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## PERSPECTIVE

## Toymaker fighting \$300M infringement suit calls it a 'shakedown'

By Sunidhi Sridhar

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Keller/Anderle LLP founding partner Jennifer L. Keller and her team defended MGA Entertainment against claims that, when creating its commercially successful "L.O.L. Surprise! O.M.G." dolls, the company's designers misappropriated the likeness of the OMG Girlz, a music group that was managed by R&B singer Tameka "Tiny" Harris.

A federal jury returned a full defense verdict in a \$300 million trade dress infringement lawsuit brought by a former pop group and its managers against toymaker MGA Entertainment Inc.

Pop group OMG Girlz' claims against her client is a "shakedown," the lead trial counsel for MGA Entertainment said during her closing argument Friday, hours before the jury made its decision.

Wrapping up a two-week trial, Keller/Anderle LLP founding partner Jennifer L. Keller told a jury in Santa Ana that "'to hustle' doesn't just mean to work hard. A 'hustle' can also mean a 'con,' and I think that's what we're looking at."

Keller and her team successfully defended MGA Entertainment

against claims that, when creating its lucrative "L.O.L. Surprise! O.M.G." dolls, the company's designers misappropriated the likeness of the OMG Girlz, a music group that was managed by R&B singer Tameka "Tiny" Harris. The group was signed to Grand Hustle Records, founded by rapper Clifford "T.I."

Harris' lead trial counsel and the managing partner of Sheppard Mullin's Houston office, also stressed to the jury the similarity between the name of the group and the doll line.

MGA Entertainment and its CEO Isaac Larian, who testified last week, strongly denied that the company

in the community who buys toys and knows anything about toys knows that the Bratz dolls were released in 2001," she said. The OMG Girlz was formed in 2009 and disbanded in 2015.

During his opening statement, Keville compared each of the 31 dolls with side-by-side photographs of the members of the OMG Girlz, which includes Tiny Harris' daughter, and reviewed for the jury alleged similarities between the two groups.

"What was MGA's strategy in this case? It was to deny, distract, and demean," said Keville, reminding the jury of Keller's opening statement when she compared the OMG Girlz' profits one year, around \$30,000, to those of a "decent wedding singer."

During a recess, a small group of MGA representatives could be heard discussing the claims of the lawsuit and expressing their incredulity at what the other side was suggesting in damages. "They want \$100 million," one woman said in apparent disbelief. According to testimony from an expert for OMG Girlz, MGA Entertainment's profits from the "L.O.L. Surprise! O.M.G." dolls is just over \$98 million.

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Harris. The Harris' are also parties in the lawsuit. *MGA Entertainment Inc. v. Clifford T.I. Harris et al.*, 2:20-cv-11548-JVS-AGR (C.D. Cal., filed Dec. 22, 2020).

Represented by attorneys at Sheppard Mullin Richter & Hampton LLP and Winston & Strawn LLP, the OMG Girlz alleged that the outfits and aesthetic look of the dolls at issue, such as voluminous skirts and colorful hair, closely resemble the three members of the pop group. John R. Keville, the

drew any inspiration from the OMG Girlz when designing the "L.O.L. Surprise! O.M.G." dolls. Keller and her co-counsel, firm partner Chase A. Scolnick, were able to persuade the jury throughout the trial that MGA Entertainment, most known for making Bratz dolls, has created fashionable and trendy dolls for decades.

Keville and his team made "herculean efforts," said Keller, to prevent the Bratz dolls from coming into the evidence. "Everyone out