



## Aaron J. Moss

Partner

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Aaron Moss is a partner in the Litigation department. He has extensive experience in copyright, trademark, media and entertainment litigation, representing the owners and users of creative content in complex and high-profile matters. In addition to litigation, Aaron regularly advises clients on intellectual property issues, including complex chain of title analyses, rights acquisitions and pre-publication clearance reviews.

Consistently recognized as one of the top copyright attorneys in California, Aaron has been repeatedly named to The Hollywood Reporter's "Top 100 Power Lawyers" list, Variety's "Legal Impact Report," and the *Daily Journal's* "Top Intellectual Property Lawyers." Aaron is also ranked by Chambers USA as a leading lawyer in media and entertainment litigation and was recently named "Lawyer of the Year" by Best Lawyers for his work in First Amendment and media law.

Among Aaron's litigation matters are cases for media companies, video game publishers, and the manufacturers and licensors of toys, apparel and consumer products. In addition to his copyright and trademark practices, Aaron has litigated high-stakes defamation, contract, false advertising and unfair competition lawsuits, profit participation cases, idea submission claims and right of publicity actions.

Aaron is past president of the Los Angeles Copyright Society and is a frequent speaker on copyright, trademark and media law issues. He is also the writer and publisher of the website and blog Copyright Lately.

### Professional Affiliations

- Past President, Los Angeles Copyright Society

### Awards

- *Chambers USA*, Leading Lawyer in the Practice of Entertainment and Media Litigation, 2019–2024
- *The Hollywood Reporter's* Top 100 "Power Lawyers," 2014, 2015, 2017, 2019–2021
- *Variety's* Legal Impact Report, 2014, 2019, 2022, 2024
- *Daily Journal's* Top Intellectual Property Lawyers, 2009, 2011–2015, 2020–2023
- *Best Lawyers*® "Lawyer of the Year": Litigation–First Amendment, 2021

- *The Best Lawyers in America*®
  - Media Law, 2018–2024
  - Litigation – First Amendment, 2019–2024
  - Litigation – Intellectual Property, 2024
- *Los Angeles Business Journal*, Who's Who in L.A. Law: Angelenos to Know in Intellectual Property Law, 2012
- *Daily Journal's* Top 20 Under 40, 2011
- *Southern California Super Lawyers*, 2004–2024

### **Bar Admissions**

- California

### **Court Admissions**

- United States Supreme Court
- U.S. Court of Appeals for the Ninth, Second and Federal Circuits
- United States District Court for the Central, Northern, Eastern and Southern Districts of California

### **Education**

- Harvard Law School (J.D., *magna cum laude*, 1997)
- University of California, Los Angeles (B.A., *summa cum laude*, 1994)
  - Phi Beta Kappa

## **Representative Matters**

### **COPYRIGHT, TRADEMARK, AND OTHER INTELLECTUAL PROPERTY**

- Obtained a pleading-stage dismissal with prejudice on behalf of NBCUniversal, Jerry Seinfeld and Stacey Snider in a copyright infringement lawsuit filed by a writer who alleged that the 2007 film *Bee Movie* infringed his copyright in an unproduced screenplay with the same name.
- Currently advises the owner of intellectual property rights in the works of science fiction writer Ray Bradbury (*Fahrenheit 451*, *The Martin Chronicles*) in connection with contractual and copyright issues arising out of the exploitation of those rights.
- Represents the Rod Serling Trust in connection with intellectual property matters involving works by the famed creator of *The Twilight Zone*.
- Successfully pursued complaints under ICANN's Uniform Domain-Name Dispute Policy on behalf of Riot Games, Inc., as part an effort to oversee the enforcement and removal of infringing Riot content on various internet and social media platforms.

- Represented the Ray Charles Foundation, a philanthropic organization and the sole beneficiary of Mr. Charles' estate, in a copyright termination matter brought against Charles' children.
- Defended NBCUniversal in major copyright infringement matter concerning claims that *Section 6*, a preproduction screenplay, violated copyrights in the James Bond character and series of films.
- Successfully represented the licensor of trademark rights in the popular YOGI TEA brand in several federal court lawsuits, Trademark Trial and Appeals Board (TTAB) opposition proceedings and a Federal Circuit appeal.
- Represents Toho Co., Ltd., owner of intellectual property rights in *Godzilla*, in numerous matters involving copyright and trademark infringement and licensing disputes; among many others, these cases have involved the unauthorized use of the Godzilla character in motion pictures and television commercials, the "sampling" of Godzilla theme music in sound recordings, and the infringement of Toho's characters in connection with various internet ventures; all of these cases were resolved with the defendants ceasing their infringing conduct.
- Defended and advised owners of such entertainment properties as "Lassie," "Casper the Friendly Ghost," "Winnie the Pooh" and *Charlotte's Web* in connection with attempts by authors' heirs to recapture copyrights in these properties under the Copyright Act's statutory termination provisions.
- Represented DreamWorks Animation in numerous litigation and transactional matters involving rights to "Frosty the Snowman," "Rudolph the Red-Nosed Reindeer," "Richie Rich," and other classic properties.
- Prevailed on behalf of Costco Wholesale Corporation in a major copyright case of first impression, *Omega v. Costco*, defending Costco against claims that the retailer infringed Omega's copyright by acquiring genuine watches imported from abroad without Omega's consent and selling them for more than one-third less than Omega's regular retail price.
- Defended Ubisoft Entertainment, one of the world's largest video game publishers, against copyright infringement claims brought by author who alleged that Ubisoft's *Assassin's Creed* video game series infringed his novel, resulting in dismissal of case at the pleading stage.
- In a widely-publicized infringement action, part of the litigation team that successfully defeated a preliminary injunction motion seeking to prevent the release of DreamWorks' motion picture *Amistad*.
- Obtained a preliminary injunction for toy manufacturer Mattel, Inc. against a producer of dolls that infringed the "Barbie" and "American Girl" lines.
- Obtained a permanent injunction on behalf of Leg Avenue, one of the world's largest manufacturers of costumes, hosiery, and lingerie in a copyright and trademark infringement lawsuit against a competing seller.
- Represented the Estate of J.R.R. Tolkien in connection with rights issues arising out of *The Hobbit* motion picture and other intellectual property matters.
- Represented Marvel, owner of the copyrights in Spider-Man, Iron Man and numerous other iconic characters in various matters involving intellectual property disputes, profit participation rights, and general litigation.

- Represents Gameloft, S.A., one of the world's largest publishers of mobile phone video games, in numerous IP matters, including a copyright and trademark dispute brought by Activision in connection with the video game *Guitar Hero*.

#### **MEDIA AND FIRST AMENDMENT**

- Prevailed on an anti-SLAPP motion to defeat a defamation claim filed against Scripps Networks, an affiliate of Discovery Communications, over on-air statements made by the star of the popular HGTV reality program *Windy City Rehab*.
- Successfully argued before the Massachusetts Supreme Judicial Court (the highest court in the state) to affirm the dismissal of a civil wiretapping lawsuit brought by the Mayor of Somerville, Massachusetts, Joseph Curtatone, against clients Barstool Sports, Inc. and Barstool personality Kirk Minihane. Persuaded the seven judge panel that the wiretapping statute was not violated where Minihane obtained an interview with the mayor by pretending to be a reporter from the *Boston Globe*, because the recording of Curtatone was not made in secret.
- Successfully defended Discovery Communications, LLC against a lawsuit seeking to prevent the network from broadcasting *The Lost Lincoln*, a documentary concerning a previously undiscovered photograph taken of the president after he was shot in 1866. After Discovery demonstrated that enjoining the documentary would constitute an unconstitutional "prior restraint" in violation of the First Amendment, the court denied the plaintiffs' application for a temporary restraining order, allowing the program to be aired.
- Obtained summary judgment on behalf of client Barstool Sports, Inc. in a high-profile defamation and fraud lawsuit in the Southern District of New York brought by actor Michael Rapaport arising out of a failed business relationship between the parties.
- Successfully defended Univision Communications Inc. in a case brought by Jenni Rivera Enterprises, owner of Jenni Rivera's intellectual property rights, arising out of Univision's publication of allegedly confidential information in a 26-episode series about the late singer. Univision appealed following the trial court's denial of its anti-SLAPP motion. In a published opinion, the California Court of Appeals reversed, holding that the First Amendment provided a complete defense.
- Obtained summary judgment on behalf of Discovery Communications, LLC in connection with an action brought by former talent for one of the network's unscripted shows, claiming that Discovery was liable for allegedly defamatory Facebook postings.

#### **GENERAL ENTERTAINMENT INDUSTRY DISPUTES**

- Obtained complete defense in three related proceedings on behalf of writer-director Rian Johnson (*Knives Out*, *Star Wars: Episode VIII—The Last Jedi*) in a commission dispute with a former agent arising under California's Talent Agencies Act.
- Successfully represented NBCUniversal/DreamWorks Animation in recovering 7.4 million units of home video inventory wrongfully held by its former distributor, Our Alchemy, in violation of the parties' license agreement.

- Obtained reversal of an adverse arbitration ruling for Classic Media, LLC, one of the world's largest owners and distributors of classic children's and family content, in a dispute involving rights to a well-known television series; after prevailing on appeal, the client ultimately received \$6,000,000 for its rights.
- Successfully defended Brillstein-Grey Entertainment in a contractual dispute over alleged producing partnership.

#### **ADVERTISING AND UNFAIR COMPETITION**

- Obtained Ninth Circuit affirmance of summary judgment victory on behalf of retailer Costco Wholesale Corporation in a putative class action lawsuit alleging false advertising, unfair competition and related claims in connection with Costco's advertising and sale of Apple AirPods.
- Represented Sugar Foods, a multinational food products company, in obtaining dismissal at the pleading stage of a federal consumer class action complaint alleging false advertising and unfair competition claims.
- Defended Health Communications, Inc., the original publisher of the bestselling *Chicken Soup for the Soul* series in an unfair competition and trademark infringement action brought by the books' co-authors.
- Represented Riot Games, Inc., a video game developer best known for the enormously popular game and eSport "League of Legends," in federal litigation against a company trafficking in stolen user accounts and infringing Riot's intellectual property. Obtained a permanent injunction shutting down the defendant and preventing its founder from engaging in future misuse of Riot's property.

#### **RIGHT OF PUBLICITY**

- Represented Dustin Hoffman in a landmark right of publicity suit against a magazine that published an unauthorized computer-generated image of the actor.
- Achieved favorable settlements on behalf of Tom Cruise and Nicole Kidman when their names and likenesses were used without permission by cosmetics company Sephora.
- Represented Tom Skerritt against the manufacturer of a dietary supplement that used a photograph of the actor in an unauthorized advertisement.
- Represented R&B group Bloodstone when its members' voices were used without permission in a beer commercial.