



Paul

Paul D. Swanson
Shareholder

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Paul Swanson's track record speaks for itself: the *World Trademark Review 1000* lists Paul as a top individual in the trademark practice, describing him as a "very smart IP litigator who brings decades of courtroom experience to the table." He is the only Washington attorney to be awarded Lexology's 2017 Client Choice Award in the field of trademark law.

Paul's food/intellectual property law practice provides astute counsel regarding the intellectual property foundations of your food-related business ventures. His guidance is especially vital for agribusiness clients with intellectual property rights in formerly unbranded fresh fruit and vegetable produce. As the industry has shown, the reputation and goodwill of agribusinesses and foodservice companies is bound up in the quality of their products and services and the brand recognition generated through the diligent efforts of company employees and their predecessors.

Having worked on cases that now authoritatively control legal outcomes in matters of agribusiness commerce, Paul has a deep understanding of the complex legal issues faced by his clients. He regularly speaks on and writes about intellectual property issues and is principal contributor to the firm's "Earth and Table" Law Reporter blog, devoted to analyzing the interplay between intellectual property and food commerce.

Paul is a Former Chair of the Washington State Bar Association's Intellectual Property Section. He also chaired a WSBA/IP trademark committee whose work significantly revised Washington trademark law, and is a member of the International Association of Culinary Professionals (IACP).

Paul served as a Board Member of the Neighborhood Farmers Market Alliance, a community-based, nonprofit organization that operates seven farmer/food-only markets in Seattle neighborhoods. His article regarding the history and legal status of organic and natural food labels entitled "We

Practices & Industries

Antitrust, Competition, & Trade
Commercial Litigation
Food, Beverage & Hospitality
Intellectual Property Litigation
Intellectual Property Transactions

Education

University of Minnesota, J.D., *cum laude*,
1982
St. Olaf College, *cum laude*, 1979
•Phi Beta Kappa
•President, Iota Tau Chapter of Alpha
Phi Omega (1977-78)

Admissions

Washington
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, Eastern and Western
Districts of Washington
Minnesota (Inactive)

Honors

The Best Lawyers in America®, Trademark (2020-2021)
"Leading Trademark Professional," *World Trademark Review 1000* (2014-2018, 2020)
America's Top 100 High Stakes Litigators®, Washington (2018)
"Client Choice Award," Lexology, Intellectual Property: Trademarks – Washington (2017)
AV Preeminent® in Martindale-Hubbell® Peer Review Ratings™

LinkedIn

<https://www.linkedin.com/in/paul-swanson-43b6563/>

"Are What We Eat" appears on the website of *Gastronomica: The Journal of Food and Culture*.

Experience

Rad Power Bikes v. Lectric Cycles

Represented Rad Power Bikes in a USPTO trademark dispute over rights to the RAD family of marks in connection with electric bikes; case settled during pretrial discovery.

Plant Patent Advice and Counsel

Provided advice and counsel regarding plant patent rights in connection with a trademark dispute over certain patented and trademarked varietal plant names.

Expert Witness Consulting Regarding Food Composition Patenting

Prepared expert witness consulting and expert witness report regarding the patentability of a U.S. food composition patent application in connection with a patent legal malpractice claim.

Benson v. NFC Data, Inc.

Case No. 1:12cv1161, 2013 U.S. Dist. LEXIS 63115

Lead defense counsel in patent ownership proceeding in the Virginia Eastern District Court ("rocket docket") and prevailed for client in preliminary injunction proceedings.

Gerawan Farming, Inc. v. Prima Bella Produce, Inc

Case No. 1:10-cv-00148-LJO | U.S. District Court, Eastern District of California | Fresno, California

Lead defense counsel in a case involving the mark PRIMA and its use of trademark and as U.S. plant patent titles

Taltech Ltd v. Esquel Enterprises Ltd

Local trial counsel in patent infringement lawsuit involving the largest apparel manufacturers in the world; client obtained a judgment of non-infringement, inequitable conduct and attorneys' fees of around \$6.8 million.

Van Well Nursery v. MONY Life Insurance Company

Case No. 421 F.Supp.2d 1321; 362 F.Supp.2d 1223 | U.S. District Court, Eastern District of Washington

Represented agricultural lending/financing defendant in test case of the scope of plant patent and trademark rights; plaintiffs' claims were all dismissed through summary judgment.

Attachmate Corporation v. Health Net, Inc.

Case No. 2:09-cv-01161 | U.S. District Court, Western District of Washington

Local trial counsel in defense of alleged software copyright infringement and breach of contract claims.

Krivosha v. Walgreen Corp. and Jupitermedia Corp.

Represented defendants against right of publicity claims arising out of an image used in national advertising.

Thermion, Inc. v. Thermion Metalizing Systems, Ltd.

Case No. 3:05-cv-05409 | U.S. District Court, Western District of Washington

Patent and trademark infringement claims and counter claims; defendant's successful preliminary injunction cross-motion is reported at 423 F.Supp.2d 1146.

National Licensing Association v. Inland-Joseph Fruit Company

Case No. 361 F.Supp.2d 1544 | U.S. District Court, Eastern District of Washington

Motion authored by Paul resulted in the dismissal of all lawsuits filed by the NLA; case involved apple plant patents and trademarks.

Votivo v. Target Corp.

Defense of trademark infringement and unfair competition claims.

Rosie O'Donnell v. Entercom Portland

Defense of trademark infringement and dilution and right of publicity claims and pursuit of antitrust and unclean hands affirmative defenses.

Bostwick Laboratories v. Cortex Medical Management Systems

Multiple claims related to software systems designed for pathology laboratories.

Callison Architecture Inc. v. Cordax Inc.

Software development and trade secret dispute.

Wade Cook v. Tony Robbins

Defended Robbins Research, Inc. and Tony Robbins in infringement and trade secrets case in state court in Washington brought by Wade Cook Seminars. Case settled favorably.

Shell v. Lindal Cedar Homes

Won an arbitration award and judgment for copyright infringement for architectural works against a leading manufacturer of homes.

Sever v. Alaska Pulp Corporation

Case No. 978 F.2d 1592; 941 P.2d 354 | Alaska Supreme Court

Defense of a corporation and its officers against RICO and a host of other federal and state law claims; the dismissal of all federal claims was affirmed by the Ninth Circuit.

North by Northwest Productions v. ILF Media

Trade secret TRO and preliminary injunction action.

Precor v. Life Fitness

Complex patent litigation involving a number of key patents covering the designs and technologies incorporated into “high-end” exercise treadmills.

Elegant Gourmet v. Traverse Bay

Defense of trade secret misappropriation and trade dress infringement claims.

Enterprises International, Inc. v. International Knife & Saw, Inc.

Case No. C12-5638 BHS, 2014 U.S. Dist. LEXIS 101375; Copy. L. Rep. (CCH) ¶ 30,641, recons. denied, 2014 U.S. Dist. LEXIS 124221 | U.S. District Court, Western District of Washington

Defended International Knife and Saw, a South Carolina-based manufacturing company, against claims for the misappropriation of intellectual property.

Professional Experience

Perkins Coie LLP, Associate (1983-1985)

Minnesota Supreme Court, Law Clerk (1982-1983)

Community Involvement

Washington State Bar Association

- Chair, Intellectual Property Section (2000-2001)
- Chair, Intellectual Property Section Model State Trademark Review Committee (the committee's work culminated in the enactment of SB5122 in 2003, revising Washington trademark law)
- Member, Cyberspace Law Committee, analyzing and reporting on the proposed Uniform Computer Information Transaction Act (UCITA)

American Inns of Court, Seattle Intellectual Property Chapter, Member

5th and 6th Annual Intellectual Property Institutes sponsored by the WSBA/IP Section, Co-Chair (2000, 2001)

Neighborhood Farmers Market Alliance, Board Member (2012-2016)

International Association of Culinary Professionals, Member (2001-Present)

Thought Leadership

August 20, 2020 | News

The Best Lawyers in America © 2021 Recognizes 92 Lane Powell Attorneys Awards & Honors

May 13, 2020 | Blog

Promoting Scientific Agricultural "Progress" Through Novels
"Earth & Table" Law Reporter

February 24, 2020 | News

K. Davis, Jagla and Swanson Recognized in 2020 *World Trademark Review 1000*
Awards & Honors

February 7, 2020 | Blog

On Monopolies, Fine Dining and Feeding the Masses in California's First Gilded Age
"Earth & Table" Law Reporter

September 26, 2019 | Blog

What's in a Name?: On Filberts, Hazelnut Milk, Shredded Wheat and Food Identity Standards
"Earth & Table" Law Reporter

August 15, 2019 | News

The Best Lawyers in America© 2020 Recognizes 63 Lane Powell Attorneys Awards & Honors

May 8, 2019 | Blog

The Copyrightable Firepower of Hedonic Food Consumption
"Earth & Table" Law Reporter

April 30, 2019 | News

Swanson Quoted in *LA Times* Article 'A Legal Conflict Brings a Sour Note to the Sweet History of California Strawberries'
In the News

April 9, 2019 | News

Swanson Quoted in *Bloomberg BNA* Article 'Driscoll's Strawberry Dispute Could Sweeten Plant Patent Case Law'
In the News

January/February 2019 | Publication

Olney vs. Nelson vs. Beard: The Recipe Copyright Bout of the 20th Century
IP Litigator

November 15, 2018 | Blog

The Recipe Copyright Title Bout of the 20th Century: Olney vs. Nelson vs. Beard
"Earth & Table" Law Reporter

August 28, 2018 | Blog

The Scientific-Sounding Bar to Patenting Food Compositions and Marketing Around Innate Rejection of Novel Foods
"Earth & Table" Law Reporter

July 19, 2018 | Blog

On Oregon Black Truffles, Scent Marketing and Neuropsychological Food Cravings
"Earth & Table" Law Reporter

March 28, 2018 | Blog

A Bourbon Pecan Pie Fest of Plant Patents, Copyright "Originality" and Soiled Chef Brands
"Earth & Table" Law Reporter

February 13, 2018 | News

IP Teams Recognized by *World Trademark Review 1000* for Fifth Consecutive Year

Awards & Honors

January 31, 2018 | Blog

The Intellectual Property Allure of Truffle Mushrooms
"Earth & Table" Law Reporter

November 20, 2017 | Blog

A Thanksgiving of Patentable Nuts and Vintage Nutcrackers
"Earth & Table" Law Reporter

November 1, 2017 | Publication

How Apple Plant Patents Liberated the American Palate
Oregon Business Magazine

September 20, 2017 | Blog

From Honeycrisp to Sweetango: How Apple Plant Patents Liberated the American Palate
"Earth & Table" Law Reporter

September 5, 2017 | News

Swanson Featured in NPR 'The Salt' Blog Post 'The Rise of Mock Meat: How Its Story Reflects America's Ever-Changing Values'
In the News

July 20, 2017 | Blog

A Toxic Pairing: Discovery Misconduct and Juror Neuropsychology in a Plant Patent Trial
"Earth & Table" Law Reporter

May 30, 2017 | Blog

How Intellectual Property Rights Shape Neuropsychological Demand for Orange Flavors
"Earth & Table" Law Reporter

May 11, 2017 | Event / CLE

Some Pros and Cons of Litigating Patent Cases in the Eastern District of Texas
Seattle IP American Inn of Court | Seattle

February 23, 2017 | Blog

Wild Introgressions: The Tomato Genome's Impact on Plant Patenting and Trademark Branding Prospects
"Earth & Table" Law Reporter

February 9, 2017 | News

Swanson Wins IP/Trademarks Lexology Client Choice Award
Awards & Honors

January 25, 2017 | News

Lane Powell and Attorneys Davis, Mehrbani, Jagla and Swanson Listed in 2017 *World Trademark Review 1000*
Awards & Honors

November 15, 2016 | Blog

Palate Pleasing Zucchini's Dominate Squash Patenting
"Earth & Table" Law Reporter

September 30, 2016 | Publication

No Small Potatoes: Patenting Spuds in an Era of Gene Silencing
Landslide

September 27, 2016 | Blog

GMO Food Labels, Our Emotions and the "Rationalist's Delusion"
"Earth & Table" Law Reporter

June 20, 2016 | Blog

Patenting the Quest for a More Perfect Veggie Burger
"Earth & Table" Law Reporter

May 24, 2016 | Blog

Compensating "Disgust": Psychoanalyzing Emotional Distress Claims Involving Food Products
"Earth & Table" Law Reporter

March 16, 2016 | Blog

Starlet Marketing, Patenting and Branding of the California Artichoke
"Earth & Table" Law Reporter

February 23, 2016 | Blog

The Genetics of Date Palm Patenting

"Earth & Table" Law Reporter

February 10, 2016 | Blog

Patenting the Avocado: A California Story with a Classic Recipe

"Earth & Table" Law Reporter

January 20, 2016 | News

Lane Powell and Attorneys Davis, Mehrbani, Jagla and Swanson Named as 'Top' in 2016 *World Trademark Review 1000*

Awards & Honors

January 14, 2016 | Blog

Novel Potato Chips: The Patentable Art of Processing Potatoes

"Earth & Table" Law Reporter

November 25, 2015 | News

Swanson Quoted in *Law360* Article Regarding IP Malpractice Suits

In the News

September 11, 2015 | Blog

Patenting the Potato: "Not All Taters are Created Equal"

"Earth & Table" Law Reporter

May 4, 2015 | Publication

Back to the 'Useful Arts' — Supreme Court Reins in the Expansive Interpretation of Patent Eligibility

Seattle Business

April 28, 2015 | Blog

Transgenic Salmon: A Primer on FDA Food Safety Regulations

"Earth & Table" Law Reporter

March 13, 2015 | Event / CLE

Building Sustainable Regional Foodsheds

Lewis & Clark Law School | Portland, Oregon

March 11, 2015 | Publication

The 'Legalities' of Ambient Scent Marketing

SoFAB Magazine

February 26, 2015 | Publication

POM Wonderful: The New Prescription for False Advertising

World Trademark Review

February 9, 2015 | Publication

Assessing the Validity of Food Processing Patents, Post-Alice
Lane Powell White Paper

January 26, 2015 | News

Lane Powell, Davis, Mehrbani, Jagla and Swanson Listed in 2015 *World Trademark Review 1000*

January 16, 2015 | Blog

Assessing the Validity of Food Processing Patents, Post-Alice
"Earth & Table" Law Reporter

December 30, 2014 | Publication

The Challenges of Regulating Food Safety and Litigating Food Mislabeling and False Advertising Claims
Recent Developments in Food and Drug Law

November 24, 2014 | Blog

Trademarks as a Barometer of Change: A Pop Quiz
"Earth & Table" Law Reporter

November 7, 2014 | Event / CLE

The 'Legalities' of Scent Marketing
Southern Food and Beverage Institute | New Orleans, Louisiana

November 5, 2014 | Blog

Breaking Up is Hard to Do: The California Strawberry Commission's Claim to University Plant Breeding Research
"Earth & Table" Law Reporter

November 4, 2014 | Publication

Why Plant Patenting Floats Free of GMO Crop Controversies
Oregon Business magazine

September 23, 2014 | Publication

The Power of Smell: Scent Marketing Meets the Future of Gaming and Internet Surfing
Seattle Business

June 6, 2014 | News

Swanson Quoted in *Law360* Article Regarding *POM v. Coca-Cola* Lanham Act Ruling

In the News

May 12, 2014 | Blog

Not-So-Sweet Smell of Success: When Does Ambient Scent Marketing Become a Deceptive Trade Practice?

"Earth & Table" Law Reporter

March 27, 2014 | Publication

Core Issues — New Patents in the World of Apples

Seattle Business magazine

March 11, 2014 | News

Lane Powell, Davis, Mehrbani and Swanson Listed in 2014 *World Trademark Review 1000*

Awards & Honors

March 5, 2014 | Blog

Strawberry Patent Rights, Forever

"Earth & Table" Law Reporter

January 13, 2014 | Blog

Will the Recent Scientific Attack on Vitamin Use Spawn a New Wave of False Advertising Litigation?

"Earth & Table" Law Reporter

August 27, 2013 | Blog

"Faux" Foods and False Advertising Claims: A New Recipe for Whipping Up Lawsuits

"Earth & Table" Law Reporter

March 14, 2013 | Blog

Why Does Food Mislabeling Outrage Consumers?

"Earth & Table" Law Reporter

December 5, 2012 | Blog

Antitrust Monopolization Considerations in Licensing Cutting-Edge Food Technology Patents

"Earth & Table" Law Reporter

October 10, 2012 | Blog

So, Are Organic Foods Really Safer and Healthier For Us After All?
"Earth & Table" Law Reporter

July 9, 2012 | Blog

The Growing Allure of Plant Patenting for Brand Differentiation
"Earth & Table" Law Reporter

June 20, 2012 | Blog

Patenting Enhanced Taste and Food Processing: Some Engaging Current Developments
"Earth & Table" Law Reporter

June 11, 2012 | Blog

The FDA Rejects Renaming of HFCS as "Corn Syrup"
"Earth & Table" Law Reporter

June 11, 2012 | Blog

Fruit Juice Misbranding Claims Lose Their Lanham Act Bite
"Earth & Table" Law Reporter