

Daily Journal

APRIL 2, 2025

TOP INTELLECTUAL PROPERTY LAWYERS 2025



ERICA J. VAN LOON

NIXON PEABODY

LOS ANGELES

Law runs in Erica Van Loon's family. Her mother, Adrian Pruetz, paved the way as a prominent IP litigator.

"My mother ... has been my most important mentor in law and in life," Van Loon said. "I vividly recall going to preschool as a little girl across the street from where my mom was attending law school."

The mother-daughter connection extended to their professional lives when they established their own law firm, Pruetz Law Group, taking a patent case to the U.S. Supreme Court and winning.

"I have focused my practice on IP litigation for over 20 years," says Van Loon. "I am a lover of the arts, in particular, modern

dance, live music and international film. It has always been important to me to protect and defend the ideas and rights of artists."

Van Loon's path to IP law began during her time at the Producers Guild of America, where she worked between undergraduate studies and law school. There, she developed protocols to determine which producers qualified for the prestigious Golden Laurel Award. This experience solidified her interest in defending the rights of creators.

Van Loon's recent work includes representing video game developers in copyright infringement cases.

Her team won a temporary restraining order and permanent injunction for WeMade Max Co., Ltd. in the Northern District of Illinois, and another temporary restraining order for Madngine Inc. against several defendants. *WeMade Max Co., Ltd. v. Does*, 1:24-cv-12393 (N.D. Ill., filed Dec. 2, 2024); *Madngine Inc. v. Does*, 1:25-cv-01007 (N.D. Ill., filed Jan. 29, 2025).

These cases present unique challenges in the digital realm, Van Loon said. The platforms hosting the games often refuse takedowns for software code infringement, making litigation the only recourse. Courts have recognized the value of these intellectual property assets and responded swiftly.

Van Loon also represents clients from newer creative industries. In a notable case, she defended social media influ-

encer Brittany Xavier when Xavier's photograph was used without permission on packaging for skin care products sold at major retailers. *Brittany Xavier, et al. v. Undefined, Inc., et al.*, 23-cv-1483 (N.D. Cal., filed March 29, 2023).

"My team and I filed suit in the Northern District of California for copyright infringement, right of publicity, false advertising and unfair competition," Van Loon said. The case was resolved after discovery and mediation.

Van Loon said this case highlights the tension between influencers' marketing power and their need to maintain positive public images, which can create vulnerabilities when others exploit their likeness. She also noted that influencer representation requires both litigation and media strategies, as public opinion can impact case outcomes.

Looking ahead, Van Loon monitors evolving legal questions surrounding artificial intelligence and copyright. She references the District Court of Delaware's recent ruling on summary judgment in *Thomson Reuters v Ross Intelligence* that feeding copyrighted works into an AI model for training purposes does not constitute fair use.

"Given the increasing number of generative AI models, we can expect further clarification from Congress and the courts as to what materials can be legitimately used to train AI models and who owns the output," Van Loon said.