

Stallone Delivers Knock Out in Entertainment Lawsuit

by Donald Scarinci

Sylvester Stallone recently proved that he can win battles on screen and in the courtroom. He won a dismissal in a [New York copyright infringement lawsuit](#) filed by a writer claiming to be the real mastermind behind Stallone's popular film, *The Expendables*.

Writer Marcus Webb filed the lawsuit in a New York federal court. He claimed the screenplay for *The Expendables*, a movie about mercenaries hired to defeat a military dictator, was "strikingly similar and in some places identical" to his work entitled *The Cordoba Caper*.

According to the lawsuit, Webb registered *The Cordoba Caper* screenplay and a short story with the same title and plot with the U.S. Copyright Office in June 2006. Between 2006 and 2009, Webb contended he widely circulated the screenplay for consideration in the movie industry.

However, in a motion to dismiss, Stallone's lawyers noted that Webb wrote his script *after* Stallone's co-writer David Callaham had already written three drafts of the screenplay. They further argued that Webb failed to provide any evidence that Stallone or Callaham had ever seen the *Cordoba Caper*.

Ultimately, Judge Jed Rakoff agreed. He dismissed all of the claims pending against Stallone and the other defendants.

As this case highlights, in order to bring a copyright infringement action, plaintiffs need to show more than basic similarities between the characters or plot of the film or television program, even when a valid copyright exists. To determine whether your intellectual property rights have been violated, it is imperative to consult with an [experienced entertainment attorney](#).