



## **quinn emanuel trial lawyers** quinn emanuel urquhart & sullivan, llp

### **Trademark, Trade Dress, Unfair Competition/False Advertising, and Publicity Rights Litigation**

As General Counsel to the Academy of Motion Picture Arts and Sciences for many years, the firm has regularly protected the Academy's intellectual properties, including the OSCAR, OSCARS, OSCAR NIGHT and ACADEMY AWARDS trademarks in the U.S. and supervised foreign enforcement activities. We also protect the trademarks of the NFL and its member clubs, so OSCAR meets SUPER BOWL at our firm. We also regularly protect the Mattel BARBIE and HOT WHEELS marks nationally and internationally. Two of our partners obtained a then unprecedented "John Doe" *ex parte* seizure order that allowed them to seize infringing goods within a mile of all 23 venues during the 1984 Olympics in Los Angeles.

We often obtain restraining orders, preliminary injunctions and permanent injunctions prohibiting the unauthorized use of famous trademarks, as well as orders for the seizure of counterfeit and otherwise infringing goods. We also have frequently represented a wide range of clients in litigation, administrative and regulatory matters arising under § 43(a) of the Lanham Act, anti-dilution statutes, false and deceptive advertising laws, and other consumer protection and unfair competition laws, and have defended numerous class actions brought under Cal. Bus. & Prof. Code § 17200, N.Y. Bus. Corp. Law §§ 349 and 350, or analogous statutes in other jurisdictions on behalf of such clients as Alltel, Bluefly, DirecTV, IAC, Intuit, and many others. We have frequently and successfully prosecuted and defended many right-of-publicity claims, representing such clients as Jennifer Aniston, Julia Louis Dreyfus, Mel Gibson, Leonard Nimoy, Mike Myers and William Shatner.

In addition, we regularly prosecute or oppose trademark applications before the Trademark Trial and Appeals Board of the United States Patent and Trademark Office. Our expertise in the worldwide adoption, exploitation and enforcement of brand rights complements our litigation expertise. We provide a seamless, pragmatic approach to maximizing brand strength and value, and resolving branding disputes globally. In 2010, *The American Lawyer* ranked us "Top IP Litigation Department of the Year."

#### **REPRESENTATIVE LIST OF MARKS PROTECTED**

ACADEMY AWARDS  
AIG  
ARSENAL FOOTBALL

AURELIUS  
BALTIMORE RAVENS  
BARBIE

quinn emanuel urquhart & sullivan, llp

Los Angeles • New York • San Francisco • Silicon Valley • Chicago • Washington, D.C. • Tokyo • London • Mannheim • Moscow

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

BRISTOL-MYERS  
CASINO DE MONTE CARLO  
DALLAS COWBOYS  
DIRECTV  
EMMY  
ESPN  
GOOGLE  
GRAMMY  
GREEN BAY PACKERS  
GUGGENHEIM MUSEUM  
HOT WHEELS  
INDIANAPOLIS COLTS  
INTUIT  
LIFESCAN

MAJOR LEAGUE SOCCER  
NFL  
NEXTAG  
OSCAR  
PR NEWSWIRE  
QUICKEN  
SCRABBLE  
STEVE MCQUEEN  
SUPER BOWL  
UPPER DECK  
US SOCCER FOUNDATION  
WAL-MART  
WASHINGTON REDSKINS

#### RECENT REPRESENTATIONS

- Major League Baseball Properties, Inc. v. The Upper Deck Company (S.D.N.Y. 2010). We represented **The Upper Deck Company** (“Upper Deck”) in a lawsuit brought by Major League Baseball Properties, Inc. (“MLBP”) in a trademark dispute over baseball trading cards. MLBP sought a TRO against Upper Deck, alleging that Upper Deck infringed MLBP’s trademarks and trade dress, and breached its contract with MLBP, by selling certain baseball card sets in early 2010 after a license between the parties had expired. Specifically, MLBP sought for the Court to enjoin the sales of three sets of baseball cards that had already been released to Upper Deck distributors. Quinn Emanuel opposed the TRO, arguing that Upper Deck’s use of baseball players in uniform was a fair use of MLBP’s trademarks and trade dress in baseball cards, and that MLBP had not established irreparable injury, given that a license previously existed between the parties. After reviewing Quinn Emanuel’s briefing, MLBP’s motion for a TRO was denied by Judge Sweet, and Upper Deck was able to continue selling its already-released baseball trading sets unencumbered. The parties settled the action quickly after Judge Sweet’s denial of the TRO.
- Deckers Outdoor Corporation v. Tom Romeo and Romeo & Juliette, Inc. (C.D. Cal. 2010) and Deckers Outdoor Corporation v. Emu Australia, Inc. (C.D. Cal. 2010). The firm is representing **Deckers Outdoor Corporation** (“Deckers”) in two disputes involving trademark rights associated with Deckers’s famous and popular UGG-brand boots. In the Romeo action, we brought claims against the manufacturer and seller of BearPaw boots—shoddy imitations of Deckers’s most popular boots, including the Classic, the Cardy, and the Sundance II—for trade dress infringement. In the Emu Australia action, we brought claims against Emu, a manufacturer and seller of pull-on sheepskin boots, for referring to its own boots as “ugg boots” on its website—a blatant attempt to “genericize” the UGG trademark and deprive Deckers of its long-standing U.S. trademark rights in the designs. While these litigations are still at their earliest stages, based on the strength of our pre-motion correspondence with opposing counsel, the defendants in both actions have already agreed to

withdraw multiple affirmative defenses and to amend their respective counterclaims—favorable results obtained without filing formal motions to dismiss and motions to strike.

- Louis Vuitton Malletier, S.A. v. Hyundai Motor America (S.D.N.Y. 2010). The firm is representing **Hyundai Motor America** (“Hyundai”) in a dispute concerning the use of a basketball bearing a parodic design of Louis Vuitton’s “LV” design trademark in a television commercial for the 2010 Hyundai Sonata. While Louis Vuitton alleges in its complaint that this use constitutes trademark infringement, the use of the LV design was less than one second long and couched in a 30-second commercial that portrayed humorous combinations of ordinary activities with luxury experiences. Hyundai’s defenses will include important discussions of parody, satire, trademark fair use and the First Amendment.
- Miller International, Inc. v. Clinch Gear, Inc. et al. (D. Colo. 2010). The firm is representing **Collective Brands Inc.** in a dispute between two trademarks: CINCH and CLINCH GEAR. Miller is the owner of CINCH, a trademark used in association with jeans, button-down shirts and marketed exclusively toward rodeo and western-wear enthusiasts. Collective Brands is the owner of CLINCH GEAR, a trademark used in association with mixed-martial arts (“MMA”), grappling, and wrestling performance gear, and marketed exclusively toward MMA athletes and enthusiasts. In defending Collective Brands, we first successfully moved the Court to dismiss six of Miller’s claims, including fraud, conspiracy, and alter-ego liability. Next, we convinced the Court that Miller’s motion for a preliminary injunction was premature, and as a result, the Court instructed Miller to withdraw its motion.
- Federal Treasury Enterprise Sojuzplodoimport v. Spirits International N.V. (2<sup>nd</sup> Cir. 2010). We successfully represented an agency of the **Russian Government** in an appeal to the Second Circuit concerning the rights to the STOLICHNAYA trademarks, which have been valued at more than \$1 billion. Our client contends that rights to the trademarks were stolen from the Russian people in the chaos following the dissolution of the Soviet Union, but the district court dismissed the claims on the ground that the STOLICHNAYA trademarks had become incontestable under the Lanham Act. The Second Circuit reversed, unanimously holding that ownership of an incontestable trademark may be challenged based upon defects in the current holder’s chain of title, and reinstating our clients’ claims to the STOLICHNAYA trademarks for further proceedings in district court.
- Coty Inc. v. Harvey P. Alstodt; Bruce C. Kowalsky; Diversified Beauty Products (f/k/a MBA Beauty, Inc.); and Harvey P. Alstodt Associates, Inc. (N.Y. State Supreme Court 2010). We obtained a TRO against two former executives of client **Coty, Inc.**, stopping them from violating their covenant not to compete by marketing a nail polish line which, “coincidentally,” consisted of many colors identical to Coty’s line.

- Fifth Avenue of Long Island Realty Associates v. Caruso Management Company, Ltd. (E.D.N.Y. 2010). After a six-day bench trial, we obtained a complete defense victory for **Caruso Management Company, Ltd.** in a trademark infringement action brought in the Eastern District of New York. The Court not only found that Caruso did not infringe or dilute any of Plaintiff's trademarks, but granted Caruso's counterclaim and canceled Plaintiff's federal registration of the AMERICANA mark. This lawsuit, which sought disgorgement of profits and a permanent injunction preventing Caruso from using the name THE AMERICANA AT BRAND for its town center development in Glendale, California, was critically important to Caruso since Plaintiff strategically filed suit a few short months before Caruso's town center was scheduled to open to the public, and after a significant amount of time and money had been invested in promoting THE AMERICANA AT BRAND name throughout the Los Angeles area.
- Rosetta Stone Ltd. v. Google Inc. (E.D. Va. 2010). We won a complete summary judgment for **Google Inc.**, by which all remaining claims that language software provider Rosetta Stone had asserted based on Google's advertising programs and trademark policies were dismissed with prejudice. In a lengthy opinion, the Court held that Google was not liable for trademark infringement (whether direct, contributory, or vicarious) or dilution. At the pleading stage, Quinn Emanuel obtained dismissal of Rosetta Stone's false endorsement claim under 15 U.S.C. 1125(a) and its state law business conspiracy and unjust enrichment claims.
- Dallas Cowboys Football Club and NFL Properties v. America's Team Properties (N.D. Tex. 2009). We obtained summary judgment for clients the **Dallas Cowboys** Football Club (the "Cowboys") and NFL Properties LLC ("NFLP") in a dispute concerning ownership of the trademark **AMERICA'S TEAM** in federal district court in Dallas, Texas. The Defendant in the case, a Minnesota-based company, claimed that it owned the rights to the famous trademark because it had obtained a federal registration in 1990. We were tasked with proving that the Cowboys rights in "America's Team" were superior to those of Defendant, notwithstanding that the Club did not itself own a federal trademark registration for the mark. In a forty-page decision the Court granted the Cowboys and NFLP summary judgment on all claims, finding that they had proven federal and common law trademark infringement, unfair competition, dilution and that Defendant had committed fraud on the on the United States Patent and Trademark Office. America's Team—a nickname understandably despised by rivals of the Dallas Cowboys—remains today, as it has been for decades, an enduring part of the Club's great legacy.
- Representation of Societe des Bains de Mer et du Cerle des Estrangers a Monaco ("SBM"). We are representing Société des Bains de Mer et du Cercle des Etrangers à Monaco ("SBM"), the founder and manager of Monaco's five casinos, including the famous **Casino de Monte-Carlo**, in an action against PlayShare PLC, an online casino gaming operating operator in the District Court for the Southern District of New York. SBM alleges that the PlayShare's Grand Monaco Casino website and use of at least 100 domain names employing the terms "Monaco," "Monaco Casino," or

variations thereof in connection with the online casino website constitutes unfair competition, trademark infringement, and cybersquatting.

- George V Restauration S.A. and Creative Designs for Restaurants and Bars, Ltd. v. Little Rest Twelve, Inc. (N.Y. App. Div. 1st Dept.). We represented **George V** and **Creative Designs**, owners of the world-famous (and federally-registered) **BUDDHA-BAR** trademark and proprietary restaurant concept in a case brought against their former licensee for trademark infringement and dilution regarding their unauthorized use of the BUDDHA BAR trademark and concept in connection with a Manhattan restaurant. The Appellate Division of the Supreme Court, First Department, reversed the trial court's denial of our clients' motion for preliminary injunction and held that the small disclaimer placed on defendant's website was not sufficient to dispel likely consumer confusion.
- Adidas America, Inc. v. Payless ShoeSource, Inc. (9<sup>th</sup> Cir. 2009). The firm is representing Payless ShoeSource, Inc. ("Payless") on the appeal to the Ninth Circuit of a jury verdict rendered against it in the United States District Court for the District of Oregon finding that Payless infringed adidas' trademark and trade dress and awarding adidas over \$66 million dollars in damages. On appeal, Payless has argued that the district court erred by, *inter alia*, allowing the jury to hear consumer survey evidence that tested allegedly infringing shoes put out by manufacturers other than Payless, by permitting monetary damages for post sale confusion absent a showing of any actual injury and based upon a reasonable royalty theory and by failing to dismiss adidas' trademark dilution claims because Payless used the allegedly infringing stripes as decoration.
- Pro-Football, Inc. v. Harjo (U.S. Supreme Court 2009). In defending the long running challenge by six Native American petitioners to the **Washington Redskins'** trademark registrations, we employed the infrequently used "de novo" appeal to the D.C. District Court to overturn an adverse decision by the Trademark Trial and Appeal Board. The decision was appealed by the Native Americans to the D.C. Circuit, which found no abuse of discretion and affirmed the grant of summary judgment in all respects. The petitioners next filed a petition of certiorari with the U.S. Supreme Court, arguing that the Circuit Courts are split as to whether laches is available as a defense to the cancellation of an allegedly disparaging trademark. Quinn Emanuel opposed the petition, arguing that no such split existed. The U.S. Supreme Court denied the petition in November 2009, thus ending the case. It was a complete win for Quinn Emanuel's clients Pro-Football and the Washington Redskins.
- Yuri Kucklachev et al v. Mark Gelfman, et al.: (E.D.N.Y. 2008). We are representing Ticketmaster L.L.C ("Ticketmaster") in an action for trademark and copyright infringement, unfair competition, and violations of the right of publicity, brought by Plaintiffs, who purport to be world famous clowns, brought this action against the Gelfman Defendants, plaintiff's former U.S. promoter. The complaint alleges that in 2007, after the Plaintiffs returned to Russia after a successful U.S. tour

their show entitled “Moscow Cats Theatre,” the Gelfman defendants misappropriated the Plaintiff’s show, including its title and copyrighted cat-tricks, conducting performances in the United States without Plaintiffs’ consent. Ticketmaster was among a set of named Defendants who unknowingly sold tickets to the allegedly infringing show. Plaintiffs moved for a preliminary injunction prohibiting all of the Defendants from continuing to sell tickets to the allegedly infringing show. On the strength of the briefing submitted by Quinn Emanuel on behalf of Ticketmaster, the Court denied Plaintiffs’ request for injunctive relief against Ticketmaster and Defendant Onlineseats.com (who had not yet appeared in the action, but was deemed to be similarly situated to Ticketmaster) on the grounds that that Plaintiffs failure to put Ticketmaster on notice of the alleged infringement for well over a year precluded the possibility of injunctive relief. An injunction did issue, however, against all of the other appearing Defendants.

- Argus Research v. Argus Media (D. Conn. 2008). We were retained by the board of an English publishing company when trademark and fraud claims filed by a U.S. equity research firm proved intractable. With our client's regular IP counsel, we conducted depositions to support a successful multi-faceted motion gutting all but a single claim, and moved in limine to strike all three of the plaintiff's experts. The case settled shortly thereafter with a global co-existence agreement and no payment by our client.
- CMG Worldwide v. The Upper Deck Company (S.D. Ind. 2008). We defended **Upper Deck** in a suit alleging the use of various images and signatures of deceased baseball players that had previously been licensed to Upper Deck but were then exclusively licensed to Topps. We were hired after a TRO issued enjoining our client's usage of certain player images in its entire line of 2008 trading cards. We succeeded in overturning the TRO several days later, persuaded the court to transfer the case from Indiana to New York, and moved to dismiss the plaintiff's claims, which motion is pending.
- The Romantics v. Activision Publishing, 532 F. Supp. 2d 884 (E.D. Mich. 2008). We defeated a lawsuit seeking to enjoin **Activision's** sales of its phenomenally popular "Guitar Hero" videogame, brought by members of the '80s rock band "The Romantics," who asserted that the use of their signature song "What I Like About You" in the game violated their rights of publicity and constituted an implied endorsement. We later secured a complete dismissal on the merits, effectively validating the business model underpinning the billion-dollar "Guitar Hero" franchise. *See* 574 F. Supp. 2d 758.
- Gillette v. Dorco (D. Mass 2008). Representing **Pace Shave** and various **Dorco** entities as defendants, we successfully obtained an early, cost-effective global settlement in a razor-industry litigation involving eleven patents spanning over 250 claims, as well as numerous assertions of trademark and trade dress.

- Bouchat v. Bon-Ton Department Stores (4th Cir. 2007). In the first phase of this case, we defended the **NFL** and **Baltimore Ravens** against claims brought by an artist regarding the Raven's helmet logo. After the NFL and Ravens – represented by a different firm – lost on liability, we tried the damages case. We obtained a verdict of no damages and persuaded the jury that the logo did not derive any revenue-generating activity and that our clients' large revenues were solely the result of 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.* Later, we prevailed on behalf of hundreds of licensees in separate actions on the basis of claim preclusion principles, again through the 4th Circuit and the U.S. Supreme Court.
- Applied Information Sciences v. eBay Inc. (C.D. Cal., 9th Cir. 2007). We obtained summary judgment for **eBay** against trademark infringement and unfair competition claims related to its use of the terms "Smart Search" as the label for a hyperlink on its Web site home page. The Ninth Circuit affirmed summary judgment in eBay's favor. 511 F.3d 966 (9th Cir. 2007).
- Omicron Capital v. Omicron Capital (S.D.N.Y. 2006). We obtained summary judgment dismissing all trademark infringement and unfair competition claims asserted against **Omicron Capital**, a St. Louis-based mortgage finance company, by a New York hedge fund with the identical name and trademark. The opinion provides a comprehensive tutorial on the burdens of proof in trademark litigation and was featured on the front-page of the *New York Law Journal*. See Omicron Capital LLC v. Omicron Capital LLC, 433 F. Supp. 2d 382 (S.D.N.Y. 2006).
- The Franklin Mint v. Lord Simon Cairns, The Diana, the Princess of Wales, Memorial Fund (C.D. Cal. 2006). We represented the Board of Trustees of a charitable fund established to honor the memory of **Princess Diana** in a \$400 million malicious prosecution suit filed in California against the Fund's prior outside counsel and the Trustees. The suit alleged that infringement and right-of-publicity claims unsuccessfully pursued in 1998 in an effort to stop The Franklin Mint from marketing dolls and plates commemorating the deceased Princess were frivolous. All claims against the Fund's clients, who included Princess Diana's sister and the Bishop of London, were withdrawn prior to trial in return for a commitment by the Fund and the Mint to carry out a mutually-agreed program of charitable giving to worthwhile causes.
- Helio LLC v. Palm, Inc. (N.D. Cal. 2006). We brought holiday good cheer to **Palm**, winning a dismissal with prejudice in a trademark and false advertising suit brought two days before Christmas.
- Shell Oil v. Shell-oil.biz and Shell Oil v. Shell-oil.org (E.D. Va. 2006). We represented **Shell Oil** in two trademark infringement anti-dilution and anti-cybersquatting cases against foreign entities operating infringing Web sites. Such suit resulted in a permanent injunction against the defendants and a transfer of the defendants' illegal domain names to Shell.

- H&R Block v. Intuit (E.D. Mo. 2006). In a false advertising and trademark infringement suit brought by its chief competitor, H&R Block, we represented **Intuit** in defeating efforts to secure injunctive relief and obtaining a favorable settlement.
- Intuit v. H&R Block (N.D. Cal. 2006). We also represented **Intuit** in a copyright infringement, trademark infringement and false advertising suit against H&R Block arising out of Block's arising of a knock-off television advertisement. The case settled favorably, with the offending television advertisement being withdrawn.
- Hawaii-Pacific Apparel Group, Inc. v. Cleveland Browns Football Co. (S.D.N.Y. 2006). In a dispute that hounded the **Cleveland Browns** for over a decade, the court granted the **Browns'** and **NFL's** motion for summary judgment, finding that the Browns have priority of use over an apparel company in the trademark DAWG POUND. The decision recounted the history of the "Dawg Pound," which today primarily refers to the rowdy area of the bleachers and the seasoned fans who sit there (often in dog masks), but which was originally used to describe the Browns' defensive linemen, who would bark and growl at their adversaries.
- Funky Films, Inc. v. Time Warner Entertainment Co., 462 F.3d 1072 (9th Cir. 2006). On behalf of **Time Warner Entertainment** and **HBO**, we won 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.
- Playmakers LLC v. ESPN (9th Cir. 2006). We won a reverse-confusion appeal for **ESPN** against a claim that a sports agency with a federal registration for PLAYMAKERS had priority over ESPN's use of "Playmakers" for its popular television program.
- C.V. Starr & Co. v. American International Group (S.D.N.Y. 2006). We defeated a motion to dismiss our client **AIG's** counterclaim for trademark infringement concerning the ownership of the CV Starr brand in an action filed by the company controlled by former AIG head, Hank Greenberg. The case subsequently settled.
- Harlan v. Agencja Wydawniczo-Reklamowa "Wprost" Sp.Zo.o (D.S.C. 2006). Representing **Wprost**, a Polish national news magazine akin to *Time* or *Newsweek*, against claims by the daughter of a prominent Polish politician that facts published about her father's involvement in a controversial stock purchase were false. The case was dismissed when it was shown that the court could not exercise personal jurisdiction over Wprost, and that the magazine's website, written almost entirely in Polish, was not targeting readers in South Carolina, where the suit was brought.
- Nike v. Adidas (D. Or. 2006). After Adidas prevailed on claims in Europe that **Nike's** use of two stripes on apparel infringed Adidas's three-stripe trademark, we

filed a complaint on **Nike's** behalf in the District Court of Oregon seeking a declaration that Nike was entitled to use two stripes and other decorative striping on apparel and footwear in the United States. When we positioned the case to put the scope of Adidas's three-stripe mark at issue, Adidas conceded the case and filed a broad covenant not to sue Nike in the United States.

- SightSound Technologies v. Napster (D. Del., TTAB 2006). In litigation before the District of Delaware and TTAB involving the intersection of trademark and bankruptcy law, we defeated assignment-in-gross challenges asserted against the validity of **Napster's** federal registrations for, and its ownership rights to, the NAPSTER marks that had been acquired in Chapter 11 proceedings.
- LowerMyBills v. NexTag (C.D. Cal. 2005). We represented **NexTag** in a case involving allegations of trademark and copyright infringement in online advertisements. The case settled favorably to NexTag.
- David Kramer v. Intuit, 121 Cal. App. 4th 574 (2004). We prevailed on behalf of **Intuit** in an unfair competition and false advertising case that resulted in the first California appellate decision addressing the subject of illegal rebates under the California Consumer Legal Remedies Act.
- Mattel v. BBurago S.p.A. (N.D. Ill., C.D. Cal. 2004). We obtained the dismissal with prejudice of a suit brought against **Mattel** by BBurago in the Northern District of Illinois alleging trade dress infringement of its scale die-cast replica cars and false advertising. In addition, in actions in the Central District of California and Italy involving FERRARI patent, trademark and trade dress rights, we obtained a final judgment on behalf of Mattel that included a worldwide injunction against infringement and payment of monetary damages in a confidential amount.
- Delphi Consulting v. Borland (N.D. Cal. 2004). We successfully defended **Borland** against a suit asserting Lanham Act and related claims in connection with computer programming software. After winning summary judgment on key aspects of the plaintiff's case and obtaining favorable in limine rulings, including an order precluding the plaintiff's damages expert from testifying on *Daubert* and other grounds, we settled the case on terms favorable to our client.
- Century 21 Real Estate v. Lending Tree (D.N.J., D. Colo. 2003-05). We represented **Lending Tree** in New Jersey and Colorado suits brought by archrivals Cendant and Re-Max challenging Lending Tree's advertising of its innovative online real estate broker referral network as false and deceptive. We ultimately persuaded the Third Circuit to adopt a form of "nominative use" doctrine as a defense in the context of trademark and advertising claims brought under Section 43(a) of the Lanham Act. *See* 425 F.3d 211 (3d Cir. 2005).
- International Bancorp, LLC v. Société des Bains de Mer et du Cercle des Étrangers à Monaco (4th Cir. 2003). On behalf of Monaco's resort arm, we won an injunction

against an online gambling site trading on the equity of Monaco's famous **Casino de Monte Carlo** and an affirmance by the 4th Circuit.

- Mattel v. Artin (C.D. Cal. 2002). On behalf of **Mattel**, we obtained a multi-million dollar verdict, permanent injunction and award of attorneys' fees in a trade dress infringement action involving the HOT WHEELS packaging trade dress.
- Monster Cable v. Disney (C.D. Cal. 2001). We won a dismissal with prejudice of a Lanham Act suit brought against our client, **Disney**, over the title of its animated feature film, *Monsters, Inc.*
- Walter v. Mattel (C.D. Cal. 2000). We represented **Mattel** against claims of trademark infringement and unfair competition concerning Mattel's **PEARL BEACH BARBIE** line, obtaining a directed verdict at the close of plaintiff's case, later affirmed by the Ninth Circuit.
- Ha v. Disney (C.D. Cal. 2000). Representing **Disney**, we won, on First Amendment and other grounds, a dismissal with prejudice of plaintiff's Cal. Bus & Prof. Code § 17200 and other unfair competition claims that were based on Disney's classic animated features ranging from *Pinocchio* to *The Little Mermaid*.
- Mattel, Inc. v. Hasbro, Inc. (C.D. Cal. 1998). We obtained a judgment establishing the first Internet "gateway" site – scrabble.com – allowing our client, **Mattel**, to share with Hasbro the same top-level domain name for the same **SCRABBLE** trademark that each owned in different international territories. With one click on the user location map, the user was hot-linked to the SCRABBLE website serving his or her area.
- McGraw v. Salmon (C.D. Cal. 1995). Representing **Tim McGraw, Alan Jackson, Charlie Daniels, Kenny Chesney, Reba McEntire, Faith Hill** and other country music stars, one of our partners won a summary judgment holding that their professional names were protectable as common law marks.

## TRADEMARK LITIGATION PARTNERS

Albert Bedecarré  
Fred Bennett  
Michael Carlinsky  
Brian Cannon  
Margret Caruso  
Jon Corey  
Jeffrey Conciatori  
David Eiseman  
Danielle Gilmore  
Ryan Goldstein

Rachel Herrick Kassabian  
Scott Kidman  
Victoria Maroulis  
Jeffery McFarland  
Evette Pennypacker  
William Price  
John Quinn  
David Quinto  
Robert Raskopf  
Richard A. Schirtzer  
Patrick Shields  
Claude Stern  
Chris Tayback  
Bruce Van Dalsem  
James Webster  
Michael Williams  
Terry Wit  
Michael Zeller