

Haynes and Boone in Law360: Marvel Defeats Spider-Man Toy Inventor In Contract Trial

By David Fleischer | September 21, 2016

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Marvel Entertainment LLC didn't enter into an enforceable oral contract nearly three decades ago with the inventor of a Spider-Man "Web Blaster" wristband toy, an Arizona federal jury found Tuesday, producing a major victory for Marvel in a decades-long battle.

The verdict that inventor Stephen Kimble did not prove that he had entered into a valid and enforceable contract with Marvel in December 1990 wraps up a trial in the declaratory action, which Marvel filed in 2010, one of several separate cases between the parties.

The dispute dates back nearly two decades, when the inventor filed a patent infringement and contract suit against the company. Kimble alleged that in 1990 he created a Spider-Man wristband toy that could shoot foam string, and that Marvel agreed to pay him if it ever used the idea. After it released the Web Blaster toy, Kimble claimed he wasn't compensated and filed suit in 1997.

That suit settled in 2001 when Marvel agreed to buy the patent for \$500,000 and pay Kimble a 3 percent royalty on product sales. After Marvel licensed the right to produce the toy to Hasbro Inc. in 2006, however, further disputes over royalties arose and Kimble filed another breach of contract suit in 2008...

"We're very gratified by the jury verdict, which we think was absolutely correct," said Marvel attorney [David Fleischer](#) of Haynes Boone LLP...

Marvel is represented by Andrew Martin Jacobs of Snell & Wilmer LLP and David Fleischer, David Mark Siegal and Sarah Jacobson of Haynes Boone LLP.

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