

Sony B. Barari



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Education

College of William Mary, J.D., 2005
Harvard University, M.A. (Government), 2007
University of California, Los Angeles, B.S.
(Molecular, Cell and Developmental Biology),
2002

Professional Affiliations

American Intellectual Property Law Association
San Francisco Intellectual Property Law
Association
North American South Asian Bar Association
ACLU of Northern California

Bar Admissions

State Bar of California
United States Patent and Trademark Office
Patent Bar
Northern, Central, Eastern and Southern
Districts of California
Federal Circuit

Practice Areas

Business Litigation
Intellectual Property Litigation
Patent Litigation
Real Estate Litigation
Trade Secret Litigation
Trademark, Copyright and Technology Licensing Litigation
Trust and Estate Litigation

Experience

Sony Barari is Senior Counsel at the firm. His practice focuses on patent and other intellectual property litigation. He has litigated, or otherwise counseled clients in, patent-related matters in various fields, including molecular biology, computer software, mobile communications, systems monitoring and electronics. He is a former in-house attorney for a biotech company and a former employee of the United States Patent and Trademark Office (USPTO) as well as a current member of its patent bar.

Mr. Barari has a strong background in patent analysis and proceedings before the USPTO. Mr. Barari also has extensive experience counseling clients regarding copyright, trademark, right of publicity and unfair competition matters and has assisted companies with developing and implementing strategies for the protection and licensing of their intellectual property portfolios. Mr. Barari's practice has included cases before various federal district courts across the country as well as appellate matters before the Ninth Circuit Court of Appeals and the Federal Circuit Court of Appeals.

Representative Cases

In *Natera, Inc. v. Sequenom, Inc.* (N.D. Cal.), Mr. Barari was lead counsel representing a declaratory judgment plaintiff asserting that patent-in-suit relating to non-invasive prenatal genetic testing is not valid and not infringed. He obtained a summary judgment of invalidity on the grounds that the patent-in-suit is not directed to patentable subject matter under 35 U.S.C. § 101. The finding was unanimously affirmed by the Federal Circuit Court of Appeals in a consolidated appeal, *Ariosa Diagnostics, Inc. et al. v. Sequenom, Inc.*, 788 F.3d 1371 (Fed. Cir. 2015), cert. denied 136 S. Ct. 2511 (2016).

In *AntiCancer, Inc. v. Carestream Health, Inc.* (S.D. Cal.), Mr. Barari defended a medical equipment company against claims of infringement of patents concerning the use of cancer cells transformed to express green fluorescing proteins. The case settled favorably after a partial summary judgment of non-infringement was granted in favor of his client.

Representative Cases [Continued]

In *Genetic Technologies Limited v. Natera, Inc.* (D. Del. and N.D. Cal.), Mr. Barari was lead counsel defending a genetic testing company against claims of patent infringement by a non-practicing entity. After obtaining transfer of the matter to the Northern District of California, 2014 WL 1466471 (D. Del. Apr. 15, 2014), the plaintiff dismissed all claims in a “walk away” agreement without payment.

In *Netlist v. Diablo* (N.D. Cal.), Mr. Barari represented plaintiff in a trial of trade secret, patent and trademark claims involving HyperCloud® LR-DIMM memory module technology.

In *WiAV v. Motorola* (E.D. Va.), Mr. Barari was a member of a team representing patent-owner Mindspeed Technologies, Inc. against claims of invalidity and unenforceability for eight of its patents related to speech coder technology.

In *EBS Automotive Systems et al. v. Illinois Tool Works et al.; Illinois Tool Works v. MOC Products Company et al.* (S.D. Cal.), Mr. Barari represented Illinois Tool Works in two patent infringement cases involving motor vehicle maintenance equipment.

In *International Printer Corp. v. Brother International Corp. et al.* (E.D. Tex.), Mr. Barari defended the producer of imaging and printing equipment in a patent infringement suit in the Eastern District of Texas regarding systems and methods for monitoring and controlling copy machines.

Mr. Barari managed the transition of American Honda’s entire copyright portfolio into digital media and developed an ongoing program for copyright renewal and registration.

In *Davis v. Electronic Arts* (N.D. Cal.), Mr. Barari represented one class of former NFL athletes in a large-scale class-action suit against a video game company for right-of-publicity violations. The Ninth Circuit upheld the district court’s finding that EA could not claim an “incidental use” or a First Amendment defense to former NFL players’ right-of-publicity claim based on EA’s use of former NFL players’ likenesses in its “Madden NFL” franchise.