



msk obtains win for activism in battle over use of the title “warzone”

Written by Lindsay R. Edelstein
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On August 15, 2022, in *Activision Publishing, Inc. v. Warzone.com, LLC*, Judge Fernando L. Aenlle-Rocha of the Central District of California granted Activision's motion to dismiss Defendant Warzone.com, LLC's counterclaim alleging trademark infringement, unfair competition, and false advertising under the Lanham Act and California law. The Court also granted Activision's motion for judgment on the pleadings, finding that Activision's use of the terms “Warzone” and “Call of Duty Warzone” did not and does not infringe any of Defendant's trademark rights.

Defendant is the developer of a niche virtual board game titled “Warzone.” In 2020, Activision released a stand-alone free-to-play mode of its military-themed “first-person shooter” franchise *Call of Duty*, aptly titled *Call of Duty: Warzone*. After Defendant threatened to sue Activision for trademark infringement, in April of 2021, Activision filed a lawsuit seeking a declaration of non-infringement. Defendant counterclaimed, alleging infringement of various state and federal trademark laws. Shortly thereafter, Activision sought judgment on its declaratory relief claims and dismissal of the counterclaims on the basis that its use of the *Call of Duty: Warzone* title was protected by the First Amendment...

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attorneys

Lindsay R. Edelstein

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