

Gloria Franke Shaw

Partner

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Practices

FOCUS: Litigation

Entrepreneurial Ventures

Intellectual Property Litigation

Trademarks and Trademark Litigation

Industries

Entertainment and Media

Entertainment and Media Litigation

Sports and Sports Facilities

Education

JD, University of Southern California Gould School of Law

BA, University of California, Los Angeles, *cum laude*, *Phi Beta Kappa*

Bar Admissions

California

Court Admissions

US Court of Appeals, Ninth Circuit

US District Court, Central District of California

US District Court, Eastern District of California

US District Court, Northern District of California

Community Involvements

Beverly Hills Bar Association

Los Angeles County Bar Association

The biggest names in entertainment and media trust Gloria Franke Shaw to protect their most important assets: their intellectual property. From defending against copyright infringement claims to litigating breach of contract disputes, Gloria understands how to balance legal perils, business interests and publicity concerns to protect her clients' creativity, freedom of expression and bottom line.

Innovative solutions for complex business realities

Gloria develops creative solutions for her clients' business and legal problems by uncovering what is truly important for all sides in a dispute and reaching consensus when possible. Understanding the business and technological complexities behind a contentious dispute allows Gloria to achieve the best possible outcome for her clients without damaging their business, creative works, goals or reputation. Gloria has extensive experience with how copyright, trademark, idea submission and defamation claims play out in court and in the media, and she works with her clients to balance the pros and cons of each way forward to find the solution that works best for them.

Gloria obtained the highly publicized dismissal of a copyright infringement suit against Seth MacFarlane. The suit claimed that an anthropomorphic teddy bear created by MacFarlane and featured as the lead character in the movie *Ted* was copied from the plaintiff's YouTube series character. Gloria also secured dismissal of copyright infringement claims for the producers of the horror film *The Unborn* and dismissal of breach-of-contract and breach-of-confidence claims related to the reality TV series *Ghost Hunters*.

Gloria is co-chair of Katten's Los Angeles Women's Leadership Forum, which is dedicated to the strategic retention and advancement of women. While in law school, she served as a senior editor on the *Southern California Law Review*.

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"Gloria Shaw at Katten is one of the best litigators I've worked with on entertainment-related claims. She is responsive, effective, cost-efficient and results-oriented. I would highly recommend her."

*- U.S. News – Best Lawyers® 2020 "Best Law Firms"
(Entertainment Law - Motion Pictures & Television) survey response*

Representative Experience

- Represented Seth MacFarlane, Media Rights Capital and Universal Studios in high-profile copyright case. Plaintiff, Bengal Mangle Productions, alleged in suit filed in US District Court for the Central District of California in July 2014 that anthropomorphic teddy bear from the movie *Ted* was "strikingly similar" to its character, Charlie, a teddy bear from plaintiff's Web series. We obtained stipulation for dismissal of the suit, which cannot be refiled.
- Represented certain defendants against claims of breach of implied contract and confidence relating to a TV series. We prevailed on a motion for summary judgment as to several defendants. The California Court of Appeal issued a rare Writ of Mandate ordering the trial court to grant judgment for the remaining defendant. The court issued a published opinion addressing a novel issue of the statute of limitations for idea theft claims in California.
- Defended 10 defendants (including production and distribution companies, producers and screen writer) against claims of copyright infringement and breach of implied contract regarding a horror film. Prevailed on motion for judgment on pleadings arguing that the plaintiff's screenplay and defendants' film were not "substantially similar" as a matter of law. District court's ruling was affirmed by US Court of Appeals for the Ninth Circuit.
- Represented certain defendants in action alleging copyright infringement, breach of implied contract and breach of confidence regarding a TV series. The US Court of Appeals for the Ninth Circuit sitting *en banc* addressed the scope of federal copyright preemption of state law contract claims.
- Represented sports agency and certain individual agents for a NBA player in ruling dismissing various commercial tort claims brought by the player's former agent against our clients. The New York Supreme Court found that plaintiff failed to state any cognizable state claims, and dismissed the action with prejudice and without leave to replead.

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- Defended film producers, director and writers of a film against defamation and false light claims brought by Native American tribe for allegedly portraying them in a negative manner in the film. The US District Court for the District of New Jersey granted our motion to dismiss, finding that the film is fictional, does not portray specific individuals and does not support a legal claim.
- Represented defendants in trademark infringement action relating to use of a particular phrase in the title of a TV series.
- Represent defendant in action alleging breach of contract, fiduciary duty and accounting by an actor over contingent participation from a long-running TV series.

Recognitions

- *Benchmark Litigation*
 - Under 40 Hotlist, 2018–2020
- The Legal 500 United States
 - Recommended Attorney, 2019–2020
- Super Lawyers Rising Stars
 - Southern California, 2015–2016
- *Variety*
 - Legal Impact Report, Up Next, 2016

News

- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)

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- Katten Selected as the "Go-To" Firm for Sports Law in Chicago (July 27, 2017)
- Katten Attorneys Named Southern California *Super Lawyers* Rising Stars (June 6, 2016)
- David Halberstadter, Joel Weiner and Gloria Franke Shaw Featured in *Variety's* 2016 Legal Impact Report (April 13, 2016)
- Twelve Katten Attorneys Recognized in the 2015 Southern California *Super Lawyers* Rising Stars List (June 8, 2015)
- Katten Helps Seth MacFarlane, Media Rights Capital and Universal Studios Win Copyright Case (March 24, 2015)
- Katten Names Sixteen New Partners in Five Practice Areas (August 5, 2014)
- Katten Obtains Peremptory Writ of Mandate for NBCUniversal in *Ghost Hunters* Case (May 1, 2014)
- Ninth Circuit Affirms Dismissal of Copyright Lawsuit Against Relativity Media and the Creators and Producers of the Horror Film *The Unborn* (November 22, 2013)
- Katten Represents NBC Universal in Petition for Supreme Court Review (September 6, 2011)
- Katten Announces Recipients of 12th Annual Pro Bono Service Awards and Special Pro Bono Leadership Award (July 6, 2011)

Publications

- *The Katten Kattwalk* (Triannual) | *Contributor*
- *Montz v. Pilgrim Films & Television, Inc., et al.*: Ninth Circuit Distinguishes *Grosso v. Miramax Film Corp.* and Holds That Certain Claims for Breach of Implied Contract and Confidence Are Preempted by Federal Copyright Law (June 11, 2010)

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Presentations and Events

- 26th Annual Conference of the Forum on Communications Law (January 27–February 2, 2021) | *Facilitator* | *Section 230: Everything You Love and Hate About The Internet*
- 2020 MLRC Media Law Conference (September 30–October 6, 2020) | *Panelist* | *Entertainment Law*
- 25th Annual Forum on Communications Law Conference (February 6–8, 2020)
- MLRC's 17th Annual Entertainment & Media Law Conference (January 16, 2020) | *Speaker* | *Social Media in Crisis*
- ABA Forum on Communications Law (January 31–February 2, 2019) | *Facilitator* | *Hot Issues in Entertainment*
- Los Angeles Intellectual Property Law Association Spring Seminar 2017 (May 5, 2017) | *Co-presenter* | *Copyright Year in Review*