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E. Lacey Rice is an associate in the Intellectual Property Litigation Practice of Ropers Majeski Kohn & Bentley. Ms. Rice focuses her practice on a wide range of litigation matters involving copyrights, trademarks, right of publicity, trade secrets, business tort and contract disputes. She works in the Los Angeles office as part of a seven attorney intellectual property litigation team.

Ms. Rice has experience in federal and state court litigation including the taking and defending of depositions, the drafting of discovery requests and responses, the preparation of summary judgment and other dispositive motions, the negotiation and drafting of settlement agreements, and the preparation of pre-trial and trial submissions. She also has significant experience with all facets of large scale electronic discovery projects. A few of the highlights of her professional experience include: drafting a successful opposition to a petition for writ of mandate in the California Court of Appeal; authoring an effective discovery motion which resulted in sanctions against her opponent for its discovery abuses and led to early resolution of the case; preparing effective trial motions to exclude evidence in a trademark and trade secret action involving the real estate industry, which forced the opposing party to accept a settlement of the action highly favorable to her client; and drafting a trial motion that successfully obtained judgment as a matter of law in a copyright and trademark dispute involving an Italian restaurant and its licensee.

Prior to pursuing her legal career, Ms. Rice was a project director and new media producer at Turner Classic Movies (TCM) in which she formed the foundation for her extensive expertise in entertainment industry transactional matters, including the negotiating and drafting of talent and producer attachment agreements, releases, option agreements, and deal memos for writers.

Ms. Rice received her J.D. in 2009 from Loyola Law School, in which she was Chief Production Editor for the Loyola of Los Angeles Entertainment Law Review. She also served as an extern to the Honorable Samuel L. Bufford of the U.S. Bankruptcy Court for the Ninth Circuit.

Ms. Rice received her B.A. in Film Studies from Emory University in 2003 and she also played varsity soccer as goalkeeper.

Practice Areas

- Business And Commercial Litigation
- Entertainment
- Intellectual Property

Education

- Emory University, 2003 B.A.
- Loyola Law School Los Angeles, 2009 J.D.

Court Admissions

- California
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California
- USDC: Southern District of California

Representative Experience

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

Key Issues: Unfair Competition; Patent Invalidity

Venue: USDC: Central District of California

Client Type: Defendant; Appliance Recycling Center

The plaintiff, the nation's only publicly traded appliance recycling company, sued defendant an upstart competitor for unfair competition and patent invalidity. The defendant's patent was for the incineration of CFC-11 found in polyurethane foam in refrigeration appliances. Plaintiff claimed the patent was obvious art, invalid and that the defendants publicizing of the patent in responses to bids from utility companies comprised unfair competition in misleading the public. Defendants had secured several large recycling projects from Southern California Edison, Sacramento Municipal Utilities District and Pacific Gas and Electric which otherwise would have gone to plaintiff. Plaintiff sought damages of \$3-5 million (its estimated profit from the recycling contracts over three years).

Result:

After the initial trial date, a 9th Circuit Court of Appeal opinion issued adopting a 5th Circuit Court of Appeal decision requiring that the publication of the patent be made "in bad faith." A previously filed motion for summary judgment urged the trial court to adopt the standard, but the court refused and denied the motion. A renewed motion for summary judgment was filed after the 9th Circuit opinion and the court granted summary judgment for the defendant and ordered plaintiff to pay defendant's costs of suit.

Practice Area: Advertising Injury, Insurance Services, Intellectual Property

Key Issues: Misappropriation of Likeness

Venue: Los Angeles County Superior Court

Client Type: Nightclub/ Dance Promoter

Plaintiff was a Playboy Magazine Swimsuit Model of the Year and a contestant on Dancing with the Stars. Client owned a nightclub and was approached by an independent promoter of dance events to host a DJ dance party. Promoter used an independent graphic artist to create an internet poster of the event called Temptation Island. The graphic artist found a picture on the internet of two women in bikinis for use on the poster, not realizing it was Plaintiff and her sister, another model. The sisters sued for misappropriation of their likenesses.

Result:

Settled early in the litigation for \$3,000 per plaintiff. Initial demand was \$50,000 per plaintiff.