

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

SIGNIFY NORTH AMERICA)
CORPORATION and)
SIGNIFY HOLDING B.V.,)
)
Plaintiffs,)

v.)

MENARD INC.,)
)
Defendant, Third-Party Plaintiff)

v.)

LUMINEX INTERNATIONAL COMPANY,)
LTD.; RICHPOWER INDUSTRIES, INC.;)
EAST WEST COMMERCE CO., INC.;)
ALERT REEL MANUFACTURING, LLC;)
BEST LIGHTING PRODUCTS, INC.; K)
LIVE D/B/A BULB STAR; CL)
CORPORATION D/B/A PINEGREEN)
LIGHTING; GOOD EARTH LIGHTING,)
INC.; GT INDUSTRIAL PRODUCTS,)
L.L.C; SOARING TECHNOLOGY CO.,)
LTD; ZONE INDUSTRY CORPORATION;)
CANARM, LTD.; TEST RITE PRODUCTS)
CORPORATION)
)
Third-Party Defendants.)

Case No. 3:22-cv-00706

**THIRD-PARTY DEFENDANT CANARM, LTD'S ANSWER AND AFFIRMATIVE
DEFENSES TO DEFENDANT MENARD INC.'S AMENDED THIRD PARTY
COMPLAINT**

Third-Party Defendant Canarm, Ltd. ("Canarm") hereby answers the Third-Party Complaint filed by Third-Party Plaintiff Menard Inc. ("Menard"). Canarm denies all allegations not expressly admitted herein.

NATURE OF THE ACTION¹

1. Canarm admits that Menard purports to bring this action for indemnity against the Third-Party Defendants for claims brought by Plaintiff Signify against Menard. Canarm otherwise denies any and all allegations and/or legal conclusions set forth in this paragraph.

2. Canarm admits that Plaintiff Signify filed a complaint against Menard alleging that Menard has committed acts of patent infringement. Canarm otherwise denies any and all allegations and/or legal conclusions set forth in this paragraph.

3. Canarm admits that Menard purports to deny any liability to Signify. The remaining allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

PARTIES

4. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

5. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

6. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

7. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

8. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

¹ The headings appearing in this answer correspond to the headings in the Amended Third-Party Complaint, are included solely for the ease of reference, and are not intended and should not be understood to constitute an admission as to any matter alleged in the Amended Third-Party Complaint.

9. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

10. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

11. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

12. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

13. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

14. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

15. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

16. Admitted.

17. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

JURISDICTION AND VENUE

18. The allegations in this paragraph are conclusions of law to which no response is required. By way of further answer, Canarm does not contest subject matter jurisdiction for purposes of this action.

19. The allegations in this paragraph are conclusions of law to which no response is required. By way of further answer, Canarm does not contest subject matter jurisdiction for purposes of this action.

20. The allegations in this paragraph are conclusions of law to which no response is required. By way of further answer, Canarm does not contest personal jurisdiction for the purposes of this action. Canarm otherwise lacks sufficient knowledge and information to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

21. The allegations in this paragraph are conclusions of law to which no response is required and Canarm therefore denies them. By way of further answer, Canarm does not contest personal jurisdiction for the purposes of this action. Canarm otherwise lacks sufficient knowledge and information to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

22. Canarm does not dispute that venue in the Western District of Wisconsin is proper. With respect to Menard and the other third-party defendants, Canarm lacks sufficient knowledge and information to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT 1: INDEMNIFICATION AND DEFENSE BY LUMINEX

23. Canarm incorporates by reference its responses to Paragraphs 1-22.

24. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

25. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

26. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

27. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

28. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

29. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

30. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

31. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

32. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

33. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

34. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

35. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT II: INDEMNIFICATION AND DEFENSE BY RICHPOWER

36. Canarm incorporates by reference its responses to Paragraphs 1-22.

37. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

38. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

39. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

40. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

41. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

42. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

43. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

44. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

45. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

46. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

47. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

48. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT III: INDEMNIFICATION AND DEFENSE BY EAST WEST

49. Canarm incorporates by reference its responses to Paragraphs 1-22.

50. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

51. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

52. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

53. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

54. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

55. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

56. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

57. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

58. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

59. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

60. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

61. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT IV: INDEMNIFICATION AND DEFENSE BY ALERT

62. Canarm incorporates by reference its responses to Paragraphs 1-22.

63. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

64. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

65. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

66. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

67. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

68. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

69. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

70. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

71. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

72. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

73. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

74. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT V: INDEMNIFICATION AND DEFENSE BY BEST LIGHTING

75. Canarm incorporates by reference its responses to Paragraphs 1-22.

76. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

77. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

78. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

79. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

80. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

81. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

82. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

83. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

84. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

85. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

86. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

87. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT VI: INDEMNIFICATION AND DEFENSE BY BULB STAR

88. Canarm incorporates by reference its responses to Paragraphs 1-22.

89. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

90. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

91. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

92. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

93. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

94. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

95. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

96. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

97. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

98. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

99. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

100. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT VII: INDEMNIFICATION AND DEFENSE BY CL CORPORATION

101. Canarm incorporates by reference its responses to Paragraphs 1-22.

102. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

103. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

104. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

105. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

106. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

107. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

108. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

109. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

110. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

111. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

112. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

113. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT VIII: INDEMNIFICATION AND DEFENSE BY GOOD EARTH

114. Canarm incorporates by reference its responses to Paragraphs 1-22.

115. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

116. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

117. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

118. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

119. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

120. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

121. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

122. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

123. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

124. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

125. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

126. This paragraph is not directed at Canarm and therefore no response is required. To the extent a response is required, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT IX: INDEMNIFICATION AND DEFENSE BY GT INDUSTRIAL

127. Canarm incorporates by reference its responses to Paragraphs 1-22.

128. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

129. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

130. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

131. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

132. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

133. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

134. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

135. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

136. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

137. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

138. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

139. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT X: INDEMNIFICATION AND DEFENSE BY SOARING

140. Canarm incorporates by reference its responses to Paragraphs 1-22.

141. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

142. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

143. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

144. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

145. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

146. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

147. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

148. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

149. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

150. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

151. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

152. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT XI: INDEMNIFICATION AND DEFENSE BY ZONE INDUSTRY

153. Canarm incorporates by reference its responses to Paragraphs 1-22.

154. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

155. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

156. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

157. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

158. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

159. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

160. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

161. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

162. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

163. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

164. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

165. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT XII: INDEMNIFICATION AND DEFENSE BY CANARM

166. Canarm incorporates by reference its responses to Paragraphs 1-22.

167. Canarm admits that Menard and Canarm are parties to an agreement entitled “Menards Customer Returns, Defective Goods Policy & Conditions of Order,” (the “Agreement”) which was executed by Canarm on February 5, 2020.

168. Canarm admits that the agreement signed by Canarm on February 5, 2020, has not been terminated.

169. Canarm admits that it is a party to the Agreement with Menard. Canarm refers to the Agreement for its full terms and denies any allegations in the Third-Party Complaint that are inconsistent therewith.

170. Canarm admits that it is a party to the Agreement with Menard. Canarm refers to the Agreement for its full terms and denies any allegations in the Third-Party Complaint that are inconsistent therewith.

171. Canarm admits that it is a party to the Agreement with Menard. Canarm refers to the Agreement for its full terms and denies any allegations in the Third-Party Complaint that are inconsistent therewith.

172. Canarm admits that it is a party to the Agreement with Menard. Canarm refers to the Agreement for its full terms and denies any allegations in the Third-Party Complaint that are inconsistent therewith.

173. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them. To the extent a response is required, Canarm refers to the text of UCC § 2-312(3) and Wis. Stat. § 402.312(3) and denies any allegations in the Third-Party Complaint that are inconsistent therewith.

174. Canarm admits that Menard purports to incorporate by reference Plaintiffs' complaint. Canarm lacks knowledge or information sufficient to form a belief as to the truth of any remaining allegations set forth in this paragraph and therefore denies them.

175. Canarm admits that it supplied products to Menard. Canarm lacks knowledge or information sufficient to form a belief as to the meaning of "Canarm Infringing Products" purportedly referenced in Plaintiffs' Complaint, Infringement Contentions, and/or Letter to Menard dated July 13, 2023, and therefore denies any remaining allegations set forth in this paragraph.

176. Canarm admits that it supplied products to Menard. Canarm lacks knowledge or information sufficient to form a belief as to the meaning of "Canarm Infringing Products" purportedly referenced in Plaintiffs' Complaint, Infringement Contentions, and/or Letter to Menard dated July 13, 2023, and therefore denies any remaining allegations set forth in this paragraph.

177. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

178. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

COUNT XIII: INDEMNIFICATION AND DEFENSE BY TEST RITE

179. Canarm incorporates by reference its responses to Paragraphs 1-22.

180. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

181. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

182. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

183. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

184. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

185. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

186. The allegations in this paragraph are conclusions of law to which no response is required, and Canarm therefore denies them.

187. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

188. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

189. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

190. Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

191. This paragraph is not directed at Canarm and therefore no response is required. By way of further answer, Canarm lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph and therefore denies them.

JURY DEMAND

Canarm does not object to Menard's demand for a trial by jury on all issues so triable, and similarly demands a trial by jury on all issues so triable herein.

PRAYER FOR RELIEF

Canarm denies that Menard is entitled to any relief.

AFFIRMATIVE DEFENSES

Canarm asserts the following affirmative defenses without altering any applicable burdens of proof or burdens of persuasion. Canarm expressly reserves the right to supplement, amend, or withdraw any or all of the following defenses. Canarm further reserves the right to file any counterclaims, as warranted by discovery or other investigation, or for any other reason.

**FIRST AFFIRMATIVE DEFENSE
(Failure to Mitigate)**

Menard has failed to take reasonable action to mitigate the loss, injury, or damage allegedly suffered, if any, and any recovery must be barred or diminished by reason thereof.

**SECOND AFFIRMATIVE DEFENSE
(Arbitration/Improper Venue)**

Menard's claim against Canarm is based upon an agreement that contains an arbitration clause; that arbitration clause encompasses Menard's claim. Menard's claim is thus barred by its contractual agreement to arbitrate. Canarm reserves its rights accordingly, and answers without waiving its right to arbitrate.

**THIRD AFFIRMATIVE DEFENSE
(Invalidity of Patent)**

Menard's claim against Canarm for indemnification arising out of the asserted patents is barred by reason that one or more of the claims of the asserted patents fails to meet one or more requirements of patentability set forth in Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, and/or 112, the Rules and Regulations of the U.S. Patent and Trademark Office.

**FOURTH AFFIRMATIVE DEFENSE
(Non-Infringement)**

Canarm does not infringe and has not infringed any valid, enforceable, asserted claim of any of the asserted patents, either literally and/or under the doctrine of equivalents.

**FIFTH AFFIRMATIVE DEFENSE
(Prosecution History Disclaimer and Estoppel)**

Menard's claim against Canarm for indemnification arising out of the asserted patents is barred, based on statements, representations, and admissions made during prosecution of the patent applications resulting in the asserted patents or related patent applications, from asserting

any interpretation of any valid, enforceable claims broad enough to cover any accused product alleged to infringe the asserted patent, either literally or by application of the doctrine of equivalents.

**SIXTH AFFIRMATIVE DEFENSE
(Preclusion of Costs)**

Menard's claims for costs are statutorily limited or barred by 35 U.S.C. § 288.

**SEVENTH AFFIRMATIVE DEFENSE
(Laches Waiver, Acquiescence or Unclean Hands)**

Menard's claim against Canarm is barred in whole or in part by the equitable doctrines of laches, waiver, estoppel, acquiescence, and/or unclean hands.

**EIGHTH AFFIRMATIVE DEFENSE
(Failure To State a Claim)**

Menard's Amended Third-Party Complaint fails to state a claim upon which relief may be granted.

**NINTH AFFIRMATIVE DEFENSE
(Limitation on Damages)**

Upon information and belief, Plaintiffs have failed to meet the requirements of 35 U.S.C. § 287, such that Plaintiffs are precluded from seeking damages from Menard for any and all alleged infringements of the Asserted Patents prior to the earlier of the filing of the Complaint or actual notice to Menard.

**TENTH AFFIRMATIVE DEFENSE
(No Willfulness)**

Menard is barred from obtaining a finding of willfulness or receiving enhanced damages because Menard has failed to allege sufficient facts to plausibly suggest that Canarm engaged in willful conduct and Menard has engaged in no such willful conduct, which is a prerequisite for a finding of willfulness and an award of enhanced damages.

RESERVATION OF RIGHTS

Canarm hereby reserves the right to amend its Answer and reserves all defenses set out in Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses, at law or in equity, which become applicable after the substantial completion of discovery or otherwise in the course of litigation.

Dated: January 25, 2024

Respectfully submitted,

/s/ DRAFT

Andrew W. Erlandson

WI State Bar ID No. 1029815

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