

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

Honors

Named as "Top Trade Secret Lawyer for 2020" by the California Daily Journal

Named as a "Super Lawyer" by Thomson Reuters from 2010-present

Selected to Super Lawyers "Rising Stars" in 2009

Practice Areas

Antitrust Litigation
Business Litigation
Intellectual Property Litigation
Trade Secret Litigation
Trademark, Copyright and Technology Licensing Litigation
Class Action Litigation
IP & Brand Protection | Supply Chain Security
Privacy and Security Breach Litigation
Labor & Employment Litigation
Patent Litigation
Real Estate Litigation
Trust and Estate Litigation
Shareholder & Securities Disputes
Professional Malpractice Litigation
White Collar & International and Internal Investigations

Experience

Patrick M. Ryan handles cases throughout the United States involving a cross section of complex commercial litigation, antitrust, trade secrets, intellectual property, 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 has a knack for making the most complicated concepts simple to understand for judges and juries, and he regularly solves complex problems for companies—both in and out of court—with fervor and creativity.

Patrick has been recognized as one of the top trade secret lawyers in the United States, representing major companies on both the defense and plaintiff side. Most recently, on October 7, 2020, Patrick was named Top Trade Secret Lawyer for 2020 by the California Daily Journal. Each year, the California Daily Journal recognizes California's Top Trade Secret Lawyers. In this year's edition, Patrick received this honor and was featured in a lengthy article regarding his practice. In May of 2019, Patrick obtained an \$845 Million judgment for ASML, the world's leading supplier of semiconductor manufacturing equipment, in one of the largest trade secret victories in history, resulting in the Bartko firm being ranked as Number 3 in the *Top 100 Verdicts*—published by *The National Law Journal* (June 2019)—and having the highest ranked intellectual property victory in the United States. And the *California Daily Journal's Top Verdicts* publication named Patrick's case the highest Intellectual Property and Trade Secrets victory in California for 2019 and the Number 2 highest judgment overall for 2019. As part of his practice, Patrick helps businesses better protect their trade secrets and coordinates investigations into potential IP theft for companies accused of stealing trade secrets and for companies that might be the victim of such theft.

Patrick also has over a decade of experience helping clients protect their products from counterfeiters and gray market sellers. He has unique knowledge about how counterfeit and gray market products are imported into distribution channels and how best to combat such practices whether through behind-the-scenes investigations and tools, criminal referrals, or litigation.

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

Experience [Continued]

Patrick actively advises, counsels, and litigates on behalf of victims of anti-competitive conduct.

Patrick has also led joint-defense teams, representing dozens of large manufacturing companies accused of antitrust violations.

In *Global Competition Review*, a then senior in-house litigation 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."

Previously, Patrick was a litigation partner at two global law firms—Winston & Strawn LLP and Morgan, Lewis & Bockius LLP. At Winston, Patrick led the client team that received the 2011 Commercial Litigation Law Firm of the Year Award from one of the world's largest networking equipment manufacturing companies. In 2013, Patrick joined Bartko so that he could take on more varied work with fewer conflicts and be able to provide more flexible fee structures to clients. Patrick is a thought leader and regular presenter on Alternative Fee Arrangements, which he believes should ideally be designed to facilitate having firms and clients share in the risks, as well as the rewards, associated with litigation.

Representative Cases

Patrick was co-lead counsel in defending Sutter Health from antitrust allegations by class action plaintiffs in the Northern District of California. After a 5-week jury trial, the nine member jury returned a verdict in favor of Sutter Health and against the California residents and businesses who sought \$411 million in damages.

Patrick led the litigation and trial team for ASML, the world's leading supplier of semiconductor manufacturing equipment, in one of the largest trade secret victories in US history, obtaining an \$845 Million judgment.

Patrick led a team defending Uber in breach of contract and trade secret misappropriation action relating to automobile leasing services. (*BAMA Commercial Leasing v. Uber Technologies, Inc.* (SF Sup. Ct.).)

Patrick is lead counsel defending a major Gig Economy company in a theft of trade secrets action pending in California State Court in San Francisco.

Patrick is lead counsel defending beverage companies in a theft of trade secrets action pending in California State Court in Los Angeles.

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

Patrick led a team representing a software company 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. Less than a month after Patrick's retention, the case settled and the complaint was dismissed with prejudice and the client went on to have great success.

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

Patrick led a team representing a software company 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 counterclaims under the Computer Fraud and Abuse Act (CFAA) for a global network equipment manufacturer. Patrick obtained summary judgment in his client's favor holding that the plaintiff had violated the CFAA as a matter of law. The antitrust action was subsequently dismissed by the plaintiff with prejudice. (*Multiven v. Cisco Systems, Inc.*, 725 F. Supp. 2d 887 (N.D. Cal. 2010).)

Representative Cases [Continued]

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. (*In re Static Random Access Memory (SRAM) Antitrust Litig.*, 257 F.R.D. 580 (N.D. Cal. 2009).)

Patrick was co-lead counsel representing 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. (*Hillside Dairy, Inc. v. Kawamura (Secretary, California Department of Food & Agriculture)*, 317 F. Supp. 2d 1194 (E.D. Cal. 2004).)

Patrick was co-lead counsel for a major national vacuum retailer in a widely publicized case in which the federal court for the Northern District of California denied class certification of a false advertising class action, finding that the proposed class representative had been solicited by the plaintiff's counsel and was not an adequate class representative. That plaintiff's counsel constructed this lawsuit before it had a plaintiff cannot be denied. (*Bodner v. Oreck Direct, LLC*, No. C 06-4756 MHP, 2007 WL 1223777 (N.D. Cal. Apr. 25, 2007).)

Patrick was co-lead counsel for a major consumer electronics retailer in a variety of matters, including leading a team on 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. (*Sharper Image Corp. v. Target Corp.*, 425 F. Supp. 2d 1056 (N.D. Cal. 2006).)

Patrick was lead counsel for a telecommunications company which brought a breach-of-fiduciary-duty, legal malpractice and CFAA lawsuit in federal court against the company's former executive in an action related to the ownership of key patents. Patrick quickly obtained a preliminary injunction and, within roughly three months, brought a motion for summary adjudication, which was granted for breach of fiduciary duty. The case settled soon thereafter on very favorable terms. (*Clearstream Communications, Inc. v. Murray*, No. CV S-02-1598 GEB JFM, 2003 WL 24309646 (E.D. Cal. Jan. 15, 2003).)

Patrick was lead counsel for the former Governor of Colorado in a successful appeal and presented oral argument on his behalf as amicus before the California Supreme Court in a case involving the interpretation of California's anti-SLAPP statute. (*S.B. Beach Properties v. Berti*, 39 Cal. 4th 374, 377 (2006).) The California Supreme Court's holding was dispositive of the client's case pending before the California Court of Appeal.

Patrick was lead counsel in a successful two-and-a-half-week jury trial in a federal court case involving novel and 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).)

Patrick was also lead counsel representing a client in a two-week bench trial on damages that led to judgment being entered 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).) Opposite Williams & Connolly, Patrick briefed and argued the response to the appeal in which the Ninth Circuit affirmed the judgement for \$ 16.1 million with interest. (*First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, 631 F.3d 1058 (9th Cir. 2011).)

Representative Cases [Continued]

Patrick was lead counsel representing Interpol Pretoria (an arm of the South African Police Services) 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 racehorse trainer. Patrick obtained a dismissal 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 was co-lead counsel in 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 that was affirmed by the Ninth Circuit. (*Jeong v. Minnesota Mut. Life Ins. Co.*, 46 F. App'x 448 (9th Cir. 2002).)

Patrick was co-lead counsel representing one of the largest health care companies in California in a three-week bench trial. The case was won on the key defense of laches, which Patrick argued to the Court.

Patrick was lead counsel representing a European auto parts distributor in a Computer Fraud and Abuse Act case 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 was lead counsel representing the wholesaler of fine European furniture in a successful three-week jury trial in California Superior Court in Oakland 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.

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.

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).)