

Copyright Infringement Damages

Ajaxo, Inc., Et Al. V. Bank Of America, Et Al.

THE PARTIES SETTLED

United States District Court for the Eastern District of California, Case No. 2:07-cv-00945

The Sacramento office of the law firm Downey Brand retained Hampton IP professionals on behalf of the plaintiff to provide an opinion of damages arising from the Defendants' alleged infringement of copyrights owned by Ajaxo, Inc.

Ajaxo uses its technology to create customized web-based applications, giving companies the power to access business information. Ajaxo is a leading provider of Wireless Application Protocol (WAP) development tools for enterprise applications and was the first to provide secure wireless stock trade in North America over WAP protocol. The copyrights claimed related to online banking operations software following a merger between Bank of America and Nations Bank. The software allowed customers from both banks to access a single website and route to the correct backend system.

Hampton IP professionals provided a Rule 26 expert report and gave deposition testimony.

Brian P. Murray V. Tony Hawk, Mattel, Et Al.

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 8:03-cv-01604

The Los Angeles office of the law firm Ropers Majeski Kohn & Bentley, PC retained Hampton IP & Economic Consultants on behalf of the Defendants to review and consult on alleged copyright infringement damages. The Plaintiff alleged that Tony Hawk licensed images to Mattel, Activision, and X-Concepts without authorization.

Hampton IP & Economic Consultants calculated alleged infringing units, sales in dollars, and incremental costs.

Brian Warner P/K/A Marilyn Manson, Et Al. V. Hot JWP Music, Inc., Et Al.

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 2:04-cv-02967

The Los Angeles office of the law firm Ropers Majeski Kohn & Bentley, PC retained Hampton IP & Economic Consultants on behalf of the defendant to provide an accounting of copyright, trademark, and other damages.

Around 1989, Brian Warner formed a band with Steven Bier and Scott Putesky called *Marilyn Manson and The Spooky Kids*. Other band members came and went as the band evolved from *Marilyn Manson and The Spooky Kids* to just Marilyn Manson. Hot JWP Music, a music label company, produced *The Spooky Kids* album. Brian Warner alleged that the Hot JWP's release of a music album, which included music and video of early performances of Marilyn Manson, affected sales of Marilyn Manson's music, book, and art.

Hampton IP & Economic Consultants evaluated the impact of the album's release on the plaintiff's sales, calculated statutory damages, and submitted a Rule 26 expert report.

Bryan Callan V. Christian Audigier, Inc., Et Al.

THE PARTIES SETTLED

The Venice, California law firm of Doniger / Burroughs, APC retained Hampton IP professionals on behalf of the plaintiff to provide an opinion of damages from alleged copyright infringement.

Bryan Callan is a tattoo artist whose and his artwork has been shown in numerous publications and art galleries. Christian Audigier is a fashion designer who has contributed to brands such as Diesel, Fiorucci, Levi's, American Outfitters, and Von Dutch. BusinessWeek attributes Audigier's success to a proven formula: "take a counterculture design figure and turn him into a clothing line coveted—and worn—by celebrities and cool young people." Mr. Callan and Mr. Audigier entered into both oral and written agreements. Mr. Callan claimed the oral agreement was limited to specific items including t-shirts. Under the written agreement, Mr. Callan would product and sell artwork to Mr. Audigier going forward. Mr. Callan claimed Mr.

Audigier used the artwork licensed in the oral agreement on products other than the specific items in the agreement.

Hampton IP professionals provided a Rule 26 expert report and gave deposition testimony.

Cresco, Inc. V. Target Stores

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 2:01-cv-05295

The Los Angeles office of the law firm of Sedgwick Detert Moran & Arnold, LLP retained our consultants on behalf of Target to calculate damages arising from the alleged infringement of copyrights.

Cresco claimed to own copyrights on four lawn and garden products sold by Target, referred to as the *Teardrop Gazing Ball*, *Copper-Wrap Gazing Ball*, *Frog Figurine*, and *Frog Base*. We quantified damages arising from copyright infringement, the impact of demand letters, and the seizure of merchandise by U.S. Custom Agents.

Hampton IP consultants assisted with discovery and submitted a Rule 26 expert report that included analyses of the alleged infringing revenues and deductible costs. In addition, Hampton IP provided deposition testimony.

David Silva V. Paul Frank Industries, Et Al.

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 2:03-cv-09327

Smith Chapman Campbell, PLC retained Hampton IP & Economic Consultants on behalf of the plaintiff to provide an opinion on copyright damages arising from the defendant's alleged infringement of the images of a work called *Julius the Monkey*.

Hampton IP & Economic Consultants submitted a Rule 26 expert report and gave deposition testimony.

Designs In Copper, Inc. V. Import Resource Group, Inc., Et Al.

THE PARTIES SETTLED

Ropers Majeski Kohn & Bentley, PC retained our consultants, on behalf of the defendant to provide an opinion of damages arising from alleged copyright infringement of ornamental lawn and garden products. Designs in Copper claimed to own copyrights in a copper wrap design used in two products known as *Teardrop Gazing Ball* and *Copper-Wrap Gazing Ball* sold by Import Resource Group.

Hampton IP provided economic damages analyses and submitted a Rule 26 expert report.

E AutoXchange, LLC V. Academy, LLC D/B/A Phil Long Ford Of Chapel Hills

THE PARTIES SETTLED

United States District Court for the District of Colorado, Case No. 1:14-cv-01278

Wolfe & Wyman LLP retained Hampton IP & Economic Consultants on behalf of Academy, LLC to provide an opinion on monetary damages arising from Academy's alleged copyright infringement.

The case involved e autoXchange's ("EAX") accusation that Academy, a car dealership, infringed EAX's copyright of a software program designed to automate a virtual showroom process and allow searches of multiple, dealer-only auctions and websites across the country.

Hampton IP submitted a Rule 26 expert report.

Elohim EPF USA, Inc. And Ratt Music V. Total Music Connection Inc., Et Al.

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 2:14-cv-02496

Lowe & Baik retained Hampton IP & Economic Consultants on behalf of Feel Karaoke Inc; DDK Investment Inc.; KDK Investment Corporation; Susie Enterprises, Inc.; and Palm Tree Investment, Inc. The Los Angeles law firm of David S. Kim & Associates retained Hampton IP & Economic Consultants on behalf of Wi, Inc.; Dooballo, Inc.; B & J Entertainment, Inc.; and Pharos & Shrine, Inc.

The case involved the alleged copyright infringement of 3,341 Korean (K-pop) musical compositions claimed by the sub-publisher Elohim, and the song *Round and Round* owned by Ratt Music. All defendants own and operate karaoke bars in the city of Los Angeles and allegedly displayed the availability of and played the accused works on karaoke machines.

Hampton IP provided a rebuttal report in response to the Plaintiffs' claims for both law firms for their respective clients.

Emily Lowry And Kenna Ellis V. Michelle Romero, Et Al.

United States District Court for the District of Utah, Central Division, Case No. 2:11-cv-01075

Hampton IP & Economic Consultants was retained by the Salt Lake City firms of Parr Brown Gee & Loveless and TraskBritt, P.C. on behalf of Miche Bag, LLC and Michelle Romero, respectively, to provide an opinion on damages arising from alleged breach of contract, copyright infringement, and design patent infringement.

The infringing product was a handbag with interchangeable, copyrighted covers that attach to a base bag with magnetic fasteners.

Hampton IP provided a Rule 26 expert report.

Financial Freedom International, Inc. V. International Credit Repair Service, Inc., Et Al.

THE PARTIES SETTLED

United States District Court for the District of Utah, Case No. 2:00-cv-00659

Kirton & McConkie, PC retained our consultants on behalf of the plaintiff to provide an opinion of damages arising from copyright infringement claims related to Financial

Freedom International's nine volume work of manuals entitled *Financial Fitness Training Course Workbook*. FFII claimed that ICR published and sold an infringing work entitled *Taking Control of Your Financial Future*

Hampton IP quantified damages and submitted a Rule 26 expert rebuttal report.

Glennon Marrero V. Michael Ray Nguyen-Stevenson P/K/A Tyga, Et Al.

THE PARTIES SETTLED

United States District Court in the Central District of California, Western Division, Case No. 2:13-cv-09291

Krongold Law retained Hampton IP & Economic Consultants, on behalf of a third party defendant, Last Kings Designs, LLC, to calculate monetary remedies arising from Last Kings' (and other defendants') alleged infringement of Mr. Marrero's purported copyrighted works.

The defendants in this case included Michael Ray Nguyen-Stevenson, a hip-hop artist professionally known as Tyga; Last Kings, an apparel wholesaler; and Tilly's, a retail clothing company that sells action sports-branded clothing, accessories, shoes, and equipment. Defendants sold merchandise and apparel incorporating designs purportedly created by Mr. Marrero. Mr. Marrero claimed that he did not authorize Last Kings or Tilly's to use his designs.

Hampton IP assisted with mediation and submitted a Rule 26 report. Hampton IP also provided deposition testimony.

Oracle USA, Inc., Et Al. V. Rimini Street, Inc., Et Al.

THE JURY AWARDED ORACLE \$50 MILLION

United States District Court for the District of Nevada, Case No. 2:10-cv-00106

Shook, Hardy & Bacon L.L.P. retained Scott Hampton on behalf of Rimini Street as a damages expert to provide an opinion of damages arising from the defendants' alleged infringement of copyrights owned by Oracle. Rimini Street provides third party maintenance (3PM) related to Enterprise Resource Planning (ERP) software programs.

Hampton IP provided a rebuttal report, deposition testimony, and trial testimony.

Steiner, Et Al. V. ABC, Inc., Et Al.

THE PARTIES SETTLED

United States District Court for the Central District of California, Case No. 2:00-cv-05798

Wilson Elser Moskowitz Edelman & Dicker retained Hampton IP & Economic Consultants on behalf of the defendant to calculate damages and lost royalties due to alleged copyright infringement from the defendant's use of popular music on its daytime soap operas *General Hospital*, *One Life to Live* and *All My Children*.

Hampton IP provided economic damage analyses and submitted a Rule 26 expert report.

Student Lifeline, Inc. V. The Senate Of The State Of New York, Et Al.

THE PARTIES SETTLED

United States District Court for the Eastern District of New York, Case No. 2:04-cv-05484

John A. Dalley retained Hampton IP & Economic Consultants on behalf of the plaintiff to provide an opinion of damages arising from the alleged copyright and trade dress infringement.

Student Lifeline created a *Private Child ID Kit* derived from components of their copyrighted child safety booklet *Police Officer, Friendly Safety Tips*. Student Lifeline did not charge students and parents a fee for its services; instead, Student Lifeline sells advertising space on its cards, posters and kits. In approximately June 2004, the New York Senate abruptly severed ties with Student Lifeline and began distributing unauthorized copies of the copyrighted Child ID Kit throughout several Senatorial districts.

Hampton IP & Economic Consultants submitted a Rule 26 expert report and gave deposition testimony.

Synogy, Inc. V. Novo Nordisk, Inc., Et Al.

THE PARTIES SETTLED

United States District Court, Eastern District of Pennsylvania, Case No. 2:07-cv-03536

Synogy retained Hampton IP & Economic Consultants to calculate economic remedies arising from alleged copyright infringement and misappropriation of trade secrets.

Synogy and ZS Associates offer competing Incentive Compensation Administration software and services. Novo Nordisk, a pharmaceutical company with operations in over 75 countries, focuses on diabetes care, hemophilia care, growth hormone therapy, and hormone replacement therapy. A current client of ZS Associates, Novo Nordisk previously contracted with Synogy for Incentive Compensation (IC) Administration software and services. Synogy accused Novo Nordisk and ZS of copyright infringement and other wrongful acts related to Synogy's copyrighted incentive compensation reports.

Hampton IP calculated remedies, prepared an expert report, and provided deposition testimony.

Ubisoft, Inc., Et Al. V. Optical Experts Manufacturing, Inc.

THE PARTIES SETTLED

United States District Court for the Western District of North Carolina, Case No. 3:08-cv-00336

Greenberg Glusker retained Hampton IP professionals on behalf of the plaintiff Charlotte Division, to provide an opinion of damages from the alleged infringement of copyrights owned by Ubisoft, Inc. Ubisoft is a leading producer, publisher, and distributor of interactive entertainment products worldwide. Optical Experts Manufacturing produces CDs and DVDs. Ubisoft alleged Optical Experts Manufacturing's unauthorized pre-release leak of its *Assassin's Creed* game caused Ubisoft lost sales.

Hampton IP professionals provided a Rule 26 expert report and gave deposition testimony.

Urband & Lazar Music Publishing, Inc. V. Dwayne A. Carter
P/K/A Lil' Wayne

THE PARTIES SETTLED

United States District Court for the Eastern District of Louisiana, Case No. 2:08-cv-03566

Lowe, Stein, Hoffman, Allweiss & Hauver retained Hampton IP professionals on behalf of the plaintiff to provide an opinion of damages from the alleged copyright infringement by Lil' Wayne of a musical composition titled *Once*.

Hampton IP professionals provided a Rule 26 expert report.

Walker Zanger, Inc. V. Paragon Industries, Inc., D/B/A
Bedrosians

THE PARTIES SETTLED

United States District Court for the Northern District of California, Case No. 3:04-CV-01946

Reed Smith retained Hampton IP & Economic Consultants on behalf of the plaintiff to calculate damages arising from the alleged copyright infringement. Walker Zanger produced ceramic, glass, metal, and natural stone tile. Bedrosians alleged Walker Zanger infringed copyrights on four tile designs.

Hampton IP submitted a Rule 26 expert report and provided deposition testimony.