



Robert H. Rotstein

Partner, through his Professional Corporation



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legal expertise

Litigation with a focus on intellectual property and technology, copyright, and entertainment matters.

representative matters

- *Whyte Monkee Prods. v. Netflix, Inc.*, 22-6086 (10th Cir.) (Represented Appellee in copyright case; decision pending)
- *Whyte Monkee Prods. v. Netflix, Inc.*, 22-6086 (10th Cir.) (Represented Appellee in copyright case; decision pending)
- *Google LLC v. Oracle America Inc.*, No. 18-956, U.S. Supreme Court (Amicus Curiae Brief for Motion Picture Ass'n (2020) (Scope of protection for computer software and fair use)
- *AMA Multimedia v. Wanat*, No. 18-15051 (9th August 17, 2020) (Amicus brief regarding personal jurisdiction in copyright case)
- *Frank Sivero Twentieth Century Fox Film Corp.* Obtained anti-SLAPP order striking complaint alleging misappropriation of likeness and idea in connection with a character in *The Simpsons*. Affirmed on appeal.
- *Alexander Metro-Goldwyn-Mayer Studios Inc. et al.* Obtained complete dismissal of claims of idea misappropriation, breach of implied-in-fact contract, and unjust enrichment on behalf of motion-picture studio, director, and writers in lawsuit over sequel in highly successful film series.
- *Peter Gallagher et al Lions Gate Entertainment Inc. et al.* Obtained dismissal with prejudice of copyright infringement claim over a popular horror film on behalf of motion-picture studio, director, and producer in the Central District of California.
- *Morawski v Lightstorm Entertainment, et al.* Obtained summary judgment in breach of contract case brought by plaintiff who claimed that the motion

practice areas

litigation
 commercial litigation
 intellectual property
 entertainment & ip
 litigation

admissions

California, 1976
 U.S. District Court
 Central District of CA, 1977
 Southern District of CA, 1990
 Northern District of CA, 2000
 U.S. Court of Appeals
 Second Circuit, 2007
 Fourth Circuit, 2013
 Fifth Circuit, 2023
 Seventh Circuit, 2011
 Ninth Circuit, 1982
 Tenth Circuit, 2022
 DC Circuit, 2024
 Federal Circuit, 2017
 U.S. Supreme Court, 1986

education

University of California Los Angeles School of Law, J.D., 1976; Order of the Coif

UCLA Law Review

University of California, Los

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picture *Avatar* was based on his idea.

- Represented plaintiff in copyright action over certain features of "The Hopper"
- *Mark Gable a/k/a Mark Pizzuti v. National Broadcasting Company ("NBC"), et al.* Obtained summary judgment and attorneys' fees award on behalf of Twentieth Century Fox and NBC Universal in a high-profile copyright infringement action brought by a writer who claimed that the popular TV program "My Name is Earl" infringed upon his screenplay.
- *L&M Optical Disc West, LLC v. Motion Picture Association of America, Inc., et al.* Representing the defendant, obtained dismissal under California's anti-SLAPP statute of complaint alleging libel and related torts
- *RealNetworks, Inc. and RealNetworks Home Entertainment, Inc. v. DVD Copy Control Association, Inc. et al.* Served as co-counsel representing several major movie studios looking to block the sale of RealDVD, a software program that would let users make hard drive copies of copyrighted DVDs. Clients obtained permanent injunction.
- *MDY Industries and Michael Donnelly v. Blizzard Entertainment, Inc. and Vivendi Games, Inc., et al.* Filed an amicus brief in the Ninth Circuit, on behalf of the MPAA, regarding the interpretation and application of the anti-circumvention and anti-trafficking provisions of the Digital Millennium Copyright Act (DMCA). The Ninth Circuit's opinion adopted the MPAA's position.
- *Larry Montz, et al. v. Pilgrim Films & Television, Inc., et al.* Filed an amicus brief on behalf of the Motion Picture Association of America in breach of implied in fact contract action regarding the reality television show "Ghost Hunters."
- *Timothy S. Vernor v. Autodesk, Inc.* Filed an amicus brief in the Ninth Circuit appeal of the federal district court case *Vernor v. Autodesk*, a dispute between a software vendor and a man who offered used copies of the company's software (which retailed for thousands of dollars) for sale on eBay. The brief examined the First Sale Doctrine, and whether or not the transfer of a tangible copy is a license or sale under the Copyright Act.
- *Universal City Studios Productions LLLP, v. YouTVpc.com, et al.* Represented major studios in lawsuit against website that linked to content that infringed plaintiffs' copyrights.

Angeles, B.A., 1973; *summa cum laude*, Phi Beta Kappa

other career experience

- Law Clerk, Honorable Anthony M. Kennedy, Circuit Judge of the U.S. Court of Appeals for the Ninth Circuit
Professional, Business, and Civic Affiliations



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- Davis v. Blige Filed amicus curiae brief in United States Court of Appeals, Second Circuit, on behalf of Motion Picture Association in case regarding validity of retroactive licenses.
- Paramount Pictures Corporation, et. al., v. Load 'N Go Video Inc Represented six major studios in lawsuit against company that copied DVDs to portable devices.
- Price v. Twentieth Century Fox, et al. Represented Fox and others in a copyright infringement case over the motion picture Dodgeball: A True Underdog Story
- RDF Media v. Rocket Science Laboratories, et al. Represented Rocket Science and Fox in copyright infringement suit alleging that the reality television series "Trading Spouses" infringes the copyright in the series "Wife Swap."
- Lewis v. Absolut Represented Absolut in a right of publicity dispute brought by actor in HBO's television series "Sex and the City."
- M2 Software v. Handelman, Madacy, SFX Represented defendants in a trademark infringement case, resulting in a defense jury verdict. The verdict was recognized by the Los Angeles Daily Journal as one of the top ten defense verdicts of 2003. The Ninth Circuit affirmed the judgment in 2005, in a published opinion.
- Flynn v. Twentieth Century Fox Obtained summary judgment for defendants Fox and Imagine Pictures in connection with a copyright infringement suit alleging that Plaintiff's novel was infringed by the hit television series "24."
- Sephora adv. Tom Cruise and Nicole Kidman Represented Sephora, a cosmetic retailer, in a right of publicity and trademark lawsuit brought by Tom Cruise and Nicole Kidman and in another lawsuit brought by Sara Jessica Parker and Matthew Broderick.
- MPAA: Wrote Amicus briefs on behalf of the Motion Picture Association of America (MPAA) in WHAM-O v. Paramount, Silvers v. Sony Pictures, Gates v. Discovery Channel, and Kahle v. Ashcroft.
- Peterson v. Twentieth Century Fox Film Corp. Represented Fox in a claim that a television motion picture misappropriated the plaintiff's idea for a motion picture.
- Columbia Pictures et al. v. SonicBlue, Inc. and ReplayTV, Inc. Represented Columbia Pictures, et al. in a lawsuit for copyright infringement, challenging the defendants' sale of the ReplayTV 4000, a digital video recorder that permits a user to record hundreds of hours of television programming and send that programming to others over the Internet.
- Columbia Pictures Industries Inc. v. Tee Vee Toons, Inc. Represented Columbia Pictures against a well-known independent record company, TVT Records, and rap singer "Snoop Dogg" for infringing Columbia's trademark and copyright in the "Charlie's Angels" television series and motion picture. MWE obtained a preliminary injunction, enjoining defendants' use of album artwork and advertising.
- Groubert v. Spyglass Represented defendants in a copyright infringement lawsuit suing over Al Pacino motion picture "The Recruit."



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- *Fuertes v. Sony Pictures and International Creative Management* Obtained summary judgment for defendants Columbia and ICM in a copyright infringement case alleging that a motion picture project infringed plaintiff's screenplay.
- *Ribeiro v. Fox Music* Representing Fox as U.S. counsel in lawsuit filed in France alleging that the theme from the "X-Files" infringes plaintiff's music.
- *Ruddy v. Twentieth Century Fox* Defense of copyright infringement matter on behalf of Fox and USA Networks. Obtained summary judgment for Defendants.
- *Herzog v. Castle Rock and John Sayles* Obtained summary judgment and affirmance on appeal to the Eleventh Circuit on behalf of defendants in copyright infringement case.
- *Smith v. Jackson* Obtained jury verdict and affirmance on appeal in copyright infringement case on behalf of defendants Michael Jackson, Lionel Richie, Quincy Jones, Sony Music, and Warner Chappell.

honors & awards

- "Outstanding IP Practitioner," *World Intellectual Property Review* Leaders Directory (2023-2025)
- "Top Copyright Star," *Managing IP* (2020-2021, 2024-2025)
- "Recommended Attorney" in Intellectual Property - Copyright, *Legal 500* (2017)
- "Top 5% of lawyers in Southern California," *Southern California Super Lawyers* (2004-2006, 2009-2019, 2022-2023)
- AV® Preeminent™ Rating, Martindale-Hubbell

professional, business and civic affiliations

- Partner of the UCLA Entertainment and Media Law and Policy Program Advisory Council
- Served as adjunct professor of law at Loyola Law School-Los Angeles (teaching copyright)
- Former Member, Executive Committee of the Intellectual Property Section of the State Bar of California
- Former Lawyer Representative for the Central District of California to the Ninth Circuit Judicial Conference (1990-93) and to the Ninth Circuit Automation and Technology Committee.
- Former trustee and past President of the Los Angeles Copyright Society

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headlines

37 MSK Attorneys Named Among *The Best Lawyers in America*® for 2026
Best Lawyers, August 21, 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

Six MSK Partners Recognized on *Managing IP's* 2024 "IP Stars" List
Managing IP, May 31, 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 Attorneys Recognized in *Managing IP's* 2021 "IP Stars" List
June 2021

MSK and Attorneys Recognized in *Managing IP's* 2020 "IP Stars" List
May 2020

MSK Attorneys Named to the List of 2019 *Southern California Super Lawyers*
January 30, 2019

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

MSK Attorneys Named to the 2017 List of *Super Lawyers*
January 20, 2017

Robert Rotstein Featured in *Law360's* Secret Lives of Lawyers Series
October 2, 2016

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MSK Welcomes Veteran IP Lawyer
April 9, 2008

media mentions

MSK Attorneys Mentioned in *The Hollywood Reporter*
The Hollywood Reporter, February 19, 2020

Robert Rotstein and Aaron Wais Mentioned in *Law360*
February 13, 2018

Robert Rotstein Mentioned in *Variety* and *Engadget*
September 8, 2017

Robert Rotstein Mentioned in *The Hollywood Reporter* and *Deadline*
August 30, 2017

Robert Rotstein, Matthew Williams and Naomi Beckman-Straus Mentioned in *Law360*
July 6, 2017

Robert Rotstein Mentioned in *The Hollywood Reporter*
November 28, 2016

Robert Rotstein, Aaron Wais and Emily Evitt Mentioned in *Law360*
January 27, 2016

MSK Attorneys Named to the List of 2016 Southern California Super Lawyers
January 20, 2016

Robert Rotstein Mentioned in *The Hollywood Reporter*
August 2015

Robert Rotstein Featured on *Above the Law*
July 22, 2015

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

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

18 Mitchell Silberberg & Knupp Attorneys Named to the 2015 Super Lawyers Business Edition
November 21, 2014



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The Legal 500 United States 2014 Edition
June 2014

26 MSK Attorneys Named to 2014 Southern California *Super Lawyers* List
January 2014

26 MSK Attorneys Named to 2013 Southern California *Super Lawyers* List
January 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

Robert Rotstein and Matthew Williams Mentioned in *Law360* Article
April 27, 2012

25 Named to 2012 Southern California *Super Lawyers* List
January 23, 2012

The 2011 Legal 500 USA Guide Recognizes MSK Attorneys and Intellectual Property and Tax Practice Groups
Among the Nation's Best
June 9, 2011

Robert Rotstein Quoted Regarding Streaming of Copyrighted Movies
April 6, 2011

24 Named to 2011 Southern California *Super Lawyers* List
January 25, 2011

Copyright Victory a Top 10 Result from Last Year's IP Litigation Docket
March 23, 2010

28 Named to 2010 Southern California Super Lawyers List
January 26, 2010

29 Chosen to 2009 Southern California Super Lawyers List
January 30, 2009

33 Chosen to 2008 Super Lawyers Lists
November 21, 2008

publications

Reckless Disregard: A Parker Stern Novel
June 2014

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MDY Industries, LLC v. Blizzard Entertainment, Inc.: The Right to Prevent Circumvention of Access Controls Absent Copyright Infringement Under DMCA § 1201(a)
Bloomberg Law Reports - Intellectual Property, April 2011

The First Sale Doctrine in the Digital Age
Intellectual Property & Technology Law Journal, March 2010

Beyond Metaphor: Copyright Infringement and the Fiction of the Work
1993

Comment, Federal Employment Discrimination: Scope of Inquiry and the Class Action Under Title VII, 22 *UCLA Law Review* 1288 (1975)
1975

client alerts

Muddied Harbors: U.S. Supreme Court Holds That ISP Is Not Contributorily Liable for Its Users' Infringement
MSK Client Alert, March 26, 2026

The Copyright Office Report on AI and Fair Use: A Generative Controversy
MSK Client Alert, May 20, 2025

Not Just Your Neighborhood Library: Second Circuit Rejects Argument that Internet Archive's E-book Database Is Fair Use
MSK Client Alert, September 5, 2024

Eight Mile Style v. Spotify: District Court Holds Doctrine of Equitable Estoppel Bars Copyright Claims
MSK Client Alert, August 20, 2024

Of Artificial Intelligence and Untidy Facts: Federal District Court Denies Summary Judgment in AI Copyright Case
MSK Client Alert, September 28, 2023

A "Prince" of an Opinion or a Drag on Creativity? SCOTUS Decides Fair Use Issues in *Andy Warhol Foundation for Visual Arts, Inc. v. Goldsmith*
MSK Client Alert, May 18, 2023

Copyright Office Offers New Guidance for Registering Works Using AI-Generated Materials
MSK Client Alert, March 16, 2023

California Website Bill Aimed at Protecting Children May Be Signed Into Law
MSK Client Alert, August 31, 2022

No Clowning Around About Copyright Authorship: *Everly v. Everly*
MSK Client Alert, May 7, 2020

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NY Court Allows Use of Third-Party Photo Embedding, Thanks to Instagram's Terms of Service
MSK Client Alert, April 21, 2020

Ninth Circuit Ends Lawsuit Involving Copyright Protection for Characters, Leaving Plaintiffs in a Bad Mood
MSK Client Alert, March 17, 2020

events & speaking engagements

MLRC Media Law Conference 2025
September 15, 2025

Dueling Decisions: AI Training and Fair Use After *Kadrey* and *Bartz*
July 9, 2025

Collective and Non-Human Creativity
More Than Just a Game Stanford 2024
March 1, 2024

How Close is Too Close? The Fight Over Substantial Similarity in Entertainment Works
18th Annual Entertainment & Media Law Conference
March 3, 2021

Developments in Idea Submission Law
January 17, 2019

Copyright Misuse or Judicial Abuse – *Disney Enterprise, Inc. v. Redbox Automated Retail, LLC*
May 14, 2018

"Begun, the Code War Has!" Disney and Redbox Battle Over Digital Movie Codes
February 24, 2018

What's New in Copyright & Entertainment: A Review of Recent Case Law
February 22, 2017

Right of Publicity and Videogames
February 1, 2016

What's New in Copyright & Entertainment: A Review of Recent Case Law
June 22, 2015

UCLA Entertainment, Media, and Intellectual Property Law Program Lunchtime Series
2013

Florida International University/Books & Books International Writers' Conference
October 20, 2011

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Remedies for Copyright Infringement
March 22, 2011

Viacom v. YouTube Appeal: The Scope of the DMCA Safe Harbor Provisions
March 2011

Trademarks, Transformations, and Touchdowns: Recent Issues in Clearing Motion Picture, Television and Video
Game Content
January 20, 2011

The First Sale Doctrine in the Digital Age
September 9, 2009

Intellectual Property - Rights vs. Implications of Technology Innovation - from UGM to P2P - Understanding the
Legal March of History
May 8, 2008