



# Timothy C. Matson

Counsel

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Tim is an experienced and skilled transactional lawyer, litigator and intellectual property attorney with more than 20 years of experience representing musicians, filmmakers, media talent, writers, visual artists and other creators of artistic works.

He has worked with several legacy artists on copyright transfer termination issues, including the filing of the nation's first post-1978 notice of termination.

Tim also represents emerging and mid-sized businesses as they develop, market and distribute creative content and technology, such as computer software, video games and on-line products and services. The diverse nature of his practice experience enables Tim to combine a big picture perspective with a practical approach to providing effective solutions for entertainment and business clients, whether at the deal-making stage or in litigation.

On the deal-making side, Tim has handled all aspects of major publishing, recording, licensing and other agreements in the entertainment industries, as well as IP components of business acquisitions and asset transfers involving patented technologies, trademarks, copyrights and trade secrets. With respect to litigation, Tim has handled cases and arbitrations involving copyright, trademark, trade secret, right of publicity and business contract disputes. Recent examples include: a trade secret action brought by a Fortune 500 company that Tim tried to a jury in Minnesota State District Court; a trademark infringement action brought in U.S. District Court for the Western District of Wisconsin; a successful defense of a signed recording artist in a band break-up case Tim tried to a jury in Minnesota State court; the successful prosecution of breach of contract, copyright, trademark and right of publicity claims against an independent record label in U.S. District Court for the Southern District of New York; and the successful defense of a Minnesota Distributor of home computer software products against claims of \$21.5 million for copyright infringement brought by an Irish publisher of software products.

## Services

- Entertainment & Sports Law
- Litigation
- Intellectual Property
- IP Litigation
- Cannabis Law

## Before Fox Rothschild

Prior to joining Fox Rothschild, Tim was a partner in the Minneapolis office of one of the Midwest's largest entertainment law firms. Tim also served as a member of McNally Smith College of Music's adjunct faculty from 1996-1998.

## Beyond Fox Rothschild

Tim is an active member of the national and state bar associations. He is also a frequent lecturer and author on entertainment and IP issues.

## Representative Matters

- *COKeM International, Inc. v. Riverdeep, Inc.*, Civil No. 06-cv-3331 (D. Minn. 2006). Handled successful defense of Minnesota distributor of computer software products against claims of \$21.5 million for copyright infringement, trademark infringement, unfair competition and breach of contract brought by an Irish publisher of the computer software products. Case filed in U.S. District Courts for Minnesota and the Northern District of California. After numerous motions, case was tried in arbitration before retired Chief Judge for the U.S. District Court for the Eastern District of Pennsylvania. Among other things, secured partial summary judgment on theory that “First Sale” doctrine of Section 109 of the U.S. Copyright Act barred claims of copyright infringement for virtually all of the more than 150 titles at issue in the case.
- *Fallon, et al v DRT Entertainment, Inc.*, et al, Case No. 1:08-cv-04452 (S.D.N.Y. 2008); *Brockie, et al. v. DRT Entertainment, Inc.*, Case No. 1:08-cv-06255 (S.D.N.Y. 2008). Handled successful claims of breach of contract, copyright infringement, trademark infringement and violation of the right of publicity on behalf of the musical recording artists Clutch and GWAR against their independent record label DRT Entertainment in U.S. District Court for the Southern District of New York. Secured complete reversion of master sound recording copyrights and judgments of \$105,000.00 and \$45,500.00 respectively.
- *U.S.A. v. Petters, et al*, Civil No. 0:08-cv-05348 (D. Minn. 2008). Handled successful claims of international recording artist Daryl Hall against Liquid 8 Records and Entertainment, LLC, through court-appointed receiver Doug Kelley, arising out of Liquid 8’s multiple breaches of a record contract between Hall and Liquid 8’s predecessor in interest. See *Zephyr Media, LLC, d/b/a Rhythm and Groove Records v. Daryl Hall and Bryan Doyle*, Civil Action No. 02-9087 (E.D. Pa., filed March 24, 2003). Secured complete reversion of master sound recording copyrights on theories that a copyright assignment contract gives rise to a reversion of rights if the breach is so material as to create a right of termination and reversion in the grantor. Nimmer on Copyright, §10.15 Consequences of Violation of Assignment or License Provisions (August 2008); *Peer International Corporation v. Pausa Records, Inc.*, 909 F.2d 1332 (9th Cir. 1990); *Nolan v. Williamson Music, Inc.*, 300 F.Supp. 1311 (S.D.N.Y. 1969).
- *Edward Mitchell v. Billy Anders, et al*, Civil No. 08-3198 (D. Minn. 2008). Handled successful defense of out-of-state shareholder of Washington corporation against claims of copyright infringement brought in U.S. District Court for the District of Minnesota. Obtained successful dismissal of claims of copyright infringement for vicarious liability and piercing the corporate veil against defendant shareholder of alleged copyright infringer corporation.
- *Gates, et al v. Scherer, et al*, Hennepin County Court File No. 27-CV-09-21901(Minn. 2009). Handled successful defense of a recording artist signed to a subsidiary of Atlantic Records in a band break-up case. Tried case to a jury in Minnesota District Court on claims arising out of Minnesota partnership laws, copyright and trademark.
- *Avanti Center, Inc. v. Avanti Educational Programs, Inc. et al*, Court File No. 3:11-cv-00196 (W.D. Wisc. 2011). Handled trademark infringement action brought in the U.S. District Court for the Western District of Wisconsin. Case disposed of on cross-motions for summary judgment.
- *The National Theatre for Children, Inc. v. Omaha Community Playhouse*, Case No. 0:12-cv-01171 (D. Minn. 2012). Handled successful prosecution of common trademark rights in mark NTC against owner of recently registered trademark in case brought in U.S. District Court for the District of Minnesota. Secured assignment of all rights and agreement to cease and desist any and all further use of mark.
- *Ecolab Inc. v. Hetta Solutions Inc.*, Hennepin County Court File No. 27-cv-12-10096 (Minn. 2012). Handled defense of misappropriation claims brought by a Fortune 500 company against inventors of a portable thermal enclosure that eradicates bed bug infestation in hotels. Tried case to a jury in Minnesota District Court on claims arising out of the Minnesota Trade Secrets Act, contract law, and related business tort theories of recovery

## Bar Admissions

- Minnesota

## Court Admissions

- U.S. District Court, District of Minnesota
- U.S. District Court, Western District of Wisconsin

## Education

- University of Minnesota Law School (J.D., 1991)
- St. Olaf College (B.A., *cum laude*, 1988)

## Memberships

- American Bar Association, Entertainment Forum
- American Bar Association, Intellectual Property Section
- Minnesota State Bar Association, Arts & Entertainment Law Section, Chair, 2003 – 2004

## Honors & Awards

- Named a “Rising Star” by *Super Lawyers Magazine*
- Martindale-Hubbell "AV Preeminent" Rated
- Selected to the "Best Lawyers in America" list for Litigation - Intellectual Property (2019-2026), Entertainment Law - Music (2022-2026) and Information Technology Law (2023-2026) in Minneapolis, MN by *Best Lawyers*