



## David Aronoff

Partner

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A seasoned entertainment and media law attorney, David has almost 30 years of experience handling a variety of complex matters, including breach of contract, copyright, trademark, right of publicity, accounting and defamation claims.

David regularly represents and advises a variety of business entities, including motion picture and television studios, production companies, broadcasters, Internet websites and podcasters, video game companies, music companies and advertising agencies in their business and marketing decisions and disputes involving:

- Copyrights
- Trademarks
- Right of publicity
- Unfair competition
- Trade secrets
- False advertising
- Contracts/accounting/finance

He has handled numerous infringement and idea submission claims concerning popular entertainment works and hit movies such as “*The Last Samurai*,” “*Along Came Polly*,” “*Reality Bites*,” “*There’s Something About Mary*” and “*The Mask of Zorro*.” Among his recent cases, David conducted a two-week bench trial concerning the financing and distribution of the videogame “*Def Jam Rapstar*,” and defended the in-development spy-thriller project “*Section 6*” against claims that it infringed the copyrights in the character James Bond.

### Representative Matters

- *Cabell v. Zorro Productions, Inc.*, 2018 WL 2183236 (N.D. Cal. 2018) (won partial MSJ in defending copyright infringement and declaratory relief claims against the musical stage play “Zorro, The Musical” and Isabel Allende novel “Zorro”).
- *De la Huerta v. Lions Gate Entm’t Corp.*, 2017 WL 4676234 (Cal. Ct. App. 2017) (won Anti-SLAPP motion and affirmance on appeal in defending producers and distributor of the motion picture “Nurse 3D” against right of publicity, trademark, and breach of contract claims).



- *Edwards v. Cinelou Films*, 696 Fed. Appx. 270 (9th Cir. 2017) (won MSJ and affirmance on appeal in defending producers and distributor of the motion picture “The Last Witch Hunter” against copyright infringement claims).
- *Team Angry Filmworks, Inc. v. Geer*, 214 F. Supp. 3d 432 (W.D. Penn. 2016) (won MTD in defending declaratory relief action seeking ruling that the science fiction character “Buck Rogers” had fallen into public domain).
- *Shame on You Productions, Inc. v. Elizabeth Banks*, 120 F. Supp. 3d 1123 (C.D. Cal. 2015) (won MTD in defending the motion picture “Walk of Shame” against claims of alleged copyright infringement), *aff’d* 690 Fed. Appx. 519 (9th Cir. 2017), *cert. den.*, 138 S. Ct. 323 (2017).
- *Danjaq, LLC v. Universal City Studios, LLC*, 2014 WL 7882071 (C.D. Cal. 2014) (defended alleged copyright infringement of fictional character “James Bond” by in-development screenplay “Section 6”).
- *Montz v. Pilgrim Films & Television, Inc.*, 649 F. 3d 975 (9th Cir. 2011) (amicus brief supporting defendants for Ninth Circuit rehearing en banc concerning Copyright Act preemption of idea submission claims against TV series “Ghost Hunters”).
- *Kesey, LLC v. Francis*, 433 Fed. Appx. 565, 2011 WL 1837699 (9th Cir. 2011) (won MSJ and affirmance on appeal resulting in dismissal of copyright ownership and co-ownership claims against Ken Kesey’s screenplay and novel “Last Go Round”).
- *Ousley v. Krasnow*, 2011 WL 2936771 (Cal. App. 2011) (won MSJ for defendants and partial affirmance on appeal of idea submission claims against TV game show series “National Bingo Night”).
- *Benay v. Warner Bros. Ent. Inc.*, 607 F.3d 620 (9th Cir. 2010) (won MSJ for defendants and partial affirmance on appeal of copyright infringement and idea submission claims against the motion picture “The Last Samurai”).
- *Dyer v. Childress*, 147 Cal. App. 4th 1272 (2007) (Anti-SLAPP motion in defending defamation by fiction claims arising from the motion picture “Reality Bites”).
- *Seals-McClellan v. DreamWorks, Inc.*, 120 Fed. Appx. 3, 2004 U.S. App. LEXIS 25426 (9th Cir. 2004) (won MSJ and affirmance on appeal resulting in dismissal of copyright infringement claims against the animated motion picture “Antz”).
- *Kolton v. Universal Studios, Inc.*, 73 U.S.P.Q.2d 1603 (C.D. Cal. 2004) (won MSJ on copyright infringement claims concerning hundreds of music cues used in the TV series “Xena - Warrior Princess,” “Hercules,” and “Young Hercules”).
- *Downing v. Abercrombie & Fitch*, 265 F.3d 994 (2001) (defended right of publicity/false advertising claims based on article featured in clothing retailer’s quarterly lifestyle publication).
- *Sobini Films v. Tri-Star Pictures, Inc.*, 61 U.S.P.Q.2d 1930 (C.D. Cal. 2001) (won MTD in defending declaratory relief action seeking determination that the literary character “Zorro” had fallen into public domain).
- *Three Boys Music v. Bolton*, 212 F.3d 477 (9th Cir. 2000) (amicus brief supporting defendants in connection with Ninth Circuit appeal of copyright infringement claims against song “Love is a Wonderful Thing”).
- *TriStar Pictures, Inc. v. Del Taco, Inc.*, 59 U.S.P.Q.2d 1091 (C.D. Cal. 1999) (won motion striking affirmative defenses and dismissing counterclaims based on allegations that the literary character “Zorro” had allegedly fallen into the public domain).
- *Endemol Ent. v. Twentieth Television, Inc.*, 48 U.S.P.Q.2d 1524 (C.D. Cal. 1998) (won MTD on Copyright Act preemption grounds of idea submission claims against TV series “Forgive or Forget”).



- *Southland Sod v. Stover Seed*, 108 F.3d 1134 (1997) (won reversal on appeal of MSJ in false advertising action).
- *Morgan Creek Prods., Inc. v. Capital Cities/ABC, Inc.*, 22 U.S.P.Q.2d 1881 (C.D. Cal. 1991) (copyright and idea submission claims involving movie "Young Guns" and TV series "The Young Riders").

### **Before Fox Rothschild**

Prior to joining Fox Rothschild, David was a partner at a national law firm. He also previously served as a named partner at a Los Angeles-based firm.

### **Beyond Fox Rothschild**

David is a regular lecturer, panelist and moderator for a variety of CLE programs. He served as president of the Los Angeles Copyright Society (LACS) from 2012-2013. David was also the chairman of the LA County Bar Association's Entertainment Law and Intellectual Property Section (ELIPS) from 2004-2005 and served as the symposium chairman for the 30th Annual ELIPS Symposium, "The War of the Deal: Litigation Hollywood Style." In addition, he has previously served as vice-chairman, treasurer and secretary of both LACS and ELIPS.

### **Honors & Awards**

- Named to "The Best Lawyers in America" list for Entertainment Law - Motion Pictures and Television, Litigation - Intellectual Property (2018, 2019, 2020) and Media Law (2020) in California by Best Lawyers.
- "Recognized Practitioner" for Media & Entertainment: Litigation in California by *Chambers USA* (2017-2019)
- Named to the list of "Super Lawyers" for Intellectual Property Litigation in Southern California (2005-2019)
- Martindale-Hubbell® "AV" Rating
- *Hastings Constitutional Law Quarterly*, Editor
- Thurston Honor Society

### **Practice Areas**

- Entertainment & Sports Law
- Media & Defamation
- Intellectual Property
- Copyrights
- IP Litigation
- Trademarks

### **Bar Admissions**

- California

### **Court Admissions**

- U.S. Supreme Court
- U.S. Court of Appeals, Ninth Circuit
- California State and Federal Courts

### **Education**



Fox Rothschild LLP  
ATTORNEYS AT LAW

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- University of California, Hastings College of the Law (J.D., *cum laude*, 1986)
- University of California, Los Angeles (B.A., 1982)