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TOP 100 2021

PETER K. STRIS

STRIS & MAHER LLP
LOS ANGELES
APPEALS | LITIGATION

— TOP 100 —



Stris, the lead name partner of the national appellate and complex litigation boutique he founded in 2007, has argued nine cases before the U.S. Supreme Court. He is prepping for his tenth—a copyright infringement case on behalf of the defendant, fast-fashion retailer H&M.

He describes the matter as a battle against a notorious copyright troll that bears many similarities to another copyright case that he won before the Supreme Court in 2019: *Fourth Estate Pub. Benefit Corp. v. Wall-Street.com*.

The new case is *Unicolors Inc. v. H&M Hennes & Mauritz LP*. In the underlying litigation, Unicolors asserted that H&M sold garments that infringed a design for which it had a registered copyright. A jury agreed, but a 9th U.S. Circuit Court of Appeals panel reversed. The panel found that Unicolors knowingly included inaccurate information in its registration application, triggering mandatory referral to the Copyright Office to assess whether those inaccuracies were material.

Unicolors argues that referral to the Copyright Office requires a showing of intent-to-defraud, not merely knowledge of inaccuracies, and it persuaded the Supreme Court to take the case to resolve a circuit split on that issue. *Unicolors Inc. v. H&M Hennes & Mauritz LP*, 20-915 (S. Ct., cert. granted June 1, 2021). H&M's lawyers at Nixon Peabody LLP added Stris to the team to lead the Supreme Court merits briefing and argument.

According to Stris: "The only stakeholders who benefit from the misapplication of a fraud standard are copyright trolls like the plaintiff here." He continued: "Make no mistake. Their business model is to register copyrights on thousands of designs through improper applications. Those registrations are then used to extract settlements through hundreds of questionable lawsuits and thousands of baseless demand letters. We're confident the court will reject

this attempt to misread and misuse the Copyright Act."

Stris is also awaiting a decision on a possible 11th Supreme Court showdown, this one in a massive environmental lawsuit. He represents Florida and Utah counties who sued Volkswagen, under state law, for recalling sold vehicles and installing illegal emissions-cheating software. Volkswagen convinced the trial court to dismiss the lawsuits as impliedly preempted by the Clean Air Act.

Stris persuaded the 9th Circuit to reverse. Volkswagen has asked the Supreme Court to review that ruling, which, the carmaker contends, could expose it to more than \$11 billion in claims annually. *Volkswagen Group of America Inc. v. Environmental Protection Commission of Hillsborough County, Florida*, 20-994 (S. Ct., cert. petition filed Jan. 21, 2021).

"We think Volkswagen's petition should be denied. But if the Supreme Court takes the case, I'm cautiously optimistic that our clients will prevail again," Stris said.

"Business is good," he added. But meanwhile, his immediate focus in early August was on family matters. "My wife and I have a little girl coming this month. My son is 12, so it's been a long time since I changed a diaper." Fortunately, he has no arguments scheduled for a couple of months.

— John Roemer