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Kent Raygor, a partner in the Century City office, practices in the Business Trial, Intellectual Property, and Entertainment, Technology and Advertising groups.

Areas of Practice

- Complex business and constitutional law litigation: Complex litigation, including class actions and multidistrict litigation, appearing before state and federal trial courts around the country, including the California Courts of Appeal and Supreme Court, Multidistrict Litigation Panel, Ninth Circuit and Federal Circuit Courts of Appeals, and U.S. Supreme Court. Corporate management and partnership disputes in the hedge fund, venture capital, banking, and other industries; consumer class actions; complex, high-tech patent litigation; constitutional litigation involving issues arising under the First, Fourth, Fifth and Fourteenth Amendments, the Reserved Powers Doctrine, Federal Preemption, and Contracts, Equal Protection, Due Process, and Privacy provisions.
- Media law litigation, reputation management, and counseling: Emphasis on contract, licensing, distribution, sponsorship, First Amendment, privacy, defamation, false advertising, and right of publicity litigation; pre-publication clearance analyses for films, documentaries, screenplays, advertising, books, news, and web and mobile content; numerous right of publicity and invasion of privacy cases defending clients against claims by celebrities, including Brad Pitt, Jennifer Aniston, Dianne Keaton, Michelle Pfeiffer, Arnold Schwarzenegger, Cameron Diaz, Audioslave, Weezer, Bruce Willis, Denzel Washington, Kate Hudson, Zooey Deschanel, and Sandra Bullock.
- Intellectual property litigation and counseling: Trademark, copyright, trade dress, trade secret, false advertising, patent, computer, and Internet litigation and counseling matters.
- Appellate.

Honors

Leaders of Influence: Top Litigators and Trial Lawyers, *Los Angeles Business Journal*, 2022

Named "Media Lawyer of the Year" (Best Lawyers, 2020)

Recognized as one of the "Best Lawyers in America" in Media Law (Best Lawyers, 2019-2021, 2024)

Recognized as one of the "Most Influential IP Lawyers in Los Angeles" (Los Angeles Business Journal, August, 2017)

Named "Litigation Star" (Benchmark Litigation, 2009)

Recognized for "Film, Music, Theater & Television - Advice to Corporates" (Legal 500, 2009)

Recognized for "Intellectual Property: Copyright" (Legal 500, 2014)

Recognized as one of the "Top 10 Entertainment IP Lawyers" in California (Los Angeles Daily Journal, April 2008)

Named a Southern California "Super Lawyer, Intellectual Property Litigation" (Los Angeles Magazine, 2006-2013, 2015-2024)

Recognized for digital rights management and digital convergence expertise (Los Angeles Business Journal, "Who's Who In Law—Intellectual Property" issue, 2006)

Board of Directors, Legal Aid Foundation of Los Angeles (LAFLA) (2006-2013)

Judge Pro Tem, Los Angeles Superior Courts (1996-2002)

Experience

REPRESENTATIVE LITIGATION EXPERIENCE

Complex And Multidistrict Litigation

Litton Systems v. Honeywell

Defended **Honeywell** for over 11 years in this patent dispute, resulting in a 3-month jury trial—the largest patent case in U.S. history at the time. The technology involved thin film physics, laser optics, and materials science. Following trial, the Court declared Litton's patent invalid and overturned a \$1.2 billion jury verdict, thus enabling Honeywell to continue its inertial navigation systems business. Following remand from the U.S. Supreme Court, the court granted summary judgment in Honeywell's favor on all remaining claims, and the Federal Circuit affirmed that no patent infringement had occurred, effectively ending the patent case after 11 years. *Litton Systems, Inc. v. Honeywell, Inc.*, 1995 WL 366468 (C.D. Cal. Jan. 6, 1995); *Litton Systems, Inc. v. Honeywell, Inc.*, 1996 WL 634213 (C.D. Cal. July 24, 1996); *Litton Systems, Inc. v. Honeywell, Inc.*, 87 F.3d 1559 (Fed. Cir. 1996); *Litton Systems, Inc. v. Honeywell, Inc.*, 118 F.3d 747 (Fed. Cir. 1997); *Honeywell, Inc. v. Litton Systems, Inc.*, 520 U.S. 1111 (1997); *Litton Systems, Inc. v. Honeywell, Inc.*, 140 F.3d 1449 (Fed. Cir. 1998); *Litton Systems, Inc. v. Honeywell, Inc.*, 145 F.3d 1472 (Fed. Cir. 1998); *Litton Systems, Inc. v. Honeywell, Inc.*, 238 F.3d 1376 (Fed. Cir. 2001).

Gillette M3Power Advertising Class Actions

Defended **Gillette** in seven class actions before several U.S. District Courts. The plaintiffs asserted false advertising claims arising out of performance assertions in advertising for Gillette's M3Power razor. Those cases, along with 23 similar class actions filed around the country, were eventually transferred to the U.S. District Court in Massachusetts for consolidated multidistrict litigation (MDL) proceedings. *In re M3Power Razor System Marketing & Sales Practices Litigation*, 2007 WL 128846 (D. Mass. Jan. 11, 2007).

In re The Gator Corporation Software Trademark & Copyright Litigation

Defended **Gator** (ska Claria) in a multidistrict litigation (MDL) action in Atlanta, involving permission-based pop-up Internet advertising delivered to consumers targeted at interests exhibited through web-surfing behaviors. The plaintiffs (UPS, Wells Fargo, Hertz, L.L. Bean, TigerDirect, Holiday Inn Hotels, Overstock.com, LendingTree, PriceGrabber, and others) argued that the delivery of pop-up ads to consumers' home computer monitors, even when those consumers agreed to receive such ads, infringed the plaintiffs' trademarks and copyrights and constituted unfair competition. *The Hertz Corporation v. The Gator Corporation*, 250 F. Supp. 2d 421 (D.N.J. 2003);

In re The Gator Corporation Software Trademark & Copyright Litigation, 259 F. Supp. 2d 1378 (J.P.M.L. 2003).

Defended **Conquest Student Housing** in ten lawsuits with USC, developer Urban Partners, financier Blackstone Group, and Los Angeles property owners. USC and Urban asserted RICO, antitrust, and tort claims, arguing that Conquest, by filing objections with the City and the courts to a planned development USC wanted to build across the street from the University, was unlawfully interfering with their business. Conquest filed an anti-SLAPP motion to strike directed at USC's attempt to try to bar Conquest and the public from exercising their First Amendment right to petition the City, the courts, and the public about development projects that arguably violated environmental, health and safety, zoning, or other restrictions.

Starz Entertainment v. Buena Vista Television

Defended **Buena Vista Television (Walt Disney Company)** in a breach of contract action arising out of its electronic sell-through of Disney films through Apple's iTunes service. Starz asserted such sales breached its decades-long license agreement with Buena Vista, which gave Starz the right to exhibit Disney films through Starz' subscription-based pay television services.

Boyle v. Twentieth Century Fox Film Corporation, Digital Domain

Defended **Twentieth Century Fox** and **Digital Domain**, an Academy Award®-winning special effects house, in a patent infringement suit over the special effects in the film *Titanic*.

Northrop Grumman v. Siemens Audiologische Technik, Siemens Hearing Instruments, GN Resound, Oticon, Phonak, Widex Hearing Aid, et al.

Represented **Northrop Grumman** in a multi-party patent infringement action against the leading hearing aid manufacturers.

Tavarua Island Resort, Fiji

Represented **Tavarua Island Resort**, the world's top surf destination, in dealings with the Fijian government concerning access to the famous "Cloudbreak" reef and in a dispute with a shareholder for misappropriation of company assets and breach of his duty of loyalty to the company.

Michelle Pfeiffer, Sandra Bullock, Cameron Diaz, Diane Keaton, Mandy Moore, Kate Hudson v. Systemax, TigerDirect, CompUSA, Hewlett-Packard, Westinghouse Digital, Lenovo, Acer, Gateway, Logitech, et al.

Represented the defendants against right of publicity claims asserted by **Michelle Pfeiffer, Sandra Bullock, Cameron Diaz, Diane Keaton, Mandy Moore, and Kate Hudson** arising from the use of movie stills showing characters these actors played in various films, to advertise the sale of home entertainment products.

Constitutional Law

Alliance of Los Angeles County Parents v. Los Angeles County Dep't of Public Health

Tried, and won, a case for **Los Angeles County** that addressed an issue of first impression in California on free speech claims. Alliance is an association of mothers of children in LA County schools who challenged the County's COVID mitigation policies and DPH's 2022 decision to close its social media accounts (Twitter, Instagram, Facebook) to all written public commentary. The Court dismissed the COVID mitigation claims, leaving the free speech claim to go to trial. Tired of the vitriol in the comments on its accounts that distracted from the public health information DPH was trying to get to County residents, DPH decided to close all written commentary, regardless of who was speaking and its content. Alliance, however, asserted the real motive was an unconstitutional attempt to silence voices objecting to mask and vaccine mandates. Alliance also asserted that when one of its members created a copycat DPH account that reposted all of DPH's posts and then allowed the public to comment on them, DPH colluded with Rep. Adam Schiff's office and invoked his name when contacting Twitter/X about shutting down that account. The Court, after hearing all the evidence and

judging the witnesses' credibility, rejected every argument presented by Alliance. It found no free speech violation, no viewpoint discrimination, and no coercion of Twitter/X.

R.J. Reynolds Tobacco Company v. County of Los Angeles

Defended the **County of Los Angeles** against claims by tobacco manufacturer R.J. Reynolds that the County's ordinance banning the sale of flavored tobacco products, including menthol-flavored products, was preempted by the 2009 Tobacco Control Act. The Court found that the County's ordinance was not preempted and fell within the right of local governments to regulate the sale of tobacco products for public health and other local concerns. The Court rejected R.J. Reynolds' request for a preliminary injunction, rejected R.J. Reynolds' motion for summary judgment, and granted the County's motion to dismiss the case, with prejudice. The Ninth Circuit affirmed and the U.S. Supreme Court declined to hear the case. *R.J. Reynolds Tobacco Company, et al. v. County of Los Angeles, et al.*, 471 F. Supp. 3d 1010 (C.D. Cal. 2020), *aff'd*, *R.J. Reynolds Tobacco Company, et al. v. County of Los Angeles*, 29 F.4th 542 (9th Cir. Mar. 18, 2022); *cert. denied*, 143 S. Ct. 979 (2023).

Gregory B. Smith, Nicholas Engstrom, The Churchill Institute, Inc. v. Aaron Supple, et al.

Defended **five Trinity College students**. A professor, an institute he formed, and one of the institute's student members sued five students for defamation. The professor and his institute espoused ideologies based on perceived racism against white people and complained about on-campus cultural houses characterized as "tribal enclaves" of students. The students published a parody article in the student newspaper making fun of the professor and his statements, and posted flyers on campus quoting his own words back to him: "the new racism" – *i.e.*, racism against white people – "is every bit as ugly as the old". Under a new Connecticut statute, the students filed an anti-SLAPP motion to strike the Complaint, which was denied. The Connecticut Supreme Court intervened and took the case up to determine whether denial of an anti-SLAPP motion was immediately appealable. It held that denial is immediately appealable. If it were not, aggrieved persons such as these students would be forced to litigate the entire case before they could appeal, which would run contrary to why the legislature passed anti-SLAPP legislation in the first place, and would deny them their free speech and association rights. *Smith, et al. v. Supple, et al.*, 346 Conn. 928 (S. Ct. Conn. May 2, 2023).

Guilfoyle, et al. v. Los Angeles Unified School District; County of Los Angeles Department of Public Health

Defended the **Los Angeles County Department of Public Health's** COVID-19 policy requiring masks, PCR testing, and contact tracing for students and school staff as a condition for in-person learning at public schools in the County. Parents of schoolchildren asserted Substantive Due Process, Equal Protection, Unlawful Search and Seizure, Free School, and Privacy constitutional claims. The Court rejected every argument asserted by plaintiffs, as well as a large amount of the purported evidence plaintiffs submitted. The Court rejected in its entirety the declaration plaintiffs submitted from Paul E. Alexander, a professed epidemiologist and immunologist who was part of former President Trump's Department of Health & Human Services, on the ground it was inadmissible expert testimony. *Guilfoyle, et al. v. Beutner, et al.*, 2021 WL 6102512 (C.D. Cal. Aug. 16, 2021); *Guilfoyle, et al. v. Beutner, et al.*, 2021 WL 4594780 (C.D. Cal. Sept. 14, 2021).

Emily Wolfe v. County of Los Angeles, et al.

Defended **Los Angeles County**. The plaintiff applied to work as a County poll worker for the election but professed to have religious, political and medical objections to being vaccinated against COVID-19. Vaccination is a requirement for all poll workers, so the County denied her application. The plaintiff then argued that she was being discriminated against. The Court denied a preliminary injunction and then dismissed all claims. It found that getting a vaccine is not inherently expressive conduct, a vaccination requirement is viewpoint neutral, getting vaccinated and disclosing vaccination status does not occur in the polling place therefore voting rights were not violated, and imposing a vaccine requirement has long been held to fall within a government's legitimate police power to protect public health. C.D. Cal. 2:22-cv-6463-JLS-PD (C.D. Cal. Jan. 2 and 25, 2023).

LA County Free Foundation (683 Firefighters) v. County of Los Angeles

Defended **Los Angeles County**. 683 firefighters and other Los Angeles County Fire Department employees sued the County, alleging that its vaccine mandate violates their constitutional privacy and due process rights. The federal court denied a preliminary injunction and dismissed the plaintiff's claims. It also rejected a novel argument based on the Supreme Court's ruling in *Dobbs v. Jackson Women's Health*, holding that a court may only identify a new privacy right on the basis that it is "deeply rooted in this Nation's history and tradition." The entire case was dismissed without leave to amend. *LA County Free Foundation (683 Firefighters) v. County of Los Angeles*, 2022 WL 18278624, No. 2:22-cv-00787-MCS-AS (C.D. Cal. June 1, 2022); *LA County Free Foundation (683 Firefighters) v. County of Los Angeles*, 2022 WL 18278626, No. 2:22-cv-00787-MCS-AS (C.D. Cal. Sept. 7, 2022); *LA County Free Foundation (683 firefighters) v. County of Los Angeles*, No. 21STCV40499 (LA Superior Court Jan. 6, 2023).

Khanthaphixay, et al. v. Loyola Marymount University; County of Los Angeles Department of Public Health

Defended the **Los Angeles County Department of Public Health** in a case filed by students at Loyola Marymount University, a private university in Los Angeles County. The students objected to school policies requiring COVID-19 vaccinations, mask wearing, testing, and PCR test data collection as a condition for in-person learning. The students objected to the school's COVID-19 policies primarily on Religious, Medical Condition, and Privacy grounds. The Court found that LMU is a private university, but that, even if the university did generally follow the County's and the CDC's guidelines in developing its COVID-19 guidelines, that did not make the County responsible for formulating the university's guidelines. The Court found that there was no state action supporting the students' Fourth Amendment claims and the case was dismissed. *Khanthaphixay v. Loyola Marymount University, et al.*, 2021 WL 4025796 (C.D. Cal. Aug. 9, 2021).

Human Rights Defense Center v. County of Los Angeles

Defended the **County of Los Angeles, Sheriff McDonnell**, and the **Men's Central Jail** against **First Amendment** and **Civil Rights** claims asserted by a prisoner rights organization that claimed the County was censoring mail addressed to inmates. Defeated the request for a preliminary injunction and obtained a dismissal of claims. *Human Rights Defense Center v. County of Los Angeles*, 2017 WL 6523442 (N.D. Cal. Sept. 25, 2017); *Human Rights Defense Center v. County of Los Angeles*, 2017 WL 10402603 (N.D. Cal. Nov. 14, 2017).

Lennar Homes v. Community Redevelopment Agency

Represented **Lennar** against a Redevelopment Agency concerning a conflict between the **Reserved Powers Doctrine** and the **Contracts Clause**. The tension between those provisions created a problem when, after creating vested rights through an enforceable development agreement, a municipality enacted ordinances purportedly rendering the development unlawful.

CLP Investment v. United States of America; U.S. Army Corps of Engineers

Represented a developer in an **Equal Protection** violation action against the U.S. and the U.S. Army Corps of Engineers concerning bad-faith and discriminatory conduct in connection with repeated and pretextual refusals to confirm that a residential project proposed by the developer complied with flowage easements and related rights in favor of the U.S.

Brad Pitt v. Playgirl

Defended a magazine in a **First Amendment** and **Right to Privacy** case following its republication of nude photographs of **Brad Pitt** and **Gwyneth Paltrow** taken by a paparazzo while they were on vacation, which others had previously published in European tabloids.

José Solano v. Playgirl

First Amendment and **Right to Privacy**. A former *Baywatch* actor sued because client **Playgirl** had used his headshot in an article (which included no nudity) about ten male actors in Hollywood and used his publicity still

on the cover. The actor argued he suffered a privacy invasion because the magazine's content placed him in a false light. The Court granted judgment in favor of the magazine and ordered the actor to pay its attorneys' fees. That decision, however, then was reversed and remanded in *Solano v. Playgirl*, 292 F.3d 1078 (9th Cir. 2002), after which the case settled.

Jennifer Aniston v. Man's World Publications

Defended magazines in a **First Amendment, Right to Privacy**, and right of publicity case filed by **Jennifer Aniston** over the publication of a topless photograph, ending in a settlement on the first day of trial.

People v. Martin Scorsese, Universal/MCA Pictures, Cineplex Odeon

Represented **Martin Scorsese, Universal/MCA, and Cineplex Odeon** in **First Amendment** cases, successfully blocking attempted censorship of the 1988 film *The Last Temptation of Christ* under blasphemy, picketing, obscenity, and other laws.

Microsoft Corporation v. CNET News.com

Defended **CNET** in a **First Amendment** and **Journalist's Privilege** dispute over Microsoft's attempt to discover the identity of confidential sources who obtained **Bill Gates'** e-mail files.

Dennis Price v. County of Los Angeles

Defended the **County of Los Angeles** against claims that curfew orders issued for public safety shortly after George Floyd's death in May 2020 violated the plaintiff's First Amendment right to speak by prohibiting him from protesting at night, his freedom of movement under the Privileges and Immunities Clause, and his Fourteenth Amendment right of Due Process. The Court held that the curfew orders were made necessary for the protection of life and property in an emergency, expired by their own terms, were not likely to be reinstated, did not have a disparate impact on any particular part of the community, and did not unduly interfere with any First Amendment right as the curfew was only in effect at night, leaving twelve daylight hours free for anyone to still engage in protests. The Court dismissed the case with prejudice. *Price v. County of Los Angeles, et al.*, 504 F. Supp. 3d 1099 (C.D. Cal. 2020).

Copyright

Luvdarts v. AT&T Mobility, Verizon Wireless, Sprint Spectrum, T-Mobile

Defended **Sprint** in a suit by Luvdarts, creator of audiovisual greeting cards. Luvdarts asserted that the wireless carrier industry committed vicarious and contributory copyright infringement by providing the means for peer-to-peer delivery of MMS content. It argued that the carriers had a duty and the ability to supervise infringement over their networks, failed to implement a digital rights management system to prevent infringement, and induced, caused, or contributed to infringement by consumers using those networks. Sprint and the other carriers successfully moved to dismiss. *Luvdarts LLC v. AT&T Mobility, LLC; et al.*, 98 U.S.P.Q.2d 1277 (C.D. Cal. Mar. 17, 2011), *aff'd*, *Luvdarts, LLC v. AT&T Mobility, LLC; et al.*, 710 F.3d 1068 (9th Cir. 2013).

Mondane v. Screen Gems, Sony Pictures Entertainment, Rainforest Films

Streat v. Rainforest Films, Sony Pictures Entertainment

Defended **Screen Gems, Sony, and Rainforest** in two copyright infringement and idea submission cases, one over the 2007 film, *Stomp The Yard*, and the other over the 2005 film, *The Gospel*.

iKindi v. STW Fixed Income Management

Represented **STW** in copyright and breach of contract claims against a software systems engineering company that developed software and database management tools for STW.

Flying Mallard Productions, Gurney, Delaney v. ESPN

Defended **ESPN** in a trademark, idea submission, and right of publicity suit filed by two actors over ESPN's prime-time reality series, *Totally Hooked*, which the plaintiffs alleged appropriated their ideas and format for a

series, *Fish On!*, earlier aired by ESPN. Defeated an injunction aimed at barring the airing of the series.

Trademark

Deckers Outdoor Corporation v. Australian Leather, Oygur

Obtained a jury verdict in favor of Deckers, the maker of UGG® and other footwear brands. The Australian defendants sold sheepskin boots in the U.S. that were indistinguishable from products covered by Deckers' design patents and were labeled with the term "UGG". They argued that "ugg" was generic in Australia for sheepskin boots and had been generic among surfers in the U.S. in the 1960s and 1970s and therefore could not be used by Deckers as a trademark. If successful, the defendants would have wiped out a billion-dollar brand for Deckers. The jury rejected the defendants' arguments and unanimously found them liable for willful infringement and counterfeiting. The Court then awarded Deckers \$2 million for its attorneys' fees. *Deckers Outdoor Corporation v. Australian Leather, et al.*, 2017 WL 365555 (N.D. Ill. Jan. 25, 2017); *Deckers Outdoor Corporation v. Australian Leather, et al.*, 340 F. Supp. 3d 706 (N.D. Ill. 2018); *Deckers Outdoor Corporation v. Australian Leather, et al.*, 2020 WL 4723980 (N.D. Ill. July 13, 2020); *aff'd*, *Deckers Outdoor Corporation v. Australian Leather, et al.*, 847 Fed. Appx. 917 (Fed. Cir. 2021), *cert. denied*, 142 S. Ct. 587 (2021).

Scat Enterprises, Inc. v. FCA US LLC

Defended Fiat Chrysler Automobiles in a trademark infringement action filed by an automotive aftermarket performance parts manufacturer who complained that the Dodge line of iconic muscle cars marketed under the "Scat Pack" trademark in 1968-1971 and relaunched in 2013 for Dodge Challenger and Charger models infringed its "Scat" trademark used for crankshafts, connecting rods, and rotating assemblies. Obtained summary judgment for Fiat Chrysler on all claims. *Scat Enterprises, Inc. v. FCA US LLC*, 2017 WL 5896182 (C.D. Cal. June 8, 2017); *Scat Enterprises, Inc. v. FCA US LLC*, 2017 WL 5749771 (C.D. Cal. June 8, 2017).

Hasbro, Inc. v. MGA Entertainment

Defended **MGA** (creator of the Bratz® dolls) against claims that its *Spider-Man & Friends 3-D Memory Match-Up* game infringed Hasbro's rights in a card-matching game it had marketed as "Memory" since 1966. Obtained a verdict in favor of MGA, finding that it had shown (through third-party memory games, dictionaries, encyclopedias, trade publications, testimony from linguists and game experts, patent and trademark records, Hasbro's own use of "memory" with other products in a generic sense, and other evidence) that, despite Hasbro's 40 years marketing the game, claimed \$130,000,000 in sales, and an incontestable trademark registration, the term "memory" was generic for this type of game and could not function as a trademark. *Hasbro, Inc. v. MGA Entertainment*, 497 F. Supp. 2d 337 (D.R.I. 2007).

Research In Motion (BlackBerry) v. Samsung

Defended **Samsung** against trademark infringement claims asserted by RIM, which claimed that Samsung's "BlackJack" and "Black Carbon" smartphones infringed RIM's trademark rights in the term "BlackBerry".

Al Capp Enterprises v. The Walt Disney Company, ABC

Defended **Disney** and **ABC** in a trademark suit filed by the owner of rights to the *L'il Abner* comic strip against claims that references in the 2001-2004 *Lizzie McGuire* television series to "Sadie Hawkins Day" and "Sadie Hawkins Dance" infringed various trademark rights. Obtained a dismissal of the entire action.

UGG Holdings, Deckers Outdoor Corporation v. Severn

Represented **Deckers** manufacturer and seller of the famous UGG® boots, against a sheepskin boot manufacturer who was unlawfully using the mark. The defendant argued that the term "ugg" was generic for such footwear in Australia and that the doctrine of foreign equivalents thereby mandated invalidation of UGG's trademark rights in the U.S. Obtained summary judgment, thereby defeating a genericness attack on the famous UGG® trademark. *UGG Holdings, Inc. v. Severn, et al.*, 2004 WL 5458426 (C.D. Cal. Oct. 1, 2004); *UGG Holdings, Inc. v. Severn, et al.*, 2005 WL 5887187 (C.D. Cal. Feb. 23, 2005).

Fuel Design v. Fox Extreme Sports Network

Fuel Clothing Company v. Fuel TV

Defended **Fox Cable** in two trademark suits filed by companies using the name "Fuel" (one a broadcast design company and the other an action sports clothing company) who complained about Fox's new 24/7 action sports network, Fuel TV.

Right Of Publicity

Arnold Schwarzenegger, Bruce Willis, Denzel Washington v. Fry's Electronics

Defended **Fry's**, a consumer electronics retailer, in a right of publicity suit filed by **Arnold Schwarzenegger**, **Bruce Willis**, and **Denzel Washington**, who claimed that the use of movie stills showing characters from the films *Collateral Damage* (Schwarzenegger), *Hart's War* (Willis), and *John Q* (Washington) in depictions of televisions in newspaper ads promoting the sale of DVDs of the actors' films infringed the actors' rights.

Arnold Schwarzenegger v. Best Buy, Lions Gate Entertainment

Defended **Lions Gate** in a right of publicity claim filed by **Arnold Schwarzenegger**. Best Buy advertised the sale of the *Terminator 2* DVD, released by Lions Gate. Best Buy used a movie still from the film in depictions of television monitors in advertisements.

Brad Pitt, Jennifer Aniston v. Casa Damiani

Defended **Damiani**, an Italian jewelry house, against right of publicity claims by **Brad Pitt** and **Jennifer Aniston** over their wedding jewelry, which Pitt claimed to have designed and Damiani produced.

Chris Cornell, et al. ["Audioslave"] v. Miller Brewing Company, Young & Rubicam

Rivers Cuomo, et al. ["Weezer"] v. Miller Brewing Company, Young & Rubicam

Defended **Miller Brewing** in right of publicity and false endorsement suits filed by the bands **Audioslave** and **Weezer** over an advertisement in *Rolling Stone* magazine celebrating 50 years of rock history. The ad's background consisted of a collage of many ticket stubs for rock shows covering a 32-year time span, of which two were for Audioslave and Weezer shows.

Catherine Zeta-Jones v. Caudalie, Neiman Marcus, Turnberry Estates

Defended **Caudalie**, a French cosmetics company, in a right of publicity and false designation of origin suit filed by **Catherine Zeta-Jones** arising from Caudalie's reference in marketing materials to reports Zeta-Jones had purchased and used Caudalie products.

Noah Johnson v. Hurley International

Defended **Hurley**, the designer and wholesaler of HURLEY® brand clothing, against right of publicity, breach of contract, and false endorsement claims asserted by one of Hurley's sponsored professional surfers. Obtained a trial verdict in favor of Hurley. *Johnson v. Hurley International*, 77 Fed. Appx. 412 (9th Cir. 2003).

Zoey Deschanel v. Kohl's Department Stores

Defended **Kohl's** against right of publicity claims asserted by actress **Zoey Deschanel** concerning a line of shoes created by Steve Madden for Kohl's called the "Zoey" style shoe.

Trade Secret

Quarterdeck Office Systems v. Wollongong

Represented **Quarterdeck** against former employees who misappropriated software code for an Internet browser. Conducted a search and seizure of the purloined software in conjunction with law enforcement agencies who raided the offices of the competitor to whom the former employees had brought the stolen software.

Litton Systems v. Sundstrand

Defended **Sundstrand** against trade secret misappropriation claims involving ring laser gyroscope-based inertial navigation systems for aircraft.

McDonnell Douglas v. Northrop

Defended **Northrop** against trade secret misappropriation claims involving misappropriation of technology used for the avionics and graphic user interfaces for the F-18 fighter aircraft.

Sysco Food Services

Harbor Truck Bodies

Represented **Sysco** and **Harbor** in separate actions involving managers and executives who left with company trade secrets and moved to their chief competitors.

Patent

Water Fun Products v. Proslide Technology

Obtained summary judgment of non-infringement in favor of defendant **Proslide**. The plaintiff asserted patent infringement over a particular design for a funnel-like water slide commonly found at water amusement parks.

Water Fun Products Corp. v. Proslide Technology, Inc., 2005 WL 6219200 (C.D. Cal. Aug. 22, 2005); *Water Fun*

Products Corp. v. Proslide Technology, Inc., 2006 WL 5720347 (C.D. Cal. July 6, 2006).

Litton Systems v. Honeywell (described above)

Boyle v. Twentieth Century Fox Film Corporation, Digital Domain (described above)

Northrop Grumman v. Siemens Audiologische Technik, Siemens Hearing Instruments, GN Resound, Oticon, Phonak, Widex Hearing Aid, et al. (described above)

Other Media, Entertainment Cases

Pasadena Tournament of Roses Association v. City of Pasadena

Defended the **City of Pasadena** against contract, trademark, and other claims asserted by the Tournament, which puts on the College Football Playoff semifinal game in the City's Rose Bowl stadium every January 1. Less than two weeks before the 2021 game was to be played in the Rose Bowl, the Tournament declared a *force majeure* event and unilaterally announced the game was being moved to AT&T Stadium in Arlington, Texas. The stated pretext was that Pasadena was too COVID-dangerous because of COVID-19 yet Texas somehow was safer. The Tournament also sued the City for infringement of the Tournament's "Rose Bowl Game" trademark. The Court rejected each claim and dismissed the lawsuit. The Court then awarded the City the attorneys' fees it incurred in connection with the suit. *Pasadena Tournament of Roses Ass'n v. City of Pasadena*, 2021 WL 3553499 (C.D. Cal. July 12, 2021).

Lutz v. Rakuten Baseball, Inc.; Rakuten, Inc.

Defended **Rakuten Baseball** and its parent **Rakuten** and Rakuten's **CEO** against fraud and promissory estoppel claims. The Tohoku Rakuten Golden Eagles, a professional baseball club in Sendai, Japan, hired Lutz from the New York Mets to play for the Eagles' 2014 season. He played 15 games before he was injured and returned to the U.S. for surgery. Negotiations for the 2015 season proceeded to near-completion. Lutz, however, never provided an all-clear medical report and the Eagles passed on him. Lutz asserted that the defendants should be subject to personal jurisdiction in Pennsylvania because Rakuten is at the apex of a global "ecosystem" that targets consumers all over the globe, including in Pennsylvania. The Court rejected that argument and dismissed the claims against Rakuten and its CEO. *Lutz v. Rakuten, Inc., et al.*, 376 F. Supp. 3d 455 (E.D. Pa. 2019).

Abraham v. Lancaster Community Hospital

Represented a **hospital director** in a landmark defamation and judicial proceedings privilege case. *Abraham v. Lancaster Community Hospital*, 217 Cal. App. 3d 796 (1990).

KDN Sports, Don Nomura

Represented **KDN Sports** and its sports agent **Don Nomura** in connection with antitrust, defamation, and RICO claims arising out of contracts with Dominican and Japanese baseball players (**Hideo Nomo, Robinson Checo, Alfonso Soriano**, and others) and attempts by the U.S. Commissioner of Baseball to keep them from playing in the U.S.

Steinberg Moorad & Dunn, Inc. v. David Dunn, Athletes First

Defended **agent and manager defendants** against RICO, breach of contract, and trade secret claims filed by Leigh Steinberg's sports agency against employees who left the agency to set up a competing agency. Obtained summary judgment in favor of the defendants on the trade secret claim. *Steinberg Moorad & Dunn, Inc. v. Dunn, et al.*, 2002 WL 31968234 (C.D. Cal. Dec. 26, 2002); *Steinberg Moorad & Dunn, Inc. v. Dunn, et al.*, 136 Fed. Appx. 6 (9th Cir. 2005).

Counseling

Advertising Advice

Counseled **Fox Sports, Fuel TV, Fiat Chrysler Automobiles, MillerCoors, Gillette, ESPN, Herbalife, 3 Day Blinds, USBank, Cisco, advertising agencies**, and many others in connection with proposed or already published advertising, aimed at avoiding legal liability or governmental sanctions.

Anti-Piracy Enforcement

Represented **News Corp's Star TV** and others in stopping piracy of its television programming through Internet streaming.

U.S. Olympic Committee

Counseled an internationally recognized client, which had endorsement deals with several athletes who participated in the 2008 Beijing Olympic Games, about avoiding claims from the USOC over allegedly infringing and improperly using USOC trademarks.

Title And Trademark Clearance Analyses And Opinions

Performed numerous title and trademark clearance analyses and litigation avoidance opinions for **Twentieth Century Fox, Fox Cable, Sony Pictures Entertainment, StudioCanal, Focus Features, Overture Films, Lions Gate Entertainment**, and many other studios involving broadcast and cable, television, film, website, and digital properties.

Digital Millennium Copyright Act

Advised **Mobile Messenger, Jamdat, Sprint, Samsung**, and many others in the wireless and Internet industries concerning DMCA compliance and safe harbors.

Articles

- K. Raygor and B. Graveline, "Experts" chapter, *Trade Secret Litigation & Protection: A Practice Guide to the DTSA and the CUTSA* (Intellectual Property Section of the California Lawyers Association, 2022)
- K. Raygor and L. Petrich, *Media Libel Law, Survey Of California Libel Law* (Oxford University Press, 2012-2021)
- K. Raygor and V. Alter, *Media Libel Law, Ninth Circuit Fumbles The Ball In Videogame Likeness Cases*, 82 U.S. Law Week, at 364 (Bloomberg BNA, Sept. 10, 2013)

- K. Raygor (co-author), California State Antitrust And Unfair Competition Law, Chapter 12, "*State Antitrust Law and Intellectual Property*" (Matthew Bender, 2009, 2010, 2012)
- K. Raygor and E. Komen, *Limitations On Copyright Protection For Format Ideas In Reality Television Programming*, Media Law Resource Center Bulletin, Issue No. 4, at 97-121 (December 2009)
- K. Raygor and V. Alter, *Fair Use And The Right Of Publicity: A Search For A More Balanced Approach*, Media Law Resource Center Bulletin, Issue No. 4, at 129-147 (December 2008)
- K. Raygor and B. Bakhtari, *Great Success! 'Borat's' Release Agreement Averts Liability*, New York Law Journal (July 16, 2008)
- K. Raygor and V. Alter, *It's Not Just Make-Believe Anymore: Fantasy Baseball And The Right Of Publicity*, ABA Media, Privacy And Defamation Law Committee Newsletter (ABA, Winter/Spring 2008)
- K. Raygor, *Perfect 10 Scores A Not-So-Perfect Rating By The Ninth Circuit*, MediaLawLetter (Media Law Resource Center, May 2007)
- K. Raygor and D. Ryan, *The Cost of Protecting California's Royalty: Assault Liability Under the Anti-Paparazzi Act*, MediaLawLetter (Media Law Resource Center, January 2006)
- K. Raygor, *Sanitizing Hollywood: The Family Entertainment And Copyright Act Of 2005*, MediaLawLetter (Media Law Resource Center, May 2005)

Media Mentions

Justices refuse to hear appeal to LA County's flavored tobacco ban
Daily Journal, 03.01.2023

What's Changed?: Checking In With Kent Raygor of Sheppard Mullin
The American Lawyer, 06.22.2022

Speaking Engagements

K. Raygor, *In the Hot Seat: How the First Amendment is Shaping Today's Conversations*, presented in Los Angeles (February 10, 2024)

K. Raygor, *The Presumption of Irreparable Harm: Don't Stop Believing*, presented at the International Trademark Association annual meeting, Hong Kong (May 2014)

K. Raygor, *The Perils Of Being Social In A Social Media World*, presented in Los Angeles (July 16, 2013)

K. Raygor, *Pirates Of The Internet: Protecting The Rights Of Content Creators*, presented to The Caucus For Producers, Writers & Directors (February 28, 2012)

K. Raygor and G. Clark, *Recent Significant Changes In Intellectual Property Law*, presented for The Seminar Group (January 14, 2011)

K. Raygor, *Sex, Minors And Videotape*, presented at the Donald E. Biederman Entertainment & Media Law Institute (January 14, 2010)

K. Raygor, *The Right Of Publicity*, presented to the Sports & Entertainment Law Society of the University of La Verne College of Law (April 2, 2009)

K. Raygor, *Protection Of Celebrity Rights: What You Need To Know Now*, presented at the USC Gould School of Law - Beverly Hills Bar Association 2008 Institute on Entertainment Law and Business (October 18, 2008)

K. Raygor and E. Komen, *Hollywood Clearances*, presented in Los Angeles (November 15, 2007)

K. Raygor and G. Cummins, *Privacy–Misappropriation/Right Of Publicity*, presented in Los Angeles (July 21, 2006)

K. Raygor and J. Bassett, *Trademark Clearance Boot Camp*, presented in Los Angeles (June 23, 2006)

K. Raygor, *Surviving The Matrix: Legal Pitfalls Of Blurring Fact And Fiction*, presented at the Donald E. Biederman Entertainment & Media Law Institute (January 26, 2006)

Events

Taming the Dangerous Communication Device: A Guide to the Use and Misuse of Email
06.30.2023

Memberships

Media Law Resource Center (MLRC)

Los Angeles Copyright Society

American Intellectual Property Law Association (AIPLA)

International Trademark Association (INTA) (member of the U.S. Legislation Committee, 1990-94, 1999-2002; member of the Trademark Reporter Committee, 2008-2012; member of the Emerging Issues Committee, 2019; member of the Embargoes, Sanctions and Treaty Compliance Committee, 2020-2021))

American Bar Association (ABA)

State Bar of California (Intellectual Property Section)

Practices

Litigation

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

IP Licensing, Technology and Commercial Transactions

Patent Litigation

Trade Secrets

Trademarks and Trade Dress

Entertainment, Technology and Advertising

International Reach

Japan

Korea

Advertising

Appellate

Industries

Advertising

Automotive

Entertainment, Technology and Advertising

Esports & Games

Financial Services

Hospitality

Sports

Transportation

Education

J.D., Minnesota Law School (1984, *cum laude*)

B.A., University of Minnesota (1976, *summa cum laude*)