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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

HERA PRINT, INC. a California  
corporation,

Plaintiff,

v.

WALMART INC., a Delaware  
Corporation; UKAP TRADING L.L.C.  
d/b/a MJCI and UKAP, a Delaware  
limited liability company; and DOES 1  
through 10,

Defendants.

Case No. 2:22-cv-03929

**DEFENDANT UKAP TRADING  
L.L.C.'S ANSWER TO  
COMPLAINT**

Defendant UKAP TRADING L.L.C. (“Defendant”), through its counsel, hereby responds to the Complaint filed by Hera Print Inc. (“Hera Print” or “Plaintiff”) as set forth below. In response to all paragraphs of the Complaint, Defendant denies each and every allegation except as expressly admitted herein.

1 **NATURE OF ACTION**

2 1. Defendant admits that Plaintiff seeks injunctive relief and damages  
3 stemming from alleged acts of copyright infringement. Defendant denies the  
4 remaining allegations in paragraph “1” of the Complaint.

5 **JURISDICTION AND VENUE**

6 2. Admits.

7 3. Admits.

8 4. Defendant admits that it is subject to personal jurisdiction in this Court  
9 for the purpose of this Action. Defendant denies the remaining allegations in  
10 paragraph “4” of the Complaint.

11 5. Denies in that Defendant presently lacks sufficient knowledge or  
12 information upon which to form a belief as to the truth thereof.

13 **PARTIES**

14 6. Denies in that Defendant presently lacks sufficient knowledge or  
15 information upon which to form a belief as to the truth thereof.

16 7. Denies in that Defendant presently lacks sufficient knowledge or  
17 information upon which to form a belief as to the truth thereof.

18 8. Admits.

19 9. Denies in that Defendant presently lacks sufficient knowledge or  
20 information upon which to form a belief as to the truth thereof.

21 10. Denies.

22 **CLAIMS RELATED TO DESIGN HE-3315**

23 11. Denies in that Defendant presently lacks sufficient knowledge or  
24 information upon which to form a belief as to the truth thereof.

25 12. Denies in that Defendant presently lacks sufficient knowledge or  
26 information upon which to form a belief as to the truth thereof.

27 13. Denies in that Defendant presently lacks sufficient knowledge or  
28 information upon which to form a belief as to the truth thereof.

1 14. Denies in that Defendant presently lacks sufficient knowledge or  
2 information upon which to form a belief as to the truth thereof.

3 15. Denies.

4 16. Denies.

5 17. Denies.

6 18. Denies.

7 **FIRST CLAIM FOR RELIEF**

8 (Copyright Infringement)

9 19. Defendant repeats and reiterates each and every one of the foregoing  
10 answers in response to the allegations made in paragraph 19 of the Complaint herein  
11 with the same force and effect as though set forth at length.

12 20. Denies.

13 21. Denies.

14 22. Denies.

15 23. Denies.

16 24. Denies.

17 25. Denies.

18 26. Denies.

19 **SECOND CLAIM FOR RELIEF**

20 (For Vicarious and/or Contributory Copyright Infringement)

21 27. Defendant repeats and reiterates each and every one of the foregoing  
22 answers in response to the allegations made in paragraph 26 of the Complaint herein  
23 with the same force and effect as though set forth at length.

24 28. Denies.

25 29. Denies.

26 30. Denies.

27 31. Denies.

28 32. Denies.

1 **PRAYER FOR RELIEF**

2 Denies.

3 **AFFIRMATIVE DEFENSES**

4 Defendant incorporates by reference the foregoing paragraphs in their  
5 entirety and asserts the following affirmative defenses to the claims set forth in the  
6 Complaint. Defendant reserves the right to allege additional Affirmative Defenses  
7 as they become known, and accordingly to amend this Answer.

8 **FIRST AFFIRMATIVE DEFENSE**

9 **(Failure to State a Claim)**

10 Plaintiff failed to state a claim upon which relief may be granted. In particular,  
11 the complaint fails to provide any factual support for any of the claims from which  
12 the Court could conclude that Defendant is liable for any claim.

13 **SECOND AFFIRMATIVE DEFENSE**

14 **(Non-Infringement)**

15 Defendant has not infringed, are not now infringing, and are not threatening  
16 to infringe the designs purportedly protected by the U.S. Copyright Registration  
17 VAu003167947 (the “Subject Design Copyright”).

18 **THIRD AFFIRMATIVE DEFENSE**

19 **(Mitigation of Damages)**

20 Plaintiff is not entitled to recover the damages they seek on the grounds that  
21 Plaintiff failed to mitigate their damages.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 **(Laches)**

24 Plaintiff’s action is barred, in whole or in part, under the doctrine of waiver,  
25 stopper, laches, ratification and/or acquiescence.

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1 **FIFTH AFFIRMATIVE DEFENSE**

2 **(DMCA Safe Harbor)**

3 Plaintiff's claims, if any, may be barred, in whole or in part, by his failure to  
4 provide any valid notices under the DMCA and/or resolved by actions taken  
5 regarding the accused image on walmart.com.

6 **SIXTH AFFIRMATIVE DEFENSE**

7 **(DMCA Safe Harbor)**

8 Plaintiff's claims, if any, are barred, in whole or in part, under the safe harbor  
9 provisions of the DMCA.

10 **SEVENTH AFFIRMATIVE DEFENSE**

11 **(Good Faith)**

12 Each cause of action is barred, in whole or in part, because Defendant acted  
13 in good faith at all times.

14 **EIGHTH AFFIRMATIVE DEFENSE**

15 **(Causation Is Lacking)**

16 Each cause of action is barred, in whole or in part, because Plaintiff have not  
17 sustained any injury or damage by reason of any act or omission on Defendant's part.

18 **NINTH AFFIRMATIVE DEFENSE**

19 **(Statute of Limitations)**

20 Plaintiff's claims are barred by the applicable statutes of limitations.

21 **TENTH AFFIRMATIVE DEFENSE**

22 **(Lack of Damage)**

23 Plaintiff has not suffered any damage as a result of any actions allegedly  
24 taken by Defendant and is thus barred from asserting any claim against Defendant.

25  
26 **DEMAND FOR JURY TRIAL**

27 Defendant hereby requests a jury trial for all issues triable by jury.  
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