

## INTELLECTUAL PROPERTY

Our Intellectual Property practice group concentrates on all aspects of patent, trademark and copyright matters across numerous industries. Our expertise includes preparing trademark, patent, and copyright applications, negotiating intellectual property rights licenses and agreements, and managing clients' global IP portfolios.

We handle all forms of intellectual property dispute resolution, and our professionals have widespread experience in trial and appellate courts in California and around the country. This includes, among many other matters:

- Copyright, trademark, and patent litigation implicating national brands,
- Digital technology,
- The Digital Millennium Copyright Act,
- Trade dress, trade secrets, and unfair competition,
- Myriad forms of false advertising and royalty disputes.

Our clientele reflects the depth of the firm's practice, and includes institutions and individuals ranging from record companies to apparel manufacturers. Regardless of the nature of our client, our emphasis remains the same – protecting the valuable assets that embody intellectual property in all its forms. We attempt to shelter our clients from expensive litigation through early mediation and neutral evaluation.

Where litigation is unavoidable, we tackle the process with transparency concerning cost and risk. We provide clients with budgeting, forecasting, and evaluations identifying the potential cost of litigation balanced against the risks as well as the potential upside for a client. We ensure that our clients are fully informed of all aspects of a litigation, and with our counsel, are able to make sound business decisions to protect their assets.

### Professionals



MARK B. MIZRAHI  
PARTNER



LANCE M. PRITIKIN  
OF COUNSEL



MATTHEW A. YOUNG  
SENIOR COUNSEL

### Representative Clients and Matters

- » Represented trademark owner in dispute, before the USPTO and the District Court, with national manufacturer and distributor over purportedly abandoned trademark and trade dress rights to an entertainment property. Successfully defeated abandonment defense despite over two decades of non-use by the owner.
- » Defended complex copyright infringement dispute involving previously un-decided issues concerning the Digital Millennium Copyright Act, and the extent to which a foreign-based copyright owner must establish appropriate chain of title notwithstanding the presumption of validity.
- » Represented a longstanding Southern California restaurant chain in a Ninth Circuit appellate proceeding where the Court held that the chain's menu design and decor constitute protectable trade dress, and awarded disgorgement of defendant's profits during the infringement period.
- » Represented national retailers in design patent and trade dress disputes concerning leading international footwear brand, entailing among other things sophisticated issues concerning the application of principles of patent invalidity to design patents.

- » Represented one of the largest performing rights organizations and its affiliates in prosecuting copyright infringement actions arising from the unlicensed performance of musical compositions and their sound recordings.
- » Represented an internationally-recognized bridal designer and manufacturer in litigation for damages and to enjoin the infringement of its copyrighted design for a wedding gown. The case was ultimately settled on very favorable terms for the client.
- » Represented Tyrrell, a former Formula One racing team, and Chaparral Cars, Inc., the designer and builder of iconic road racing cars, in establishing that the physical appearance of their race car designs was protectable trade dress.
- » Represented a podcaster in a dispute involving the allegedly fraudulent assignment and licensing of copyrighted material, resulting in favorable terms for the client.
- » Represented JH Design Group, a Los Angeles based garment manufacturer, against the Walt Disney Company in a lawsuit concerning licensing rights to Disney's five original characters.
- » Defended infringement claims on behalf of national retailers relating to textile designs that implicated esoteric issues of the Copyright Act.
- » Represented numerous national retailers and apparel manufacturers in copyright infringement cases involving esoteric issues concerning the efficacy of collective work registrations, the minimum original contribution necessary to afford copyright protection, and issues of thin copyright.
- » Represented cosmetics manufacturer in trademark dispute concerning competing interests in virtually identical marks and the priority of use arising out of pre-sale activities.
- » Defended contemporary copyright infringement dispute concerning Jackie Chan videos filmed in Hong Kong.
- » Represented Chameleon Chairs, LLC, the manufacturer of unique special event rental chairs, in a dispute with a Chinese manufacturer of "copycat" chairs violating client's trade dress rights.
- » Represented a non-profit, independent organization for the evaluation and certification of physicians in a copyright infringement action involving the unauthorized use of copyrighted testing materials. Judgment was awarded as a sanction for discovery abuses.
- » Arbitrated companion cases before Independent Film & Television Association (IFTA) concerning the foreign distribution rights of an American motion picture, including the shifting risk of loss where the film was not released theatrically in the United States.

## Presentations & Publications

- » Intellectual Property & Fashion Breakfast Briefing | Show Me The Money! Monetizing Your Intellectual Property | March 6 | March 6, 2018
- » Intellectual Property & Fashion Breakfast Briefing | Supreme Court Tackles Derogatory Marks | Nov 1 | November 1, 2017
- » "Protect Your Company's IPR: Where Does Inspiration End and Appropriation Begin?" | California Fashion Association |
- » Intellectual Property & Fashion Breakfast Briefing | How to Buy Prints Without Buying a Lawsuit | June 15 | June 15, 2017
- » Robert Ezra Published in April Edition of Fashion Manuscript | April 19, 2017
- » Intellectual Property Breakfast Briefing | Copyright Decisions You Won't Cheer | March 23 | March 23, 2017
- » Todd M. Lander Published in Daily Journal, "Apparel Copyright Owners Cheer Ruling" | March 23, 2017
- » Cheerleader Uniform Designs are Protected, the U.S. Supreme Court Rules | March 22, 2017
- » "Copyright Peril for Apparel Manufacturers" | Daily Journal | December 1, 2016
- » Arash Beral Published in Four Law360 Sections, "The Flaw in DTSA's Civil Seizure Provision" | July 22, 2016
- » President Obama Signs the DTSA into Law | May 12, 2016
- » The Defend Trade Secrets Act Compels Employers to Provide Mandatory Immunity Notice | April 29, 2016
- » Arash Beral Published in Daily Journal, "Will California Lawyers Embrace Federal Trade Secrets Law?" | January 27, 2016
- » Todd M. Lander Published in Daily Journal, "When Product Design Serves as Trade Dress" | March 26, 2015
- » "Mediation: A Tale of Two Studies" | Apparel News | June 10, 2014

- » "Fashion Dispute Resolution Makes Legal Disputes a Win-Win Proposition" | Apparel News | February 5, 2014
- » "Basic Guide to Starting a Garment Business and Compliance" | January 23, 2014
- » "Early Neutral Evaluation" | Fashion Dispute Resolution | January 1, 2014
- » "Design Dilemma: Fashioning a Defense for Apparel Manufacturers in Copyright Infringement" | New Matter, Volume 38  
December 2013 | December 5, 2013
- » "How to Buy Prints Without Buying a Lawsuit" | Apparel News | September 1, 2012