



quinn emanuel trial lawyers

quinn emanuel urquhart & sullivan, llp

Copyright Litigation

We are second to none in litigating copyright disputes. One of our partners won his first copyright case – resulting in published opinions since cited by the Supreme Court and most Courts of Appeals – while still in law school. In another published decision, this time while with our firm, he won a sizable attorneys’ fee award on behalf of a defendant found *liable* for infringing the plaintiff’s copyrights. Another of our partners won a precedential case establishing the protectability of a software program’s user interface. We also successfully defended Napster in an alleged mass copyright infringement suit brought by a copyright administrator and 26 music publishers, and won a judgment in the tens of millions of dollars against international copyright pirates stealing from a photograph licensing business. We regularly protect such valuable copyrights as the Academy Awards telecast, Oscar©, BARBIE, HOT WHEELS, and others. In 2010, *The American Lawyer* ranked us “Top IP Litigation Department of the Year.”

REPRESENTATIVE COPYRIGHT CLIENTS

Academy of Television Arts and Sciences	INVISTA S.a.r.l.
Academy of Motion Picture Arts and Sciences	Johnson Controls
Avery Dennison	Koch Industries
Brøderbund Software	Kosa France
Bullet Proof Software	LifeScan
Compuware	Mattel
Disney	Motorola
DreamWorks	NFL
easyJet Airlines	Northrop Grumman
GameTech International	Paramount Pictures
General Motors	PeopleSoft
Good Technology	Shell Oil
Google	Shell Exploration & Production
Hughes	Symyx Technologies
IBM	

RECENT COPYRIGHT REPRESENTATIONS

- Barclays v. Flyonthewall (2d Cir. 2011). We represented **Google** and **Twitter** as amicus in the Second Circuit in a successful effort to narrow the tort of "hot news" misappropriation.

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Attorney Advertising. Prior results do not guarantee a similar outcome.

- Perfect 10, Inc. v. Google Inc. (C.D. Cal. 2010, Fed. Cir. 2011). For our client **Google**, Quinn Emanuel successfully obtained a decision in the Ninth Circuit Court of Appeals upholding district court orders that Quinn Emanuel had obtained in favor of Google. At issue were Perfect 10's claims of copyright infringement seeking to shut down Google's popular Web Search, Image Search and Blogger services. The Ninth Circuit affirmed the district court's order denying plaintiff Perfect 10's motion for a preliminary injunction and left intact a summary judgment for Google holding that Google was entitled to safe harbor under the DMCA with respect to the entirety of Perfect 10's copyright infringement claims directed to Blogger and Image Search, and more than 98% of Perfect 10's claims regarding Web Search.
- Flaherty v. Filardi (S.D.N.Y. 2009). We represented **The Walt Disney Company, Executive Producer Dana Owens (p/k/a “Queen Latifah”), screenwriter Jason Filardi and various independent producers** of the hit comedy film “Bringing Down the House” (starring Steve Martin) in a long-running copyright infringement lawsuit filed by an aspiring screenwriter. Along the way, we obtained published summary judgment rulings dismissing all claims against our clients, including copyright, Lanham Act and fraud claims relating to the final motion picture as well as similar claims relating to draft screenplays created during the development of the film. In addition, we also defeated countless motions filed by the plaintiff, including one seeking to enjoin the network and cable premieres of the movie and another challenging the propriety of a single firm jointly representing multiple defendants in such cases to promote efficiency and reduce legal costs.
- Bouchat v. NFL and Baltimore Ravens (D. Md. 2008). Represented by prior counsel, the **NFL** and the **Baltimore Ravens** were found liable for copyright infringement regarding the Ravens’ inaugural helmet logo. In a subsequent trial on damages after we were retained, the jury found that the infringed logo did not generate any revenue because the revenues solely resulted from the inherent power of the NFL brand and the sport itself. The verdict was affirmed by the Fourth Circuit and the Supreme Court denied *cert*. The plaintiff then tried again, alleging in a new action multiple continuing usages by the Ravens of the infringing logo. Following a bench trial, the judge found for the NFL and the Ravens based on fair use.
- Funky Films, Inc. v. Time Warner Entertainment Co., 462 F.3d 1072 (9th Cir. 2006). On behalf of **Time Warner Entertainment** and **HBO**, we obtained a summary judgment dismissal of copyright and trademark infringement claims valued in excess of \$50 million challenging the originality of the popular hit series “Six Feet Under.” Our win was later affirmed by the Ninth Circuit in an oft-cited ruling articulating the application of copyright law to television and film properties.
- Corbis v. TemplateMonster.com (S.D. Fla. 2006). One of our partners represented **Corbis** against Ukrainian and other foreign professional copyright pirates, obtaining a TRO and injunction against all defendants that permanently shut down several foreign copyright pirate operations, and winning a \$20 million judgment against several of the defendants.

- MCS Music America v. Napster (E.D. Tenn. 2006). We successfully defended **Napster** in an alleged mass copyright infringement suit brought by a copyright administrator and some 26 music publishers. The suit alleged that thousands of digital music tracks offered for download and/or streaming on **Napster's** service were infringing. Plaintiffs had claimed more than \$220 million in damages. After our depositions of plaintiffs' representatives cast doubt on their ownership rights and claims of unauthorized use, plaintiffs voluntarily dismissed their suit.
- Mattel v. Radio City Entertainment (2d Cir. 2006). As appellate counsel, we won a decision by the Second Circuit vacating a district judge's adverse verdict after a bench trial against **Mattel** in a copyright infringement case litigated at the trial level by a different firm.
- Price v. Fox Entertainment Group (S.D.N.Y. 2005). On behalf of **Twentieth Century Fox** and other defendants, we won a partial summary judgment and a ruling that the plaintiff's sole expert witness was unqualified to testify in a case alleging infringement claims arising out of the Ben Stiller movie "Dodgeball: A True Underdog Story." The case then settled favorably.
- Nicholls v. Tufenkian Import/Export Ventures (S.D.N.Y. 2005). Even though we were retained by **Tufenkian Carpets** less than a month before trial, we won a defense verdict, including specific findings of lack of access and lack of substantial similarity in a rug design case.
- Ninox Television v. Fox Entertainment Group (S.D.N.Y. 2005). We represented **Fox Entertainment Group** and **FreemantleMedia** against a New Zealand-based production company over the format to "The Complex: Malibu," a home renovation reality competition series. After we obtained an early stay of discovery and moved for summary judgment on the ground that generic elements of television programming are not entitled to copyright protection, the plaintiff withdrew its complaint with prejudice.
- Robbins v. Mattel (S.D. Ohio 2005). In complex suit alleging reversion of previously assigned copyright and trademark ownership rights to the famous game UNO, we won summary judgment for **Mattel** on the bulk of plaintiffs' claims, which plaintiffs asserted were worth in excess of \$75 million. The case subsequently settled on terms that included the entry of final judgment declaring Mattel's exclusive, superior rights to the UNO properties.
- Mattel v. American First Run Studios (C.D. Cal. 2003). We defended **Mattel** against state and federal suits claiming Mattel's **TARZAN** action figures infringed a studio's copyrights and related rights, winning summary judgments in both actions, later affirmed by the California Court of Appeal and the Ninth Circuit Court of Appeals, respectively.

- Greiner & Hausser GmbH v. Mattel (C.D. Cal. 2003). In cross-border actions in the U.S. and Germany, we defeated a former owner's claims seeking to rescind the assignment of copyright and patent rights that formed the basis of **Mattel's BARBIE** product line, worth more than \$2 billion in annual revenues. Reported decisions include 354 F.3d 857 (9th Cir. 2003).
- Kling v. DIC Entertainment (C.D. Cal. 2003). We successfully defended production and merchandising entities against a \$20 million copyright claim based on a highly successful television and motion picture property, winning a complete defense verdict. *See also* prior appeal: Kling v. Hallmark Cards, Inc., 225 F.3d 1030 (9th Cir. 2000)
- Kling v. DIC Animation (C.D. Cal. 2001). We won a unanimous defense verdict on behalf of **Artisan Pictures, DIC Animation, Hallmark Cards, Mattel** and **United Feature Syndicate** when they faced a multi-million dollar copyright infringement trial over the RAINBOW BRITE and ROBOTMAN TV programs and videocassettes.
- MP3Board v. AOL Time Warner (S.D.N.Y. 2001). We obtained a dismissal with prejudice of claims against **AOL Time Warner** for alleged contributory and vicarious copyright infringement based upon its "Gnutella" information-sharing software.
- Gemisys v. Phoenix American, 50 U.S.P.Q.2d 1876 (N.D. Cal. 1999). One of our partners successfully defended **Phoenix American** and two of its subsidiaries against charges of copyright infringement, trade secret misappropriation, unfair competition and breach of a license agreement.
- Russo v. Russomanno (Los Angeles Super. Ct. 1999). We successfully defended a "deep pocket" motion picture studio in an entertainment industry trial, winning a nonsuit after closing statements even though a \$52 million verdict was entered against other defendants. We subsequently acted as lead appellate counsel, winning an affirmative of nonsuit and summary adjudication. The appellate rulings focused on the copyright preemption of claims for interference with contract and misappropriation of trade secrets.
- Danjaq LLC v. Sony Pictures Entertainment (C.D. Cal. 1998). One of our partners represented the producers and distributors of the **James Bond** film franchise in a copyright and trademark dispute concerning the right to create James Bond films. He obtained a preliminary injunction (affirmed by the 9th Circuit) and later won a defense judgment on a copyright infringement counterclaim, subsequently affirmed by the Ninth Circuit in a published opinion.
- Trio v. Intuit (C.D. Cal. 1997). One of our partners represented **Intuit**, successfully defending a claim that Intuit had incorporated the plaintiff's code into its award-winning Quicken products.

- Martin Cano v. A World of Difference (ADL), 1996 WL 371064 (N.D. Cal. 1996). One of our partners obtained a dismissal of a copyright infringement and trademark infringement case brought against the **Anti-Defamation League** in which the plaintiff claimed ownership of certain ADL educational materials.
- Florentine Art Studio v. Vedet K. Corp., 891 F. Supp. 532 (C.D. Cal. 1995). On behalf of a manufacturer of hydrocal statuary, we turned the tables on the plaintiff. After proving at trial that our client's acts of infringement were committed innocently, we persuaded the court that the plaintiff had unreasonably failed to settle. In a published decision, our client obtained an award of attorneys' fees more than 150 times greater than the plaintiff's damage award.
- Brøderbund Software, Inc. v. Unison World, Inc., 648 F. Supp. 1127 (N.D. Cal. 1986). One of our partners represented **Brøderbund** in this precedent-setting case involving a competitor who created a visual clone of Brøderbund's best-selling "Print Shop" software product. This is the first reported case to recognize and enforce the copyrightability of the user-interface of a non-video game computer program.

COPYRIGHT LITIGATION PARTNERS

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