise, promote, offer for sale and/or sell children’s apparel, including hosiery, undergarments, outerwear and sleepwear; footwear; headwear, including hats and caps; books; bedding; games and toys (including “plush”, bath, and learning toys) (“GARANIMALS Products”) to parents and grandparents for use by their children and grandchildren.

11. The GARANIMALS brand quickly gained recognition for its innovative system of using animal hang-tags to help with the selection of clothes at the point-of-sale and sewn-in animal labels to assist children with mixing and matching tops and bottoms.

12. The brand loyalty that GARANIMALS first cemented in the 1970s and 1980s has persisted over several generations as children and grandchildren who grew up wearing GARANIMALS Products now buy GARANIMALS Products for their own children and grandchildren.

13. Now, close to fifty years since its inception, GARANIMALS is one of the most famous trademarks in the United States. This is in large part due to Garan’s significant investment in the national distribution, promotion and advertisement of the GARANIMALS brand and the uniqueness of the GARANIMALS tagging system which led to its ubiquitous place in the American vocabulary.

14. Since 2007, Garan has invested tens of millions of dollars to market and advertise the GARANIMALS brand. Garan has consistently marketed the GARANIMALS brand on multiple platforms such as mail, print (*Parents*, *American Baby* and *People en Español*), television (network and cable channels including ABC Family, Animal Planet, Discovery, MTV, Bravo, Fuse, WE, VH1, CMTV, E!, Lifetime, POP and 23 Spanish-language networks such as Univision, Telemundo, and ESPNDeportes), and social media (Facebook, Instagram and YouTube).

1           15.     The GARANIMALS Products are frequently featured on Walmart’s social media  
2 accounts as well as its own. In 2019, Garan’s Facebook advertising around the GARANIMALS  
3 brand reached more than 10 million people and resulted in more than 35 million impressions (i.e.,  
4 the number of people reached through additional engagement).

5           16.     Today, GARANIMALS is sold through Walmart, the largest retailer in the United  
6 States, with over 4,700 stores nationwide and through its website (walmart.com). GARANIMALS  
7 is also marketed through the GARANIMALS website at [www.garanimals.com](http://www.garanimals.com) (where the  
8 consumer is redirected to the Walmart website).

9           17.     GARANIMALS popularity has translated into significant retail sales of more than  
10 \$4,000,000,000 during the last five years alone, representing a significant market share.

11           18.     Based on the longevity in popularity and success of GARANIMALS, it is no surprise  
12 that the brand is an integral part of American culture and enjoys a high degree of recognition  
13 nationally.

14           19.     As an example, the NPD Group, a market research company, recently found that the  
15 GARANIMALS brand ranks second in brand awareness among the general adult population in  
16 connection with children’s clothing brands, ahead of vertically integrated competitors with their  
17 own brick and mortar stores such as Old Navy, Children’s Place and Baby Gap.

18           20.     GARANIMALS popularity and fame is reflected by the high degree of unsolicited  
19 media attention it has received, including at *The Academy Awards Show*, *The Tonight Show with*  
20 *Jimmy Fallon*, *Saturday Night Live*, *Glee*, *Shameless*, and in connection with news stories covering  
21 everything from fashion to pop culture to politics, as reported in *The Wall Street Journal*,  
22 *Newsweek*, *Entertainment Weekly*, *The Washington Post*, *GQ* and *The New York Times*.  
23 GARANIMALS has been connected to and/or mentioned by prominent American cultural figures,  
24 including President Joe Biden, and celebrities Ryan Seacrest, Ryan Gosling, Zach Galifianakis, and  
25 Bryan Cranston; become synonymous with a system of mixing and matching separates; been  
26 credited as the inspiration for many fashion start-ups and trends; mentioned in several books and  
27 featured in at least one book on popular culture, *From ABBA to Zoom: A Pop Culture Encyclopedia*  
28 *of the Late 20th Century*, by David Mansaur; featured in the award-winning and iconic *Dilbert*

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