



Contact

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Education

University of Minnesota Law School, J.D., 1992

University of Minnesota, B.A. (Economics)
magna cum laude, Phi Beta Kappa, 1989

Bar Admissions

State Bar of California

State Bar of Texas

Honors

Named as a 2019 Northern California
"Super Lawyer"

Professional Affiliations

American Bar Association

American Judicature Society

Association of Business Trial Lawyers

Bar Association of San Francisco

San Francisco Intellectual Property Law
Association

Practice Areas

Business Litigation

Intellectual Property Litigation

Patent Litigation

Trade Secret Litigation

Trademark, Copyright and Technology Licensing Litigation

Experience

Brian Smith is a leading patent trial lawyer with over 20 years of experience. His primary emphasis has and continues to be representing clients before district court and courts of appeal in complex patent cases involving a wide range of technologies including electronics, software, mechanics, biotechnology and internet search technology. Brian's practice has also included complex business litigation including trade secret, antitrust and unfair competition litigation.

Brian has significant trial experience and has served as primary or co-lead counsel in numerous high stakes patent litigation matters in a variety of jurisdictions, including Texas, California, Illinois and Florida. He has served as primary or co-lead counsel in five jury trials in the Eastern District of Texas, winning all five of them – four plaintiff's verdicts and one defense verdict. Brian also counsels companies on patent licensing and patent portfolio analysis.

Most recently, Brian was instrumental in helping obtain 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.

Publications/Speaking Engagements

"IP Law: Year in Review 2010." American Corporate Counsel (ACC), San Francisco Bay Area Chapter, November 2010. Presented with James C. Pistorino.