

1 Joshua R. Furman, Bar No. 225461  
jrf@furmanlawyers.com  
2 JOSHUA R. FURMAN LAW CORP.  
9663 Santa Monica Boulevard, No. 721  
3 Beverly Hills, California 90210  
Telephone: (310) 809-3016  
4 Facsimile: (310) 861-0449

5 *Attorney for Defendants,*  
DOLLAR EMPIRE, LLC; ESTELLA;  
6 MICHAEL WU a/k/a WEI KAI WU

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

11 DISNEY ENTERPRISES, INC.,

12 Plaintiff,

13 vs.

14 DOLLAR EMPIRE, LLC; ESTELLA;  
15 MICHAEL WU a/k/a WEI KAI WU;  
and DOES 1–10, inclusive,

16 Defendants.  
17

Case No.: CV 07-1391 VBF (PLAx)

**ANSWER**

1 Defendants DOLLAR EMPIRE, LLC; ESTELLA; and MICHAEL WU  
2 a/k/a WEI KAI WU (collectively, “Defendants”) hereby answer the Complaint  
3 against them as follows:

4 **Allegations Common to All Claims for Relief**

5 **A. Jurisdiction and Venue**

6 1. Paragraph 1 states a legal conclusion to which no response is  
7 required. To the extent a response is required, Defendants admit that this Court  
8 has subject matter jurisdiction over this matter based on the allegations in the  
9 Complaint pertaining to matters arising under 15 U.S.C. § 1051, *et seq.* and 17  
10 U.S.C. § 101, *et seq.* and that supplemental jurisdiction for matters arising under  
11 the laws of the State of California is appropriate to the extent the allegations  
12 thereunder pertain to the same case or controversy. Except for those matters  
13 specifically admitted, Defendants deny the remaining factual allegations in  
14 paragraph 1.

15 2. Paragraph 2 states a legal conclusion to which no response is  
16 required. To the extent a response is required, Defendants admit the allegations of  
17 paragraph 2.

18 **B. Introduction**

19 3. Defendants are without sufficient knowledge or information to form a  
20 belief as to the truth of the allegations contained in paragraph 3 regarding  
21 intellectual properties alleged to be owned by DISNEY ENTERPRISES, INC.  
22 (“Disney”) and on that basis deny said allegations. Except for those matters  
23 specifically admitted, Defendants deny the remaining factual allegations in  
24 paragraph 3.

25 **C. Plaintiff, Disney**

26 4. Defendants are without sufficient knowledge or information to form a  
27 belief as to the truth of the allegations contained in paragraph 4, and on that basis  
28 deny each and every allegation contained therein.

1           5.       Defendants are without sufficient knowledge or information to form a  
2 belief as to the truth of the allegations contained in paragraph 5, and on that basis  
3 deny each and every allegation contained therein.

4           6.       Defendants are without sufficient knowledge or information to form a  
5 belief as to the truth of the allegations contained in paragraph 6, and on that basis  
6 deny each and every allegation contained therein.

7           7.       Paragraph 7 states a legal conclusion to which no response is  
8 required. To the extent a response is required, Defendants are without sufficient  
9 knowledge or information to form a belief as to the truth of the allegations  
10 contained in paragraph 7, and on that basis deny each and every allegation  
11 contained therein.

12          8.       Defendants are without sufficient knowledge or information to form a  
13 belief as to the truth of the allegations contained in paragraph 8, and on that basis  
14 deny each and every allegation contained therein.

15          9.       Defendants are without sufficient knowledge or information to form a  
16 belief as to the truth of the allegations contained in paragraph 9, and on that basis  
17 deny each and every allegation contained therein.

18          10.      Defendants are without sufficient knowledge or information to form a  
19 belief as to the truth of the allegations contained in paragraph 10, and on that basis  
20 deny each and every allegation contained therein.

21          11.      Paragraph 11 states a legal conclusion to which no response is  
22 required. To the extent a response is required, Defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations  
24 contained in paragraph 11, and on that basis deny each and every allegation  
25 contained therein.

26          12.      Paragraph 12 states a legal conclusion to which no response is  
27 required. To the extent a response is required, Defendants are without sufficient  
28 knowledge or information to form a belief as to the truth of the allegations

1 contained in paragraph 12, and on that basis deny each and every allegation  
2 contained therein.

3 13. Defendants are without sufficient knowledge or information to form a  
4 belief as to the truth of the allegations contained in paragraph 13, and on that basis  
5 deny each and every allegation contained therein.

6 **D. Defendants**

7 14. Defendants admit that Dollar Empire, LLC has a principal place of  
8 business in Vernon, California and is subject to the jurisdiction of this Court.  
9 Except for those matters specifically admitted, Defendants deny the remaining  
10 factual allegations contained in paragraph 14.

11 15. Defendants deny each and every allegation contained in paragraph  
12 15.

13 16. Defendants admit that MICHAEL WU a/k/a WEI KAI WU is subject  
14 to the jurisdiction of this Court and that Mr. Wu occupies a leadership position  
15 with DOLLAR EMPIRE, LLC. Except for those matters specifically admitted,  
16 Defendants deny the remaining factual allegations contained in paragraph 16.

17 17. Defendants are without sufficient knowledge or information to form a  
18 belief as to the truth of the allegations contained in paragraph 17, and on that basis  
19 deny each and every allegation contained therein.

20 **E. Defendants' Infringing Activities**

21 18. Defendants admit that they are not directly licensed by Disney for  
22 any purpose. Defendants are without sufficient knowledge or information to form  
23 a belief as to the truth of the allegations concerning Disney's use and registration  
24 of its alleged properties, and on that basis deny said allegations. Except for those  
25 matters specifically admitted, Defendants deny the remaining factual allegations  
26 contained in paragraph 18.

27 19. Defendants deny each and every allegation contained in paragraph  
28 19.



1 29.

2 30. Paragraph 30 states a legal conclusion to which no response is  
3 required. To the extent a response is required, Defendants deny each and every  
4 allegation contained in paragraph 30.

5 31. Defendants deny each and every allegation contained in paragraph  
6 31.

7 32. Paragraph 32 states a legal conclusion to which no response is  
8 required. To the extent a response is required, Defendants deny each and every  
9 allegation contained in paragraph 32.

10 33. Paragraph 33 states a legal conclusion to which no response is  
11 required. To the extent a response is required, Defendants deny each and every  
12 allegation contained in paragraph 33.

13 34. Paragraph 34 states a legal conclusion to which no response is  
14 required. To the extent a response is required, Defendants deny each and every  
15 allegation contained in paragraph 34.

16 35. Paragraph 35 states a legal conclusion to which no response is  
17 required. To the extent a response is required, Defendants deny each and every  
18 allegation contained in paragraph 35.

19 **THIRD CLAIM FOR RELIEF**

20 **(For Copyright Infringement)**

21 36. Defendants refer to and incorporate their answers to paragraphs 1–35  
22 as though set forth in their entirety herein.

23 37. Defendants deny each and every allegation contained in paragraph  
24 37.

25 38. Paragraph 38 states a legal conclusion to which no response is  
26 required. To the extent a response is required, Defendants deny each and every  
27 allegation contained in paragraph 38.

28 39. Paragraph 39 states a legal conclusion to which no response is

1 required. To the extent a response is required, Defendants deny each and every  
2 allegation contained in paragraph 39.

3 40. Paragraph 40 states a legal conclusion to which no response is  
4 required. To the extent a response is required, Defendants deny each and every  
5 allegation contained in paragraph 40.

#### 6 **FOURTH CLAIM FOR RELIEF**

##### 7 **(For Contributory Copyright Infringement)**

8 41. Defendants refer to and incorporate their answers to paragraphs 1–40  
9 as though set forth in their entirety herein.

10 42. Paragraph 42 states a legal conclusion to which no response is  
11 required. To the extent a response is required, Defendants deny each and every  
12 allegation contained in paragraph 42.

13 43. Paragraph 43 states a legal conclusion to which no response is  
14 required. To the extent a response is required, Defendants deny each and every  
15 allegation contained in paragraph 43.

16 44. Paragraph 44 states a legal conclusion to which no response is  
17 required. To the extent a response is required, Defendants are without sufficient  
18 knowledge or information to form a belief as to the truth of the allegations  
19 regarding Disney's use or registration of its alleged properties, and on that basis  
20 deny said allegations. Except for those matters specifically admitted, Defendants  
21 the remaining factual allegations contained in paragraph 44.

22 45. Paragraph 45 states a legal conclusion to which no response is  
23 required. To the extent a response is required, Defendants deny each and every  
24 allegation contained in paragraph 45.

25 46. Paragraph 46 states a legal conclusion to which no response is  
26 required. To the extent a response is required, Defendants deny each and every  
27 allegation contained in paragraph 46.

28 47. Paragraph 47 states a legal conclusion to which no response is

1 required. To the extent a response is required, Defendants deny each and every  
2 allegation contained in paragraph 47.

3 **FIFTH CLAIM FOR RELIEF**

4 **(For Unfair Competition)**

5 48. Defendants refer to and incorporate their answers to paragraphs 1–47  
6 as though set forth in their entirety herein.

7 49. Defendants are without sufficient knowledge or information to form a  
8 belief as to the truth of the allegations contained in paragraph 49, and on that basis  
9 deny each and every allegation contained therein.

10 50. Paragraph 50 states a legal conclusion to which no response is  
11 required. To the extent a response is required, Defendants are without sufficient  
12 knowledge or information to form a belief as to the truth of the allegations  
13 contained in paragraph 50, and on that basis deny each and every allegation  
14 contained therein.

15 51. Defendants deny each and every allegation contained in paragraph  
16 51.

17 52. Defendants deny each and every allegation contained in paragraph  
18 52.

19 53. Paragraph 53 states a legal conclusion to which no response is  
20 required. To the extent a response is required, Defendants deny each and every  
21 allegation contained in paragraph 53.

22 54. Paragraph 54 states a legal conclusion to which no response is  
23 required. To the extent a response is required, Defendants deny each and every  
24 allegation contained in paragraph 54.

25 55. Paragraph 55 states a legal conclusion to which no response is  
26 required. To the extent a response is required, Defendants deny each and every  
27 allegation contained in paragraph 55.

28 56. Paragraph 56 states a legal conclusion to which no response is



1 required. To the extent a response is required, Defendants deny each and every  
2 allegation contained in paragraph 56.

3 57. Paragraph 57 states a legal conclusion to which no response is  
4 required. To the extent a response is required, Defendants deny each and every  
5 allegation contained in paragraph 57.

6 58. Paragraph 58 states a legal conclusion to which no response is  
7 required. To the extent a response is required, Defendants deny each and every  
8 allegation contained in paragraph 58.

9 **SIXTH CLAIM FOR RELIEF**

10 **(For State Law Unfair Competition)**

11 59. Defendants refer to and incorporate their answers to paragraphs 1–58  
12 as though set forth in their entirety herein.

13 60. Paragraph 60 states a legal conclusion to which no response is  
14 required. To the extent a response is required, Defendants deny each and every  
15 allegation contained in paragraph 60.

16 61. Paragraph 61 states a legal conclusion to which no response is  
17 required. To the extent a response is required, Defendants deny each and every  
18 allegation contained in paragraph 61.

19 62. Paragraph 62 states a legal conclusion to which no response is  
20 required. To the extent a response is required, Defendants deny each and every  
21 allegation contained in paragraph 62.

22 63. Defendants deny each and every allegation contained in paragraph  
23 63.

24 64. Defendants deny each and every allegation contained in paragraph  
25 64.

26 65. Paragraph 65 states a legal conclusion to which no response is  
27 required. To the extent a response is required, Defendants deny each and every  
28 allegation contained in paragraph 65.





1 alleged by Plaintiff were proximately caused by the supervening or intervening  
2 acts or omissions of Plaintiff or persons or entities other than Defendants.

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 **(Setoff)**

5 8. The Complaint fails, in whole or in part, because any and all damages  
6 alleged by Plaintiff are setoff by amounts due and owing from Plaintiff to  
7 Defendants.

8 **NINTH AFFIRMATIVE DEFENSE**

9 **(Failure to Mitigate)**

10 9. The Complaint fails, in whole or in part, due to Plaintiff's failure to  
11 mitigate damages.

12 **TENTH AFFIRMATIVE DEFENSE**

13 **(Consent)**

14 10. The Complaint fails, in whole or in part, because Plaintiff consented  
15 to Defendants' acts and conduct.

16 **ELEVENTH AFFIRMATIVE DEFENSE**

17 **(Privilege, Good Faith, Justifiable Conduct, and Excuse)**

18 11. Defendants were privileged to engage in good faith, justifiable  
19 conduct under the circumstances surrounding the allegations in the Complaint, if  
20 any, and are therefore excused from any liability alleged by Plaintiff therein.

21 **TWELFTH AFFIRMATIVE DEFENSE**

22 **(Acquiescence)**

23 12. Notwithstanding and without waiver of the denials contained herein,  
24 Plaintiff acquiesced in each and every alleged act and/or omission of Defendants  
25 as set forth in the Complaint.

26 **THIRTEENTH AFFIRMATIVE DEFENSE**

27 **(Injunctive Relief Not Available)**

28 13. The Complaint fails to demonstrate any entitlement to the remedy of

1 injunctive relief because it fails to state facts sufficient to show continuing acts,  
2 the threat of irreparable harm or a reasonable likelihood of repetition of the  
3 alleged conduct if it were in fact established to be wrongful.

4 **FOURTEENTH AFFIRMATIVE DEFENSE**

5 **(Justification and Privilege)**

6 14. Plaintiff is barred from recovering on the allegations of the  
7 Complaint, in whole or in part, because Defendants' conduct was justified or  
8 privileged.

9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 **(Adequate Remedy at Law)**

11 15. Plaintiff is barred from recovering for declaratory and injunctive  
12 relief, even if requested, on the allegations contained in the Complaint because  
13 Plaintiff has an adequate remedy at law.

14 **SIXTEENTH AFFIRMATIVE DEFENSE**

15 **(Speculative Damages)**

16 16. Plaintiff is not entitled to recover the alleged damages, if any or at all,  
17 because they are uncertain, contingent, and/or speculative.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 **(Fair Use)**

20 17. The Complaint fails, in whole or in part, because the alleged  
21 infringing acts therein, if proven, constitute fair use.

22 **EIGHTEENTH AFFIRMATIVE DEFENSE**

23 **(Abandonment)**

24 18. The Complaint fails, in whole or in part, because Plaintiff has  
25 abandoned the intellectual properties which it alleges were infringed by  
26 Defendants.

27 ///

28 ///

