

Daily Journal

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TOP WOMEN LAWYERS

The Daily Journal's Annual List of **100**
Leading Women Lawyers in California

Jennifer L. Keller



Keller Rackauckas LLP

Irvine

PRACTICE: Litigation

After more than four years, Keller is still fighting over dolls.

Since late 2010, she has represented MGA Entertainment Inc. in its now 11-year-long litigation with Mattel Inc. that began as a battle over MGA's Bratz dolls.

In 2013, a federal court ordered Mattel to pay MGA \$139 million in attorney fees in connection with a copyright claim in the tangled case, which Mattel paid.

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— Jennifer Keller

The parties are lined up to retry in Los Angeles County Superior Court a trade-secret theft action that had been excised from the federal case. Keller is seeking \$1 billion on behalf of MGA.

Her client alleges Mattel trained employees to impersonate retailers to steal trade secrets about upcoming products from MGA. “At toy fairs, toy manufacturers go to great pains to protect their intellectual property, with security, closed showrooms, nondisclosure agreements, and other measures designed to ensure secrecy,” Keller said.

Mattel sent its employees out to the toy fairs “at the 11th hour, rather than have

them apply for credentials in advance so that one would be able to verify their status as retailers,” she said.

Once there, the Mattel employees had access to other companies’ catalogues, price lists and advertising plans, and they could see and play with their toys. That gave Mattel a great competitive advantage, Keller said.

She said the plaintiffs have evidence of Mattel using the approach going back 14 years. “Apparently, Mattel learned long ago that cheating and stealing was paying off.”

A trial date has not been set. But Keller said she is “hoping that Round 3 will be the final battle and that MGA will finally prevail and achieve the kind of damage award it deserves.” *MGA Entertainment Inc. v. Mattel Inc.*, BC532708 (Los Angeles County Super. Ct., filed Jan. 13, 2014).

For the last couple of years, Keller also worked with famed trial lawyer John W. Kecker to defend Standard & Poor’s against government accusations that it inflated its ratings of mortgage-backed securities leading up to the economic crash. *United States v. McGraw-Hill Cos. Inc.*, CV-13-779 (C.D. Cal, filed Feb. 4, 2013).

The case settled early this year. “It was really fun working with [Keker] because he’s a legend,” she said.

— Hetert-Qebu Walters