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Timothy L. Skelton is a partner in our Los Angeles office. His practice covers a wide spectrum of counseling and litigation involving intellectual property and other business matters. With the costs of litigation continuing to escalate, and court dockets so crowded that cases can get postponed for years, Mr. Skelton, a former small business owner, prides himself on prompt, creative, and cost-efficient resolution of disputes and legal challenges.

Mr. Skelton advises numerous small and medium-sized businesses on contracts, regulatory compliance, risk management, labor concerns, intellectual property protection, and other issues. He has extensive experience in business litigation.

Mr. Skelton's trademark experience includes all aspects of trademark law. He provides counseling in protection of trademark and trade dress for U.S. and foreign trademarks. Mr. Skelton has years of experience in trademark and trade dress litigation, with matters ranging from licensing disputes to trademark and trade dress infringement actions, as well as experience in domain name disputes and other Internet-related trademark and trade dress issues.

Mr. Skelton's copyright experience includes a wide variety of infringement actions. He has resolved infringement cases involving such diverse products as feature films, recorded music, video games, costume jewelry, tabletop sculptures, consignment art work, and Web sites, with issues ranging from simple bootlegging to violation of licensing agreements to the "look and feel" of competing Web sites.

Other intellectual property areas handled by Mr. Skelton include patent litigation, trade secret litigation, antitrust, false advertising, and business defamation cases.

Mr. Skelton received his bachelor's degree in Economics from the University of South Carolina, and graduated *cum laude* from the University of San Diego School of Law, where he was a member of the San Diego Law Review and the Order of the Coif, voted USD's Most Outstanding Civil Clinic Student, and authored Internet Copyright Infringement and Service Providers: The Case for a Negotiated Rulemaking Alternative, 35 San Diego Law Review 219, Winter, 1998. Upon graduation in 1998, Mr. Skelton joined RMKB's Los Angeles office.

Mr. Skelton is admitted to practice in all California State courts and the Federal Courts for the Central, Southern and Northern Districts of California, as well as the United States Court of Appeals for the Ninth Circuit. He is a member of the State Bar of California, the Los Angeles County Bar Association, and the American Intellectual Property Law Association.

Mr. Skelton, an amateur road racer and avid motorcyclist, is a member of the Society of Automotive Engineers, the Specialty Equipment Market Association, the Sports Car Club of America, the National Hot Rod Association, and the National Auto Sport Association. He volunteers as a BBB Auto Line warranty claim arbitrator and as a trackside tech inspector for NASA. Mr. Skelton's automotive and motorcycle-related clients include new and used car dealers, automotive and motorcycle aftermarket distributors and manufacturers, and professional racing teams.

Practice Areas

- Business And Commercial Litigation
- Intellectual Property
- Antitrust

Education

- University of South Carolina, 1991 B.A.
- University of San Diego School of Law, 1998 J.D.
cum laude

Court Admissions

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

Memberships & Associations

- American Intellectual Property Law Association (AIPLA)
- Society of Automotive Engineers (SAE)

Representative Experience

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

Key Issues: Copyright Infringement

Venue: USDC: Southern District of California

Client Type: Defendant Toy Manufacturer

Represented defendant toy manufacturer of novelty rings in a copyright infringement case.

Result:

The matter was resolved by a confidential settlement.

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

Key Issues: Copyright Infringement

Client Type: Defendant Internet Retailer

We recently obtained summary judgment in our client's favor based on the defenses for internet service providers contained in the Digital Millennium Copyright Act. A copyright holder sent a letter to our client, a large internet retailer, alleging that infringing copies of his work were likely to be offered in the future by third parties using the client's site. After a third party later offered the work on the client's site, the plaintiff filed suit.

Result:

Judgment was favorable for our client.

Practice Area: Antitrust

Key Issues: Sheet Metal; Foreign Trade; Import; Export;

Venue: USDC: Eastern District Wisconsin

Client Type: Automotive Sheet Metal Parts Manufacturing

In a putative class action, a distributor of automotive sheet metal parts alleges that the major Taiwanese automotive sheet metal part manufacturers conspired together to artificially increase prices.

Result:

Defendants have filed a motion to dismiss for failure to state a claim and a motion to dismiss for lack of subject matter jurisdiction under the Foreign Trade Antitrust Improvements Act.

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

Key Issues: Copyright Infringement

Venue: USDC: Central District of California

Client Type: Defendant Movie Distributor

A copyright holder sent a letter to our client, a large Internet retailer, alleging that infringing copies of his film were likely to be offered in the future by third parties using the client's site. After a third party later offered the work on the client's site, the plaintiff filed suit.

Result:

We obtained summary judgment in our client's favor based on the defenses for Internet service providers contained in the Digital Millennium Copyright Act. The court held that a DMCA notice is effective only if the work is actually listed on the website on the day that the notice was received. In other words, a copyright holder cannot send a prophylactic notice covering expected future acts of infringement. This would have the effect of improperly shifting the burden of policing the content to the service provider. Decision at 298 F. Supp. 2d 914.

Practice Area: Antitrust, Unfair Competition/Business Practices

Key Issues: Sheet Metal; Manufacturing; Antitrust

Venue: USDC: Southern District of Ohio

Client Type: Automotive Sheet Metal Parts Manufacturing, Defendant

An Ohio-based manufacturer of automotive sheet metal parts alleges that our client conspired with other Taiwan-based manufacturers to manipulate the market price for truck hoods for the purpose of excluding competition.

Result:

Our client's antitrust expert witness has opined that there is no evidence of price collusion, and since plaintiff could not compete with our client on price in any event, plaintiff could not have lost any sales. The case is in discovery.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Videogames; Internet; Web site; Copyright

Venue: USDC: Central District of California

Client Type: Website

Our client operated a website for players of the World of Warcraft online video game. A competitor brought suit for copyright infringement, alleging that our client's website copied its "look and feel."

Result:

We defended the case on the grounds of functionality and that the similarities between the sites were because they both made reference to a common third site (the online video game site). The case settled without significant litigation.

Practice Area: Corporate Governance/Partnership Disputes, Director/Officer Liability (including Non-Profits)

Key Issues: Officer; Director; Shareholder; Voting Rights

Venue: USDC: Central District of California

Client Type: Shareholder

Our client was a shareholder in a corporation that was refusing to recognize our client's voting rights, and was about to make a vote on an organic change to the company's business.

Result:

With only one day to prepare, we successfully moved for a temporary restraining order preventing the shareholder's meeting from going forward. The company later acknowledged our client's shares, and further issued him a promissory note.

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

Key Issues: Trademark Infringement

Venue: Superior Court of the State of California for the Los Angeles County

Client Type: Clothing Manufacturer

Represented clothing manufacturer in a trademark infringement lawsuit involving "established" designer clothing.

Result:

Resolved matter for waiver of costs.

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

Key Issues: Copyright Infringement

Venue: USDC: Central District of California

Client Type: Distributor

Represented distributor of computer printer refills in a libel action with elements of copyright infringement.

Result:

Matter resolved by confidential settlement.

Practice Area: Copyright, Trademark Registration and Protection, Unfair Competition

Key Issues: Trademark; Medical

Venue: USDC: Central District of California

Client Type: Medical Technology Provider

Our client, a medical technology provider, was sued for trademark infringement by a competitor using nearly the same company name.

Result:

We extracted our client from the matter without significant time or expense. After we provided our opponent with the results of our research indicating that the only resolution possible before a court was splitting the United States between them, the plaintiff agreed to dismiss the case for a waiver of costs.

Practice Area: Contract/UCC

Key Issues: Software; Logistics; Trucking; Breach of Contract; Arbitration; Breach of Warranty;

Venue: Arbitration

Client Type: Software Publishing

Plaintiff, a trucking company, sued the producer of a logistics management software package, alleging that the software did not perform satisfactorily.

Result:

Our client argued that any defects in the performance of the software were due to the plaintiff's failure to fully implement all of the required controls and protocols, and plaintiff's failure to correct repeated operator errors and omissions. The case was resolved before extensive litigation.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Infringement; Copyright; Trademark

Venue: USDC: Central District of California

Plaintiff, a fashion jewelry and clothing manufacturer, brought suit against a competitor for trademark and copyright infringement. Plaintiff alleged that certain of the competitor's new designs were copies of Plaintiff's marks and designs.

Result:

After we established that Plaintiff's designs were ubiquitous and iconic of the entire genre, the case settled with a mutually agreeable business solution.

Practice Area: Class Action/Complex Litigation, Product Liability
Key Issues: Dietary Supplements; Drugs; False Advertising; Adulteration
Venue: San Diego County Superior Court
Client Type: Dietary Supplement Manufacturer

The lead defendant manufactured a variety of dietary supplements. The plaintiffs were consumers who alleged they were injured by various adulterants in the supplements. The lead defendant argued the supplements were not adulterated, and even if they were adulterated, any adulteration would have been done by the Chinese supplier of the constituent herbal compounds. Our client was a former officer of the company and brother to one of its founders.

Result:

After establishing that our client did not have knowledge of the formulas used, and was not directly involved in manufacturing, we obtained his dismissal from most of the cases. The lead defendant then settled the remaining cases.

Practice Area: Class Action/Complex Litigation, Product Liability
Key Issues: Dietary Supplements; Drugs; False Advertising; Adulteration
Venue: Orange County Superior Court
Client Type: Dietary Supplements Manufacturer

In a consumer class action, Plaintiffs alleged that certain dietary supplements did not work as claimed and contained false statements on their labels.

Result:

We successfully moved to dismiss Plaintiffs' complaint. We argued that Plaintiffs' claims were barred by federal regulations, which preempted any state regulations to the contrary.

Practice Area: Trade Secret Protection and Litigation, Unfair Competition
Key Issues: Distribution; Bar Code Scanner; Breach of Fiduciary Duty; Conversion; Unfair Business Practices; Misappropriation of Trade Secrets
Venue: USDC: Central District of California
Client Type: Computer Hardware and Software Company

A provider of bar code scanning solutions sued former employees and their new employer, claiming that the former employees had stolen plaintiff's trade secrets. After our client later purchased the entity defendant, our client was also named as a defendant.

Result:

We maintained a low profile in the litigation to minimize our client's expenses. The case settled on terms favorable to the defendants, with our client being dismissed without providing any consideration to plaintiff.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Internet; Advertising; Trademark

Venue: USDC: Central District of California

Client Type: Retailer, Defendant

Plaintiff, a leading satellite television provider, sued a former distributor turned competitor for use of plaintiff's trademarks in Internet search engine keyword advertising.

Result:

Our examination of the evidence showed that Plaintiff was mistaken about our clients' advertising practices. After we confronted Plaintiff with this evidence, we were able to resolve the case on terms favorable to our client.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Publishing; Maps; Copyright; Trademark

Venue: USDC: Central District of California

Client Type: Non-Profit Corporation

Plaintiff, a publisher of local tourist maps, sued a competitor and the city-sponsored non-profit tourist promotion organization who commissioned a competing work. Plaintiff alleged copyright and trademark infringement.

Result:

We extracted our client, the non-profit, from the litigation early, with a settlement on confidential terms.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Infomercial; Advertising

Venue: USDC: Central District of California

Client Type: Automotive Part Manufacturing Co.

Our client, the U.S. distributor for a famous fuel saving device, brought suit against the foreign manufacturer of the device. Our client had been marketing the devices in part using a series of infomercials. The foreign manufacturer and infomercial company terminated their contracts with our client, and began selling the products using the trademark that our client had registered years earlier.

Result:

We obtained a verdict in our client's favor. After a two-week bench trial, the Court found that our client's trademark registration was incontestable, and rejected each of the grounds for cancellation of the registration advanced by the defendants. The court therefore found the defendants liable for willful trademark infringement and counterfeiting, and awarded substantial damages to our client. While post-trial motions were pending, the infomercial company settled. The Court awarded nearly \$3.5M in damages and attorney's fees in our clients' favor. The non-settling foreign manufacturer has appealed.

Practice Area: Contract/UCC, Non-Profit

Key Issues: Common-area Development; Condominium; Real Estate

Venue: San Francisco County Superior Court

Client Type: Non-Profit Corporation

Our client, an affordable housing project in downtown San Francisco, was sued by a former board member for alleged improprieties in connection with the election of officers and the subsequent approval of a \$40M rehabilitation plan necessary to maintain HUD Section 8 status.

Result:

We filed multiple motions to dismiss based on the plaintiff's failure to follow the procedural requirements for an election challenge and for a shareholder derivative suit. While the motions were pending, the plaintiff dismissed her case.

Practice Area: Trade Secret Protection and Litigation

Key Issues: Machinery; Wheels; Trade Secret

Venue: Los Angeles County Superior Court

Client Type: Machinery

A German manufacturer of rotary forging machines (used to manufacture automotive wheels) brought suit against another manufacturer and its customer. The plaintiff alleged that the competing machine was made using plaintiff's trade secrets.

Result:

Defendants denied that Plaintiff's machine contained any trade secrets, and argued that no trade secrets were used in the manufacture of Defendants' competing machine. The case was resolved on confidential terms.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Right of Publicity

Venue: USDC: Central District of California

Client Type: Motorcycle Part Manufacturer, Defendant

Plaintiff, a manufacturer of ATV racing parts, sued a competitor for the use of a photograph of an ATV racer formerly sponsored by the competitor.

Result:

After thwarting Plaintiff's efforts to drive up the costs of litigation with oppressive discovery, we resolved the case relatively early on confidential terms favorable to our client.

Practice Area: Contract/UCC, Copyright, Domain Name and Trademark Litigation, Unfair Competition/Business Practices

Key Issues: Software; Licensing; Toys; Arbitration; contract;

Venue: California (arbitration)

Client Type: Video Game Publisher, Defendant

We represented a video game producer in a breach of contract arbitration brought by the manufacturer of a popular line of dolls. The doll maker entered into a contract with our client to develop and market a line of games based on the dolls. A dispute developed over the sufficiency of our client's efforts. The doll maker terminated the license agreement and demanded arbitration, claiming that our client owed it damages.

Result:

At arbitration, we obtained a resounding victory. We established that the doll manufacturer pretextually terminated the contract so that it could obtain a better deal elsewhere, and it was our client, not the doll maker, that was entitled to its lost profits. The arbitrator awarded our client over \$14 million in damages and attorneys fees.

Practice Area: Contract/UCC, Product Liability

Key Issues: Trucking; GPS

Venue: San Diego County Superior Court

Client Type: Electronics

A manufacturer of a freight tracking system sued a manufacturer of GPS chipsets for breach of warranty action relating to Y2K-like GPS event. The trucking company feared that the devices would fail during the event and demanded replacement of the devices. Our client refused, pointing out that its testing had confirmed that the devices would function properly during the event.

Result:

We argued that our client's actions were reasonable under the circumstances and that the devices in fact worked properly through the event. We significantly narrowed plaintiff's case through pre-trial and in-trial motions. The jury awarded a fraction of plaintiff's claimed damages.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Plastics; Internet; Copyright and Trademark

Venue: USDC: Central District of California

Client Type: Plastic Manufacturing, Defendant

Plaintiff, a plastic products manufacturer, sued its chief competitor for copyright and trademark infringement. Plaintiff alleged that our client's website infringed plaintiff's site.

Result:

Our client argued that plaintiff's alleged intellectual property was not protectable, and that there was no copying in any event. The case was resolved on confidential terms.

Practice Area: Unfair Competition

Key Issues: Automotive; False Advertising

Venue: Fresno County Superior Court

Client Type: Automotive Retail, Defendant

A used car dealer brought suit against its main competitor, alleging false advertising. Our client cross-complained against the plaintiff, alleging it was the plaintiff engaging in false advertising.

Result:

The case resolved by the parties working together to craft a voluntary code of conduct for local automobile retailers.

Practice Area: Business And Commercial Litigation, Unfair Competition

Key Issues: Lanham Act; False Advertising

Venue: USDC: Central District of California

Client Type: Defendant Manufacturer

Plaintiff, a manufacturer of automotive supercharger systems, brought suit against its main competitor. Plaintiff alleged that our client engaged in false advertising with respect to performance claims. Our client brought counterclaims against the plaintiff, claiming similar violations in Plaintiff's advertising.

Result:

After defeating plaintiff's motion for a preliminary injunction, and obtaining dismissal of Plaintiff's attempt to add new claims, and conducting expert-supervised testing of the parties' respective advertising claims, the case was resolved.

Practice Area: Contract/UCC, Product Liability

Key Issues: Medical Devices; Personal Injury; Mass Tort

Venue: San Bernardino County Superior Court

Client Type: Injection Molding Manufacturing

Several hundred recipients of cataract lens implants brought suit against the manufacturer of the lenses. Many of the lenses became cloudy after implantation. The manufacturer brought suit against our client, which supplied certain packaging materials for the lenses. The patients settled out with all parties, leaving only the dispute between the manufacturer and our client.

Result:

Through motion practice, we obtained the dismissal of contact-related claims. With plaintiff facing the higher standards of proof for fraud, and knowing that the jury would be confronted with its failure to adequately test the completed product, the manufacturer settled just before opening statements.

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

Key Issues: Copyright Infringement

Venue: USDC: Eastern District of Pennsylvania

Client Type: Costume Designer

The district court held that no copyright infringement was shown because the copyright of a costume mask was invalid due to lack of originality.

Result:

During a one week trial, the infringement claim was defended. Defense fees were awarded. Later, malicious prosecution threat resulted in further recovery.

Practice Area: Antitrust, Unfair Competition

Key Issues: Medical; Prosthetics; Antitrust; Conspiracy; Monopoly

Venue: USDC: Southern District of California

Client Type: Medical Device Manufacturing Co., Defendant

A manufacturer of artificial prosthetic knees alleges that another manufacturer and a distributor have conspired together to monopolize the market for microprocessor controlled artificial knees.

Result:

Following a series of successful motions precluding plaintiff from further discovery and preventing plaintiff from introducing expert witnesses, we filed a motion for summary judgment. We argued that there is no evidence of any conspiracy, and that it would not even be possible for a conspiracy to succeed in a highly diffuse and competitive market. The motion was granted in full, and judgment entered in favor of our client.

Practice Area: Business And Commercial Litigation

Key Issues: Libel; First Amendment Privileges

Venue: Los Angeles County Superior Court, Southwest District

Client Type: Defendant Health Care Provider

Represented defendant in a libel suit brought by plaintiff health maintenance organization. Key issues involved First Amendment privileges and mitigation of damages.

Result:

The action was resolved in a confidential settlement.

Practice Area: Directors & Officers, Professional Liability

Key Issues: Nutraceuticals, Contamination, FDA, Dietary Supplements

Venue: San Diego County Superior Court

Client Type: Defendant, Chief Operating Officer

This was a set of 30 individual civil actions and one national class action case that followed a criminal prosecution of some the corporations Officers & Directors. The allegations were that the company marketed a dietary supplement as an all natural herbal product for over all prostate health, but that in reality the product was allegedly a combination of numerous pharmaceuticals, including the banned pharmaceutical DES.

Result:

After years of acrimonious litigation, which resulted in one of the Plaintiff's attorney's being criminally charged in part because of his conduct in these cases, and eventually [disbarred](#). All of the cases as they related to our

client, were amicably resolved prior to trial.

Practice Area: Business And Commercial Litigation

Key Issues: Breach of Contract; Personal Guaranty

Venue: Santa Clara County Superior Court

Client Type: Plaintiff Machine Manufacturer

Represented plaintiff business machine manufacturer in breach of contract and personal guaranty action against business machine retailer.

Result:

The matter was favorably resolved through settlement.

Practice Area: Business And Commercial Litigation

Key Issues: Breach of Nondisclosure Agreement

Venue: Orange County Superior Court

Client Type: Plaintiff; Video display developer

Represented plaintiff involving a breach of nondisclosure agreement.

Result:

The matter was successfully resolved at mediation.

Practice Area: Trade Secret Protection and Litigation

Key Issues: Communications; Internet; Computers; Misappropriation of Trade Secrets

Venue: USDC: Central District of California

Client Type: Computer Communications Hardware Manufacturing

A communications equipment manufacturer brought suit for misappropriation of trade secrets and trespass to its computer systems against former and current employees.

Result:

After initial litigation, direct negotiations between the parties and counsel resulted in confidential settlement involving a mutual business solution.

Practice Area: Copyright, Domain Name and Trademark Litigation, Intellectual Property, Unfair Competition/Business Practices

Key Issues: defamation; libel; slander

Venue: Los Angeles County Superior Court

Client Type: Distributor

Plaintiff, an inkjet refilling company, alleged that our client, a former employee, had published defamatory remarks about plaintiff.

Result:

After we filed a series of successful demurrers that gutted plaintiff's case, the parties settled for a waiver of costs.

Practice Area: Copyright, Trademark Registration and Protection, Unfair Competition

Key Issues: automotive; retail; cars; trademark;

Venue: USDC: Southern District of California

Client Type: automobile retailer

An automobile retailer sued our client, a competitor, for trademark infringement involving the names used for each sides' respective used car sales programs.

Result:

The case settled on predominantly non-monetary terms before significant litigation.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Gray Market; Trademark; Patent

Venue: USDC: Central District of California

Client Type: Automotive Electronics, Defendant

A manufacturer of automotive security systems brought suit against a car audio and alarm system distributor and retailer for patent and trademark infringement involving "gray market" goods.

Result:

After securing partial summary judgment in our clients' favor, the case was resolved on confidential monetary and non-monetary terms.

Practice Area: Corporate Governance/Partnership Disputes, Director/Officer Liability (including Non-Profits), Employment

Key Issues: Employment; Media; Entertainment

Venue: Los Angeles County Superior Court

Client Type: Media, Plaintiff

Our client, the former president of a new media company, brought suit against his former employer and certain of its officers, alleging that they had failed to pay his salary, and failed to fulfill a severance package.

Result:

With minimal litigation, we obtained a favorable settlement.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Food Products; Trade Secret; Trademark; Unfair Competition

Venue: USDC: Central District of California

Client Type: Food Manufacturing, Defendant

A natural food manufacturer brought suit for trademark infringement and misappropriation of trade secrets

against a former employee and his new employer.

Result:

Before extensive litigation, we resolved the case on confidential terms through direct negotiation with opposing counsel.

Practice Area: Contract/UCC, Copyright, Domain Name and Trademark Litigation, Trade Secret Protection and Litigation

Key Issues: Audi-Video; Cruise Ships; Fiduciary Duty

Venue: Los Angeles County Superior Court

Client Type: Audio-Video Installation, Plaintiff

Our client, an installer of high-end audio-video systems for cruise ships and yachts, alleges that its former CEO conspired with others to destroy the company so that he could be freed from a non-compete covenant that he signed in connection with the sale of his business to our client.

Result:

A forensic examination of the company's retired file server uncovered backups of files extremely damaging to the defendant. The case is still in discovery.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Internet; Trademark; Gray Market

Venue: USDC: Central District of California

Client Type: Automobile Parts, Defendant

We represented an automobile dealership in a trademark infringement claim arising from the client's alleged importation of "gray market" parts. An automobile manufacturer alleged that the parts were not "genuine" because they had not been sold through the manufacturer's distribution chain.

Result:

We successfully moved to transfer the case to the dealership's home state.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Software; Computers; Copyright; Trademark

Venue: USDC: Central District of California

Client Type: Computer Repair, Defendant

Plaintiff, the world's leading software producer, brought suit against a company involving the sale of refurbished computers.

Result:

Plaintiff alleges that the re-installation of the operating system constitutes copyright and trademark infringement. Our client argues that plaintiff's own guidelines prove that our client's operations are lawful. The case is in discovery.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Automotive; Aftermarket; Wholesale

Venue: USDC: Central District of California

Client Type: Automotive Body Part Distribution, Defendant

An auto collision part certification and validation service brought suit against an auto body part distributor, alleging trademark infringement and unfair competition.

Result:

We obtained partial summary judgment and defeated plaintiff's motion for summary judgment. After we precluded most of plaintiff's evidence through pre-trial motions, the case settled on favorable terms.

Practice Area: Copyright, Domain Name and Trademark Litigation

Key Issues: Trademark; Internet; Music; CD

Venue: USDC: Central District of California

Client Type: Online Retailer, Defendant

Our client, a major online retailer, was sued for trademark infringement by a musician who claimed that another artist had stolen his name, and was using our client's site to sell his works.

Result:

After minimal focused discovery into the extent of use by the plaintiff, we successfully moved for summary judgment on the basis that the plaintiff's sporadic and minimal use of the name constituted abandonment of his trademark rights.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Manufacturing; Trade Secrets; Moldings

Venue: USDC: Central District of California

Client Type: Architectural Molding Manufacturer

Plaintiff custom millwork (architectural moldings) shop sued a former employee and his new company. Plaintiff alleged that the former employee misappropriated trade secrets and copied Plaintiff's products and catalogs.

Result:

After we established that no trade secrets were used, that customers approached our client on their own, and that Plaintiff's works were either unprotectable or not copied, the case was then resolved on favorable terms.

Practice Area: Business And Commercial Litigation, Patent Prosecution, Licensing and Litigation

Key Issues: Internet; Patent; Infringement; Business Method

Venue: USDC: Central District of California

Client Type: Internet Service Provider, Defendant

The holder of a patent for interactive television programming sued our client, an Internet coupon company, for patent infringement.

Result:

We argued that the patent, a business method patent, was invalid, and in any event, was not infringed by our client's operations. We obtained a dismissal for a waiver of costs.

Practice Area: Copyright, Domain Name and Trademark Litigation, Defamation

Key Issues: Trademark; Libel; Slander

Venue: Los Angeles County Superior Court

Client Type: Sports Memorabilia Retail, Defendant

Plaintiff, a sports memorabilia retailer, sued a competitor for trademark infringement and defamation.

Result:

We obtained dismissal of several of plaintiff's claims. After we filed a motion for summary judgment as to the remaining claims, plaintiff dismissed for a waiver of costs.

Practice Area: Taxation

Key Issues: Tax Preparation; Malpractice; Fraud; Breach of Fiduciary Duty

Venue: Orange County Superior Court

Client Type: Consumer, Plaintiff

Our client alleged that the defendant had created a fraudulent tax avoidance scheme for the purpose of getting a reputation as the tax preparers who could most reduce a client's tax liability. After discovering that the scheme was unlawful, our client voluntarily paid the back taxes and penalties, and sued the preparers to recover its losses.

Result:

After the defendants were confronted with the evidence against them, the case settled on favorable terms.

Practice Area: Copyright, Domain Name and Trademark Litigation, Unfair Competition

Key Issues: Trademark; Aftermarket

Venue: USDC: Central District of California

Client Type: Automobile Parts, Defendant

Our client, a manufacturer of aftermarket automotive parts and accessories, was sued by an automobile manufacturer for trademark infringement for the use of the manufacturer's logo on various items such as reproduction parts for vintage cars.

Result:

We argued that the sales were protected by the doctrines of first sale and nominative use. The case was resolved on favorable terms without significant litigation.

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

Key Issues: Trademark Infringement

Venue: USDC: Central District of California

Client Type: Defendant Toy Watch Manufacturer

Plaintiff, a toy manufacturer, sued its competitor for trade dress infringement, arguing that its packaging was confusingly similar to plaintiff's packaging.

Result:

We defeated plaintiff's motion for a preliminary injunction by establishing that plaintiff had failed to adequately describe its trade dress, and had failed to show that it was the first user of the alleged trade dress. The case then settled on favorable terms.

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

Key Issues: Copyright Infringement

Venue: USDC: Central District of California

Client Type: Internet Retailer

Represented internet retailer in a copyright infringement suit involving the sale of videotapes over the internet.

Result:

The action was resolved for a dismissal in exchange for a waiver of cost.

Practice Area: Contract/UCC

Key Issues: Manufacturing; Video Equipment; Trade Libel; Unfair Competition; Forum Selection Clause;

Venue: Los Angeles County Superior Court

Client Type: Broadcast Video Electronics Manufacturer, Defendant

Plaintiff, a broadcast video equipment manufacturer, brought suit against a competitor for trade libel.

Result:

Our client argued that the lawsuit was a pretextual device fabricated to avoid a forum selection clause in an earlier contract between the parties. Each of the persons who were alleged to have heard the libelous statements subsequently denied any knowledge of having heard any such statements. After obtaining their declarations, and while our client's motion for summary judgment was pending, we resolved the case on favorable terms.

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

Key Issues: Copyright Infringement; Misappropriation of Trade Secrets

Venue: Los Angeles County Superior Court, Northeastern District

Client Type: Flexible Moldings Manufacturer

A custom plastic architectural molding manufacturer sued a former employee for misappropriation of trade secrets and copyright and trademark infringement. Plaintiff also named a business in which the former employee had an ownership interest.

Result:

We obtained summary judgment on the federal (copyright and trademark) claims against our clients. We then settled the remaining state law claims on favorable terms.

News

- Hanger Kicks Prosthetic Knee Antitrust Suit, *Law 360*, 10/3/1011
- Amazon Not Required To Remove InStyler Fakes: Judge, *Law 360*, 7/20/2011