

Daily Journal

AUGUST 17, 2016

TOP INTELLECTUAL PROPERTY ATTORNEYS in California for 2016

When we're listening to pre-1972 music on rotation in our smartphones or reaching for a ketchup bottle at lunch, intellectual property doesn't come to mind. But these are just a few examples of the work behind the California attorneys we chose on our list for their efforts protecting the intellectual property belonging to companies of all sizes across the country and around the world.

As technology makes vast improvements year after year across the industry spectrum, intellectual property attorneys — litigators and patent prosecutors — are rolling up their sleeves to stay ahead of the game. In California, established Silicon Valley and booming Silicon Beach have created global hubs for such innovation to take place in on-demand services, social media, health care, consumer technology and other various fields. But the fight to protect patents, copyrights and trademarks can start on a local court level and move to the appellate courts, while also heading to the U.S. Patent and Trademark Office, the U.S. International Trade Commission and the U.S. Supreme Court.

Intellectual property attorneys face many hurdles as they try to protect the branding of companies for consumers and a range of venues for those who want to protect their innovations. The attorneys in this issue took those challenges head-on and pushed technological progress forward.

—The Editors

Aaron J. Moss

FIRM Greenberg Glusker Fields Claman & Machtinger LLP	CITY Los Angeles	SPECIALTY Copyright litigation
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Ray Charles famously demanded, “What’d I Say,” in his 1959 rhythm and blues classic. More than a decade after his death, Moss is answering for him: Charles said he wanted his estate to go to

a philanthropic educational foundation — not to his 12 children, whom Charles gave \$500,000 each before he died.

But since 2012, seven of Charles’ offspring have sought to recapture, under the Copyright Act’s statutory termination provisions, the rights to dozens of musical compositions Charles wrote in the 1950s.

Moss’ job is to block that move. In the litigation’s latest step, after the 9th U.S. Circuit Court of Appeals reversed a district judge last year and revived the foundation’s declaratory relief suit, he is preparing for a May 2017 trial on the estate’s challenge to the children’s bid for the musical rights. *The Ray Charles Foundation v. Raenee Robinson*, 12-CV2725 (C.D. Cal., filed March 29, 2012)

The foundation retained Moss to handle the case on remand after the circuit ruled.

“Anytime you have a case in which pretty much all of the witnesses are deceased and the documents are 50 years old, there are a lot of potential pitfalls,” he said. “It is extremely interesting to go back into history.”

Greenberg Glusker colleague Daniel G. Stone is the link between Moss and the foundation’s prior set of lawyers, from Stone’s time working on the case at trial and before

the circuit at his former firm, Robins Kaplan LLP.

“The foundation interviewed me and decided they wished to make use of my expertise in the copyright termination arena,” Moss said.

Moss said he has two theories available to block the children from exercising their copyright termination rights, which might under federal law enable artists or their heirs to reclaim copyrights on works they once granted away.

“The termination agreement at issue are invalid. We don’t believe the proper termination procedures were followed,” he said. “And we are also exploring whether Mr. Charles’ compositions were works for hire, which cannot be terminated by him under the law.”

Charles was working for Atlantic Records for recordings and for Progressive Music on the publishing side, he said.

“We are trying to prevent the disappearance of a revenue stream going to charity,” Moss said. “Now, we’re taking discovery, trying to piece together documents regarding how the songs were created. Fortunately, I’m a copyright nerd.”

— John Roemer