



## TOYS

If there is a market where change is constant, it is toys. Companies face ongoing pressure to develop the newest and most innovative toys, while responding to shifting demands for nostalgia, collectibles and electronic products. Duane Morris attorneys represent clients in the toy industry with a wide range of matters related to manufacturing, intellectual property and consumer safety regulations. We have led organized international efforts against counterfeit goods and their prevalence online. We are positioned to support clients throughout all phases of a toy's life cycle, from development and manufacturing to distribution and licensing.

## BOOKS AND PUBLISHING

Duane Morris has a long history of legal representation in the publishing industry, including books, magazines and newspapers. Our lawyers advise clients regarding copyright, trademark and right of publicity, as well as defamation, First Amendment, reporters' rights and newsgathering liability. We have a history of representing publishing clients in cases involving major decisions impacting the publishing industry. We also understand the important role intellectual property plays in advancing the interests of business. We bring together skill and experience in the publishing industry in connection with corporate transactions, litigation, pre-publication review and trademark prosecution. Whether it is negotiating a publishing agreement or litigating a dispute over a publication, Duane Morris has the industry experience to help clients meet their goals every step of the way.

### Toys

#### Representative Litigation

- ▶ *Melissa & Doug, LLC v. Scholastic Corp., Make Believe Ideas, Ltd. and Klutz Corp.*, Case No. 1:22-cv-06314 (S.D.N.Y. 2022). Defended **Scholastic et al.** in patent infringement action involving books with embedded popping mechanisms.
- ▶ Successful dismissal for Hong Kong-based toy company in multimillion-dollar breach of contract case pending in Orange County Superior Court.
- ▶ *Spirit Monkey, LLC v. Scholastic Book Fairs, Inc. and Scholastic Inc.*, Case No. 5:17-cv-1066 (W.D. Tex. 2017). Defended

**Scholastic and Scholastic Book Fairs** in a patent infringement action involving embroidered sticks used as a reward or incentive, or to promote an activity, event, brand, product and/or service.

- ▶ *Zen Design Group Ltd. v. Scholastic Inc.*, Case No. 2:16-cv-12936-RHC-EAS (E.D. Mich. 2016). Defended **Scholastic** in a patent infringement action involving ultraviolet pen lights utilizing invisible ink that fluoresces under ultraviolet light.
- ▶ *White Knuckle LLC v. Electronic Arts Inc.*, No. 1:15-cv-00036-PMW (D.Utah 2015). Defended **Electronic Arts** against patent infringement claims relating to transmission of updated video game parameters.

#### Representative Matters

- ▶ Represented **Framerate Inc.**, one of the largest and fastest growing independent social video networks in esports and online gaming, which generates millions of views per month across Instagram and Facebook, in its sale to Super League Gaming Inc., which provides a platform for competitive and social gameplay experiences and is expanding its business of running esports events.
- ▶ Advising **Scholastic Inc.** regarding patent clearance for toys.
- ▶ Advised one of the world's largest toy manufacturers on its IP strategy in China, which resulted in the reduction of counterfeit products.
- ▶ Represented **NYX Gaming Group Ltd.**, a digital gaming software company, in connection with its \$631 million sale to Scientific Games Corporation, a global leader in technology-based gaming systems.
- ▶ Represented multiple companies for product recalls related to toys.
- ▶ Advised and represented manufacturers, importers and distributors of toys in claims and litigation involving California Proposition 65, including settlements and consent decrees in private enforcement actions.
- ▶ Represented **Roostr**, an open marketplace for mobile games, in their acquisition by Chartboost Inc.
- ▶ Representing the U.K.'s largest independent distributor of children's toys and games (a U.K.-listed company) in relation to its initial public offering and admission to the Official List of the U.K. Listing Authority, its subsequent migration to the AIM of the London Stock Exchange, and in relation to seven merger and acquisition transactions, fundraisings, share buybacks and other transactions subsequent to the IPO.



## Books and Publishing

### Representative Litigation

- ▶ *Hatchard v. Hoehmann et al.*, 7:16-cv-05900-VB-PED (S.D.N.Y. 2019). Successfully moved to quash subpoena seeking documents and testimony from a reporter for *The Journal News*.
- ▶ *Gannett Satellite Information Network LLC v. New York State Thruway Authority*, Index No. 904252-18 (N.Y. Sup. Ct. 2018). Represented petitioner in FOIL request seeking disclosure of communications regarding shifting of traffic from former Tappan Zee Bridge to Governor Mario M. Cuomo Bridge.
- ▶ *Fields v. Cnty. of Westchester*, 2017 N.Y. Slip Op. 50076 (N.Y. Sup. Ct. 2017). Obtained dismissal of a defamation claim based on fair reporting of an announcement of an investigation by a public agency.
- ▶ *Douglas Bernstein et. al. v. Cengage Learning, Inc.*, Case No. 19-cv-7541-ALC-SLC. Represented an educational publisher in a class action regarding alleged underpayment of royalties for online learning platforms.
- ▶ Successfully represented a media company in numerous cases concerning motions to quash subpoenas (based on reporter's privilege grounds).
- ▶ Successfully represented publisher in an anti-SLAPP motion to dismiss in a defamation lawsuit (Superior Court of Forsyth County, Georgia).

### Representative Matters

- ▶ Managing U.S. trademark portfolios for premier book subscription service, educational publisher and university, literary review/current events magazine and independent book publisher.
- ▶ Represented U.K. corporation carrying on business as a producer of children's animation TV programs, publisher, DVD distributor and intellectual property rights developer in connection with its initial public offering and admission to the AIM.
- ▶ Representing and advising content creators, including photography studios, publishers and media companies, to protect and enforce copyrights and other intellectual property rights in their content.
- ▶ Counsel to independent children's book publisher in connection with distribution agreements and author agreements.
- ▶ Advising [Scholastic Inc.](#) regarding patent clearance for books.
- ▶ Represented premier retail book subscription service in enforcement of its trademark against infringing uses.

- ▶ Regularly representing publishers in defense of copyright claims by photographers for unlicensed use of photos.
- ▶ Conducting pre-publication review of manuscripts and articles for major book and magazine publishers.
- ▶ Assisting graphic novel and comic creator with intellectual property licensing content for amusement park attractions and merchandise.

## SERVICES PROVIDED

- ▶ Anti-Counterfeiting Efforts
- ▶ Brand Protection
- ▶ Corporate Transactions
- ▶ Contract Review
- ▶ Cybersecurity, Privacy and Data Protection
- ▶ Defense of Consumer Claims and Class Actions
- ▶ Defense of Governmental and Regulatory Actions
- ▶ Domestic and International Sales, Distribution and Supply Contracts
- ▶ Financing
- ▶ Import and Export Issues
- ▶ Intellectual Property
- ▶ Labor and Employment
- ▶ Litigation
- ▶ Mergers & Acquisitions
- ▶ Products Liability Defense
- ▶ Product Recalls
- ▶ Real Estate
- ▶ Tax
- ▶ Trade Secrets
- ▶ Trademark Portfolio Management

## FOR MORE INFORMATION, PLEASE CONTACT:



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