



If there is a market where change is constant, it is with toys. Companies face ongoing pressures 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've 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.

SERVICES PROVIDED

- ▶ 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
- ▶ Good Manufacturing Practices
- ▶ Intellectual Property
- ▶ Labor and Employment
- ▶ Litigation
- ▶ Products Liability Defense
- ▶ Product Recalls
- ▶ Import and Export Issues
- ▶ Mergers & Acquisitions
- ▶ Real Estate
- ▶ Tax
- ▶ Trade Secrets
- ▶ Trademark Portfolio Management
- ▶ Anti-Counterfeiting Efforts

REPRESENTATIVE CLIENTS

- ▶ Broken Token
- ▶ Character Group
- ▶ Character Options Limited
- ▶ Chewy.com
- ▶ FashionCraft-Excello
- ▶ K'Nex Brands
- ▶ Megableu
- ▶ Megatoys
- ▶ PetSmart
- ▶ Scholastic

EXAMPLES OF OUR WORK

- ▶ 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.
- ▶ Advised one of the world's largest toy manufacturers on its IP strategy in China, which resulted in the reduction of counterfeit products.
- ▶ *Zen Design Group Ltd. v. Scholastic Inc.*, Case No. 2:16-cv-12936-RHC-EAS (E.D. Mich. 2016). Defending **Scholastic** in a patent infringement action involving ultra-violet pen-lights utilizing invisible ink that fluoresces under ultra-violet light.
- ▶ *Spirit Monkey, LLC v. Scholastic Book Fairs, Inc. and Scholastic Inc.*, Cause No. 5:17-cv-1066 (W.D. Tex. 2017). Defending **Scholastic** and **Scholastic Book Fairs** in a trademark infringement action involving embroidered sticks used as a reward or incentive, or to promote an activity, event, brand, product and/or service, and the related mark for the goods.
- ▶ *FashionCraft-Excello, Inc. v. CheapFavorShop.com, WeddingFavors.org, CustomGift.com, BabyFavors.com, Outdoor Living, Inc., a.k.a. OutdoorLiving.com, Wish Rocket, LLC and Ronald G. Spinks Jr.*, Case No. 1:16-cv-00381-PKC-RER (E.D.N.Y. 2016). Represented **FashionCraft-Excello** in an action involving trademark infringement, copyright infringement, false designation of goods, false advertising, unjust enrichment, deceptive acts and business practices, deception and confusion of consumers, and damage to FashionCraft-Excello's reputation and goodwill in connection with the marketing and sale of wedding and event favors and gifts.
- ▶ Represented **NYX Gaming Group Ltd.**, a digital gaming software company, as part of the legal team in connection with its \$631 million sale to Scientific Games Corporation, a global leader in technology-based gaming systems.
- ▶ Handled large range of product recalls including recalls related to lithium ion batteries, wearable technologies, electronics, sporting goods, toys, tools and child resistant packaging.

- ▶ Advised and represented manufacturers, importers and distributors of apparel, toys, sporting goods, electronics and other consumer products in claims and litigation involving California Proposition 65, including settlements and consent decrees in private enforcement actions.
- ▶ *White Knuckle LLC v. Electronic Arts Inc.*, No. 1:15-cv-00036-PMW (D.Utah). Represented **Electronic Arts** in connection with defense against patent infringement claims relating to transmission of updated video game parameters.
- ▶ Represented a major children's book publisher in patent litigation matters.
- ▶ Represented **Roostr**, an open marketplace for mobile games, in their acquisition by Chartboost, Inc.
- ▶ Acting for a UK-listed company (the UK's largest independent distributor of children's toys and games) in connection with its acquisition of six businesses/companies made for cash and/or securities.
- ▶ Acting for the UK's largest independent distributor of children's toys and games in relation to its initial public offering and admission to the Official List of the UK Listing Authority; its subsequent migration to the AIM of the London Stock Exchange; and in relation to seven merger and acquisition transactions, fundraisings, share buy-backs and other transactions subsequent to the IPO.
- ▶ Acted for a UK 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.
- ▶ Counsel to several individuals, startup companies and small businesses in various fields, such as pet toys, medical devices, automated assembly devices, biometric sensors and computer software.

INSIGHTS FROM OUR PROFESSIONALS

Our attorneys are regularly quoted in the media, write articles and alerts on the legal implications of trends, and present at various industry events, including the Toy Association Annual Business Conference and Anti-Counterfeiting & Brand Protection Conference.

GLOBAL NETWORK

Clients benefit from Duane Morris' global network of resources. We represent clients based in, or with a presence in, many regions throughout the United States and globally.

Fashion, Retail and Consumer Branded Products Blog

Duane Morris attorneys share insights on the legal landscape and business dynamics of the rapidly changing fashion, retail and consumer branded products industries.

blogs.duanemorris.com/fashionretailbrandedconsumergoods

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UNITED STATES

Atlanta	Los Angeles
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Las Vegas	

INTERNATIONAL

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London	Singapore

- > Also satellite offices, including Bangor and Portland, Maine; and Seattle, Washington
- > Alliances in Mexico
- > Leadership position with international network of independent law firms

FOR MORE INFORMATION, PLEASE CONTACT:



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