



PLAINTIFF MOVES FOR VERY EARLY SUMMARY JUDGMENT IN CASE AGAINST ZAZZLE ALLEGING IT PROFITED FROM STOLEN FONTS

Press Release

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BARTKO LAW FIRM BRINGS VERY EARLY MSJ AGAINST ZAZZLE AS TO LIABILITY ON ALL CLAIMS IN THE CASE WHERE IT IS ALLEGED THAT ZAZZLE MADE HUNDREDS OF MILLIONS IN PROFITS BY STEALING THE SOFTWARE FOR ONE OF ITS MOST POPULAR FONTS FROM FAMED DESIGNER

SAN FRANCISCO, September 22, 2022 — Late last night, one of the world's leading graphic designers filed a very early motion for partial summary judgment—less than a month after the lawsuit was filed—against internet design and printing giant, Zazzle, Inc., in a case where she alleges that Zazzle cheated her business out of its intellectual property, which allowed Zazzle to earn hundreds of millions of dollars in ill-gotten profits.

Nicky Laatz, one of the leading custom premium font designers in the world, filed this action just less than a month ago, on August 24, 2022 in U.S. District Court for the Northern District of California, alleging that Zazzle fraudulently and secretly obtained the software for her Blooming Elegant Trio of fonts for use on Zazzle's website.

Link to lawsuit: [Laatz v. Zazzle Complaint – 8-24-22](#)

Link to Motion for Summary Judgment Against Zazzle: [Laatz v. Zazzle Motion for Summary Judgment](#)

[Patrick M. Ryan, Nicky Laatz's Lead Trial Counsel](#)

The case asserts that Zazzle instructed its senior network engineer to pose as an individual designer and obtain a single-user license for the Blooming Elegant Trio of fonts, but in reality the fonts were obtained for Zazzle's illegal use. Nicky Laatz further asserts that Zazzle then loaded the software onto its servers and made the fonts available to nearly 100 million Zazzle designers, users, and customers without permission or compensation to the designer.

Nicky Laatz offers licenses to these premium fonts for \$17 per user on her website and \$20 per user over Creative Market. The case asserts that her Blooming Elegant Trio of fonts quickly became some of the most popular fonts on Zazzle, the company was able to earn hundreds of millions of dollars in profits from its illegal use of the fonts, and avoid paying hundreds of millions of dollars in licensing fees, with zero compensation to Mrs. Laatz.

The suit seeks disgorgement of all of Zazzle's profits from the unlawful use of Laatz's hugely popular Blooming Elegant Trio of fonts, and recovery of the lost licensing revenue related to Zazzle making the fonts available to its nearly 100 million designer, users, and customers. Claims in the case include fraudulent misrepresentation and concealment, promissory fraud, intentional interference with contract, as well as copyright and trademark infringement.

"Zazzle's conduct against Nicky Laatz was brazen and without remorse. This is one of the clearest cut cases of fraud that I've ever seen in my more than twenty years of practicing law," said Ms. Laatz's lead trial counsel, Patrick M. Ryan of the Bartko law firm. "When I file a case like this one where the evidence of the Defendant's wrongdoing is conclusive from the start, I don't hesitate in bringing an early summary judgment motion on behalf of the victim," said Mr. Ryan. "I have previously successfully moved for summary judgement at the very start of cases on behalf of plaintiffs in federal court," said Mr. Ryan. "And here, because the evidence is so powerful and dispositive against Zazzle, our team is asking the Court to immediately find Zazzle liable for fraud, copyright infringement, and tortious interference, which will leave only the issues of damages and disgorgement of profits to be later tried to the jury." Mr. Ryan said: "Put simply, when you've got the goods against a bad actor like Zazzle, there's no reason to wait to present your case to the Court."

Zazzle, based in Menlo Park, is one of the most successful online marketplaces for designers looking to create and sell a wide range of customized items including invitations, business cards, holiday and greeting cards, clothing, art, and office supplies, to the public.

Zazzle is reportedly preparing for an IPO that would value it at up to \$2 billion. Yet, while the company raked in millions in profits from the unauthorized use of Laatz's intellectual property for more than five years, she received not a single cent in royalties from Zazzle.

"Zazzle ... is built on a lie that it supports, promotes, and fairly compensates artists and designers for their creative work. In reality, Zazzle's high valuation and hundreds of millions of dollars in annual profits are largely due to the intellectual property of designers whom Zazzle has stolen

from and failed to properly compensate, if at all,” according to the lawsuit filed on August 24, 2022.

Nicky Laatz, based in the UK, carefully created the Blooming Elegant Trio of fonts to be an extremely balanced and pleasing handwriting-style of fonts, and they are widely considered by designers to be among the best such fonts available. Indeed, their reputation and popularity was such that Zazzle actively marketed the fonts by name, and Blooming Elegant quickly became listed as the #2 script font by Zazzle starting over three years ago.

The complaint alleges that the Blooming Elegant Trio of fonts are the most popular fonts with Zazzle’s most successful graphic designers who have their own online storefronts on Zazzle’s website and whose work is featured among Zazzle’s most popular designs and products.

The Blooming Elegant Trio proved extremely profitable for Zazzle. These fonts became the major design element in countless highly popular items by some of Zazzle’s most successful designers, including ten of Zazzle’s 24 most popular business card designs and many of its top wedding invitations. Several of Zazzle’s highest-earning designers, who earn hundreds of thousands of dollars or more a year on Zazzle, relied on the fonts for a substantial portion of their product offerings.

Two years ago, in late August 2020, Laatz discovered the deception when a Zazzle user contacted her for assistance with using the fonts on the Zazzle website. Shocked, Laatz demanded that Zazzle cease offering her fonts to its designers and customers. She also demanded that Zazzle provide her with a full list of products designed on and/or sold through its website that used her fonts, and a complete accounting of the company’s revenues and profits from the illegitimate use of her intellectual property.

Yet the company not only refused her demands, it continued to openly offer the Blooming Elegant Trio of fonts under their own name, for which Ms. Laatz has a registered trademark, until earlier this month., when Zazzle inexplicably replaced the Blooming Elegant Trio of fonts with cheap imitations, one of which was copied from Blooming Elegant itself – extending the harm to Zazzle’s own designers and users who are also victims of the fraud.

About the Bartko law firm

Bartko, established more than 40 years ago, is a boutique law firm specializing in national and international complex litigation and investigations, as well as real estate and franchising transactions.

It is a 40-plus-lawyer firm dedicated to strategic cutting-edge representation of clients in California, nationally, and internationally. Bartko’s practice areas include representing both plaintiffs and defendants in complex business litigation, antitrust and competition claims,

intellectual property litigation, trade secret litigation, anticounterfeiting, complex employment litigation, employment/labor strategic advice and collective bargaining, as well as real estate litigation, among others.

Bartko's lead trial counsel in this case is Patrick M. Ryan, who is one of the most successful trial lawyers in the United States. Recent victories include: (1) acting as co-lead counsel in defending Sutter Health from antitrust allegations by class action plaintiffs in the Northern District of California where, after a 5-week trial, the jury returned a verdict in favor of Sutter Health and against the plaintiffs who sought \$411 million in damages, which would have been subject to trebling; (2) lead counsel for the plaintiff in a trade secret case in Santa Clara County, California, where he obtained a nearly \$900 Million jury verdict on behalf of a major international technology company.

In 2020, Patrick was named a Top Trade Secret Lawyer for 2020 by the California Daily Journal. As a result of one of his jury verdicts, Bartko was ranked as Number 3 in the Top 100 Verdicts—published by The National Law Journal (June 2019)—and having the highest ranked intellectual property victory in the United States for that year. And the California Daily Journal's Top Verdicts publication named Patrick's case the highest Intellectual Property and Trade Secrets victory in California and the Number 2 highest judgment overall for 2019.

As part of his practice, Patrick helps businesses better protect their intellectual property and coordinates investigations into potential IP theft for companies accused of stealing trade secrets and for companies that might have been the victims of such theft. In this case, Patrick seeks to vindicate the rights of an important artist whose IP was stolen and exploited by Zazzle.

Co-counsel Stephen Steinberg is a trial lawyer at Bartko specializing in representing technology companies in disputes involving intellectual property and other complex business issues, including claims for theft of trade secrets, trademark and copyright infringement, and disputes involving startups and founders. He regularly represents both plaintiffs and defendants in such cases, and counsels companies on how to protect their intellectual property from competitors and how to avoid claims by competitors against them. He second-chaired the trial in the aforementioned trade secret case that led to a nearly \$900 Million jury verdict that was ranked as one of the largest in 2019.

Co-counsel Chris Gribble is a trial lawyer at Bartko specializing in intellectual property and complex business litigation. His broader experience includes federal criminal defense, patent litigation, real estate litigation, environmental law, securities litigation, founder disputes, and corporate governance litigation. He has represented clients of all sizes across all subject matters through all stages of litigation. He has first-chair trial and arbitration experience and has been part of multiple trial teams both in California and out of state. Though underutilized in his daily practice, Chris has a master's degree in Chemistry from U.C. Berkeley.

Co-counsel Casey Mathews is a litigation associate at Bartko with extensive experience representing clients in a broad array of complex commercial litigation, including, among other areas, contract disputes and corporate governance litigation. He has represented a large range of clients through nearly all stages of litigation, from pleadings and dispositive motions through trial. He has particularly apt experience with claims for intentional interference with contracts, having conducted extensive research on the subject in connection with the drafting and publication of the third restatement of torts.

Zazzle's Counsel

Seemingly in recognition of the serious nature of the case against it, Zazzle hired the law firm, Quinn Emanuel Urquhart & Sullivan, LLP, to try and defend its actions against Mrs. Laatz. According to its own website, "Quinn Emanuel is the one law firm in the world that major companies least want to see as opposing counsel.... Those interviewed were asked to name the law firm they least wanted to see as opposing counsel. **Quinn Emanuel ranked number one as the most feared.**" But Mrs. Laatz's lawyers have experience in dealing with Quinn Emanuel's tactics and look forward to vindicating her rights against Zazzle and its law firm. The Quinn Emanuel Lawyers arrayed against Mrs. Laatz are: Rachel M. Kassabian, Andrew H. Shapiro, Daniel C. Posner, and Olga Slobodyanyuk.

Photo of Nicky Laatz

Image of Blooming Elegant Font Image

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