



## Aaron J. Moss

Partner

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Aaron Moss is the chair of Greenberg Glusker's litigation department and is also a member of its intellectual property department. He specializes in representing owners and users of creative content, and has been recognized by virtually every major legal and entertainment business publication as one of the preeminent intellectual property litigators in his field.

He has been named to *The Hollywood Reporter's* "[Top 100 Power Lawyers](#)" list, *Variety's* "[Legal Impact Report](#)," the *Daily Journal's* "Top IP Litigators in California," and was named among the city's top IP attorneys in the *Los Angeles Business Journal's* list of "40 Angelenos to Know in Intellectual Property Law."

Aaron litigates high-profile copyright and trademark actions for both plaintiffs and defendants, including studios, independent distributors, production companies, video game publishers, toy companies, apparel manufacturers, technology firms and individuals. He has particularly extensive experience handling matters involving the ownership, licensing and termination of rights in fictional characters, including such globally-recognized properties as Godzilla, Spider-Man, Lassie, Frosty the Snowman, and Casper the Friendly Ghost.

Aaron also provides advice and counsel in connection with intellectual property acquisitions and transfers, conducts complex chain of title analyses, and engages in pre-publication clearance reviews for authors, publishers, filmmakers, and video game companies – often enabling them to avoid costly lawsuits.

In addition to his copyright and trademark practices, Aaron has litigated high-stakes profit participation cases, prosecuted and defended idea submission claims, and has represented award-winning actors and performers in right of publicity actions involving the unauthorized use of their names, voices and likenesses. He also handles defamation, invasion of privacy and other media-related disputes, as well as cybersquatting, false advertising, unfair competition and breach of contract actions across a wide range of industries.

### **Professional Affiliations**

- President-Elect, Los Angeles Copyright Society

## Awards

- Named by [Chambers USA](#) as a Leading Lawyer in the practice of Entertainment and Media: Litigation, 2019
- Listed, [Variety's Legal Impact Report](#), 2019
- Listed, Best Lawyers of America - Media Law, 2018- 2020
- Listed, *The Hollywood Reporter's* [Power Lawyers List](#), 2014- 2015, 2017, 2019
- Named, One of California's Top Intellectual Property Lawyer of 2016
- Listed, [Variety's Legal Impact Report](#), 2014
- Listed, *Daily Journal's* Top 75 Intellectual Property Litigators in California, 2009, 2011-2015
- Listed, *Los Angeles Business Journal*, Who's Who in L.A. Law: Angelenos to Know in Intellectual Property Law, 2012
- Listed, *Daily Journal's* Top 20 Under 40, 2011
- Listed, *Southern California Super Lawyers*, 2004-2019

## Bar Admissions

- 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

## Entertainment & IP Experience

- Recently defended NBCUniversal in major copyright infringement matter concerning claims that *Section 6*, a pre-production screenplay, violated copyrights in the James Bond character and series of films
- Represents DreamWorks Animation in connection with various intellectual property matters involving the acquisition and distribution of creative content
- 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
- Represented 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. In January 2015, the Ninth Circuit Court of Appeals affirmed a judgment in favor of Costco on its "first sale" defense, upholding Costco's right to sell the watches. The case had originally been to the United States Supreme Court on this issue, which deadlocked 4-4. Upon remand to the district court, Costco obtained summary judgment on its novel "copyright misuse" defense. While the judgment was on appeal, the United States Supreme Court decided *Kirstaeng v. John Wiley & Sons, Inc.*, 133 S. Ct. 1351 (2012), which vindicated Costco's legal position on the first sale defense, paving the way for the Ninth Circuit's 2015 affirmance. A concurring opinion by Judge Wardlaw in the new decision agreed that Omega had engaged in copyright misuse by improperly attempting to leverage its copyright in a tiny engraving hidden on its watches for the purpose of preventing them from being sold by retailers like Costco.

- 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
- 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; in several cases, Mr. Moss has obtained summary judgment for his clients, establishing their continued right to own and exploit their copyrighted works
- 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 the estate of Rod Serling, renowned creator of *The Twilight Zone*, in right of publicity and copyright matters
- Represented Tom Cruise in a defamation action against the publisher of supermarket tabloids *In Touch and Life & Style Weekly*
- Defended Ubisoft Entertainment, one of the world's largest video game publishers, against copyright infringement claims brought by John Beiswenger alleging that Ubisoft's *Assassin's Creed* video game series infringed the author's novel *Link*, resulting in Beiswenger dismissing his case at the pleading stage
- Represents Classic Media, LLC in various litigation and transactional matters involving rights to Frosty the Snowman, Rudolph the Red-Nosed Reindeer, Richie Rich and other properties
- 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 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
- Obtained a rare cover apology for actress Katie Holmes after bringing a defamation lawsuit against the publisher of *Star Magazine*

- 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
- Defended Health Communications, Inc., original publisher of the bestselling *Chicken Soup for the Soul* series in a trademark action brought by the books' co-authors
- 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*
- Regularly represents Tom Cruise in media-related matters, including defamation, invasion of privacy and the right of publicity
- 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*
- 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 Dustin Hoffman in a landmark right of publicity suit against a magazine that published an unauthorized computer-generated image of the actor
- Obtained a preliminary injunction for toy manufacturer Mattel, Inc. against a producer of dolls that infringed the "Barbie" and "American Girl" lines
- Obtained a preliminary injunction for a Fortune 500 company against a customer using the client's copyrighted software beyond the scope of its license
- Regularly represents well-known sports photographer Neil Leifer in connection with copyright issues
- Successfully defended Brillstein-Grey Entertainment in a contractual dispute over alleged producing partnership
- 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
- Represented Universal Pictures in a case brought by a photographer who claimed to own the copyright in key art for a major motion picture