

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

DAVID WEXLER,

Plaintiff,

against

HASBRO, INC.,

Defendant.

Case No: \_\_\_\_\_

**COMPLAINT**

**JURY TRIAL DEMANDED**

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Plaintiff, David Wexler (“Mr. Wexler” or “Plaintiff”), by and through his attorneys, Moses & Singer LLP, for his Complaint against Hasbro, Inc. (“Hasbro”), alleges, on knowledge as to his own actions, and otherwise upon information as belief, as follows:

**NATURE OF THE PROCEEDING**

1. Mr. Wexler is a renowned entertainment interest veteran who has had substantial critical acclaim and success as a director, screenwriter and producer of films, television and commercials. Mr. Wexler is also actively engaged in inventing and developing ideas for toys and games.

2. Hasbro is one of the world’s largest toy and game manufacturers. In 2018, Hasbro reported nearly \$1.6 billion in sales of toys, games and licensing.

3. Mr. Wexler’s family has a long and storied relationship with Hasbro. His father, Howard Wexler, is the inventor of *Connect 4*, which has been licensed to Hasbro and its predecessors for decades and has generated hundreds of millions of dollars in sales. *Connect 4* is only one of the more than 120 ideas that Howard Wexler has licensed to Hasbro and other toy and game companies over the last 50 years.

4. Toy companies, including Hasbro, regularly meet with toy and game inventors, such as Howard and David Wexler, in order to obtain ideas for toys and games to develop and market. Toy and game inventors have played a critical role in ensuring that the toy and game industry remains healthy and dynamic by providing a steady flow of ideas for new toys and games.

5. Based upon longstanding toy and game industry custom and practice, toy companies compensate inventors by paying them a royalty calculated as a percentage of the revenues generated when they exploit an idea or concept created by an inventor.

6. Over nearly a decade, Mr. Wexler, assisted at times by his father, repeatedly met with senior members of Hasbro's product development team to pitch ideas that he had developed. Among the ideas presented by Mr. Wexler on numerous occasions between 2007 and 2015 were *Mash-Ups*, both the idea of a new line of toys and games that would permit Hasbro to further exploit famous games and toys that it already controlled, and specific applications of this idea for games to be potentially included in a line of Hasbro *Mash-Ups*.

7. As pitched to Hasbro by Mr. Wexler, each of the games to be included in the *Mash-Ups* line would combine the trademarks, gameplay, style and artwork of two classic Hasbro games and toys into a single game or toy; thus creating a new game experience that would be both familiar and novel to players. As explained in an Inventor Review Record prepared by Hasbro's product development team when Mr. Wexler first presented his *Mash-Ups* idea, Mr. Wexler's concept was to "combine different Hasbro brands like songs."

8. In addition to this idea, Mr. Wexler presented Hasbro with fully developed *Mash-Ups* concepts, including detailed explanations of gameplay and artwork, for specific examples of new games using more than a dozen Hasbro classics that could be included in a Hasbro *Mash-Ups* line. For instance, among the specific *Mash-Ups* proposed by Mr. Wexler over several years were

*Yahtzee* and *Boggle*, *Monopoly* and *Trouble*, *Jenga* and *Twister*, *Transformers* and *Sorry*, and *Connect 4* and *Nerf*.

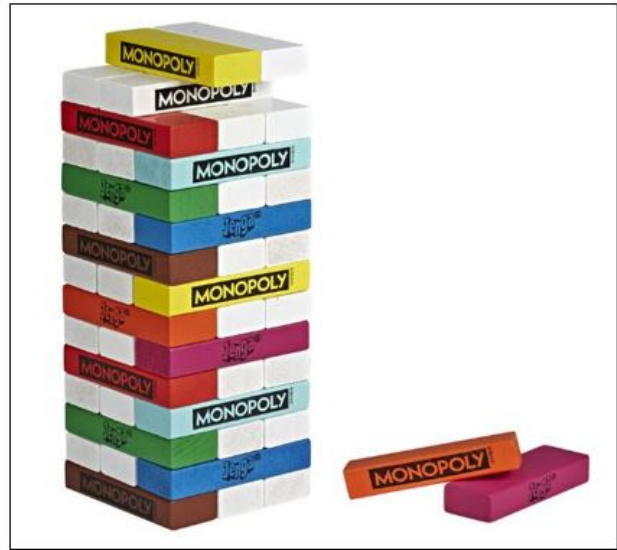
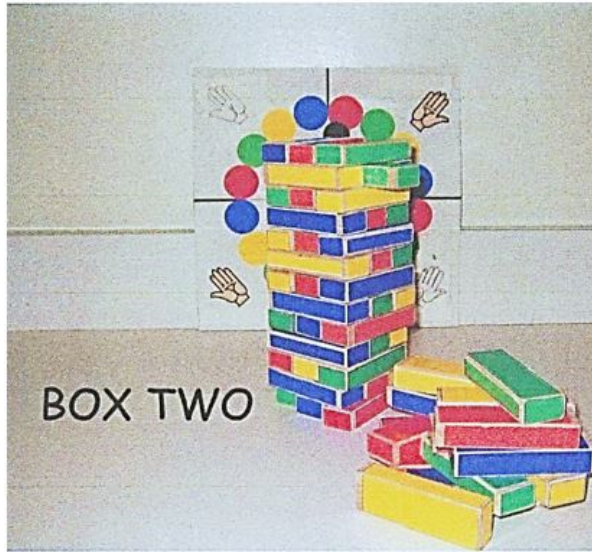
9. Notwithstanding repeated meetings with Hasbro product development officers for nearly a decade, who accepted both the Hasbro *Mash-Ups* idea and specific combinations of Hasbro classic games for consideration as new games to be brought to market, Mr. Wexler was ultimately informed that Hasbro would not be using his ideas.

10. However, in an incredible breach of trust and in violation of the terms under which Mr. Wexler shared his ideas with Hasbro for consideration, Hasbro began, upon information and belief, in or about 2016 to develop a line of *Mash-Ups* of classic Hasbro games that it brought to market in or about 2019 while refusing to pay Plaintiff a royalty.

11. Hasbro even used the *Mash-Ups* name, conceived of by Mr. Wexler, for the line of combined Hasbro games, albeit with a “+” symbol, i.e., *game mash+ups*, rather than a “-” symbol, i.e., *Mash-Ups*.

12. The *game mash+ups* line distributed by Hasbro includes a game that is strikingly similar to a combined game proposed by Mr. Wexler.

13. Mr. Wexler proposed a specific *Mash-Ups* game combining *Jenga* and *Twister* that incorporates elements of *Twister* into Jenga tiles, artwork, and gameplay (pictured below-left), and Hasbro’s line of *game mash+ups* includes a combination of *Jenga* and *Monopoly* that incorporates elements of *Monopoly* into Jenga tiles, artwork, and gameplay (pictures below-right):



14. Hasbro has even commenced selling a specific *Mash-Up* that was proposed by Mr. Wexler, a combination of *Connect 4* and *Nerf*. (Compare picture below-left of idea submitted by Mr. Wexler with pictures below-right of the product being distributed by Hasbro).



15. In a blatant, albeit doomed, effort to hide its deceit in stealing Mr. Wexler's idea of a collection of Mash-Ups, Hasbro manufactured and sold the *Connect 4* and *Nerf Mash-Up*, but did not include it in its *mash+ups* collection.

16. Hasbro's *game mash+ups* have been a commercial success. After being initially offered exclusively at Target in 2019, *game mash+ups* are now widely available, including at

Walmart and on Amazon. Indeed, upon information and belief, *game mash+ups* are generating millions of dollars in revenues for Hasbro and are expected to substantially more in revenues as a result of, among other things, their broader availability and the addition of more games to the *game mash+ups* collection.

17. Hasbro is also earning revenues from its widely distributed theft of Mr. Wexler's idea for a *Mash-Up* of *Connect 4* and *Nerf*.

18. Hasbro's conduct in stealing Mr. Wexler's ideas violates a core element of the toy and game inventing industry's custom and practice, and if left to stand, could destroy the trust between toy and game inventors and toy and game companies that has played a critical role in sustaining the toy industry for decades.

19. After learning in 2019 of Hasbro's intent to market a line of newly combined Hasbro classic games under the *game mash+ups* collection brand, Plaintiff contacted Hasbro to demand compensation for use of his ideas and specific game concepts. In response, Hasbro rejected Plaintiff's demand, incredibly claiming that Hasbro had independently come up with the idea of creating a collection of new games based on existing Hasbro classics that would be marketed as *game mash+ups*.

20. By this lawsuit, Plaintiff seeks to recover damages for Hasbro's brazen theft of Plaintiff's ideas and Hasbro's refusal to live up to its contractual and moral obligation to pay Plaintiff royalties for exploiting his ideas to *Mash-Up* classic Hasbro games.

### **PARTIES**

21. Mr. Wexler is an individual who resides in New York and is a citizen of New York.

22. Hasbro is a corporation that is incorporated in Rhode Island and has its principal place of business in Rhode Island.

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