

Entertainment Law

CALIFORNIA'S TOP ENTERTAINMENT LAWYERS OF 2015

ANDREW J. THOMAS

The phrase “clean slate” kept Thomas busy in litigation for two and a half years, “defending a studio’s right to use a descriptive phrase to tell a creative story,” he said.

“In ‘The Dark Knight Rises’ movie there’s a subplot where Catwoman is trying to acquire some software that will delete her criminal history and allow her to have a clean slate,” Thomas said, explaining that the name of the fictional software sparked a lawsuit.

The owner of Indiana-based Fortres Grand Corp. sued Warner Bros. Entertainment Inc. in 2013, alleging that the movie’s “Clean Slate” software infringed Fortres’ real computer security software of the same name. *Fortres Grand Corp. v. Warner Bros Entertainment Inc.*, 13-2337 (7th Cir., filed June 19, 2013)

Thomas secured a definitive victory for Warner Bros; a U.S. District Court dismissed the case, and the 7th Circuit upheld that dismissal. In January, the U.S. Supreme Court declined to hear a further appeal.

Thomas is also continuing to enforce a colorful injunction, following another big win for a studio.

Before the immensely popular book “Fifty Shades of Grey” hit the silver screen, Smash Pictures Inc. “created a knockoff adult version of the novels using the exact same characters, the same story line and the same dialogue word for word.”

Thomas represented Universal Studios and author E.L. James in a copyright infringement case against the production company and director that resulted in a settlement in which the defendants paid an undisclosed sum and agreed to a permanent injunction that prohibits the defendants from marketing or selling their adult adaptations of the popular series. *Fifty Shades Ltd. et al. v. Smash Pictures Inc. et al.*, cv-10111 (C.D. Cal., filed Nov. 27, 2012)

Jenner & Block LLP Los Angeles Litigation

Thomas is also taking on the complexities of termination rights on behalf of his clients in the long-running interfamily dispute over the rights to John Steinbeck’s copyrights. *Steinbeck, et al. v. Kaffaga, et al.*, cv-08681 (C.D. Cal., filed Nov. 7, 2014)

“John Steinbeck is obviously an iconic American author and we’re working with his wife’s heirs to enforce their rights and maintain the Steinbeck legacy,” he said.

A final pretrial conference is scheduled in March.

Across the spectrum of literature, film and television, Thomas said he is excited that his work continually involves changing



technologies and the intersections of various laws involving copyright, trademark, First Amendment and right of publicity.

“I think the common thread is that we’re always on the side of innovative, creative people,” Thomas said. “We protect their rights to [create] and to be able to make a living doing that.”

— Ashley Cullins