

Benjamin K. Riley



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Education

University of California, Berkeley,
School of Law (Boalt Hall), J.D., 1983
(Associate Editor, California Law Review)

Dartmouth College, A.B. Cum Laude (History),
1979

Professional Affiliations

Bar Association of San Francisco
Litigation Counsel of America
Association of Business Trial Lawyers
American Bar Association

Bar Admissions

State Bar of California

Honors

California Attorney of the Year, 2022, 2003

Chambers Ranked for Intellectual Property
Litigation: Trademark, Copyright & Trade
Secrets (2019-2022)

Chambers Ranked for High Net Worth,
Private Wealth Disputes (2021-22)

Recognized by "Best Lawyers," Commercial
Litigation and Patent Litigation, 2021

Fellow, Litigation Counsel of America

President, Northern California Chapter of the
Association of Business Trial Lawyers

Editor, "ABTL Report"

Practice Areas

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

Experience

Ben Riley is a Principal of the firm and serves on its Executive Committee. He has tried nearly 30 cases to verdict including jury trials, court trials, and complex arbitrations. His practice focuses on Intellectual Property Litigation, including patents, trade secrets, copyrights, trademarks and license disputes. He also has an active practice in Business Litigation, including class action defense, defense of "consumer claims" under the Lanham Act and unfair competition statutes, accounting issues, and real property litigation.

Mr. Riley also represents companies in connection with director and officer, securities, fiduciary duty, and internal investigation issues, and obtained a defense verdict in a six-week securities class action jury trial. Finally, Mr. Riley represents private clients and charities in Trust and Estate Litigation. In 2021, his trial team and he obtained a complete defense verdict in a \$250+ million oral inheritance case, earning a 2022 California Lawyer Attorneys of the Year Award.

Since 2019, Mr. Riley has been ranked by Chambers as one of the top 15 California attorneys in Intellectual Property Litigation: Trademark, Copyright & Trade Secrets. Chambers writes: "Benjamin Riley is 'very organized, writes beautifully and is great in front of judges,' report sources, further noting: 'He's very bright, quick to grasp technical and legal issues, and he's very efficient.' He is an experienced practitioner skilled in handling a broad range of contentious IP matters. He is particularly highlighted for his expertise in trade secret disputes." In addition, Chambers High Net Worth Guide ranks Ben as among the top 20 litigators in California for Private Wealth Disputes. Chambers reports that "Ben is extremely knowledgeable, thoughtful, detail-oriented and practical in his approach to trust and estate disputes. He operates with the utmost integrity. Ben is also very unflappable, a trait which serves him well in the litigation context. He just has this quiet efficiency about him that is very powerful."

Mr. Riley has lectured and published extensively as to Intellectual Property, Business Litigation, Trust & Estate Litigation, and trial practice skills. He is an expert in commercial arbitration law and procedure and regularly handles important cases before the world's leading arbitration forums. He also has an active practice as a Mediator for the Northern District of California and for private litigants.

Honors [Continued]

Lawyer Representative to the Ninth Circuit selected by the judges of the Northern District of California

Fellow, American Bar Foundation

Master, McFetridge Inn of Court

Best Lawyers in America

Named as a "Super Lawyer" every year since 2004

Publications

Billionaire's Trust Defeats Stepdaughter's Claim of Oral Promise, Daily Journal (March 30, 2022)

Filing Vaccine Injury Claims Under the Federal Vaccine Injury Act, Daily Journal (September 28, 2021)

Saving the Japanese YWCA Building, Daily Journal (November 15, 2019)

Sometimes It Pays to Opt for a Jury in Business Disputes, Litigation Magazine, Vol. 45, No. 4 (Summer 2019), at 12

Trying a Trade Secret Case: A Road Map, Litigation Magazine, Vol. 43, No. 3 (Spring 2017), at 47

Catch the Conscience: Scripting a Winning Opening Statement, 9 Litigation Commentary & Review (January/February 2017)

President Signs Defend Trade Secrets Act of 2016, BZB Alert

How Not to Regret Your Direct: Exploring the Human Story, Litigation Magazine, Vol. 41, No. 2 (Winter 2015), at 51

"Trade Secret Damages," Chapter 9, Calculating and Proving Damages, Law Journal Press (2011)

Three Legal Lessons for Startups, Fortune.com (2011)

Secrets Service, Los Angeles Daily Journal (November 21, 2008)

Representative Cases

In *In Re Trust of Robert A. Naify*, Mr. Riley and the Bartko team defended a claim for breach of alleged oral inheritance promises. Mr. Naify's step-daughter claimed she was promised a golf course in Spain and to be treated the same as Mr. Naify's biological daughters in his final trust -- claims valued between \$250 million and \$300 million. In 2021, our clients prevailed after a three-week court trial where the Court found petitioner failed to prove her alleged promises. Judgment has been entered in favor of the Naify Trust, including an award for legal costs.

In *In Re Trust of Francesca Naify*, Mr. Riley and team are defending the Naify Trust against a second petition where the step-daughter claims that her mother was not accorded her full share of community property. In this matter, petitioner asserts her claims are worth in excess of \$1 billion. Trial is set for May 2022.

In *In Re Trust of Robert and Francesca Naify*, Bartko successfully resolved two other petitions brought against the Naify Trust by second step-daughter, again alleging improper allocation of community property. The court-approved settlement provides a lifetime trust for housing and certain living expenses, but no lump-sum payment. All of this petitioner's claims were released and dismissed..

In *Cloud Cruiser Arbitration*, Mr. Riley prosecuted breach of license claims involving database software for monitoring and use of cloud computing.

In *Netlist v. Diablo*, Mr. Riley represented plaintiff in the trial of trade secret, patent and trademark claims involving HyperCloud® LR-DIMM memory module technology.

In *Wells Fargo v. ABD*, Mr. Riley represented the defendants in a trademark case over his client's business name, twice defeating Wells Fargo's motions for preliminary injunction. 2014 WL 4312021.

In *Geron v. ViaCyte*, Mr. Riley successfully defended a Section 146 appeal of a patent interference action based on the PTO Board of Appeals' finding of lack of enablement.

In *Scicom v. Actuate*, Mr. Riley prosecuted a copyright and breach of contract action concerning the misuse of database software.

In *Impinj v. Synopsys*, Mr. Riley represented the Claimant in a JAMS arbitration regarding the rights and restrictions under an Asset Purchase Agreement and the sale of non-volatile memory semiconductor technology.

Mr. Riley successfully defended Washington Mutual, JP Morgan and Raytheon in disputes over copyright and software license agreements concerning database software.

In *Juarez et al. v. Jani-King*, Mr. Riley defeated class certification in a matter involving the alleged violation of California wage and hour laws asserted against world's largest janitorial franchise companies. An appeal of the matter is pending.

In *Dr. Bronner's Magic Soap v. Hain Celestial, et al.*, Mr. Riley obtained a dismissal of unfair competition and Lanham Act claims in favor of a cosmetic manufacturer accused of deceptively labeling products as "Organic."

In *Sun Microsystems v. Azul*, Mr. Riley represented the plaintiff in connection with patent, trade secret, contract and interference claims brought against its former employees concerning JAVA-based software and hardware for parallel chip computing.

Publications [Continued]

Three Pitfalls for Trade Secret Plaintiffs,
ABA Business Torts Journal, Vol. 15, No. 3
(Spring/Summer 2008)

Tips For A Successful Arbitration,
ABTL Northern California Report, Vol. 14,
No. 3 (Summer 2005)

Representative Cases [Continued]

In *Broadband Holdings v. Norwest*, Mr. Riley obtained summary judgment for former directors and venture capital shareholders in a breach of fiduciary duty and fraud action.

In *Forge v. National Semiconductor*, Mr. Riley obtained a defense verdict for his client after a six-week class action jury trial alleging breach of fiduciary duty and Sections 11 and 12 securities law violations in connection with the manufacture of microprocessors.

In *Soko Bukai v. YWCA*, Mr. Riley successfully sued for breach of trust in connection with a historic building in San Francisco's Japantown resulting in conveyance of the historic home of the Japanese YWCA to a community childcare organization.