

1 JOHN R. ZEIMANTZ  
2 Feltman, Gebhardt, Greer & Zeimantz, P.S.  
3 421 W. Riverside, Suite 1400  
4 Spokane, WA 99201  
5 Telephone (509) 838-6800  
6 Email: [jrzejmantz@fggzlaw.com](mailto:jrzeimantz@fggzlaw.com)

7 Attorneys for Defendant  
8 RICHARD REIMERS

9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF WASHINGTON**

11 TRANS-HIGH CORPORATION, INC.  
12 d/b/a High Times,

13  
14 Plaintiff,

15 v.

16  
17 RICHARD REIMERS; JOHN DOES 1-10  
18 and XYZ CORPORATIONS 1-10;

19 Defendants.

No. 14-CV-00279-LRS

**ANSWER TO COMPLAINT  
AND COUNTERCLAIM**

20  
21 **ANSWER TO COMPLAINT**

22 Defendant RICHARD REIMERS, Defendant herein, responds to the  
23 allegations in Plaintiff's *Complaint* as follows:  
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25 1. Said Defendant admits the allegations contained in Paragraphs 4, 5, 6,  
26 8, 9, 15, and 35.  
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1           2.     Said Defendant denies the allegations contained in Paragraphs 21, 22,  
2 23, 24, 32, 33, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, 49, 50, 52, 53, 54, 55, 57,  
3 and 58.

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5           3.     As to the allegations contained in Paragraph 1, said Defendant admits  
6 that Plaintiff accurately describes the nature of the claims Plaintiff makes in its  
7 *Complaint*, all of which however are denied by this Defendant.

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9           4.     As to the allegations contained in Paragraph 2 of Plaintiff's  
10 *Complaint*, this Defendant admits that the Plaintiff publishes a magazine called  
11 HIGH TIMES and advocates the use of marijuana among other matters in its  
12 publication and advertises sale of marijuana seeds, psilocybin spores, drug  
13 paraphernalia, and equipment to grow marijuana, but said Defendant is without  
14 knowledge or information sufficient to form a belief as to the truthfulness of the  
15 remaining allegations, and therefore denies them.

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17           5.     As to the allegations contained in Paragraph 3 of Plaintiff's  
18 *Complaint*, said Defendant denies causing Plaintiff any damages, infringing on its  
19 marks, or engaging in any activity that would allow Plaintiff the right to injunctive  
20 relief from the Court.

1           6. As to the allegations contained in Paragraph 7 of Plaintiff's  
2 *Complaint*, said Defendant is without knowledge or information sufficient to form  
3 a belief as to the truthfulness of said allegations, and therefore denies them.  
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5           7. As to the allegations contained in Paragraph 10 of Plaintiff's  
6 *Complaint*, said Defendant is without knowledge or information sufficient to form  
7 a belief as to the truthfulness of said allegations, and therefore denies them.  
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9           8. As to the allegations contained in Paragraph 11 of Plaintiff's  
10 *Complaint*, said Defendant is without knowledge or information sufficient to form  
11 a belief as to the truthfulness of said allegations, and therefore denies them.  
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13           9. As to the allegations contained in Paragraph 12 of Plaintiff's  
14 *Complaint*, said Defendant admits that Plaintiff has been publishing HIGH TIMES  
15 magazine, a monthly periodical since 1974, but denies the laudatory remarks  
16 thereafter made and is without knowledge or information sufficient to form a  
17 belief as to remainder of the allegations, and therefore denies them.  
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20           10. As to the allegations contained in Paragraph 13 of Plaintiff's  
21 *Complaint*, said Defendant is without knowledge or information sufficient to form  
22 a belief as to the truthfulness of said allegations, and therefore denies them.  
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1 11. As to the allegations contained in Paragraph 14 of Plaintiff's  
2 *Complaint*, said Defendant is without knowledge or information sufficient to form  
3 a belief as to the truthfulness of said allegations, and therefore denies them.  
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5 12. As to the allegations contained in Paragraph 16 of Plaintiff's  
6 *Complaint*, said Defendant is without knowledge or information sufficient to form  
7 a belief as to the truthfulness of ownership and/or operation of the website  
8 HIGHTIMESCANNABISCUP.COM or of unidentified domain names, except  
9 said Defendant does admit that Plaintiff appears to operate websites under the  
10 name HIGHTIMES.COM as well as MISSHIGHTIMES.COM.  
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14 13. As to the allegations contained in Paragraph 17 of Plaintiff's  
15 *Complaint*, said Defendant is without knowledge or information sufficient to form  
16 a belief as to the truthfulness of said allegations, and therefore denies them.  
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18 14. As to the allegations contained in Paragraph 18 of Plaintiff's  
19 *Complaint*, said Defendant is without knowledge or information sufficient to form  
20 a belief as to the truthfulness of said allegations, and therefore denies them.  
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23 15. As to the allegations contained in Paragraph 19 of Plaintiff's  
24 *Complaint*, said Defendant is without knowledge or information sufficient to form  
25 a belief as to the truthfulness of said allegations, and therefore denies them.  
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1 16. As to the allegations contained in Paragraph 20 of Plaintiff's  
2 *Complaint*, said Defendant admits he opened and began operating a retail cannabis  
3 store after receiving a license to do so from the State of Washington Liquor  
4 Control Board. Said Defendant further admits that there was local press coverage  
5 in the Ephrata, Washington area, but is without knowledge or information  
6 sufficient to form a belief as to the truthfulness of the allegation regarding the  
7 specific title thereof, and therefore denies said allegation.  
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11 17. As to the allegations contained in Paragraph 25 of Plaintiff's  
12 *Complaint*, said Defendant admits he was aware of Plaintiff's HIGH TIMES mark  
13 but denies any intent to violate Plaintiff's rights or infringe.  
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15 18. As to the allegations contained in Paragraph 26 of Plaintiff's  
16 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
17 the allegations as the letter speaks for itself.  
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20 19. As to the allegations contained in Paragraph 27 of Plaintiff's  
21 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
22 the allegations as the letter speaks for itself.  
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1           20. As to the allegations contained in Paragraph 28 of Plaintiff's  
2 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
3 the allegations as the letter speaks for itself.  
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5           21. As to the allegations contained in Paragraph 29 of Plaintiff's  
6 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
7 the allegations as the letter speaks for itself.  
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9           22. As to the allegations contained in Paragraph 30 of Plaintiff's  
10 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
11 the allegations as the letter speaks for itself.  
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14           23. As to the allegations contained in Paragraph 31 of Plaintiff's  
15 *Complaint*, said Defendant admits the referenced letter but denies the remainder of  
16 the allegations as the letter speaks for itself.  
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18           24. As to the allegations contained in Paragraph 34 of Plaintiff's  
19 *Complaint* as to the incorporated allegations contained in Paragraphs 34, 41, 46,  
20 51, and 56, said Defendant admits and denies the incorporated allegations as set  
21 forth herein.  
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**COUNTERCLAIM**

**CANCELLATION OF FEDERAL REGISTRATION OF TRADEMARK**

1. Jurisdiction and venue are proper in this case pursuant to 28 USC 1331, 1338.

2. Plaintiff utilizes a trademark under the name and style “HIGH TIMES”. Plaintiff further publishes a magazine under that same name and operates a website at HIGHTIMES.COM.

3. Plaintiff’s trademark “HIGH TIMES” is registered to Plaintiff at the United States Patent and Trademark Office under several registrations including Registration Nos. 1883561 and 4069371, and an application for registration, No. 86097993.

4. As Plaintiff admits in its *Complaint* filed herein, its HIGH TIMES magazine and HIGH TIMES website promote the production and use of marijuana. The magazine and website offer for sale, among other things, paraphernalia utilized in the consumption and use of marijuana, products used in the production of marijuana, marijuana seeds, and psilocybin mushroom spores to produce psilocybin, the latter of which is like marijuana, a controlled substance under Federal law.



**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of September, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

AARON D. GOFORTH  
Davidson Backman Medeiros PLLC  
[agoforth@dbm-law.net](mailto:agoforth@dbm-law.net)

KIERAN G. DOYLE  
Cowan, Liebowitz & Latman, P.C.  
[KGD@cll.com](mailto:KGD@cll.com)

/s/ John R. Zeimantz  
John R. Zeimantz, WSBA#9502  
Attorney for Defendant  
RICHARD REIMERS  
421 West Riverside Avenue, Suite 1400  
Spokane, WA 99201  
Phone Number: (509) 838-6800  
Fax Number: (509) 744-3436  
Email Address: [jrzejmantz@fggzlaw.com](mailto:jrzeimantz@fggzlaw.com)