

Daily Journal

APRIL 2, 2025

TOP INTELLECTUAL PROPERTY LAWYERS 2025



PATRICK M. RYAN

BARTKO PAVIA LLP
SAN FRANCISCO

Patrick M. Ryan is the co-managing partner and head of the litigation, IP protection and anti-trust practice groups at Bartko Pavia LLP. In early March, the 53-lawyer firm Bartko LLP rebranded after combining with New York's 8-attorney firm Pavia & Harcourt.

"They've referred a lot of cases to us over the years, and then their managing partner, Giovanni Spinelli, suggested to my co-managing partner that we have all these synergies. Plus, Pavia has clients

in California." Ryan said he and his co-managing partner, An Nguyen Ruda, flew East to seal the deal.

"Now we're a powerhouse national litigation practice with an added New York outpost," Ryan said. "We're very pleased."

Upcoming for Ryan are two major IP trials in the next few months.

In late April, he'll lead the Bartko Pavia team in a retrial on behalf of client Zest Labs Inc. in its suit against Walmart Inc. over the alleged misappropriation of technology that reduces food waste. Zest contends that it contracted with Walmart to use the food-saving processes, subject to non-disclosure guarantees, but found that Walmart secretly used the knowledge to draft patent applications. *Zest Labs Inc. et al. v. Walmart Inc.*, 4:18-cv-00500 (E.D. Ark., filed Aug. 1, 2018).

"Zest's revolutionary technology, had Walmart not stolen and abused it, promised to greatly reduce food waste such that the price of produce across the country should have gone down dramatically," Ryan said. "Instead, Walmart stole the technology solely to enhance its own profits and destroyed Zest's ability to market it to others who could benefit from it."

In an earlier trial, a different firm obtained a \$110 judgment against Walmart, but lost it when the court issued sanctions, set aside the verdict and ordered a new trial over an attorney's erroneous declaration. Ryan said he's not worried about trying the case on Walmart's home turf in Arkansas. "Jurors there are really good at understanding the dynamics Walmart has with its vendors," he said. He added that he expects to top the prior award. "I hope to do better."

In July, Ryan is set to be co-lead counsel for Nicky Laatz, a leading graphics designer, in a breach of license and copyright trial in San Jose against an online marketplace that allegedly misappropriated Laatz' type fonts. The marketplace, Zazzle, allegedly had an engineer obtain a single-user license for the fonts in his own name, then loaded them onto its servers to be available to tens of millions of users. The site allegedly gained hundreds of millions of dollars from misusing the fonts. *Laatz et al. v. Zazzle et al.*, 5:22-cv-04844 (N.D. Cal., filed Aug. 24, 2022).

"Truly, a *David v. Goliath* case," Ryan said.