



## **B&W wins summary judgment of no copyright infringement.**

September 29, 2005

Banner & Witcoff is pleased to announce that a legal team representing prominent video-game manufacturers and developers—[Team Play, Inc.](#), P&P Marketing, Inc., and [Cosmodog, Inc.](#)—prevailed today on a motion for summary judgment of no copyright infringement in *Team Play et al. v. Stephen W. Boyer d/b/a Skyboy Productions*.

The two, full-size, arcade, video games at issue on this motion were Sharpshooter and Police Trainer® 2. In 1997, P&P Marketing paid Mr. Boyer on a contract development basis to make portions of the Sharpshooter game. P&P Marketing then manufactured and sold the Sharpshooter game. Years later, Cosmodog independently created a video game called Police Trainer® 2. Cosmodog contracted with Team Play to manufacture and sell Police Trainer® 2. As a result of the foregoing, Mr. Boyer claimed that Team Play, P&P Marketing, and Cosmodog allegedly infringed Mr. Boyer's copyright registration in the Sharpshooter game.

On September 29, 2005, the Court, a federal court in Chicago, held that there was no copying of source code from Sharpshooter to Police Trainer® 2. In addition, the Court held that there was no substantial similarity between any of the graphical art in the two games.

The legal team on this case representing Team Play, P&P Marketing, and Cosmodog included Banner & Witcoff attorneys [Tim Meece](#), Mark Banner, and [Jason Shull](#) as well as Sheri Pellegrini from the Law Offices of Sheri Pellegrini.

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