

Sheppard Mullin Wins \$71 Million Trade Dress Verdict for Musicians Against MGA Entertainment

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A federal jury in California found that toy manufacturer MGA Entertainment (MGA) willfully and maliciously infringed the trade dress and publicity rights of The OMG Girlz, a pop group formed by Grammy Award winning-musician Clifford “T.I.” Harris and his wife Tameka “Tiny” Harris of the R&B group xScape. The jury awarded the group and the Harrises over \$71 million, consisting of \$17.8 million in compensatory damages and \$53.6 million in punitive damages. The district court has asked for briefing on further remedies based on the jury’s willful infringement finding.

MGA produced a line of L.O.L. Surprise! O.M.G. dolls which bore a striking resemblance to the clothing, accessories and hairstyles of the Harris’s OMG Girlz group. In 2020, the Harrises sent MGA a cease and desist letter, asserting that the toys infringed on their intellectual property rights. Without even responding, MGA sued asking a California federal court to rule that the dolls did not infringe upon the OMG Girlz’s name, image or trade dress. The Harrises and the OMG Girlz counterclaimed. By the time of trial, MGA had sold hundreds of millions of doll units.

The verdict follows four years of litigation which included a mistrial (pre-Sheppard Mullin) and a vacated first jury verdict. The case has received national media attention from the *Washington Post*, *Billboard*, *Rolling Stone*, among others, and earned a spot as a Runner-Up in *The American Lawyer’s* Litigators of the Week column.

The Sheppard Mullin trial team included John Keville, Chante Westmoreland and Robert Green, supported by partner Michelle Replogle and associates Umar Sattar and Tomas Pradia.

The case is *MGA Entertainment Inc. v Clifford T.I. Harris et al* No. 2:20-cv-11548 U.S. District Court of California, Central Div.

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Practice Areas

Intellectual Property

Trademarks and Trade Dress

Industries

Entertainment, Technology and Advertising

Retail, Fashion & Beauty