

## Davis G. Mosmeyer

### Senior Counsel

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Dallas

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Davis Mosmeyer is an attorney with a practice focused on providing litigation, transactional, and intellectual property counseling to clients in the video game and esports industries, as well as commercial and intellectual property litigation.

### Video Game and Esports Industry Counseling

As a lifelong video gamer and esports fan, Davis has leveraged the experience of a varied litigation practice to foster the growth and expansion of start-up video game developers, publishing companies, and esports companies. He works with clients on all facets of their business, including securing copyright and trademark registrations, negotiating licensing and publishing agreements, and advising industry participants on best-practices and contest rules. Davis prides himself on understanding the issues facing this fast-growing industry and providing guidance that aligns with clients' business goals.

### Commercial and Intellectual Property Litigation

Davis's commercial and intellectual property litigation practice covers a broad spectrum of disputes, including:

- Pre- and post-merger/acquisition
- Copyright, trademark, and trade secrets
- Distributor-dealer and franchisor-franchisee relationships
- Environmental contamination
- Commercial disparagement and defamation
- Texas Anti-SLAPP and Defamation Mitigation Act

Davis has practiced before state and federal courts across the country, including Texas, Delaware, California, Pennsylvania, Colorado, Minnesota, Ohio, Georgia, Louisiana, and New Mexico.

Prior to joining the firm, Davis completed a judicial externship with Federal Magistrate Judge Jeff Manske in the Western District of Texas, where he drafted reports and recommendations on misappropriation of trade secret claims and habeas corpus petitions.

### **Representative Experience**

- Secured a US \$2.1m jury verdict for a client after a six-day copyright infringement trial in Texas federal court, where the jury found against the client's competitor and a software developer for publishing an infringing copy of the client's web-based software application.
- After a four-day bench trial in Delaware federal court, secured a take-nothing judgment for a restaurant franchise defending against claims related to asset purchase agreement negotiations.
- Drafted contest rules allowing for the expansion of an esports tournament participant pool to include international and minor players for an esports event company.
- Assisted a video game developer in a comprehensive inventory of its intellectual property assets and prepared copyright and trademark registrations to secure protection for these assets.
- Negotiated a publishing agreement for a video game developer providing for marketing/promotional services, financial investment, and porting of the title to consoles.
- Assisted a video game convention company in navigating labor and employment issues by drafting rules and regulations for staff members at its events.
- Successfully secured dismissal of business disparagement and defamation claims against a manufacturing client.
- Secured a favorable settlement for an aerospace manufacturing client in environmental litigation, which required the prior owners of the manufacturing site to assume liability for remediation efforts.

### **Affiliations**

- Member, Texas State Bar

### **Community Involvement**

- Davis dedicates a significant portion of his time to representing asylum applicants in proceedings before the Immigration Court, Board of Immigration Appeals, and Fifth Circuit Court of Appeals, as well as assisting with administrative matters before governmental agencies such as the United States Citizenship and Immigration Services.
- Davis also counsels military veterans through firm-sponsored legal clinics held at the Department of Veterans Affairs Hospital.

### **Presentations and Publications**

- No Lag: Ensuring Compliance with Labor and Employment Law in the Esports Industry, Texas Lawyer, August 3, 2022
- Empty Promises: Contractual Modification Without Consideration Leaves Franchisee Without Recourse, Foley Insights, June 9, 2021

- Ubi Jus Ibi Remedium: The Gap in Texas Courts' Protection of Mineral Owners Against Unpermitted Seismic Exploration Without Physical Entry, 69 Baylor L. Rev. 797, Fall 2016

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Litigation](#)

## Education

- Baylor University School of Law (J.D., magna cum laude)
  - Senior Executive Editor, *Baylor Law Review*
  - Brief Writer, Baylor's 2015 Pepperdine Law Entertainment Law Moot Court Competition Team
- University of Texas at Dallas (B.A., summa cum laude)
  - American Studies

## Admissions

- Texas
- United States District Court
  - Northern District of Texas
  - Southern District of Texas
  - Eastern District of Texas
  - Western District of Texas
  - Western District of Pennsylvania
- 5th Circuit Court of Appeals
- Executive Office for Immigration Review