

Patrick M. Ryan



Contact

Main: 415.956.1900
Direct: 415.291.4540
Fax: 415.956.1152
Email: pryan@bzbm.com
LinkedIn: Patrick M. Ryan

Education

University of Notre Dame Law School, J.D., 1999 (Co-captain of the National Moot Court Trial Team; International Academy of Trial Lawyers Award for Distinguished Achievement in Oral Advocacy; Weber Moot Court Award for Outstanding Achievement in the Art of Oral Argument; Research Assistant to G. Robert Blakey, former Notre Dame professor and author of the RICO statute).

University of Arizona, B.A. Magna Cum Laude (Political Science and Russian), 1996

Professional Affiliations

Bar Association of San Francisco

The Lawyers' Club of San Francisco, President, 2006

Board of Governors, The Lawyers' Club of San Francisco, 2000-2007

Fellow, The American Bar Foundation

American Bar Association, Section of Antitrust Law

Practice Areas

Business Litigation	Real Estate Litigation
Class Action Litigation	Trade Secret Litigation
Enforcement and Data Privacy	Trademark, Copyright and Technology Licensing Litigation
Intellectual Property Litigation	White Collar & International and Internal Investigations
Patent Litigation	

Experience

Patrick Ryan, Co-Chair of Bartko's Antitrust Group, handles cases throughout the United States involving a cross section of complex commercial litigation, antitrust, intellectual property, trade secrets, class action, false advertising, and constitutional matters. Over the last 20 years, Patrick has successfully litigated, on both the plaintiff and defense side, numerous matters for major corporate clients from a variety of industries, including manufacturing, automotive, software, healthcare, retail, biotech, and real estate. Patrick is a business-centric lawyer who believes that lawyers should share the risk and rewards with their clients through alternative-fee approaches. Patrick can make the most complex concepts simple to understand for judges and juries, and he regularly solves complex problems for companies—both in and out of court—using creativity and imagination.

Patrick gets to know a client's business and finds a way to substantially mitigate litigation risk while at the same time helping the client improve its bottom line. Patrick is known for being an excellent crisis manager who has led collaborative teams of dozens of lawyers across multiple law firms to achieve success for an industry or a group of clients.

In *Global Competition Review* (3 July 2013), Paul Ortiz, then a senior in-house attorney at Cisco, said, "I have worked closely with Patrick Ryan on numerous complex litigation matters, including antitrust matters; he is creative, attentive, and brilliant. Patrick knows his clients' business goals and always finds a way to achieve them whether through settlement or litigation victory."

Most recently, Patrick obtained an \$845 Million judgment for ASML in one of the largest trade secret victories in US history, resulting in the Bartko firm being ranked as Number 3 in the Top 100 Verdicts for 2018—published by *The National Law Journal* (June 2019)—and having the highest ranked intellectual property victory in the United States for 2018.

Prior to joining the firm, Patrick was a Partner and Chairman of Jeffer, Mangels, Butler & Mitchell, LLP's Antitrust Group in San Francisco. Before joining JMBM, he was a Partner in the commercial litigation and antitrust practice groups of two global law firms—Winston & Strawn LLP and Morgan, Lewis & Bockius LLP. Patrick led the client team that received the 2011 commercial litigation law firm of the year award from a major electronics manufacturing company.

Patrick M. Ryan

Bar Admissions

State Bar of California

State Bar of New York

District of Columbia Bar

U.S. District Courts for the Northern, Southern, Central and Eastern Districts of California and the Southern and Eastern District of New York

Ninth Circuit Court of Appeals

Federal Circuit Court of Appeals

U.S. Supreme Court

Honors

Named as a "Super Lawyer" by Thomson Reuters

Selected to Super Lawyers "Rising Stars" in 2009

He has led joint-defense teams representing dozens of large manufacturing companies accused of antitrust violations, among other things. In 2013, Patrick joined the firm so that he could take on more affirmative claim work with fewer conflicts and be able to provide more flexible fee structures to clients.

Representative Cases

Patrick actively advises, counsels and litigates on behalf of victims of anticompetitive conduct.

Patrick recently led the litigation and trial team for ASML in one of the largest trade secret victories in US history, obtaining an \$845 Million judgment.

Patrick is co-lead counsel defending major healthcare system from antitrust allegations by class-action plaintiffs and the California Attorney General.

Patrick led a team and coordinated a pool of patent litigation and ITC matters for a global network and communications manufacturer and its customers.

Patrick represented a software developer accused of stealing the trade secrets of a competitor. At the time of the retention, the client was facing a pending motion for preliminary injunction which threatened to put it out of business. Patrick led the team on this matter, including mastering the technical issues, researching, interviewing and retaining top experts. Less than a month after his retention, the case settled and the complaint was dismissed with prejudice and the client went on to have great success.

Patrick represented a software developer of active source-code replication technology in a dispute with one of its founders who was also a board member and officer. The matter was resolved quickly and favorably following the filing of actions in the Delaware Court of Chancery.

Patrick led a team defending antitrust claims and filed counter-claims under the Computer Fraud and Abuse Act (CFAA) for a global electronics manufacturer. He obtained summary judgment in his client's favor holding that the plaintiff had violated the CFAA. The antitrust action was then settled without client liability.

Patrick led a multi-client and multi-law-firm joint-defense team for a major electronics manufacturer tasked with opposing class certification for all defendants in an antitrust indirect purchaser action. His team obtained preclusive sanctions against the plaintiffs for spoliation of evidence and failure to disclose to defendants data and information considered by plaintiffs' experts in formulating their opinions in support of class certification.

Patrick represented Arizona and Nevada dairy farmers who were challenging California's dairy regulations, successfully arguing that the law discriminated against out-of-state dairy farmers in favor of in-state farmers. Following remand from the United States Supreme Court, Patrick drafted and argued the merits of a motion for summary judgment on the out-of-state dairy farmers' "dormant Commerce Clause" claim against the California Department of Food and Agriculture. The motion was granted in a published decision resulting in a permanent injunction against the enforcement of the key portion of California's dairy regulations. Patrick also drafted the motion for attorneys' fees that resulted in award of attorneys' fees in excess of \$2 million.

In a case involving allegations that a consumer product did not work as advertised, lacked appropriate regulatory approvals and harmed consumers, Patrick led multi-law-firm teams charged with opposing class certification in multiple federal and state jurisdictions and negotiated and drafted major class action settlements, including settlements under the Class Action Fairness Act (CAFA).

Representative Cases [Continued]

Patrick litigated false advertising claims under state laws, as well as the Lanham Act, on behalf of major consumer product manufacturers in various jurisdictions across the United States.

Patrick handled critical motions and appellate work on behalf of a major consumer electronics retailer, including briefing before federal and state appellate courts. He led the attorney team and co-authored a motion for summary adjudication in the Northern District of California in a novel application of California's litigation privilege which resulted in a dismissal with prejudice of a major intentional interference counterclaim brought against his client. The matter also involved the application of California's anti-SLAPP statute in federal court.

Patrick brought a breach-of-fiduciary-duty, legal malpractice and CFAA lawsuit in federal court against a telecommunications company's former general counsel in an action related to the ownership of key patents. He quickly obtained a preliminary injunction and, within roughly three months, brought a motion for summary adjudication, which was granted for legal malpractice and breach of fiduciary duty. The case settled soon thereafter on very favorable terms.

Patrick appeared as amicus in a successful appeal and presented oral argument before the California Supreme Court in a case involving the former Governor of Colorado and the jurisdiction and interpretation of California's anti-SLAPP statute.

Patrick first-chaired a successful two-and-a-half-week jury trial in a federal court case involving complex real estate and contractual interpretation issues. *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 2006 WL 2228941 (N.D. Cal. Aug. 3, 2006) (order denying FRIT's motion in limine to exclude evidence related to duration of ground lease on the basis of the parol evidence rule and statute of frauds); *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 2007 WL 581872 (N.D. Cal. Feb. 26, 2007) (order denying FRIT's post-trial motions); *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 2007 WL 1831113 (N.D. Cal. June 25, 2007) (order denying FRIT's motion for reconsideration, holding that *Sterling v. Taylor*, 40 Cal. 4th 757 (2007) directly supports the court's admission of extrinsic evidence with respect to lease duration regardless of whether the lease is ambiguous on its face). Patrick first-chaired a two-week bench trial on damages that led to judgment being entered for his client in the amount of \$15.9 million plus costs. *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 633 F. Supp. 2d 985 (N.D. Cal. 2009). Patrick briefed and argued the response to Federal Realty's appeal in which the Ninth Circuit affirmed the \$16.1 million judgment. *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 631 F.3d 1058 (9th Cir. 2011).

Patrick represented Interpol Pretoria and some of its employees in a dispute involving an alleged \$7 million plus fugitive reward related to the alleged arrest and conviction of suspects accused of embezzling \$72 million and attempted murder of a famous South African race-horse trainer. He co-authored the motion to dismiss that led to the dismissal of all individual defendants and a motion to dismiss the amended complaint that led to Interpol Pretoria being dismissed with prejudice on multiple grounds, including that the court lacked subject matter jurisdiction under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. § 1602 *et seq.*; *AR Int'l Anti-Fraud Systems, Inc. v. Interpol Pretoria et al.*, 634 F. Supp. 2d 1108 (E.D. Cal. 2009).

Patrick co-tried a three-week jury trial in federal court on behalf of a major insurance company which resulted in a defense verdict in favor of his client. The plaintiff was seeking \$5 million in damages. He drafted the answering brief in the Ninth Circuit upon the losing plaintiff's appeal which resulted in the affirmation of the jury's verdict.

Representative Cases [Continued]

Patrick successfully represented a major health care company in a three-week bench trial in a case involving complex real estate issues. He later represented the client in appellate courts on a variety of statutory and constitutional issues.

Patrick represented a European auto parts distributor in a CFAA action arising out of competitors hacking and downloading the client's private members-only Web-based database. Patrick coordinated with the U.S. Attorney's Office respecting a parallel criminal proceeding that resulted in a grand jury indictment and guilty pleas by some of the same defendants sued in the civil proceeding. The civil action was concluded with a substantial judgment being awarded against the former president of the competitor.

Patrick represented major clients in disputes with governmental agencies regarding the amount of taxes owed.

Patrick represented major retailers in trademark, copyright and cybersquatting disputes and handled significant matters involving the French Blocking Statute and other similar discovery blocking statutes.

Representing the wholesaler of fine European furniture, Patrick first-chaired a successful three-week jury trial in California Superior Court in a case involving complex real estate issues.

Patrick defended a major energy company and its officers against breach of fiduciary duty claims by the minority shareholders of a subsidiary company. The claims were resolved successfully after Patrick obtained an order from the court striking key portions of the plaintiffs' complaint.

In a pro bono matter, Patrick filed two 12(b)(6) motions, both of which resulted in the dismissal of claims against his client with prejudice. The first motion defeated a nuisance claim on a novel procedural due process issue. *Swords to Plowshares v. Smith*, 294 F. Supp. 2d 1067 (N.D. Cal. 2002). In the second matter, he defeated a similar claim on res judicata grounds. He then co-authored an opposition to a remand motion which resulted in an important published decision on a novel aspect of federal enclave jurisdiction involving the Presidio in San Francisco. *Swords to Plowshares v. Kemp*, 423 F. Supp. 2d 1031 (N.D. Cal. 2005). The court then granted a motion for judgment on the pleadings and dismissed the case with prejudice. *Swords to Plowshares v. Kemp*, 2005 WL 3882063 (N.D. Cal. October 18, 2005).