



**Arnold E. Sklar**  
**515 South Flower Street, Suite 1100**  
**Los Angeles, CA 90071**  
**Direct: (213) 312-2061**  
**Office: (213) 312-2000**  
**Fax: (213) 312-2001**  
**Email: asklar@rmkb.com**  
**Web: www.rmkb.com**

Arnold E. Sklar is a partner in the firm's Los Angeles office. With over 30 years of experience, his practice is devoted to intellectual property, franchise and distribution, business transactions and litigation, and related matters. He has represented defendants and plaintiffs in matters involving claims of trademark, trade dress, service marks, and copyright infringement, unfair competition, the right of publicity, contract and license disputes and franchise disputes. His representative subject areas include product configurations, customer lists, jewelry, ornamental designs, works of art, fabric designs, catalogues, apparel, franchises, consumer products and services.

He earned his J.D. from the University of Southern California in 1971 and his B.A. from the University of California at Los Angeles in 1968. He has been a member of the California State Bar Franchise Law Committee and served as its Vice-Chair from 1993-1994.

## Practice Areas

---

- Business And Commercial Litigation
- Corporate Transactions
- Intellectual Property

## Education

---

- University of California, Los Angeles, 1968 B.A.
- University of Southern California, 1971 J.D.

## Court Admission

---

- California

## Memberships & Associations

---

- State Bar of California, Franchise Law Committee

## Representative Experience

---

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Defamation, Intellectual Property

**Key Issues:** Copyright Infringement

**Venue:** Federal Court, Southern District, San Diego

**Client Type:** Defendant Computer Distributor

The plaintiff was a manufacturer and software designer that produces inks and computer "plug-ins" that enables the user to print black and white photos in commonly available desktop printers designed to print photos in color. Our client, was a marketing company that sold the plaintiff's products under contract. Upon termination of the business relationship, the plaintiff accused the defendant of copyright infringement by improperly continuing sales of the software. The defendant was also accused of trade disparagement.

**Result:**

Pre-trial negotiations yielded an initial demand from plaintiffs of \$2 Million which was further reduced to \$995,000 right before trial. After a two week trial, the jury returned a verdict favorable to plaintiff in the amount of \$155,000 on the trade libel claim only. However, before trial summary judgment was granted in favor of defendant on the copyright infringement claim resulting in defendants being awarded attorneys fees in an amount that exceeded the verdict on the trade libel claim.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Copyright Infringement

**Venue:** District Court

**Client Type:** Plaintiff Toy Manufacturer

The district court denied the defendant toy manufacturer's motions to dismiss and for summary judgment in a copyright infringement case, holding that the memorialization of a previous oral assignment of the copyright to the plaintiff satisfied the applicable copyright laws and established the plaintiff as the copyright owner.

**Result:**

Favorable for plaintiff.

**Practice Area:** Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Copyright Infringement

**Venue:** District Court

**Client Type:** Plaintiff Designer Watch Manufacturer

The district court granted preliminary injunction in favor of a maker of famous watch designs, finding likelihood of success of copyright infringement.

**Result:**

On appeal, the court remanded for re-consideration in light of new development. On reconsideration, district court affirmed the preliminary injunction on copyright grounds and also added likelihood of success of trade dress infringement as grounds for preliminary injunction.

**Practice Area:** Intellectual Property, Patent Prosecution, Licensing and Litigation

**Key Issues:** Patent Infringement

**Venue:** Federal Circuit Court of Appeals

**Client Type:** Defendant Handbag Manufacturer

The district court granted summary judgment in favor of defendant in a patent infringement suit, on the basis that defendant's accused product predates the invention.

**Result:**

Reversed on appeal, finding that the plaintiff had met its burden of showing a genuine issue of fact as to the validity of the patent.

**Practice Area:** Business And Commercial Litigation, Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Trademark Infringement

**Venue:** Federal Court, Central District, Santa Ana

**Client Type:** Defendant Food Manufacturer

Plaintiff, an international manufacturer of potato chips had manufactured and nationally distributed a product using a specific term 1982. Defendant, a competing potato chips manufacturer had used the same term on its own brand of potato chips since 1986. Neither party had obtained federal trademark registrations for the term. The plaintiff filed suit for trademark infringement and false designation of origin. Prior to trial the plaintiff voluntarily dismissed all claims for money damages to avoid a jury trial. Upon receiving survey evidence during a two and one half week bench trial, the court rendered a verdict in favor of the defense determining that the term was generic and thus not protectable.

**Result:**

Settlement negotiations resulted in no agreement to stop use of the term, or payment of monies to the plaintiff. Prior to trial, the plaintiff dismissed all claims for money damages, to avoid jury trial. Two and half week Court trial. Court verdict in defense favor, term deemed generic, free for use by all producers of these types of potato chips. Favorable decision published *Classic Foods Int'l Corp. v. Kettle Foods, Inc.*, 468 F.Supp.2d 1181 (C.D. Cal. 2007).

**Practice Area:** Business And Commercial Litigation, Copyright, Domain Name and Trademark Litigation, Intellectual Property

**Key Issues:** Trademark Infringement

**Venue:** USDC:Central District of California

**Client Type:** Defendant Food Importer

Plaintiff, a refrigerated meat producer, began to use a Vietnamese term as a trademark in 1986. Our client and the defendant, an Asian food importer, first used the term in connection with dry foods (noodles, rice) in 1992. In 1999 both parties had obtained federal trademark registrations for the term in different trademark classes. A suit and counter-claims were filed in 2005. The issues at trial included whether the plaintiff had abandoned the mark, whether plaintiff's delay in objecting to the defendant's use constituted laches and whether the plaintiff could establish damages.

**Result:**

Pre-trial settlement negotiations yielded demands by plaintiff ranging from 1.2 million dollars to 1.4 million dollars. Trial demand prior to opening statement was \$900,000.00. After plaintiff's close of case, plaintiff reduced demand to \$700,000.00. Three week jury trial. Jury verdict in defense favor, \$ 0 (zero) dollars in money damages awarded and finding of no willful infringement. Equitable issues of laches currently on appeal.

## Publications

---

- Author, *Recouping Attorneys' Fees In Copyright and Trademark Cases*, 08/10/07
- Author, 'Borat' Judge Not Likely to High-Five Fraud Suit, *The Hollywood Reporter, Esq.*, 12/04/06

## News

---

- Regulators Likely to Seek Concessions in Music Business Merger, *Los Angeles Business Journal* , March 2, 2009
- Ropers Majeski Lures Lyon & Lyon Attorney Arnold Sklar To Los Angeles Office, September 1, 2002