



## Marc E. Mayer

Partner, through his Professional Corporation

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### legal expertise

Civil litigation with a focus on intellectual property disputes in the entertainment and technology industries, including copyright, trademark, trade secret, and right of publicity disputes.

### representative matters

- Advised Kojima Productions on music licensing for *Death Stranding 2: On The Beach*, a major video game release from visionary game designer Hideo Kojima.
- Successfully obtained \$2 million judgment on behalf of Plaintiffs, Riot Games, Inc. and Bungie, Inc., in an action seeking to put a stop to Defendant's unlawful, for-profit sale and distribution of malicious software products designed to enable members of the public to gain unfair competitive advantages to two of the most popular online multiplayer video games in the world: *Valorant* and *Destiny 2*.
- As lead counsel for defense, obtained summary judgment for Activision Blizzard, Inc., Activision Publishing, Inc., and Major League Gaming Corp. in a high-profile dispute in the Southern District of New York involving challenges to the realistic depictions of the military vehicle, HUMVEE, in "Call of Duty." Dismissed all of Plaintiff's claims for trademark and trade dress infringement, unfair competition, false designation of origin, false advertising, and dilution under the Lanham Act and New York law.
- Lead counsel in the successful representation of Blizzard Entertainment, Inc. and Valve Corporation in a copyright infringement suit against uCool and Lilith involving many of Blizzard Entertainment, Inc.'s high-profile video games such as *World of Warcraft*, *Diablo III*, and *StarCraft II: Wings of Liberty*.
- Successfully obtained \$10 million monetary judgment as well as a permanent injunction on behalf of Riot Games Inc. against the makers of cheating software designed for Riot's *League of Legends* video game.

### practice areas

litigation

commercial litigation

entertainment transactions

intellectual property

entertainment & ip

litigation

specialties

Artificial Intelligence (AI)

cross-border practice

video game

### admissions

California, 1997

U.S. District Court

Central District of California,  
1997

Northern District of  
California, 1997

### education

Harvard Law School, J.D.,  
1997, *cum laude*

Brown University, B.A., 1993,  
*magna cum laude*; *Phi Beta  
Kappa*

### languages

- French

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- Successfully opposed request for temporary restraining order which sought to prevent chess-related websites from reporting on the 2016 World Chess Championship; obtaining a ruling that Plaintiffs were unlikely to demonstrate that their claim for "hot news" misappropriation was not preempted by the Copyright Act.
- Obtained \$90 million settlement for five major record labels against internet radio giant Pandora Media Inc. based on copyright violations for its use of pre-1972 records.
- Obtained \$210 million settlement for five major record companies against Sirius XM Radio Inc. based on copyright violations in broadcasting pre-1972 recordings without permission. This case was named by *The Recorder* as 2015's #1 settlement as well as the top case in the category of Intellectual Property.
- Obtained summary judgment based on First Amendment grounds in favor of Activision Blizzard, Inc. on copyright and trademark infringement claims brought by a military supply and outfitting company regarding the use of certain patch emblems in the video game *Call of Duty: Ghosts*.
- Obtained summary judgment in favor of video game publisher and hardware manufacturers in trademark lawsuit involving the popular video game *Call of Duty: Modern Warfare 3*.
- Obtained \$7 million judgment on behalf of Blizzard Entertainment, Inc. against the maker of a popular software "bot" that enabled users to cheat in the video game *World of Warcraft*.
- Obtained summary judgment in favor of Blizzard Entertainment, Inc. on copyright and right of publicity claims arising from a set of recordings used to voice a *World of Warcraft* character.
- Represented six major record companies in a high-profile action against an internet website engaged in the large-scale distribution, sale and public performance of sound recordings, including thousands of remastered recordings by the Beatles.
- Represent 12 affiliated record companies and music publishing companies in a copyright infringement action brought against the internet website Vimeo.com.
- Represent publisher of a popular multiplayer online video game in lawsuit against operators of private multiplayer servers.
- Successfully defended internet magazine BoingBoing.net against defamation claims brought by a manufacturer of VOIP technology regarding statements published about its end-user license agreement.
- Represent Japanese manufacturer of personal computers in lawsuit brought by software publisher arising from a Chinese government mandate concerning the software filter known as "Green Dam."
- Designed and implemented anti-piracy programs for video game publishers, music publishers, and record companies relating to the infringement of copyrighted works online.
- Represent record company and music publisher clients in more than 100 related copyright infringement cases arising from the alleged unauthorized "sampling" of musical works in musical compositions and sound



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recordings, including *Bridgeport Music, Inc. v. WB Music Corp.*, 508 F.3d 394, 399-401 (6th Cir. 2007); *Bridgeport Music, Inc. v. Universal-MCA Music Publ'g, Inc.*, 481 F.3d 926, 931 (6th Cir. 2007); and *Bridgeport Music, Inc. v. Rhyme Syndicate Music*, 376 F.3d 615 (6th Cir. 2004).

- Represented MPAA member companies against software company engaged in the manufacture and distribution of DVD-copying and decryption tools. *321 Studios, Inc. v. Metro-Goldwyn-Mayer Studios, Inc.*, 307 F. Supp. 2d 1085 (N.D. Cal. 2004).
- Participated in groundbreaking file-sharing litigation on behalf of the Recording Industry Association of America, including *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 204 (9th Cir. 2000) and *In re Aimster, Inc.*, 334 F.3d 643 (7th Cir. 2003).
- Represented music publishing companies in lawsuits filed against distributors of karaoke products, including *Mediostream, Inc. v. Warner/Chappell Music, Inc.*, Case No. 07-2127 (N.D. Cal.); *Rondor Music International, Inc. v. Slep-Tone Entertainment Corp.*, Case No. 02-9377 RSWL (C.D. Cal.); and *Rondor Music International, Inc. v. Top Tunes, Inc.*, Case No. 02-9382 WJR (C.D. Cal.).
- Represent motion picture studios, book and magazine publishers, and screenwriters in copyright infringement action involving the award-winning work *Brokeback Mountain*. *Scott-Blanton v. Universal City Studios Productions LLLP*, Case No. 07-0098 (D.D.C.).
- Represented record companies and music publishing companies in numerous royalty accounting and audit disputes, including *Bono v. Warner/Chappell Music, Inc.*, LASC Case No. BC 329720; *House of Penny Productions, Inc v. MCA Records, Inc.*, Case No. 3:00-0326 (M.D. Tenn.); and *Tempchin v. Warner/Chappell Music, Inc.*, LASC Case No. BC 268741.
- Represented record companies and music publishing companies in litigation involving unauthorized uses of sound recordings and musical compositions in audiovisual works, including *Warner/Chappell Music, Inc. v. Salter Street Films*, CV-03-7113 FMC (C.D. Cal.) and *UMG Recordings, Inc. and Warner/Chappell Music, Inc. v. Mazda Motor Of America et. al.*, CV-00-05858 LGB (C.D. Cal.).
- Provide ongoing legal advice and counsel to motion picture studios and record, music and game publisher clients concerning a variety of intellectual property and new technology issues, including the safe-harbor provisions (section 512) of the Digital Millennium Copyright Act, fair use, and common-law doctrines of contributory and vicarious copyright liability.

## honors & awards

- "Legal Impact Report," *Variety* (2025)
- "The World's Leading Trademark Professionals" - United States: California, *World Trademark Review 1000* (2026)
- "Outstanding IP Practitioner," *World Intellectual Property Review* Leaders Directory (2023-2025)

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- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2022-2024)
- "Top Copyright Star," *Managing IP* (2024-2025)
- "Top Trademark Star," *Managing IP* (2024-2025)
- "Intellectual Property Trailblazer," *The National Law Journal* (2017 and 2019)
- "Recommended Attorney" in Intellectual Property - Copyright, *Legal 500* (2017 & 2018)
- "Most Influential Intellectual Property Attorneys," *Los Angeles Business Journal* (2017)
- "Leading Intellectual Property Lawyers in California," *Chambers USA* (2013 and 2014)
- "Top IP Lawyers in California," *Daily Journal* (2014)
- "Southern California Rising Stars," *Super Lawyers* (2005-2011, 2017-2018)
- "Rising Star," *Los Angeles Magazine* (2005-2007)

### professional, business and civic affiliations

- Board Treasurer, New York Videogame Critics Circle
- Executive Committee, Los Angeles County Bar Association, Intellectual Property and Entertainment Section
- International Game Developers Association ("IGDA") Intellectual Property Working Group
- Co-Chair, Los Angeles County Bar Association Music Law Subcommittee

### headlines

MSK and Four Partners Recognized in 2026 Edition of *World Trademark Review 1000*  
*World Trademark Review* , February 3, 2026

MSK Advises Kojima Productions on Music Licensing for *Death Stranding 2: On The Beach*  
June 26, 2025

Six MSK Partners Recognized on *Managing IP's* 2025 "IP Stars" List  
*Managing IP* , June 5, 2025

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

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Six MSK Litigators Named to *Variety's* 2025 "Legal Impact Report"  
*Variety* , April 9, 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

Six MSK Partners Recognized on *Managing IP's* 2024 "IP Stars" List  
*Managing IP* , May 31, 2024

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

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

15 MSK Attorneys Named to the 2023 Edition of Southern California *Super Lawyers*  
January 10, 2023

16 MSK Attorneys Named to the 2022 edition of Southern California *Super Lawyers*  
January 20, 2022

MSK Client Netmarble Acquires Kung Fu Factory  
February 19, 2021

Marc Mayer Named to *The National Law Journal's* 2019 List of "Intellectual Property Trailblazers"  
March 1, 2019

MSK Recognized as a 2018 "Top-Tier Firm" by the *Legal 500*  
May 30, 2018

Karin Pagnanelli and Marc Mayer Named to *Los Angeles Business Journal's* 2017 "Most Influential Intellectual  
Property Attorneys" List  
August 14, 2017

Marc Mayer Named to *The National Law Journal's* 2017 list of "Intellectual Property Trailblazers"  
July 3, 2017

MSK and Attorneys Recognized in *Legal 500* United States 2017 Edition  
May 31, 2017



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Game Over! MSK Scores Win for Riot Games

March 2, 2017

MSK Attorneys Named to the 2017 List of *Super Lawyers*

January 20, 2017

MSK Team Successfully Thwart TRO in \$4.5M Piracy Suit Over Players' Moves

November 14, 2016

MSK Successful in Defending Boing Boing

February 24, 2010

MSK Announces New Partners

January 20, 2006

## media mentions

MSK in the News for Representing Blizzard in Turtle WoW Infringement Lawsuit

August 30, 2025

MSK Highlighted in *Law360* for Representation in Grand Theft Auto IP Suit

*Law360*, August 27, 2025

Marc Mayer Quoted in *MLex* Article on Video Game IP Protections

*MLex*, June 12, 2025

Marc Mayer and Mark Humphrey Mentioned in *GamesIndustry.biz* for Representation of Activision in Lawsuit Against Creator of Call of Duty Hacking Software

*GamesIndustry.biz*, May 13, 2025

Marc Mayer and MSK Team Highlighted in *Law360* for Activision Client Win

*Law360*, May 28, 2024

Marc Mayer and Stacey Chuvaieva Featured in *Law360*

November 21, 2022

Marc Mayer and Mark Humphrey Highlighted in *Daily Journal's* "Verdicts and Settlements"

*Daily Journal*, June 18, 2021

Marc Mayer and Mark Humphrey Noted in *PC Gamer*

*PC Gamer*, January 12, 2021

Marc Mayer and Matt Beasley Mentioned in *Law360* Article

July 7, 2017

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MSK's Victory Mentioned in *Law360*, *Daily Journal*, *The Hollywood Reporter*, and *Ars Technica*  
May 17, 2017

Russell Frackman and Marc Mayer Mentioned in *The Hollywood Reporter*  
December 15, 2016

Patricia Benson, David Gordon, Marc Mayer, and Daniel Kohler Mentioned in *Law360*  
November 22, 2016

Karin Pagnanelli, Marc Mayer, Emily Evitt and Daniel Kohler Mentioned in *Law360*  
July 6, 2016

Marc Mayer and Andrew C. Spitzer Mentioned in *Law360*  
December 11, 2015

Marc Mayer Quoted in *Daily Journal*  
November 2015

Lauren Wachtler, Russell Frackman and Marc Mayer Mentioned in *Law360*  
October 22, 2015

Mitchell Silberberg & Knupp Recognized as Leading Law Firm by The Legal 500 2015 USA Guide!  
July 2015

The Legal 500 United States 2014 Edition  
June 2014

Chambers USA 2014 Recognizes 9 Attorneys and 3 Practice Groups from MSK Among Nation's Best  
May 2014

MSK's Marc Mayer Featured in *Daily Journal* Cover Story  
November 2013

MSK Attorneys and Practice Groups Recognized by *Chambers USA* 2013  
May 2013

*The 2012 Legal 500 USA Guide* Recognizes MSK Attorneys and Intellectual Property and Tax Practice Groups  
Among the Nation's Best  
June 18, 2012

Nine MSK Attorneys Named to Southern California *Super Lawyers'* Rising Stars List  
June 13, 2011

MSK Defends BoingBoing's Ongoing Discussion of Digitally Altered Images  
December 29, 2009

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33 Chosen to 2008 Super Lawyers Lists  
November 21, 2008

## publications

When Imitation is Not the Sincerest Form of Flattery: Deepfakes and Personality Rights in the U.S.  
*The AI Revolution: The International Legal Perspective* , October 16, 2024

*Computer Games and Immersive Entertainment: Next Frontiers in Intellectual Property Law, Second Edition*  
ABA Book Publishing, December 13, 2018

How to Beat the Cheats  
*Games Law Summit Journal, Issue 1*, April 27, 2017

Featured, Hired Guns Hunt Hackers for Video Game Makers  
November 2013

International Considerations of Virtual Worlds  
*ABA Book - Computer Games and Virtual Worlds: A New Frontier in Intellectual Property Law*, June 2010

Distributive Principles  
*Los Angeles Lawyer*, May 2009

Border Patrol: Choice of Law and Internet Right of Publicity Disputes  
2000

Safe Harbors for the IP Millennium: Protecting Your Company from Liability as an On-Line Service Provider  
August 1999

Territorial Imperative  
March 1999

## client alerts

New California Law Requires Social Media Companies To Become More Transparent About Their Content Management Policies  
*MSK Client Alert* , September 16, 2022

Court Holds Vicarious Copyright Liability Claim Can Move Forward Against Major ISP  
*MSK Client Alert* , April 23, 2020

Freedom of Squeak: The Ninth Circuit Finds First Amendment Protection For Parody Dog Toy  
*MSK Client Alert* , April 3, 2020

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Bills Creating Performance Right for Recording Artists Are Reintroduced in Congress  
*MSK Client Alert*, March 2009

## events & speaking engagements

Annual Litigation Update  
UCLA Law's Digital Media & Video Game Conference  
November 7, 2025

2025 Games Industry Law Summit  
September 3, 2025

The Business of Video Gaming: Navigating Intellectual Property Challenges and Opportunities  
International Trademark Association (INTA) 2025 Annual Meeting  
May 21, 2025

Annual Litigation Update - Part I  
Copyright, Trademark, ROP, Rights of Privacy, Patent  
November 8, 2024

Legal Radar: USA  
Games Industry Law Summit Vilnius 2024  
September 4, 2024

The *Jack Daniel's* and *Warhol* Effect: One Year Later  
June 17, 2024

Litigating Clones XC 2024  
Games Industry Law Summit On Tour: Limassol 2024  
April 19, 2024

Video Game Law Conference Tokyo  
November 1-2, 2023

AI Deconstructed  
2023 Games Industry Law Summit  
September 7, 2023

Litigation Update  
Video Game Bar Association 2023 Summit  
May 23, 2023

Games Industry Law Unpacked Warsaw 2023  
May 9-11, 2023

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Can't Cheat Your Way Out of Copyright Law: Stopping Video Game Cheaters  
April 18, 2023

Games Industry Law Summit Vilnius 2022  
September 7-9, 2022

Games Industry Law Summit Vilnius 2021  
September 16, 2021

Vetting in the Virtual World  
April 22, 2020

Games Industry Law Summit Vilnius 2019  
May 2, 2019

VGBA's 6th Annual Game Business & Legal Affairs Conference  
May 14, 2018

Games Industry Law Summit Vilnius 2018  
May 3-4, 2018

Games Industry Law Summit Vilnius 2017  
April 27-28, 2017

Building Convincing Virtual Words: Legal Issues In The Use Of Copyrights, Trademarks and Celebrity Likenesses  
In Video Games  
Game Developers Conference  
March 17, 2014

Current Developments in Content Protection  
Minority Corporate Counsel Association  
March 3, 2014

Computer Fraud: Abuse Act and Digital Assets  
Beverly Hills Bar Association  
January 2014

Rights of Publicity and Transformative Use Cases that have Impacted the Video Game Industry  
ABA Forum on the Sports and Entertainment Industries Video Games and Digital Media Conference  
March 6, 2012

Search & Sensibility: Who and What Are Protected on the Internet  
American Intellectual Property Law Association Spring Meeting  
May 14, 2008

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