



Elaine K. Kim

Partner, through her Professional Corporation

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legal expertise

Commercial litigation and counsel, with emphases on intellectual property, entertainment, and labor and employment matters.

representative matters

Copyright, Idea Submission, and Other Entertainment Matters

Motion Picture and Television

- Regularly litigates copyright infringement cases on behalf of studios, production companies, and creators relating to motion pictures and television shows, and has secured dismissals of copyright infringement claims with prejudice in multiple cases.
- Counsels clients on protecting copyrightable works, mitigating risks of infringement and idea submission claims, and fair use.
- As lead defense counsel, obtained complete victory before the California Court of Appeal pursuant to the anti-SLAPP statute, on behalf of television studio, producers, and talent management company, against claims for breach of implied-in-fact contract, breach of confidence, tortious interference, and other claims over spin-off television series.
- Obtained summary judgment and affirmance in the Ninth Circuit, on behalf of production company and writer/director, on claims for breach of contract and fraud alleging use of ideas without compensation, in case involving one of the highest-grossing films of all time.

Music

- Advised and represented Korean music companies in connection with agreements with management companies and recording artists.

practice areas

litigation
 commercial litigation
 intellectual property
 entertainment & ip
 litigation
 labor & employment
 specialties

admissions

California
 U.S. District Court
 Central District of California
 Northern District of California
 Southern District of California
 Eastern District of California
 U.S. Court of Appeals
 Second Circuit
 Ninth Circuit
 U.S. Supreme Court

clerkships

Judicial Clerk, Hon. Chester J. Straub, United States Court of Appeals for the Second Circuit
 Judicial Clerk, Hon. Margaret M. Morrow, United States District Court for the Central District of California



Elaine K. Kim

- Represented record companies in copyright infringement lawsuit against major multi-level-marketing corporation and distributors in Florida federal court.
- Defended record companies and recording artist in copyright lawsuit over sound recording, resulting in grant of summary judgment in clients' favor and affirmance in the Ninth Circuit.

Games

- Represents clients in the video game industry in transactions involving licenses of intellectual property and ownership of new creative works.
- Obtained judgments in favor of leading video game publisher in multiple copyright infringement and anti-piracy suits.
- Defended major gaming companies in trademark, copyright, and patent action in California federal court which resulted in favorable

Trademarks

- Advises and represents clients in various industries on trademark matters and disputes.
- Represented legal services company in trademark infringement litigation in California federal court brought against competitor until successful resolution.
- Defended online fashion retailer in trademark infringement litigation in California federal court, which resulted in favorable

Trade Secrets

- Advises and represents companies across different industries regarding misappropriation of trade secrets and confidential information by competitors and former employees.
- *Prosecuted claims for trade secret misappropriation and breach of confidentiality agreement through trial in California federal court, on behalf of biomedical device company.

education

Yale Law School, J.D., 2005,
Coker Fellow

Senior Editor, *Yale Law Journal*; Executive Editor, *Yale Journal of Law & the Humanities*

Yale University, B.A., 2001,
summa cum laude, Phi Beta Kappa

languages

- Proficient in Korean

other career experience

- Associate, Gibson, Dunn & Crutcher LLP



Elaine K. Kim

- *Defended multinational technology corporation in action in California federal court involving claims of trade secret misappropriation; successful *Daubert* motion brought resulting in exclusion of several hundred-million-dollar opinion of plaintiffs' damages

Commercial Litigation

- Obtained multi-million-dollar judgment on behalf of the U.S. subsidiary of Korean corporation in California state action against former attorney for breach of fiduciary duty, conversion, and other
- *Defended multinational technology corporation in District of Delaware suit brought by competitor involving claims of monopolization through pricing and sales practices, and in Federal Trade Commission action involving allegations of anti-competitive acts and practices related to product design, industry benchmarking, and private standard-setting.

Labor & Employment

- Represents employers in a variety of labor and employment matters in mediation, arbitration, state court, and federal court.
- *Defended multinational retail corporation against wage-and-hour class-action lawsuit, including appeal before the Ninth Circuit implicating standards governing class.

**Denotes matters handled prior to joining MSK*

honors & awards

- "Women's Impact Report: Los Angeles," *Variety* (2025)
- "Leading Lawyer," Media & Entertainment: Litigation, California, *Chambers USA* (2025)
- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2026)
- "Outstanding IP Practitioner," *World Intellectual Property Review Leaders Directory* (2023-2025)
- "BTI Client Service All-Stars," BTI Consulting Group (2020, 2023)
- "Women Worth Watching," *Profiles in Diversity Journal* (2017, 2023)
- "Southern California Rising Stars," *Super Lawyers* (2013-2016)



Elaine K. Kim

professional, business and civic affiliations

- Secretary and Trustee, *Los Angeles Copyright Society*
- Executive Committee member and Co-head of Copyright Planning Subcommittee, *USC Gould School of Law Intellectual Property Institute*
- Executive Committee and Board member, *Teach Democracy*
- Steering Committee member, *Public Counsel Leadership Council*
- Officer and Board member, *Korean Community Lawyers Association*
- Board member, *Yale Law School Fund Board*
- Former Committee member, *Yale Law School Executive Committee*
- Former Board member, *Asian Pacific Community Fund*

headlines

12 MSK Attorneys Named to the 2026 Edition of Southern California *Super Lawyers*
Super Lawyers , February 20, 2026

Elaine Kim Named to *Variety's* 2025 "Women's Impact Report: Los Angeles"
Variety, October 29, 2025

Five MSK Practices and Seven Attorneys Recognized in *Chambers USA* 2025 Guide
Chambers USA, June 5, 2025

11 MSK Attorneys Named to *World Intellectual Property Review's* Leaders Directory 2025
World Intellectual Property Review , May 19, 2025

13 MSK Attorneys Named to the 2025 Edition of Southern California *Super Lawyers*
February 18, 2025

7 MSK Partners Selected As "Outstanding IP Practitioners" in the *World Intellectual Property Review* Leaders 2024
Directory
World Intellectual Property Review, July 2, 2024

12 MSK Attorneys Named to the 2024 Edition of Southern California *Super Lawyers*
January 10, 2024

Elaine Kim and Louise Truong Named to *Profiles in Diversity Journal's* 2023 "Women Worth Watching" List
Profiles in Diversity Journal , October 12, 2023



Elaine K. Kim

9 MSK Partners Selected As "Outstanding IP Practitioners" in the *World Intellectual Property Review* Leaders 2023 Directory
July 7, 2023

Elaine K. Kim Named As a 2023 *BTI Client Service All-Star*
June 23, 2023

Elaine K. Kim Named As a 2020 *BTI Client Service All-Star*
December 9, 2020

Elaine Kim Named to *Profiles In Diversity Journal's* 2017 "Women Worth Watching" List
August 2, 2017

media mentions

MSK Highlighted in *Law360* for Representation of Comet ML in Trademark Dispute with Perplexity AI
Law360, August 28, 2025

MSK Attorneys Quoted in *Law360* and *The Hollywood Reporter* for 9th Circuit Win
September 2, 2016

MSK Attorneys Mentioned in *Law360* for "Avatar" Suit
April 15, 2015

Four MSK Attorneys Named to Southern California's *Super Lawyers' Rising Stars* List
June 2013

client alerts

Copyright Preemption Remix – The Second Circuit Finds Implied Preemption of Right of Publicity Claim Relating to Remixes on Mixtape
MSK Client Alert, September 2, 2020

events & speaking engagements

Ideas and Expression — What Really Is Free and What Isn't?
UC Davis School of Law
September 18, 2025

The Copyright Society's 2023 Midwinter Meeting
February 9-11, 2023



Elaine K. Kim

Guitars, Cadillacs, and Termination Disputes
USC Gould School of Law's 2021 Intellectual Property Institute
September 21, 2021

Substantial Confusion: The Ninth's Circuit's Approach to Early Dismissal of Literary Works Cases
October 14, 2020

Video Game Law Conference Tokyo 2019
Hosted by BANDAI NAMCO Entertainment
September 13, 2019