

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL DIVISION

KHC Enterprises LLC,  
(d/b/a KC Hemp Co.)

Plaintiff,

v.

KC Hemp Company, LLC

Defendant.

Case No. 19CV05896

Division. 7

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT KC HEMP COMPANY, LLC  
TO PLAINTIFF KHC ENTERPRISES, LLC PETITION FOR DAMAGES AND INJUNCTION**

COMES NOW the Defendant KC Hemp Company, LLC, by and through its attorney of record Troy D. Renkemeyer, and for their answer and affirmative defenses to Plaintiff's Petition for Damage and Injunction ("Petition") states and denies as follows: Defendant deny each and every allegation contained therein unless hereinafter admitted.

**ALLEGATIONS COMMONT TO ALL COUNTS**

1. Denied. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 1 of the Plaintiff's Petition. Regardless the acquisition of a domain name and use of such name does not alone create a brand.
2. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 2 of the Plaintiff's Petition. Therefore the allegation is denied.

3. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 3 of the Plaintiff's Petition. Therefore the allegation is denied.
4. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 4 of the Plaintiff's Petition. Therefore the allegation is denied.
5. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 5 of the Plaintiff's Petition. Therefore the allegation is denied.
6. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 6 of the Plaintiff's Petition. Therefore the allegation is denied.
7. Defendant admits that they own the domain name kchempcompany.com on or about March 20, 2019. Defendant denies all other allegations contained in Paragraph 7 of the Plaintiff's Petition.
8. Admit.
9. Admit.
10. Admit.
11. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 11 of the Plaintiff's Petition. Therefore the allegation is denied.
12. Denied.
13. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 13 of the Plaintiff's Petition. Therefore the allegation is denied.

14. Defendant denies that it failed to maintain a proper registered office and agent.

Defendant is without sufficient information to either admit or deny the allegations within Paragraph 14 of the Plaintiff's Petition. Therefore the allegation is denied.

15. Defendant is without sufficient information to either admit or deny the allegations

within Paragraph 15 of the Plaintiff's Petition. Therefore the allegation is denied.

16. Defendant is without sufficient information to either admit or deny the allegations

within Paragraph 16 of the Plaintiff's Petition. Therefore the allegation is denied.

17. Defendant only admits that it elected to not respond to the referenced letter.

Defendant denies the remaining allegations in Paragraph 17.

18. Denied.

19. Admit.

20. Admit.

21. Denied.

22. Defendant is without sufficient information to either admit or deny the allegations

within Paragraph 22 of the Plaintiff's Petition. Therefore the allegation is denied.

23. Defendant denies that it appropriated Plaintiff's Brand Name.

24. Admit.

25. Defendant is without sufficient information to either admit or deny the allegations

within Paragraph 25 of the Plaintiff's Petition. Therefore the allegation is denied.

26. Denied. Defendant had no knowledge of Plaintiff's filing when it filed its own applications.

27. Defendant admits to filing a trade mark application and a service mark application with the USPTO, but Denies all other allegations contained herein.

28. Defendant admits to filing a trade mark application and a service mark with the USPTO, but denies all other allegations contained herein.

29. Admit.

30. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 30 of the Plaintiff's Petition. Therefore the allegation is denied.

31. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 31 of the Plaintiff's Petition. Therefore the allegation is denied.

32. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 32 of the Plaintiff's Petition. Therefore the allegation is denied.

33. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 33 of the Plaintiff's Petition. Therefore the allegation is denied.

34. Denied.

35. Denied.

36. Admit.

37. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 37 of the Plaintiff's Petition. Therefore the allegation is denied.

**Count I: Common Law Unfair Competition**

38. Defendant incorporates its responses to Paragraphs 1-37 of Plaintiff's Petition as set forth above to its responses to Plaintiff's Petition.

39. Denied.

40. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 40 of the Plaintiff's Petition. Therefore the allegation is denied.

41. Denied.

42. Denied. Defendant believes the Court should implement the law.

43. Denied.

44. Denied.

45. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 45 of the Plaintiff's Petition. Therefore the allegation is denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 53 of the Plaintiff's Petition. Therefore the allegation is denied.

54. Denied.

55. Denied.

56. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 56 of the Plaintiff's Petition. Therefore the allegation is denied.

57. Defendant is without sufficient information to either admit or deny the allegations within Paragraph 57 of the Plaintiff's Petition. Therefore the allegation is denied.

58. Denied.

59. Denied.

60. Denied.

61. Admit that the Petition is verified. Deny all other allegations contained in Paragraph 61 of the Plaintiff's Petition.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

**Count II: Common Law Trademark Infringement**

71. Defendant incorporates its responses to Paragraphs 1-70 of Plaintiff's Petition as set forth above to its responses to Plaintiff's Petition.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

**Affirmative Defenses**

1. Plaintiff has failed to state a claim upon which relief can be granted in its Petition.
2. Plaintiff's claims and damages are barred, in whole or in part, by the doctrines of waiver, estoppel, laches, and/or unclean hands.
3. Plaintiff's claims are barred, in whole or in part, by its failure to mitigate damages.
4. Plaintiff is not entitled to recover attorney's fees and or litigation expenses in any amount.

5. Defendant currently has insufficient knowledge or information on which to form a belief as to whether it may or may not have additional, as yet undiscovered and unstated defenses available. Defendant reserves the right to assert additional defenses in the event discovery indicates additional defenses would be appropriate.

Submitted by,

Renkemeyer Law Firm, LP

/s/ Troy D. Renkemeyer  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing Answer was filed electronically and a copied sent to counsel of record through the Courts e-filing system this 22<sup>nd</sup> day of November, 2019, to:

Kincaid Business & Entrepreneurial Law, LLC  
Matthew T. Kincaid  
5251 West 116<sup>th</sup> Place, Suite 200  
Leawood, Kansas 66211

/s/ Troy D. Renkemeyer  
Troy D. Renkemeyer